



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Patrick C. Woodcock
Commissioner

VIA EMAIL AND HAND DELIVERY

December 4, 2020

To: Clerk of the House of Representatives
CC: Chairs of the Joint Committee on Telecommunications, Utilities, and Energy
RE: Submission of amended Renewable Energy Portfolio Standard – Class I & II –225 CMR
14.00 and 225 CMR 15.00 to General Court

Dear Clerk:

Pursuant to M.G.L. Chapter 25A Section 12, please find enclosed:

- 225 CMR 14.00 and 15.00 – Renewable Energy Portfolio Standard Regulations (as amended)
- Summary of the amended Regulations in layman's terms

In the development of amendments to 225 CMR 14.00 and 225 CMR 15.00, the pertinent provisions of Chapter 30A, except section five, have been complied with.

In addition to the requirements of Section 12, the Department of Energy Resources has made additional information, including a response to public comments received, available to the public regarding these amendments. That information is accessible through the Department's website:

<https://www.mass.gov/service-details/rps-class-i-ii-rulemaking>

Please direct questions and comments on this regulation to:

Johannes Buchanan
Legislative Director
857-268-0011
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Sincerely,

s/Patrick C. Woodcock

Patrick C. Woodcock
Commissioner

Summary Renewable Energy Portfolio Standards – Class I & II – 225 CMR 14.00 and 225 CMR 15.00

The Class I Renewable Energy Portfolio Standard (“RPS Class I”) was established as part of the Electricity Restructuring Act of 1997 and is codified at M.G.L. c. 25A, § 11F (“Statute”). The Department of Energy Resources (“DOER”) first promulgated 225 CMR 14.00: Renewable Energy Portfolio Standard – Class I (“Regulations”) in 2002 to implement the Statute.

The Class II Renewable Energy Portfolio Standard (“RPS Class II”) was established as part of the Green Communities Act of 2008 and is also codified at M.G.L. c. 25A, § 11F. DOER first promulgated 225 CMR 15.00: Renewable Energy Portfolio Standard – Class II in 2009 to implement the Statute.

Both the RPS Class I and Class II allow for qualified renewable energy generators to earn Renewable Energy Certificates (RECs) for every megawatt hour of renewable electricity that they produce. These certificates may then be purchased by retail electricity suppliers, who are required to document annually that they have procured a certain quantity of RECs each year. These resources contribute to the Commonwealth's clean energy goals by increasing renewable energy generation, reducing the need for conventional fossil fuel-based power generation, and assisting the Commonwealth in meeting its obligations under the Global Warming Solutions Act.

In 2019, retail electricity suppliers were obligated to procure Class I RECs equal to an amount of 14% of their total electricity sales to end-use customers. This requirement increases by 2% each following year until 2029, when it will then increase 1% each following year. Under RPS Class II, retail electricity suppliers are required to procure Class II RECs equal to an amount of 3.2056% of their total electricity sales to end-use customers in 2020. This requirement increases each year pursuant to a formula in the regulation, though is capped at 3.6%. Lastly, retail electricity suppliers are also required to procure Class II Waste Energy Certificates (WECs) from qualified waste energy generators. The 2020 retail electricity supplier requirement for Class II WECs is currently equal to an amount of 3.5% of their total electricity sales to end-use customers, but DOER is proposing to increase this requirement to 3.7% to reflect changes in retail load since the requirement was first established in 2009. This obligation remains constant from year to year.

The proposed changes to the RPS Class I and Class II Regulations are designed to meet the objectives of Executive Order 562. The changes streamline the RPS Class I and Class II Regulations, align the rules to other programs, reduce costs to ratepayers, and address specific policy objectives.

The draft RPS Class I and Class II Regulations were released for public comment April 5, 2019. Public comment period was extended to allow more time for comments to be submitted and subsequently closed on July 26, 2019. During that time, DOER held four public hearings on May 13, May 16, May 17, and June 5, 2019. DOER received over 2,500 written public comments. On November 13, 2019, DOER sent a notice to stakeholders to seek comments on the frequency of compliance requirements and closed the public comment period on the matter on December 4, 2019. DOER received seven (7) written public comments.

Following a review of the public comments, DOER undertook additional analysis to assesses the impacts of the proposed regulations. The DOER revised the draft RPS Class I and Class II

Regulations and associated guidelines after review of the public comments and the additional analysis.

The draft RPS Class I Regulations include previously proposed provisions such as capping future Alternative Compliance Payment rates, ensuring that retail electricity suppliers cannot avoid discharging obligations in the event of non-compliance, modifying and simplifying provisions related to biomass generation, eliminating capacity commitment obligation requirements that are applicable to certain types of generators, eliminating certain requirements for generators outside of ISO-NE, and reducing the number of Solar Renewable Energy Certificates (SREC) that can be generated after 2020. Following the review of the public comments and the additional analysis, DOER made additional minor modifications to the biomass provisions, including clarifying feedstock eligibility, increasing the overall efficiency requirement for biomass Generation Units, reducing the time period to achieve a reduction in lifecycle greenhouse gas emissions and explicitly prohibiting generation of certificates if lifecycle greenhouse gas emission reductions are not achieved. DOER also amended the draft regulations to incorporate a phased reduction in the the ACP to align with Connecticut RPS Class I ACP, continue to require recertification with LIHI for hydroelectric facilities, and allow DOER to modify a SREC factor.

The draft RPS Class II Regulations include previously proposed provisions such as adjusting the RPS Class II Waste Energy minimum standard, increasing the ACP for RPS Class II Waste Energy, and aligning with proposed changes in RPS Class I regulations. Following the review of the public comments and the additional analysis, DOER has aligned the RPS Class II Regulations with changes made in RPS Class I Regulations, and has adjusted the starting year for Waste Energy minimum standard and ACP to 2021.

HOUSE No. 5169

Communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 225 CMR 15.00, Renewable Energy Portfolio Standard – Class I & II. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

225 CMR: DEPARTMENT OF ENERGY RESOURCES 225 CMR 14.00: RENEWABLE ENERGY PORTFOLIO STANDARD - CLASS I

Section

- 14.01 : Authority
- 14.02 : Definitions
- 14.03 : Administration
- 14.04 : Applicability
- 14.05 : Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units
- 14.06 : Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units
- 14.07 : Renewable Energy Portfolio Standard - Class I
- 14.08 : Compliance Procedures for Retail Electricity Suppliers
- 14.09: Annual Compliance Filings for Retail Electricity Suppliers
- 14.10: Reporting Requirements
- 14.11 : Inspection
- 14.12 : Non-compliance
- 14.13 : Severability

14.01 : Authority

225 CMR 14.00 is promulgated pursuant to M.G.L. c. 25A, § 11F.

14.02 : Definitions

Aggregation. A group of one or more Generation Units that receives a single Statement of Qualification from the Department under criteria and procedures set forth in 225 CMR 14.05(6).

Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon making an Alternative Compliance Payment. Such credit is used to document compliance with 225 CMR 14.07. One unit of credit shall be equivalent to one RPS Class I Renewable Generation Attribute, Solar Carve-out Renewable Generation

35 Attribute, or Solar Carve-out II Renewable Generation Attribute.

36
37 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per
38 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail
39 Electricity Supplier may submit to the Department in lieu of providing RPS Class I
40 Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes,
41 or Solar Carve-out II Renewable Generation Attributes required under 225 CMR
42 14.07.

43
44 Assurance of Qualification. A communication issued by the Department to Solar
45 Carve-out II Renewable Generation Units that provides Solar Carve-out II Renewable
46 Generation Units with an assurance of qualification prior to being granted the approval
47 to interconnect by their local Distribution Company, and sets deadlines for receiving
48 the approval to interconnect to the grid in order to maintain this Assurance of
49 Qualification.

50
51 Authorized Agent. A person or entity that serves under an agreement entered into by
52 each of the Owners or Operators of Generation Units within an Aggregation for all
53 dealings with the Department and with the NEPOOL GIS.

54
55 Biomass Fuel Certificate. A certificate issued in accordance with rules established by
56 the Department in the *Guideline on Eligible Biomass Fuel for Renewable Generation*
57 *Units* that:

- 58 (a) quantifies the supply of Eligible Biomass Woody Fuel or Manufactured
59 Biomass Fuel;
- 60 (b) specifies the source of the Eligible Biomass Woody Fuel or Manufactured
61 Biomass Fuel; and
- 62 (c) specifies the eligibility of the Eligible Biomass Woody Fuel or Manufactured
63 Biomass Fuel as Forest Derived Residues, Forest Derived Thinnings, Forest
64 Salvage, or Non-forest Derived Residues.

65
66 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS Class I
67 Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical energy output
68 may qualify as RPS Class I Renewable Generation under criteria set forth in 225 CMR
69 14.05(3).

70
71 Brownfield. A disposal site that has received a release tracking number from
72 MassDEP pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the
73 redevelopment or reuse of which is hindered by the presence of oil or hazardous
74 materials, as determined by the Department, in consultation with MassDEP. For the
75 purposes of this definition, the terms "disposal site," "release tracking number," "oil,"
76 and "hazardous materials" shall have the meanings giving to such terms in 310 CMR
77 40.0006: *Terminology, Definitions and Acronyms*. No disposal site that otherwise
78 meets the requirements of 225 CMR 14.02: Brownfield shall be excluded from
79 consideration as a Brownfield because its cleanup is also regulated by the
80 Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.
81 §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 -

82 6939g, or any other federal program.

83
84 Building Mounted Solar Generation Unit. A solar photovoltaic Generation Unit with
85 at least 75% of the nameplate capacity of the solar modules used for generating power
86 installed on a building.

87
88 Business Day. A business day shall mean Monday through Friday, exclusive of state
89 and federal legal holidays.

90
91 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at Rule
92 4.1(b).

93 Clean Wood. Means Clean Wood as defined in 310 CMR 19.006: Definitions.

94
95 Commercial Operation Date. The date that a Generation Unit first produces electrical
96 energy for sale within the ISO-NE Control Area or within an adjacent Control Area.
97 In the case of a Generation Unit that has been moved from a location within the ISO-
98 NE Control Area or within an adjacent Control Area to another location in one of those
99 Control Areas, the date that such Generation Unit first produced electrical energy for
100 sale at its earliest location in those Control Areas. In the case of a Generation Unit that
101 is connected to the End-use Customer's side of the electric meter, the date on which
102 the local Distribution Company grants approval for the Generation Unit to
103 interconnect with the grid. In the case of a Generation Unit that produces Off-grid
104 Generation, the date that such Generation Unit first produces electrical energy. In the
105 case of a Generation Unit that meets the eligibility requirements of 225 CMR 14.05
106 and co-fires an Eligible RPS Class I Renewable Fuel, the date when the Generation
107 Unit first co-fires such Eligible RPS Class I Renewable Fuel.

108
109 Community Shared Solar Generation Unit. A solar photovoltaic Generation Unit that
110 provides net metering credits to three or more utility accounts, whose participants have
111 an interest in the production of the Generation Unit or the entity that owns the
112 Generation Unit, in the form of formal ownership, a lease agreement, or a net metering
113 contract. No more than two participants may receive net metering credits in excess of
114 those produced annually by 25 kW of nameplate DC capacity, and the combined share
115 of said participants' capacity shall not exceed 50% of the total capacity of the
116 Generation Unit.

117
118 Compliance Filing. A document filed annually by a Retail Electricity Supplier with
119 the Department documenting compliance with 225 CMR 14.07, consistent with the
120 format set forth in the Guidelines and submitted no later than the first day of July, or
121 the first Business Day thereafter, of the subsequent Compliance Year.

122
123 Compliance Year (CY). A calendar year beginning January 1st and ending December
124 31st, for which a Retail Electricity Supplier must demonstrate that it has met the
125 requirements of 225 CMR 14.07 and 14.08.

126
127 Control Area. A geographic region in which a common generation control system is
128 used to maintain scheduled interchange of electrical energy within and without the

129 region.

130
131 DCR. The Massachusetts Department of Conservation and Recreation (DCR)
132 established by M.G.L. c. 21 § 1.

133
134 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.
135

136 Department. The Massachusetts Department of Energy Resources (DOER),
137 established by M.G.L. c. 25A.

138 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous
139 bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible
140 Biogas Fuel does not include natural gas, but does include renewable natural gas,
141 which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.
142

143 Eligible Biomass Fuel. Fuel sources consisting of the following:

- 144 (a) Eligible Biomass Woody Fuel;
145 (b) Manufactured Biomass Fuel;
146 (c) Eligible Biogas Fuel;
147 (d) by-products or waste from animals or agricultural crops;
148 (e) food or vegetative material;
149 (f) algae;
150 (g) organic refuse derived fuel; and
151 (h) Eligible Liquid Biofuel.
152

153 Eligible Biomass Woody Fuel. Woody fuels that are derived from the following
154 sources, consistent with the requirements of 225 CMR 14.05(8):

155 (a) Forest Derived Residues.

156 1. Tops, crooks and other portions of trees produced as a byproduct, and trees
157 collaterally damaged, during the normal course of harvesting material, such
158 as timber, pulpwood or cordwood in the implementation of a silvicultural
159 prescription as administered by a licensed or certified forester as prescribed
160 in the Department's *Guideline on Eligible Biomass Fuel for Renewable*
161 *Generation Units.*

162 2. Trees and portions of trees harvested for the purposed of the restoration
163 and management of habitat for rare & endangered species as listed by the
164 Massachusetts Division of Fisheries and Wildlife. Qualifying harvest areas
165 must be approved by the Massachusetts Division of Fisheries and Wildlife
166 Natural Heritage Program.

167 3. Other woody vegetation that interferes with regeneration or the natural
168 growth of the forest, limited to locally invasive native species and non-native
169 invasive woody vegetation.

170 (b) Forest Derived Thinnings

171 1. Unacceptable growing stock which is defined as trees considered
172 structurally weak or have low vigor and do not have the potential to
173 eventually yield an eight foot sawlog or survive for at least the next ten years.

174 2. Trees removed during thinning operations, the purpose of which is to
175 reduce stand density and enhance diameter growth and volume of the

176 residual stand.

177 (c) Forest Salvage.

178 1. Damaged, dying or dead trees removed due to injurious agents, such as
179 wind or ice storms or the spread of invasive epidemic forest pathogens,
180 insects and diseases or other epidemic biological risks to the forest, but not
181 removed due to competition. Such eligible trees may be removed without
182 limitation for biomass fuel, only if the injurious agent is a threat to forest
183 health or risk to private or public resources, and if the United States
184 Department of Agriculture Animal and Plant Health Inspection Service, the
185 United States Department of Agriculture Forest Service, or appropriate
186 federal or state governmental agency has issued a declaration, rule, or order
187 declaring a major threat to forest health or risk to private or public resources,
188 or if they are harvested through a DCR approved cutting plan.

189 2. Trees removed to reduce fire hazard within fire-adapted forest ecosystems,
190 as certified by a letter to the Department from the state agency responsible
191 for forestry in consultation with the appropriate environmental state agencies.

192 (d) Non-forest Derived Residues.

193 1. Forest products industry: Residues derived from wood products
194 manufacturing consisting of Clean Wood.

195 2. Land use change – agricultural: Trees cut or otherwise removed in the
196 process of converting forest land to agricultural usage, either for new or
197 restored farm land.

198 3. Wood waste: Post-consumer wood products from Clean Wood; pruned
199 branches, stumps, and whole trees removed during the normal course of
200 maintenance of public or private roads, highways, driveways, utility lines,
201 rights of way, and parks.

202 4. Agricultural wood waste. Pruned branches, stumps, and whole trees
203 resulting from maintenance activities directly related to the production of an
204 agricultural product that is not Clean Wood.

205
206 Eligible Landfill. A landfill that has received an approval from MassDEP for the use
207 of a solar photovoltaic Generation Unit at the landfill as a post-closure use pursuant to
208 310 CMR 19.143: *Post-closure Use of Landfills*.

209
210 Eligible Liquid Biofuel. A liquid fuel that is derived from organic waste feedstock and
211 meets the standards for advanced biofuels under the Environmental Protection
212 Agency’s Renewable Fuel Standard (RFS2) program. Organic waste feedstocks shall
213 include, but not be limited to, waste vegetable oils, waste animal fats, or grease trap
214 waste. Eligible Liquid Biofuel shall not include petroleum-based waste or Hazardous
215 Waste as defined in 310 CMR 40.0006: *Terminology, Definitions, and Acronyms*,
216 unless otherwise determined by the Department in consultation with MassDEP.

217
218 Eligible RPS Class I Renewable Fuel. An Eligible Biomass Fuel, hydrogen derived
219 from such fuels or hydrogen derived from water using the electrical output of a
220 Renewable Generation Unit, but not hydrogen derived using RPS Class I Renewable
221 Generation if the RPS Class I Renewable Generation Attributes of such Generation
222 are sold, retired, claimed, used or represented as part of electrical energy output or

223 sales, or used to satisfy regulatory obligations in any jurisdictions, and not hydrogen
224 derived directly or indirectly from ineligible fuels.

225
226 Emergency Power Generation Unit. A solar photovoltaic Generation Unit installed for
227 the purpose of providing 67% or more of its annual electric output to be used on-site
228 as prescribed by 225 CMR 14.09(a) at critical infrastructure that can be utilized in the
229 event of an emergency or power outage. For purposes of Emergency Power
230 Generation Unit, critical infrastructure includes, but is not limited to, the following:
231 hospitals, police and fire stations, airports, emergency management agencies,
232 acute/post-acute medical facilities with life sustaining equipment, water and sewer
233 treatment facilities, pump stations, evacuation centers, and emergency
234 communications centers that serve a life safety function.

235
236 End-use Customer. A person or entity in Massachusetts that purchases electrical
237 energy at retail from a Retail Electricity Supplier, except that a Generation Unit taking
238 station service at wholesale from ISO-NE or self-supplying from its owner's other
239 generating stations, shall not be considered an End-use Customer.

240
241 Generation Attribute. A non-price characteristic of the electrical energy output of a
242 Generation Unit including, but not limited to, the Generation Unit's fuel type,
243 emissions, vintage and RPS eligibility.

244
245 Generation Unit. A facility that converts a fuel or an energy resource into electrical
246 energy.

247
248 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for
249 electric power generation.

250
251 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies
252 Generation Attributes of each MWh accounted for in the NEPOOL GIS.

253
254 Guideline. A set of clarifications, interpretations, and procedures, including forms,
255 developed by the Department to assist in compliance with the requirements of 225
256 CMR 14.00. The Department may issue new or revised Guidelines from time to time.
257 Each Guideline shall be effective on its date of issuance or on such date as is specified
258 therein, except as otherwise provided in 225 CMR 14.00.

259
260 Historical Generation Rate. The average annual electrical production from a Vintage
261 Generation Unit that meets the requirements of 225 CMR 14.05(1)(a), stated in
262 MWhs, for the three calendar years 1995 through 1997, or for the first 36 months after
263 the Commercial Operation Date if that date is after January 1, 1995.

264
265 Hydroelectric Energy. Electrical energy from a Generation Unit that uses flowing
266 freshwater as the primary energy resource, with or without a dam structure or other
267 means of regulating water flow, and that is not located at a facility that uses mechanical
268 or electrical energy to pump water into a storage facility (*i.e.*, a so-called "pumped-
269 storage facility").

270
271 Impacted Watershed. All water bodies or areas of land hydrologically connected to a
272 hydroelectric facility, whether located upstream or downstream, which may
273 experience any alteration of their physical, biological, or ecological characteristics as
274 a result of the operation or increased capacity expansion of a hydroelectric Generation
275 Unit.

276
277 ISO-NE. ISO New England Inc., the independent system operator for New England,
278 the regional transmission organization for most of New England, which is authorized
279 by the Federal Energy Regulatory Commission (FERC) to exercise for the New
280 England Control Area the functions required pursuant to the FERC's Order No. 2000,
281 the FERC's corresponding regulations.

282
283 ISO-NE Settlement Market System. The ISO-NE's electronic database system into
284 which all real-time load and generation data are entered and from which such data are
285 provided to the NEPOOL GIS.

286
287 Low Impact Hydropower Institute (LIHI). A non-profit 501(c)(3) organization whose
288 stated purpose is to reduce the impacts of hydropower generation through the
289 certification of hydropower projects that have avoided or reduced their environmental
290 impacts pursuant to the Low Impact Hydropower Institute's criteria.

291
292 Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means of
293 fuel drying, through a fuel processing facility that is separate from a Generation Unit
294 and that utilizes Eligible Biomass Woody Fuel for production. Examples include, but
295 are not limited to, the mechanical production of wood pellets or bio-dust, and the
296 refinement of bio-oil through pyrolysis.

297
298 Marine or Hydrokinetic Energy. Electrical energy derived from waves, tides and
299 currents in oceans, estuaries and tidal areas; free-flowing water in rivers, lakes,
300 streams, and human-made channels, provided that such water is not diverted,
301 impounded, or dammed; or differentials in ocean temperature, called ocean thermal
302 energy conversion.

303
304 Massachusetts Clean Energy Technology Center (MassCEC). The center established
305 in M.G.L. c. 23J, § 2.

306
307 Massachusetts Renewable Energy Trust. The Trust under M.G.L. c. 23J, § 9, which
308 administers renewable energy programs for the Commonwealth.

309
310 MassDEP. The Massachusetts Department of Environmental Protection established
311 by M.G.L. c. 21A, § 7.

312
313 Megawatt (MW). A unit of power equal to one million watts.

314
315 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million
316 watts of power operating for one hour, or, for the purpose of thermal energy, a unit of

317 energy equal to 3,412,000 British Thermal Units (Btu).

318 Merchantable Bio-products. Products that are refined from a biomass fuel by a bio-
319 refinery project in which the Generation Unit is integral. Products include but are not
320 limited to merchantable chemicals such as additives, lubricants, or specialty
321 chemicals, and other products which can be permanently sequestered for carbon
322 reductions.

323
324 NEPOOL GIS. The NEPOOL Generation Information System, which includes a
325 generation information database and certificate system, operated by the New England
326 Power Pool (NEPOOL), its designee or successor entity, that accounts for Generation
327 Attributes of electrical energy consumed and generated within, imported into, or
328 exported from the ISO-NE Control Area.

329
330 Off-grid Generation. The electrical energy produced by a Generation Unit that is not
331 connected to a utility transmission or distribution system.

332
333 Operator. Any person or entity that has charge or control of a Generation Unit subject
334 to 225 CMR 14.00, including without limitation a duly authorized agent or lessee of
335 the Owner, or a duly authorized independent contractor.

336
337 Opt-In Term. The number of calendar quarters that a Solar Carve-out Renewable
338 Generation Unit may generate Solar Carve-out Renewable Generation Attributes that
339 are eligible to be deposited into the Solar Credit Clearinghouse Auction Account, as
340 described in 225 CMR 14.05(4)(c) through (j).

341
342 Owner. Any person or entity that, alone or in conjunction with others, has legal
343 ownership, a leasehold interest, or effective control over the real property or property
344 interest upon which a Generation Unit is located, or the airspace above said real
345 property, including without limitation a duly authorized agent of the Owner. For the
346 purposes of 225 CMR 14.02, Owner does not mean a person or entity holding legal
347 title or security interest solely for the purpose of providing financing.

348
349 Power Conversion Technology. The design, process, and equipment by which an
350 energy resource is converted into useful energy, as specified in Guidelines.

351
352 Relevant Hydroelectric Agency. A federal, state or provincial agency with oversight
353 over fish and wildlife, water quality, river flows, fish passage and protection,
354 mitigation and enhancement opportunities, related to a hydroelectric facility located
355 in the Impacted Watershed or that impacts downstream or upstream passage of fish
356 and wildlife.

357
358 Renewable Generation. The electrical energy output of a Renewable Generation Unit.

359
360 Renewable Generation Attribute. The Generation Attribute of the electrical energy
361 output of a specific Generation Unit that derives from the Generation Unit's production
362 of Renewable Generation.

363 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class I
364 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of
365 conventional municipal solid waste plant technology in commercial use, or any of the
366 fuels, energy resources or technologies set forth in 225 CMR 14.05(1)(a).

367
368 Retail Electricity Product. An electrical energy offering that is distinguished by its
369 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to
370 End-use Customers.

371
372 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use
373 Customers in Massachusetts, including but not limited to Distribution Companies
374 supplying basic service or any successor service to End-use Customers. A Municipal
375 Lighting Plant shall be considered a Retail Electricity Supplier; however, it shall be
376 exempt from the obligations of a Retail Electricity Supplier under 225 CMR 14.00 so
377 long as and insofar as it is exempt from the requirements to allow competitive choice
378 of generation supply pursuant to M.G.L. c. 164, § 47A.

379
380 RPS Class I Renewable Generation. The electrical energy output excluding any
381 electrical energy utilized for parasitic load of a RPS Class I Renewable Generation
382 Unit, or that portion of the electrical energy output excluding any electrical energy
383 utilized for parasitic load of an RPS Class I Renewable Generation Unit that qualifies
384 under:

- 385 (a) the Special Provisions for Incremental Generating Capacity, pursuant to 225
386 CMR 14.05(2) issued on or after January 1, 2009;
- 387 (b) a Vintage Waiver, pursuant to 225 CMR 14.05(2) issued before January 1,
388 2009;
- 389 (c) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 14.05(3);
- 390 (d) the Special Provisions for a Generation Unit Located in a Control Area
391 Adjacent to the ISO-NE Control Area, pursuant to 225 CMR 14.05(5); or
- 392 (e) any other applicable provision of 225 CMR 14.00.

393
394 RPS Class I Renewable Generation Attribute. The Generation Attribute of the
395 electrical energy output of a specific RPS Class I Renewable Generation Unit that
396 derives from the Generation Unit's production of RPS Class I Renewable Generation.

397
398 RPS Class I Renewable Generation Unit. A Generation Unit or Aggregation that has
399 received a Statement of Qualification from the Department, including a Generation
400 Unit or Aggregation termed a New Renewable Generation Unit in a Statement of
401 Qualification issued by the Department pursuant to 225 CMR 14.00 before January 1,
402 2009, but does not include Solar Carve-out Renewable Generation Units.

403
404 Solar Canopy. A solar photovoltaic Generation Unit with at least 75% of the nameplate
405 capacity of the solar modules used for generating power installed on top of a parking
406 surface or above a pedestrian walkway, so as to maintain the parking or pedestrian
407 function of the surface.

408 Solar Carve-out Program Capacity Cap. The capacity, in MW, of Solar Carve-Out
409 Renewable Generation Units qualified by the Department through June 30, 2014, and
410 as announced on its website by the Department no later than July 31, 2014.

411
412 Solar Carve-out II Program Capacity Cap. The aggregate eligible capacity, in MW, of
413 Solar Carve-out II Renewable Generation Units qualified by the Department upon the
414 establishment of a new incentive program, minus the Solar Carve-out Program
415 Capacity Cap.

416
417 Solar Carve-out Renewable Generation. The electrical output of a Solar Carve-out
418 Renewable Generation Unit that qualifies for the Solar Carve-out under 225 CMR
419 14.05(4), excluding any electrical energy utilized for parasitic load.

420
421 Solar Carve-out II Renewable Generation. The electrical output of a Solar Carve-out
422 II Renewable Generation Unit that qualifies for the Solar Carve-out II under 225 CMR
423 14.05(9), excluding any electrical energy utilized for parasitic load.

424
425 Solar Carve-out Renewable Generation Attribute. The Generation Attribute of the
426 electrical energy output of a specific Solar Carve-out Renewable Generation Unit that
427 derives from the Generation Unit's production of Solar Carve-out Renewable
428 Generation.

429
430 Solar Carve-out II Renewable Generation Attribute. The Generation Attribute of the
431 electrical energy output of a specific Solar Carve-out II Renewable Generation Unit
432 that derives from the Generation Unit's production of Solar Carve-out II Renewable
433 Generation.

434
435 Solar Carve-out Renewable Generation Unit. A Generation Unit or Aggregation that
436 has received a Statement of Qualification from the Department that specifies its
437 qualification for participation in the Solar Carve-out under 225 CMR 14.05(4).

438
439 Solar Carve-out II Renewable Generation Unit. A Generation Unit or Aggregation that
440 has received a Statement of Qualification from the Department that specifies its
441 qualification for participation in the Solar Carve-out II under 225 CMR 14.05(9).

442
443 Solar Renewable Energy Certificate II (SREC II). A GIS Certificate that represents
444 the RPS Class I Renewable Generation Attributes and Solar Carve-out II Renewable
445 Generation Attributes of the Renewable Generation from a Solar Carve-out II
446 Renewable Generation Unit.

447
448 Statement of Qualification. A written document from the Department that qualifies a
449 Generation Unit or Aggregation as an RPS Class I Qualified Generation Unit, a Solar
450 Carve-out Renewable Generation Unit, or a Solar Carve-out II Renewable Generation
451 Unit, or that qualifies a portion of the annual electrical energy output of a Generation
452 Unit or Aggregation as RPS Class I Renewable Generation Solar Carve-out
453 Renewable Generation, or Solar Carve-out II Renewable Generation.

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Sustainable Forestry Management. Practicing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics and the stewardship and use of forests and forest lands in a way, and a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality, and potential to fulfill, now and in the future, relevant ecological, economic, and social functions at local, national, and global levels, and that does not cause damage to other ecosystems. Criteria for sustainable forestry include:

- (a) conservation of biological diversity;
- (b) maintenance of productive capacity of forest ecosystems;
- (c) maintenance of forest ecosystem health and vitality;
- (d) conservation and maintenance of soil and water resources;
- (e) maintenance of forest contributions to global carbon cycles;
- (f) maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies; and
- (g) a legal, institutional, and economic framework for forest conservation and sustainable management.

Useful Thermal Energy. Energy in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements, for which fuel or electricity would otherwise be consumed. Thermal energy used to produce a dried or refined biomass fuel shall not be considered Useful Thermal Energy if the biomass fuel produced is used to fuel the Generation Unit that dried or refined the biomass fuel.

Valid Air Permit. Within the United States, a current and effective authorization, license, certificate, or like approval to construct and/or operate a source of air pollution, issued or required by the regulatory agency designated in the applicable State Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.* In jurisdictions outside of the United States, it shall be a document demonstrating an equivalent authorization.

Vintage Generation. The electrical energy output of a Vintage Generation Unit during the period of the Generation Unit's Historical Generation Rate.

Vintage Generation Unit. A Generation Unit that meets the requirements of 225 CMR 14.05(1), that has a Commercial Operation Date of December 31, 1997, or earlier, and for which the Department issued a Statement of Qualification under the Vintage Waiver provision in 225 CMR 14.05(2) before January 1, 2009.

14.03 : Administration

225 CMR 14.00 shall be administered by the Department.

499 14.04 : Applicability
500

501 225 CMR 14.00 applies to Retail Electricity Suppliers and to the Owners or
502 Operators of RPS Class I Renewable Generation Units, Solar Carve-out Renewable
503 Generation Units, and Solar Carve-out II Renewable Generation Units.
504

505 14.05 : Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units, and
506 Solar Carve-out II Renewable Generation Units
507

508 (1) Eligibility Criteria. A Generation Unit may qualify as an RPS Class I Renewable
509 Generation Unit, a Solar Carve-out Renewable Generation Unit, or Solar Carve-out
510 II Renewable Generation Unit subject to the limitations in 225 CMR 14.05.
511

512 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use
513 one or more of the fuels, energy resources and/or technologies listed in 225 CMR
514 14.05(1)(a)1. through 9.
515

516 1. Solar photovoltaic or solar thermal electric energy.
517

518 2. Wind energy.
519

520 3. Ocean thermal, wave or tidal energy.
521

522 4. Fuel cells using an Eligible RPS Class I Renewable Fuel.
523

524 5. Landfill methane gas, provided that such gas is either conveyed directly to
525 the Generation Unit without the use of facilities used as common carriers of
526 natural gas, or transported to a Generation Unit within the ISO-NE Control
527 Area or an adjacent Control Area via a common carrier of natural gas, in
528 which instance the gas would be subject to the following provisions:
529

530 a. the gas is produced entirely within the ISO-NE Control Area or an
531 adjacent Control Area;
532

533 b. documentation is provided, satisfactory to the Department, regarding
534 the gas transportation and related contracts; and
535

536 c. demonstration is provided, satisfactory to the Department, that the gas
537 can be physically delivered to the Generation Unit.
538

539 6. Hydroelectric. An Generation Unit that uses Hydroelectric Energy may
540 qualify as an RPS Class I Generation Unit, subject to the limitations in 225
541 CMR 14.05(1)(a)6.
542

543 a. The Generation Unit has a nameplate capacity up to 30 megawatts, or
544 increased capacity installed or efficiency improvements implemented

545 after December 31, 1997, the aggregate of which increased capacity or
546 efficiency improvements does not exceed 30 megawatts.

547
548 b. The Generation Unit does not involve any dam or water diversion
549 structure constructed after December 31, 1997, or pumped storage of
550 water.

551
552 c. The Generation Unit does not generate Marine or Hydrokinetic Energy.

553
554 d. The Generation Unit meets appropriate and site-specific standards that
555 address adequate and healthy river flows, water quality standards, fish
556 passage and protection measures and mitigation and enhancement
557 opportunities in the Impacted Watershed, as determined by the
558 Department in consultation with Relevant Hydroelectric Agencies. The
559 Generation Unit shall demonstrate compliance with such standards by
560 submitting the documentation required in either 225 CMR
561 14.05(1)(a)6.d.i or ii.

562
563 i. LIHI Certification of the Generation Unit; except that in either of
564 the two circumstances provided in 225 CMR 14.05(1)(a)6.d.i, the
565 Department may request further information from the applicant and
566 the Relevant Hydroelectric Agencies as part of its review of the
567 applicant's Statement of Qualification Application. The Department
568 shall notify the applicant of any such input from a Relevant
569 Hydroelectric Agency not later than 30 days after receiving such
570 input and shall provide the applicant an opportunity to respond to the
571 Department not later than 30 days after the applicant's receipt of such
572 notice from the Department.

573
574 (i). If a Relevant Hydroelectric Agency identified an
575 environmental concern and a proposed remedy to LIHI during the
576 LIHI certification process, and such concern was not addressed in
577 the LIHI certification to the satisfaction of the Agency, and the
578 Agency consulted with the Owner or Operator of the Generation
579 Unit; or

580
581 (ii). If, between issuance of the LIHI certification and the
582 Department's determination of the Generation Unit's eligibility, a
583 Relevant Hydroelectric Agency submits to the Department
584 evidence of a significant environmental problem not previously
585 known by such Agency, after consulting with the Owner or
586 Operator of the Generation Unit.

587
588 ii. A denial of certification from LIHI specifying the reasons the
589 certification was denied and the applicant's proposed rationale for
590 why the project should nevertheless receive a Statement of

591 Qualification. In this instance, the Department shall notify and seek
592 input from the Relevant Hydroelectric Agencies, which shall have 30
593 days from the date of their receipt of such notification to provide
594 feedback to the Department. The Owner or Operator of the
595 Generation Unit shall be notified of any such input and shall have 30
596 days from receipt of such notice to respond to the satisfaction of the
597 Department as to why its Application should be approved. The
598 Department thereafter shall make finding of whether the Generation
599 Unit meets appropriate environmental safeguards despite the lack of
600 LIHI certification.

601
602 e. The Owner or Operator of the Generation Unit must serve notice to all
603 Relevant Hydroelectric Agencies of its application for LIHI certification.
604 The Owner or Operator of the Generation Unit also must serve notice to
605 all Relevant Hydroelectric Agencies, and provide opportunity for
606 comment within 30 days of such notice, with regard to its submission of a
607 Statement of Qualification Application. Notice of such service must be
608 provided to the Department.

609
610 f. If LIHI fails to act to certify or deny certification within 180 days from
611 the date of submission of the Generation Unit's application to LIHI, the
612 Owner or Operator shall file notice of such event with the Department.
613 The Department shall review the federal, state or provincial permits for
614 the Generation Unit and any submissions to LIHI by Relevant
615 Hydroelectric Agencies, and shall make a final determination as to
616 whether the Generation Unit meets environmental standards specified in
617 225 CMR 14.05(1)(a)6.d.

618
619 g. If LIHI is unable to review for certification a Generation Unit that is
620 located in a Control Area adjacent to the ISO-NE Control Area and
621 outside the United States of America, the Owner or Operator of such
622 Generation Unit may petition the Department for certification using the
623 LIHI standards by an independent third party acceptable to the
624 Department.

625
626
627 7. Low-emission, Advanced Biomass Power Conversion Technologies Using
628 an Eligible Biomass Fuel. A Generation Unit may qualify as an RPS Class I
629 Renewable Generation Unit, provided it uses an Eligible Biomass Fuel, subject
630 to the limitations in 225 CMR 14.05(1)(a)7.

631
632 a. A Generation Unit utilizing an Eligible Biomass Fuel, that is required
633 to obtain an air permit in its jurisdiction, must possess a Valid Air Permit.

634
635 b. The Department shall set forth in Guidelines low-emission eligibility
636 criteria which will become effective on their date of issuance. Any

637 emission eligibility criteria in subsequently revised regulations or
638 Guidelines shall become effective 12 months from their date of issuance.
639 A Generation Unit utilizing an Eligible Biomass Fuel that is not a solid
640 fuel, such as Eligible Liquid Biofuel, or does not use a steam boiler, shall
641 follow the low-emission eligibility criteria process described in the
642 Departments' *Guideline on Eligible Biomass Fuel for Renewable*
643 *Generation Units*. In the case of a Generation Unit for whose size, type,
644 or fuel the Department's Guidelines do not provide applicable emission
645 limits, the Department will determine appropriate limits in consultation
646 with the MassDEP.

647
648 c. A Generation Unit utilizing an Eligible Biomass Woody Fuel or
649 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from
650 Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage
651 must achieve an overall efficiency of at least 60% on a quarterly basis. A
652 Generation Unit utilizing an Eligible Biomass Woody Fuel or
653 Manufactured Biomass Fuel that has over 95% of its fuel sourced from
654 Non-Forest Derived Residues on a quarterly basis shall have no
655 applicable overall efficiency requirement. The procedure for calculating
656 whether the Generation Unit meets the 60% overall efficiency
657 requirement can be found in the Department's *Guideline on Overall*
658 *Efficiency and Greenhouse Gas Analysis*.

659
660 d. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass
661 Woody Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel shall
662 reduce lifecycle greenhouse gas emissions, over a 20-year lifecycle, by at
663 least 50% compared to the operation of a new combined cycle natural gas
664 electric generating facility using the most efficient commercially available
665 technology as of the date of the Statement of Qualification Application for
666 the portion of electricity delivered by the Generation Unit and, if
667 applicable, the operation of the fossil fuel fired thermal energy unit being
668 displaced, or in the case of new Useful Thermal Energy, a gas-fired thermal
669 energy unit using the most efficient commercially available technology as
670 of the date of Statement of Qualification Application for the portion of the
671 Useful Thermal Energy delivered by the Generation Unit. The procedure
672 for calculating whether a Generation Unit meets the 50% reduction can be
673 found in the Department's *Guideline on Overall Efficiency and*
674 *Greenhouse Gas Analysis*.

675 i. A Generation Unit that does not achieve a lifecycle greenhouse gas
676 emissions reduction of at least 50% over a 20-year lifecycle in a
677 particular calendar quarter of the Compliance Year, pursuant to 225
678 CMR 14.05(1)(a)7.d., shall not be eligible to report RPS Class I
679 Renewable Generation Attributes to the NEPOOL GIS for that
680 Calendar Quarter.

681 e. In the case of a Generation Unit that uses Eligible Biogas Fuel, the
682 Eligible Biogas Fuel may be either conveyed directly to the Generation
683 Unit without the use of facilities used as common carriers of natural gas,
684 or transported to a Generation Unit within the ISO-NE Control Area or an
685 adjacent Control Area via a common carrier of natural gas, in which
686 instance the gas would be subject to the following provisions:

687
688 i. the gas is produced entirely within the ISO-NE Control Area or an
689 adjacent Control Area;

690
691 ii. documentation is provided, satisfactory to the Department,
692 regarding the gas transportation and related contracts; and

693
694 iii. demonstration is provided, satisfactory to the Department, that the
695 gas can be physically delivered to the Generation Unit.

696
697 8. Marine or hydrokinetic energy.

698
699 9. Geothermal energy.

700
701 (b) Commercial Operation Date. The Commercial Operation Date shall be after
702 December 31, 1997, unless the Generation Unit received a Statement of
703 Qualification with a Vintage Waiver prior to January 1, 2009. In the case of a
704 Solar Carve-out Renewable Generation Unit, the Commercial Operation Date
705 shall be after December 31, 2007. In the case of a Solar Carve-out II Renewable
706 Generation Unit, the Commercial Operation Date shall be after December 31,
707 2012.

708
709 (c) Metering. The electrical energy output from a Generation Unit shall be
710 verified by the ISO-NE or by an independent verification system or person
711 participating in the NEPOOL GIS accounting system as an independent Third
712 Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating
713 Rules, or any successor rule, and approved by the Department.

714
715 (d) Location. The Generation Unit location is subject to the limitations in 225
716 CMR 14.05(1)(d).

717
718 1. Off-grid Generation. If the Generation Unit produces Off-grid Generation,
719 such Generation Unit must be located in Massachusetts.

720
721 2. Behind-the-meter Generation. If the Generation Unit is wired to the
722 electrical system on the End-use Customer's side of a retail electric meter,
723 such Generation Unit must be located within the ISO-NE Control Area.

724
725 (2) Special Provisions for Incremental Generation. An increase in electrical energy
726 output of a Generation Unit with a Commercial Operation Date on or before

727 December 31, 1997, may qualify as RPS Class I Renewable Generation, subject to
728 the limitations in CMR 14.05(2).

729
730 (a) The Generation Unit must meet the eligibility requirements of 225 CMR
731 14.05 with the exception of 225 CMR 14.05(1)(b).

732
733 (b) The portion of the total electrical energy output of the Generation Unit that
734 qualifies as RPS Class I Renewable Generation in a given calendar year shall be
735 the portion attributable to incremental new generating capacity or efficiency
736 improvements installed or implemented after December 31, 1997, using
737 equipment that was not utilized in any Renewable Generation Unit within the
738 ISO-NE Control Area or within Control Areas adjacent thereto on or before
739 December 31, 1997.

740
741 (c) The portion of the electrical energy output of a Generation Unit that does not
742 qualify as RPS Class I Renewable Generation under the provisions of 225 CMR
743 14.05(2)(c) or under a Statement of Qualification granted to a Vintage
744 Generation Unit prior to January 1, 2009, may qualify as RPS Class II
745 Renewable Generation if it applies for and meets the eligibility standards of the
746 RPS Class II Regulations set forth in 225 CMR 15.00: *Renewable Energy*
747 *Portfolio Standard – Class II*.

748
749 (d) The portion of electrical energy output of a Generation Unit that replaces the
750 output of an RPS Class I Renewable Generation Unit qualified under 225 CMR
751 14.05(1)(a)5. at the same location, or proximate thereto, and utilizes the fuel
752 resource of that location, shall not be qualified as Incremental Generation, unless
753 a Generation Unit meets the requirements of 225 CMR 14.05(7)(d).

754
755 (3) Co-firing and Blended Fuel Waiver. All or a portion of the electrical energy
756 output of a Generation Unit that uses ineligible fuel in conjunction with an Eligible
757 RPS Class I Renewable Fuel, whether by co-firing such fuels or by using a Blended
758 Fuel, may qualify as RPS Class I Renewable Generation provided the Generation
759 Unit meets the eligibility requirements of 225 CMR 14.05, subject to the limitations
760 in 225 CMR 14.05(3).

761
762 (a) The portion of the total electrical energy output that qualifies as RPS Class I
763 Renewable Generation in a given time period shall be equal to the ratio of the net
764 heat content of the Eligible RPS Class I Renewable Fuel consumed to the net
765 heat content of all fuel consumed in that time period.

766
767 (b) If using a Blended Fuel of which the eligible portion is an Eligible Biomass
768 Fuel or if co-firing an ineligible fuel with an Eligible Biomass Fuel, the entire
769 Generation Unit must meet the requirements set forth in 225 CMR 14.05(1)(a)7.

770
771 (c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to
772 the satisfaction of the Department that the emission rates for the entire

773 Generation Unit are consistent with rates prescribed by the MassDEP for
774 comparably fueled Generation Units in the Commonwealth. The Department
775 may require the Generation Unit Owner or Operator to retain at its own expense
776 a third-party consultant deemed satisfactory to the Department, to provide the
777 Department and the MassDEP with assistance in this determination.
778

779 (d) The Generation Unit must provide with its Statement of Qualification
780 Application a fuel supply plan that specifies each and every fuel that it intends to
781 use, in what relative proportions either in co-firing or in a Blended Fuel, and with
782 what individual input heat values. Such plan shall include the procedures by
783 which the Unit will document to the satisfaction of the Department its
784 compliance with the plan.
785

786 (e) The provisions of 225 CMR 14.05(3) shall not apply to the incidental use of
787 ineligible fuels for the purpose of cold starting a Generation Unit that otherwise
788 exclusively uses an Eligible RPS Class I Renewable Fuel.
789

790 (4) Special Provisions for a Solar Carve-out Generation Unit. All references to kW or
791 MW in 225 CMR 14.05(4) shall be measured on a nameplate capacity basis in direct
792 current (DC).
793

794 (a) The Solar Carve-out Renewable Generation Unit must use solar photovoltaic
795 technology, be used on-site, located in the Commonwealth of Massachusetts, and
796 be interconnected with the electric grid. On-site use includes any new or existing
797 load located at the site of the Generation Unit including any parasitic load that
798 may result from the installation of the Generation Unit, and that is wired to
799 receive a portion of the electrical energy output from the Generation Unit before
800 the balance of such output passes through the Generation Unit's metered
801 interconnection onto the electric grid. The maximum capacity of a Generation
802 Unit shall be 6 MW, as measured on a nameplate capacity basis in direct current
803 and shall be determined based on the total capacity located on a single parcel of
804 land. For any parcel of land for which a Solar Carve-out Generation Unit has
805 submitted a Statement of Qualification Application, if its current boundaries are
806 the result of a subdivision recorded after January 1, 2010, the Owner or Operator
807 shall make a demonstration to the Department that the subdivision was not for
808 the purpose of eligibility in the Solar Carve-out Program. If the Department is
809 not satisfied by such showing, the 6 MW limit shall apply to the metes and
810 bounds of the parcel as recorded prior to the subdivision. Any subsequent
811 additional solar photovoltaic Generation Units that would result in excess of 6
812 MW of capacity installed on the same parcel of land and meeting all other
813 requirements under 225 CMR 14.00 may qualify only for RPS Class I
814 Renewable Generation Attributes.
815

816 (b) If the construction and installation of a Generation Unit was funded through a
817 program administered prior to January 1, 2010, by the Massachusetts Renewable
818 Energy Trust, or if the Generation Unit was funded substantially from American

819 Recovery and Reinvestment Act, P.L. 111-5 (ARRA) for the installation of that
820 Generation Unit, the Generation Unit shall not be eligible to participate in the
821 Solar Carve-out. Substantial shall mean for this purpose more than 67% of total
822 installed cost. Notwithstanding 225 CMR 14.05(4)(b), if the substantial funding
823 that a Generation Unit receives is from a payment in *lieu* of tax credit under §
824 1603 of ARRA, the Generation Unit shall be eligible for Solar Carve-out
825 Renewable Generation Attributes.

826
827 (c) Any entity that owns Solar Carve-out Renewable Generation Attributes is
828 eligible to make deposits into the Solar Credit Clearinghouse Auction provided
829 the Attributes deposited into the Auction were generated during the Opt-in
830 Term specified in the Statement of Qualification of the Generation Unit. The
831 Department or its agent shall maintain an account, known as Solar Credit
832 Clearinghouse Auction Account on the NEPOOL GIS into which Solar Carve-
833 out Renewable Generation Attributes may be deposited. The Solar Credit
834 Clearinghouse Auction Account shall be available for deposit of Attributes only
835 from May 16 to June 15.

836
837 (d) An entity that opts to deposit Solar Carve-out Generation Renewable Attributes
838 into the Solar Credit Clearinghouse Auction Account shall be assessed, at the
839 completion of the auction, a usage fee of 5% of the auction price for each such
840 Attribute deposited into Solar Credit Clearinghouse Auction Account. This usage
841 fee shall be deposited into the Alternative Compliance Payment fund under 225
842 CMR 14.08(3). This usage fee will not apply to Attributes that remain unsold
843 following the final round of the Solar Credit Clearinghouse Auction as provided
844 in 225 CMR 14.05(4)(i).

845
846 (e) Those Attributes deposited into Solar Credit Clearinghouse Auction Account
847 shall then be retired and reissued by NEPOOL GIS as Re-minted Auction Account
848 Attributes. These Attributes shall be eligible in either of the two subsequent
849 Compliance Years from the year in which they were generated to meet obligations
850 under the Massachusetts Solar Carve-out Minimum Standard. The Department or
851 its agent shall conduct an auction for those Attributes. Any entity wishing to
852 purchase Re-minted Auction Account Attributes may participate and enter a bid.
853 Each bid shall be for the number of Re-minted Auction Account Attributes that
854 the bidder wishes to purchase at a fixed price of \$300 per Re-minted Auction
855 Account Attribute.

856
857 (f) The Solar Credit Clearinghouse Auction shall be held not later than July 31. If
858 the Auction clears, meaning that the total number of Re-minted Auction Account
859 Attributes bid for in the auction was equal to or more than the number of Solar
860 Carve-out Renewable Generation Attributes deposited, then the total amount of
861 deposited Attributes will be distributed to the bidders in a pro-rated manner such
862 that each bidder receives the same percentage of their bid volume. If the auction
863 does not clear, meaning that the total number of Re-minted Auction Account
864 Attributes bid for in the auction was less than the number of Solar Carve-out

865 Renewable Generation Attributes deposited, the Department or its agent shall
866 void the auction.

867
868 (g) If the auction under 225 CMR 14.05(4)(f) does not clear, the Department
869 shall conduct a new auction within three Business Days, in which any Attributes
870 purchased shall be eligible in any of the three subsequent Compliance Years
871 from the year in which they were generated to meet obligations under the
872 Massachusetts Solar Carve-out Minimum Standard. If the auction does not clear,
873 the Department or its agent shall void the auction.

874
875 (h) If the auction under 225 CMR 14.05(4)(g) does not clear, the Department or
876 its agent shall conduct another auction within three Business Days, at which
877 point the Attributes shall be eligible in any of the three subsequent Compliance
878 Years from the year in which they were generated to meet obligations under the
879 Massachusetts Solar Carve-out Minimum Standard. Prior to this Auction, the
880 Department shall also re-calculate the Massachusetts Solar Carve-out Minimum
881 Standard under 225 CMR 14.07(2).

882
883 (i) If the auction under 225 CMR 14.05(4)(h) does not clear, the Re-minted
884 Auction Account Attributes deposited in the Solar Credit Clearinghouse Auction
885 Account shall be allocated to the bidders in a pro-rated manner so that an equal
886 percentage of Re-minted Auction Account Attributes are allocated from each
887 Generation Unit that deposited Solar Carve-out Renewable Generation
888 Attributes. The remaining Re-minted Auction Account Attributes shall be
889 returned to the entity that made the deposit. These Attributes shall be eligible in
890 any of the three subsequent Compliance Years from the year in which they were
891 generated to meet obligations under the Massachusetts Solar Carve-out
892 Minimum Standard.

893
894 (j) Re-minted Auction Account Attributes may not be placed into the Solar
895 Credit Clearinghouse Auction Account in subsequent years.

896
897 (k) Within two weeks from June 28, 2013, the Department shall establish and
898 provide on its website a list of all projects that are within the 400 MW capacity
899 limit and the set of Generation Units that are outside of the 400 MW capacity
900 limit. The Department shall provide Statement of Qualifications to all Generation
901 Units with Statement of Qualification Applications as follows, provided such
902 Generation Units meet all other eligibility criterion of 225 CMR 14.00.

903
904 1. A Generation Unit greater than 100 kW that has received a Statement of
905 Qualification or has submitted a Statement of Qualification Application that
906 is within the 400 MW capacity limit shall be provided a Statement of
907 Qualification only if the Generation Unit meets the project construction
908 timelines prescribed in 225 CMR 14.05(4)(k)4. Notwithstanding 225 CMR
909 14.06(4), the RPS Effective Date of the Generation Unit shall be no later than

910 December 31, 2013, regardless of when the Unit's Commercial Operation
911 Date occurs.
912

913 2. A Generation Unit greater than 100 kW that has submitted a Statement of
914 Qualification Application that is outside the 400 MW capacity limit shall be
915 provided a Statement of Qualification only if the Generation Unit is
916 authorized to interconnect by its local Distribution Company on or before
917 June 28, 2013 or has received an interconnection service agreement from its
918 local Distribution Company that is fully executed by both the interconnecting
919 customer and the Distribution Company and dated on or before June 7, 2013,
920 and meets the project construction timelines prescribed in 225 CMR
921 14.05(4)(k)4. The Generation Unit shall have one week after June 28, 2013
922 to provide the Department with a copy of the executed Interconnection
923 Service Agreement or its Statement of Qualification Application will be
924 rejected. Notwithstanding 225 CMR 14.06(4), the RPS Effective Date of the
925 Generation Unit shall be no later than December 31, 2013, regardless of
926 when the Generation Unit's Commercial Operation Date occurs.
927

928 3. A Generation Unit that has a rated capacity equal to or less than 100 kW,
929 or has qualified as a Community Solar Project by the MassCEC under its
930 Commonwealth Solar II Rebate Program, which has received its
931 authorization to interconnect or permission to operate from its local
932 Distribution Company by the effective date of a new solar carve-out program
933 established by the Department, or by June 30, 2014, whichever is earlier, and
934 has submitted a Statement of Qualification Application shall be provided a
935 Statement of Qualification. Notwithstanding 225 CMR 14.06(4), the RPS
936 Effective Date of the Generation Unit shall be no later than December 31,
937 2013, regardless of when the Generation Unit's Commercial Operation Date
938 occurs. For the purpose of 225 CMR 14.05(4)(k)3., the Generation Unit's
939 capacity shall be measured as the total capacity of qualified Solar Carve-out
940 Renewable Generation on a single parcel of land or on a roof of a single
941 building, whichever is less.
942

943 4. A Generation Unit greater than 100 kW must meet the following
944 construction timelines to receive a Statement of Qualification.
945

946 a. A Generation Unit must receive its authorization to interconnect or
947 permission to operate from its local Distribution Company on or before
948 December 31, 2013.
949

950 b. A Generation Unit that has not received an authorization to
951 interconnect or permission to operate on or before December 31, 2013
952 will be provided an extension to June 30, 2014 only if it can demonstrate
953 to the satisfaction of the Department that the project has expended at least
954 50% of its total construction costs by December 31, 2013. A Generation

955 Unit provided such an extension must receive its authorization to
956 interconnect or permission to operate on or before June 30, 2014.

957
958 c. If a Generation Unit can demonstrate to the Department's satisfaction
959 that either of these two timelines have been met, but that interconnection
960 depends only on the receipt of notice of authorization to interconnect or
961 its permission to operate, and such receipt is delayed only by the local
962 Distribution Company or due to remaining steps required by other parties
963 for safe and reliable interconnection, then the Generation Unit will be
964 provided an extension until the authorization to interconnect or
965 permission to operate is received.

966
967 5. Any Solar Carve-out Renewable Generation Unit that has submitted a
968 Statement of Qualification Application or received a Statement of
969 Qualification as of June 28, 2013 will not be eligible to generate Solar Carve-
970 out Renewable Generation Attributes for incremental new generating
971 capacity that is in excess of the capacity that was applied for in its Statement
972 of Qualification Application.

973
974 (5) Special Provisions for a Generation Unit Located in a Control Area Adjacent to
975 the ISO-NE Control Area. The portion of the total electrical energy output of an RPS
976 Class I Renewable Generation Unit located in a Control Area adjacent to the ISO-NE
977 Control Area that qualifies as RPS Class I Renewable Generation shall meet the
978 requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS
979 Operating Rules, and the requirements in 225 CMR 14.05(5).

980
981 (a) The Generation Unit Owner or Operator shall provide documentation,
982 satisfactory to the Department that the RPS Class I Renewable Generation
983 Attributes have not otherwise been, nor will be, sold, retired, claimed, used
984 or represented as part of electrical energy output or sales, or used to satisfy
985 obligations in jurisdictions other than Massachusetts.

986
987 (b) The Generation Unit Owner or Operator must provide an attestation in a form
988 to be provided by the Department that it will not itself or through any affiliate or
989 other contracted party, knowingly engage in the process of importing RPS Class
990 I Renewable Generation into the ISO-NE Control Area for the creation of RPS
991 Class I Renewable GIS Certificates, and then exporting that energy or a similar
992 quantity of other energy out of the ISO-NE Control Area during the same hour.

993
994 (c) The quantity of electrical energy output from an RPS Class I Renewable
995 Generation Unit outside the ISO-NE Control Area that can qualify as RPS Class
996 I Renewable Generation at the NEPOOL GIS during each hour is limited to the
997 lesser of the RPS Class I Renewable Generation actually produced by the
998 Generation Unit or the RPS Class I Renewable Generation actually scheduled
999 and delivered into the ISO-NE Control Area.

1000 (6) Special Provisions for Aggregations. An Aggregation of Generation Units that
1001 are located behind the customer meter or that are Off-grid Generation Units, each of
1002 which could independently meet the relevant requirements of 225 CMR 14.05, may
1003 receive a single Statement of Qualification and be treated as a single RPS Class I
1004 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1005 Carve-out II Renewable Generation Unit under the criteria and procedures in 225
1006 CMR 14.05(6).

1007
1008 (a) Each Generation Unit in such Aggregation must be located within the same
1009 state and use the same fuel, energy resource and technology as all other
1010 Generation Units in the Aggregation. In the instance of an Aggregation that
1011 includes a Solar Carve-out Renewable Generation Unit, the Aggregation shall
1012 only include Generation Units that are eligible for the Solar Carve-out under 225
1013 CMR 14.05(4). In the instance of an Aggregation that includes a Solar Carve-out
1014 II Renewable Generation Unit, the Aggregation shall only include Generation
1015 Units that are eligible for the Solar Carve-out II under 225 CMR 14.05(9).

1016
1017 (b) Each of the Owners or Operators of Generation Units within the Aggregation
1018 must enter into an agreement with a person or entity that serves as the
1019 Authorized Agent for the Aggregation in all dealings with the Department and
1020 with the NEPOOL GIS, and such agreement must include procedures by which
1021 the electrical energy output of each Generation Unit shall be monitored and
1022 reported to the NEPOOL GIS.

1023
1024 (c) The Authorized Agent of the Aggregation must establish and maintain a
1025 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating
1026 Rules, including all provisions for Non-NEPOOL Generator Representatives, as
1027 that term is defined in Rule 2.1(a)(vi).

1028
1029 (d) The electrical energy output of each of the Generation Units in the
1030 Aggregation must be individually monitored and recorded, and it must be
1031 reported to the NEPOOL GIS, by an independent Third Party Meter Reader as
1032 defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, and approved by
1033 the Department.

1034
1035 (7) Special Provisions for Relocated, Repowered, and Replacement Generation
1036 Units. The Department may provide a Statement of Qualification to a Generation
1037 Unit that meets one of the following categories and criteria, as well as all other
1038 relevant provisions of 225 CMR 14.05:

1039
1040 (a) Relocated RPS Class I Renewable Generation Unit. A Generation Unit whose
1041 Power Conversion Technology was used on or before December 31, 1997, to
1042 generate electrical energy outside of both the ISO-NE Control Area and Control
1043 Areas adjacent thereto, and that is relocated into one of said Control Areas after
1044 December 31, 1997, provided that any components of the Power Conversion

1045 Technology that were not used outside of said Control Areas were first used in a
1046 Generation Unit after December 31, 1997.

1047
1048 (b) Repowered RPS Class I Renewable Generation Unit. A Generation Unit that
1049 did not utilize an Eligible RPS Class I Renewable Fuel at any time on or before
1050 December 31, 1997.

1051
1052 (c) Replacement RPS Class I Renewable Generation Unit. A Generation Unit
1053 that replaces a mothballed or decommissioned Generation Unit that had operated
1054 on the same site on or before December 31, 1997, provided the entire Power
1055 Conversion Technology of the existing Generation Unit is replaced with
1056 equipment manufactured after December 31, 1997.

1057
1058 (8) Special Provisions for Generation Units Using Eligible Biomass Woody Fuels or
1059 Manufactured Biomass Fuels. An Owner, Operator, or Authorized Agent of a
1060 Generation Unit that uses an Eligible Biomass Woody Fuel or a Manufactured
1061 Biomass Fuel must meet the following provisions.

1062
1063 (a) Sustainable Forest Management. Forest Derived Residues and Forest Derived
1064 Thinnings shall only be sourced from forests meeting Sustainable Forestry
1065 Management practices, as independently verified through the attestation of a
1066 licensed forester, certified forester or independent certification.

1067
1068 (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel
1069 or Manufactured Biomass Fuel that does not comply with the overall efficiency
1070 requirements in 225 CMR 14.05(1)(a)7.c. shall be subject the following:

1071
1072 1. A Generation Unit utilizing Eligible Biomass Woody Fuel or
1073 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from
1074 Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage and
1075 does not achieve an overall efficiency of at least 60% in a particular calendar
1076 quarter of the Compliance Year, pursuant to 225 CMR 14.05(1)(a)7.c., shall
1077 not be eligible to report RPS Class I Renewable Generation Attributes to
1078 the NEPOOL GIS for that calendar quarter.

1079
1080 2. A Generation Unit utilizing Eligible Biomass Woody Fuel or
1081 Manufactured Biomass Fuel that has over 95% of its fuel sourced from Non-
1082 Forest Derived Residues in a particular calendar quarter of the Compliance
1083 Year, shall only be eligible to receive RPS Class I Renewable Generation
1084 Attributes at NEPOOL GIS in a proportion equal to the percentage of fuel
1085 sourced from Non-Forest Derived Residues for that calendar quarter.

1086
1087 (c) Reporting Requirements for Generation Units using Eligible Biomass Woody
1088 Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent
1089 of a Generation Unit using Eligible Biomass Woody Fuel or Manufactured
1090 Biomass Fuel shall provide to the Department on a quarterly basis the Biomass

1091 Fuel Report as prescribed in the Department’s *Guideline on Eligible Biomass Fuel*
1092 *for Renewable Generation Units*.

1093
1094 (d) Verification of Eligible Biomass Woody Fuel. In order to verify the use of
1095 Eligible Biomass Woody Fuel, an RPS Class I Renewable Generation Unit
1096 utilizing Eligible Biomass Woody Fuel shall report the following to the
1097 Department on a quarterly basis in a manner outlined in the Department’s
1098 *Guideline on Eligible Biomass Fuel for Renewable Generation Units*:

- 1099 1. Supplier of the fuel;
- 1100 2. Amount of fuel delivered; and
- 1101 3. Date of delivery.

1102
1103 (e) Biomass Fuel Certificate. The tonnage of all Eligible Biomass Woody Fuel or
1104 Manufactured Biomass Fuel reported in the Quarterly Biomass Fuel Report shall
1105 be documented by ownership of the Biomass Fuel Certificates. The tonnage input
1106 for Eligible Biomass Fuel noted on the Biomass Fuel Certificate shall equal or be
1107 greater than the tonnage of Eligible Biomass Fuel consumed at the Generation
1108 Unit. For Manufactured Biomass Fuel, the Biomass Fuel Certificates shall be for
1109 the required tonnage of Eligible Biomass Woody Fuel necessary for the production
1110 of the delivered volume of Manufactured Biomass Fuel. The Biomass Fuel
1111 Certificates shall be originated, procured, and transacted in accordance with the
1112 *Guideline on Eligible Biomass Fuel for Renewable Generation Units*.

1113
1114 (f) Forest Impact Assessment. Every five years, beginning in 2020, the
1115 Department, in coordination with DCR, will conduct an assessment of the impacts
1116 on Massachusetts and regional forests resulting from biomass fuel removals. The
1117 five-year assessment shall also consider information on the Eligible Biomass
1118 Woody Fuel utilized by qualified Generation Units and the extent to which such
1119 fuels come from the categories of Non-forest Derived Residues, Forest Derived
1120 Residues, Forest Derived Thinnings, and Forest Salvage. If the Department
1121 concludes its findings would likely result in significant impacts on long term forest
1122 sustainability, the Department shall consult with the MassDEP, and DCR on any
1123 changes that may be required by the Department, MassDEP, or DCR to maintain
1124 long term forest sustainability and climate change mitigation.

1125
1126 (9) Special Provisions for a Solar Carve-out II Renewable Generation Unit. All
1127 references to kW or MW in 225 CMR 14.05(9) shall be measured on a nameplate
1128 capacity basis in direct current (DC).

1129
1130 (a) The Solar Carve-out II Renewable Generation Unit must use solar
1131 photovoltaic technology on-site and be interconnected with the electric grid in
1132 the Commonwealth of Massachusetts. On-site use includes any new or existing
1133 load located at the site of the Solar Carve-out II Renewable Generation Unit,
1134 including any parasitic load that may result from the installation and operation of

1135 the Solar Carve-out II Renewable Generation Unit, and that is wired to receive a
1136 portion of the electrical energy output from the Solar Carve-out II Renewable
1137 Generation Unit before the balance of such output passes through the Solar
1138 Carve-out II Renewable Generation Unit's metered interconnection onto the
1139 electric grid. The maximum capacity of a Solar Carve-out II Renewable
1140 Generation Unit shall be six MW and shall be determined based on the total
1141 capacity of Solar Carve-out Renewable Generation Units and Solar Carve-out II
1142 Renewable Generation Units located on a single parcel of land. For any parcel of
1143 land for which a Solar Carve-out II Renewable Generation Unit has submitted a
1144 Statement of Qualification Application, if its current boundaries are the result of
1145 a subdivision recorded after January 1, 2010, the Owner or Operator shall
1146 demonstrate to the Department that the subdivision was not for the purpose of
1147 obtaining eligibility as a Solar Carve-out II Renewable Generation Unit. If the
1148 Owner or Operator fails to make such a showing to the Department, the six MW
1149 limit shall apply to the metes and bounds of the parcel as recorded prior to the
1150 subdivision. Any solar photovoltaic Generation Units that would result in excess
1151 of six MW of capacity installed on the same parcel of land and meeting all other
1152 requirements under 225 CMR 14.00 may qualify only for RPS Class I
1153 Renewable Generation Attributes.

1154
1155 (b) A Solar Carve-out II Renewable Generation Unit must have a Commercial
1156 Operation Date on or after January 1, 2013 and must not be qualified as a Solar
1157 Carve-out Renewable Generation Unit under provisions in 225 CMR 14.05(4).

1158
1159 (c) Any entity that owns Solar Carve-out II Renewable Attributes generated by a
1160 Solar Carve-Out II Renewable Generation Unit is eligible to make deposits into
1161 the Solar Credit Clearinghouse Auction-II. The Department or its agent shall
1162 maintain a Solar Credit Clearinghouse Auction-II Account on the NEPOOL GIS
1163 into which eligible Solar Carve-out II Renewable Generation Attributes may be
1164 deposited. The Solar Credit Clearinghouse Auction-II Account shall be available
1165 for deposit of Attributes only from May 16th through June 15th.

1166
1167 (d) An entity that opts to deposit Solar Carve-out II Renewable Attributes into
1168 the Solar Credit Clearinghouse Auction-II Account shall be assessed, at the
1169 completion of the auction, a usage fee of five percent of the auction price for
1170 each such Attribute deposited into Solar Credit Clearinghouse Auction-II
1171 Account. This usage fee shall be deposited into the Alternative Compliance
1172 Payment fund under 225 CMR 14.08(3). This usage fee will not apply to
1173 Attributes that remain unsold following the final round of the Solar Credit
1174 Clearinghouse Auction-II as provided in 225 CMR 14.05(9)(i).

1175
1176 (e) Those Solar Carve-out II Renewable Generation Attributes deposited into the
1177 Solar Credit Clearinghouse Auction-II Account shall then be retired and reissued
1178 by NEPOOL GIS as re-minted auction-II account Generation Attributes. These
1179 re-minted auction-II account Generation Attributes shall be eligible for
1180 compliance in either of the two subsequent Compliance Years from the year in

1181 which they were generated to meet obligations under the Massachusetts Solar
 1182 Carve-out II Minimum Standard. The Department or its agent shall conduct an
 1183 auction for those re-minted auction-II account Generation Attributes. Any entity
 1184 wishing to purchase re-minted auction-II account Generation Attributes may
 1185 participate and enter a bid. Each bid shall be for the number of re-minted
 1186 auction-II account Generation Attributes that the bidder wishes to purchase at a
 1187 fixed price. The fixed price shall vary each Compliance Year according to the
 1188 following schedule.
 1189

Compliance Year	Solar Credit Clearinghouse Auction-II Fixed Price, \$ per Generation Attribute
2014	\$300
2015	\$300
2016	\$300
2017	\$285
2018	\$271
2019	\$257
2020	\$244
2021	\$232
2022	\$221
2023	\$210
2024	\$199
2025	\$189
2026	\$180
2027 and after	\$171

1190
 1191 (f) The Solar Credit Clearinghouse Auction-II shall be held not later than July
 1192 31st each year as necessary. If this Auction clears, meaning that the total number
 1193 of re-minted auction-II account Generation Attributes bid for in the auction was
 1194 equal to or more than the number of Solar Carve-out II Renewable Generation
 1195 Attributes deposited, then the total amount of re-minted auction-II account
 1196 Generation Attributes will be distributed to the bidders in a pro-rated manner
 1197 such that each bidder receives the same percentage of their bid volume.
 1198

1199 (g) If the auction under 225 CMR 14.05(9)(f) does not clear, meaning that the
 1200 total number of re-minted auction-II account Generation Attributes bid for in the
 1201 auction was less than the number of Solar Carve-out II Renewable Generation
 1202 Attributes deposited, the Department or its agent shall void the auction. The
 1203 Department shall then conduct a second auction within three Business Days of
 1204 the first auction under 225 CMR 14.05(9)(f), in which any re-minted auction-II
 1205 Generation Attributes purchased shall be eligible in any of the three subsequent
 1206 Compliance Years from the year in which they were generated to meet
 1207 obligations under the Massachusetts Solar Carve-out II Minimum Standard.

1208 (h) If the second auction under 225 CMR 14.05(9)(g) does not clear, the
1209 Department or its agent shall void the auction. The Department shall then
1210 conduct a third auction within three Business Days of the second auction under
1211 225 CMR 14.05(9)(g), at which point the re-minted auction-II Generation
1212 Attributes shall be eligible in any of the three subsequent Compliance Years
1213 from the year in which they were generated to meet obligations under the
1214 Massachusetts Solar Carve-out II Minimum Standard. Prior to the third auction
1215 under 225 CMR 14.05(9)(h), the Department shall also re-calculate the
1216 Massachusetts Solar Carve-out II Minimum Standard under 225 CMR 14.07(3).

1217
1218 (i) If the third auction under 225 CMR 14.05(9)(h) does not clear, the re-minted
1219 auction-II account Generation Attributes deposited in the Solar Credit
1220 Clearinghouse Auction-II Account shall be allocated to the bidders in a pro-rated
1221 manner so that an equal percentage of re-minted auction-II account Generation
1222 Attributes are allocated from each Generation Unit that deposited Solar Carve-
1223 out II Renewable Generation Attributes. The remaining re-minted auction-II
1224 account Generation Attributes that were not allocated to the bidders shall be
1225 returned to the entity that made the deposit. These re-minted auction-II account
1226 Generation Attributes shall be eligible in any of the three subsequent Compliance
1227 Years from the year in which they were generated to meet obligations under the
1228 Massachusetts Solar Carve-out II Minimum Standard.

1229
1230 (j) Re-minted auction-II account Generation Attributes may not be placed into
1231 the Solar Credit Clearinghouse Auction-II Account in subsequent years.

1232
1233 (k) For each MWh of electricity generation, a Solar Carve-out II Renewable
1234 Generation Unit shall generate two types of GIS Certificates. The first type of
1235 GIS Certificate shall be encoded as solar photovoltaic, but without RPS Class I
1236 Renewable Generation Attributes or Solar Carve-out II Renewable Generation
1237 Attributes. The second type of GIS Certificate shall be a Solar Renewable
1238 Energy Certificate II (SREC II). The proportion of each of type of GIS
1239 Certificate that a Solar Carve-out II Renewable Generation Unit shall generate
1240 will be determined subject to the following:

- 1241
1242 1. Beginning with the calendar quarter in which each Solar Carve-out II
1243 Renewable Generation Unit's RPS Effective Date occurs, as prescribed in
1244 225 CMR 14.06(4), the number of GIS Certificates encoded as solar
1245 photovoltaic without RPS Class I Renewable Generation Attributes or Solar
1246 Carve-out II Renewable Generation Attributes that each Generation Unit
1247 generates shall be equal to one minus the SREC Factor, as determined under
1248 225 CMR 14.05(9)(l), times the number of MWh generated. The number of
1249 SREC IIs each Generation Unit generates shall be equal to the SREC Factor,
1250 as determined under 225 CMR 14.05(9)(l), times the number of MWh
1251 generated. This shall apply for as long as the Solar Carve-out II Renewable
1252 Generation Unit is eligible to generate Solar Carve-out II Renewable
1253 Generation Attributes pursuant to 225 CMR 14.05(9)(l)4.

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2. The Solar Carve-out II Renewable Generation Unit Owner or Operator must include within its Statement of Qualification Application an attestation that any GIS Certificate encoded as solar photovoltaic, but without RPS Class I Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes, shall be retired at NEPOOL GIS and its ownership shall not be transferred to any other party.

3. Upon the termination of the eligibility period established under 225 CMR 14.05(9)(1)4., a Solar Carve-out II Renewable Generation Unit shall cease to generate SREC IIs and will generate RPS Class I Renewable Generation Attributes for 100% of the MWh it generates.

(l) SREC Factor. The Department assigns to each Solar Carve-out II Renewable Generation Unit an SREC Factor that determines the proportion of the two types of GIS Certificates the Generation Unit will generate as prescribed in 225 CMR 14.05(9)(k). The SREC Factor for any Solar Carve-out II Renewable Generation Unit shall be established as follows:

1. The Department shall publish an SREC Factor Guideline that prescribes SREC Factors differentiated by solar market sectors as specified in 225 CMR 14.05(9)(1)2. to support solar policy objectives.

2. An SREC Factor under 225 CMR 14.05(9)(1)1. shall apply to Generation Units installed in the following market sectors:

a. Market Sector A. The following types of Generation Units will qualify as Solar Carve-out II Renewable Generation Units under Market Sector A provided they meet the eligibility criteria prescribed in 225 CMR 14.05(9)(a):

i. Generation Units with a capacity equal to or less than 25 kW;

ii. Solar Canopy Generation Units;

iii. Emergency Power Generation Units;

iv. Community Shared Solar Generation Units; or

v. Generation Units that provide all of their generation output in the form of electricity or net metering credits to low or moderate income housing, as defined under M.G.L. c. 40B, § 20.

For the purposes of 225 CMR 14.05(9)(1)2.a., a Generation Unit's capacity shall be measured as the total nameplate capacity of the

1299 qualified Solar Carve-out II Renewable Generation Unit on a single
1300 parcel of land or on a roof of a single building.

1301
1302 b. Market Sector B. The following types of Generation Units will
1303 qualify as Solar Carve-out II Renewable Generation Units under
1304 Market Sector B provided they meet the eligibility criteria prescribed in
1305 225 CMR 14.05(9)(a):

1306
1307 i. Building Mounted Generation Units with a capacity of greater
1308 than 25 kW; or

1309
1310 ii. Ground mounted Generation Units with a capacity of greater
1311 than 25 kW for which 67% or more of its annual electric output
1312 is used on-site as prescribed in 225 CMR 14.05(9)(a).

1313
1314 c. Market Sector C. The following types of Generation Units will
1315 qualify as Solar Carve-out II Renewable Generation Units under
1316 Market Sector C provided they meet the eligibility criteria prescribed in
1317 225 CMR 14.05(9)(a):

1318
1319 i. Generation Units with 75% or more of the nameplate capacity
1320 of the solar modules used for generating power installed at an
1321 Eligible Landfill or Brownfield; or

1322
1323 ii. Ground mounted Generation Units with a nameplate capacity
1324 of less than or equal to 650 kW for which less than 67% of its
1325 annual electrical output is used on-site as prescribed in 225
1326 CMR 14.05(9)(a). For the purposes of 225 CMR 14.05(9)(1)2.c.,
1327 a Unit's capacity shall be measured as the total capacity of
1328 qualified Solar Carve-out II Renewable Generation Units on a
1329 single parcel of land.

1330
1331 d. Managed Growth Sector. Any Solar Carve-out II Renewable
1332 Generation Unit that does not meet the solar market sectors specified in
1333 225 CMR 14.05(9)(1)2.a. through c. shall eligible to qualify as
1334 Managed Growth. There shall be no more than 126 MW of Managed
1335 Growth Solar Carve-out II Renewable Generation Units.

1336
1337 3. The SREC Factor assigned to a Unit in its Statement of Qualification shall
1338 remain its SREC Factor for its entire term it is eligible to generate Solar
1339 Carve-out II Renewable Generation Attributes subject to the limitations in
1340 225 CMR 14.05(9)(1)4, unless otherwise approved at the Department's
1341 discretion.

1342
1343 4. Solar Carve-out II Renewable Generation Units with an RPS Effective
1344 Date on or before March 31, 2018 will be eligible to receive Solar Carve-out

1345 II Renewable Generation Attributes for 40 quarters. However, no Solar
1346 Carve-out II Renewable Generation Unit will generate Solar Carve-out II
1347 Renewable Generation Attributes after Compliance Year 2027.
1348

1349 5. Notwithstanding 225 CMR 14.05(9)(l)3, any Solar Carve-out II
1350 Renewable Generation Unit that has a nameplate capacity equal to or less
1351 than 25 kW and receives an authorization to interconnect after January 8,
1352 2017 or that qualifies for an extension under 225 CMR 14.05(9)(p)4.a will
1353 receive a lower SREC Factor that shall be established in a revision to the
1354 SREC Factor Guideline on or before August 31, 2016.
1355

1356 (m) The Department shall issue a Guideline outlining the process for providing
1357 Assurance of Qualification or queuing position to Solar Carve-out II Renewable
1358 Generation Units as outlined in 225 CMR 14.05(9)(n) and (o). The Guideline
1359 may consider accommodations for small Generation Units and will provide a
1360 queuing system for Generation Units awaiting an Assurance of Qualification.
1361 The content of the Guideline will be subject to stakeholder review and comment.
1362

1363 (n) A Generation Unit seeking a Statement of Qualification as a Solar Carve-out
1364 II Renewable Generation Unit must submit a Statement of Qualification
1365 Application.
1366

1367 (o) The Department shall grant a Statement of Qualification to Solar Carve-out II
1368 Renewable Generation Units that have submitted a complete Statement of
1369 Qualification Application and meet the eligibility criteria prescribed in 225 CMR
1370 14.05(9).
1371

1372 (p) As of April 8, 2016, the Department shall provide Statements of
1373 Qualifications to all Solar Carve-out II Renewable Generation Units with
1374 submitted Statement of Qualification Applications as follows, provided such
1375 Solar Carve-out II Renewable Generation Units meet all other eligibility criteria
1376 of 225 CMR 14.00.
1377

1378 1. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1379 greater than 25 kW that has received an Assurance of Qualification under the
1380 Solar Carve-out II Program Capacity Cap as of April 8, 2016, shall
1381 immediately be granted a Statement of Qualification. The Solar Carve-out II
1382 Renewable Generation Unit will retain its Statement of Qualification only if
1383 the Generation Unit meets the project construction timelines prescribed in
1384 225 CMR 14.05(9)(p)4.
1385

1386 2. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1387 greater than 25 kW that submits a complete Statement of Qualification
1388 Application shall be provided a Statement of Qualification. The Solar Carve-
1389 out II Renewable Generation Unit will retain its Statement of Qualification

1390 only if the Generation Unit meets the project construction timelines
1391 prescribed in 225 CMR 14.05(9)(p)4.
1392

1393 3. A Solar Carve-out II Renewable Generation Unit that has a rated capacity
1394 equal to or less than 25 kW, which has both received its authorization to
1395 interconnect or permission to operate from its local Distribution Company
1396 and submitted a Statement of Qualification Application by the SMART
1397 Program Effective Date, as defined in 225 CMR 20.05(2): *SMART Program*
1398 *Effective Date*, shall be provided a Statement of Qualification provided it
1399 meets all other applicable eligibility criteria of 225 CMR 14.00. For the
1400 purpose of this subparagraph, the Generation Unit's capacity shall be
1401 measured as the total capacity of qualified Solar Carve-Out Renewable
1402 Generation and Solar Carve-Out II Renewable Generation on a single parcel
1403 of land or on a roof of a single building, whichever is less.
1404

1405 4. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1406 greater than 25 kW that has received a Statement of Qualification must
1407 receive its authorization to interconnect or permission to operate from its
1408 local Distribution Company on or before January 8, 2017, in order to retain
1409 its Statement of Qualification. However, a Solar Carve-out II Renewable
1410 Generation Unit that does not receive its authorization to interconnect or
1411 permission to operate from its local Distribution Company on or before
1412 January 8, 2017, may also retain its Statement of Qualification if it can meet
1413 the following criteria:
1414

1415 a. If a Solar Carve-out II Renewable Generation Unit can demonstrate
1416 to the Department's satisfaction that it has expended at least 50% of its
1417 total construction costs by January 8, 2017, it will be provided an
1418 extension through May 8, 2017, at which point the Generation Unit
1419 must provide evidence that it has received its authorization to
1420 interconnect or permission to operate, or that it meets the criteria to
1421 qualify for an additional extension under 225 CMR 14.05(9)(p)4.b or c.
1422

1423 b. If a Solar Carve-out II Renewable Generation Unit can demonstrate
1424 to the Department's satisfaction that its interconnection depends only
1425 upon receipt of notice of authorization to interconnect from the
1426 Distribution Company, its Statement of Qualification shall be extended
1427 indefinitely until such notice is received or denied.
1428

1429 c. If a Solar Carve-out II Renewable Generation Unit can demonstrate
1430 to the Department's satisfaction that good cause warrants an extension
1431 outside of that permitted under 225 CMR 14.05(9)(p)4.a or b, its
1432 Statement of Qualification shall be extended by an amount of time to be
1433 determined by the Department.

1434 d. Details on additional deadlines and eligibility criteria can be found in
1435 the Department's *SREC Factor Guideline*.
1436

1437 14.06 : Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units, and
1438 Solar Carve-out II Renewable Generation Units
1439

1440 (1) Statement of Qualification Application. A Statement of Qualification Application
1441 shall be submitted to the Department by the Owner or Operator of the Generation
1442 Unit or by the Authorized Agent for an Aggregation, as provided in 225 CMR
1443 14.05(6)(b). The applicant must use the most current forms and associated
1444 instructions provided by the Department, and must include all information,
1445 documentation, and assurances required by such forms and instructions.
1446

1447 (2) Review Procedures.
1448

1449 (a) The Department will notify the applicant when the Statement of Qualification
1450 Application is administratively complete or if additional information is required
1451 pursuant to 225 CMR 14.06(1).
1452

1453 (b) The Department may, in its sole discretion, provide an opportunity for public
1454 comment on any Statement of Qualification Application.
1455

1456 (3) Issuance or Non-issuance of a Statement of Qualification.
1457

1458 (a) If the Department finds that all or a portion of the electrical energy output of
1459 a Generation Unit or of an Aggregation meets the requirements for eligibility as
1460 RPS Class I Renewable Generation, Solar Carve-out Renewable Generation, or
1461 Solar Carve-out II Renewable Generation pursuant to 225 CMR 14.05, the
1462 Department will provide the Owner or Operator of such Generation Unit or the
1463 Authorized Agent for such Aggregation with a Statement of Qualification.
1464

1465 (b) The Statement of Qualification shall include any applicable restrictions and
1466 conditions that the Department deems necessary to ensure compliance by a
1467 particular Generation Unit or Aggregation with the provisions of 225 CMR
1468 14.00. After June 28, 2013, a Statement of Qualification shall be issued to a
1469 Solar Carve-out Renewable Generation Unit only if it meets the conditions of
1470 225 CMR 14.05(4)(k).
1471

1472 (c) If the Generation Unit or Aggregation does not meet the requirements for
1473 eligibility as an RPS Class I Renewable Generation Unit, a Solar Carve-out
1474 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit,
1475 the Department shall provide written notice to the Owner or Operator or to the
1476 Authorized Agent for an Aggregation, including the Department's reasons for
1477 such finding.

1478 (d) A Solar Carve-out Renewable Generation Unit shall receive a Statement of
1479 Qualification that states that the Generation Unit is eligible for the Massachusetts
1480 Solar Carve-out and that specifies a term of calendar quarters, referred to as the
1481 Opt-in Term, during which period the Generation Unit is eligible to participate in
1482 the Solar Credit Clearinghouse Auction. The Opt-in Term shall be set at the time
1483 that the Generation Unit receives its Statement of Qualification, and the Opt-in
1484 Term shall commence with the earlier of either the first day of the calendar
1485 quarter during which occurs the RPS Effective Date, as such date is provided in
1486 225 CMR 14.06(4), or, at the request of the applicant or in the case that the
1487 Generation Unit has not yet been granted the approval to interconnect to the grid
1488 by the local Distribution Company, the first day of the subsequent calendar
1489 quarter from the date of the Statement of Qualification.

1491 (e) The length of the Opt-in Term shall be 40 quarters for all Solar Carve-out
1492 Renewable Generation Units that receive a Statement of Qualification.

1494 (f) Starting in the calendar quarter after the end of a Solar Carve-out Renewable
1495 Generation Unit's Opt-in Term, it shall no longer be eligible to generate Solar
1496 Carve-out Renewable Generation Attributes, but will remain qualified to
1497 generate RPS Class I Renewable Generation Attributes.

1499 (g) A Solar Carve-out II Renewable Generation Unit shall be issued a Statement
1500 of Qualification provided that it meets the provisions of 225 CMR 14.05(9).

1502 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on or after
1503 the Commercial Operation Date on which electrical energy output of an RPS Class I
1504 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1505 Carve-out II Renewable Generation Unit can result in the creation of RPS Class I
1506 Renewable Generation Attributes, Solar Carve-out Renewable Generation
1507 Attributes, or Solar Carve-out II Renewable Generation Attributes except that:

1509 (a) in the case of a Generation Unit using Eligible Biomass Fuel, the RPS
1510 Effective Date shall not be earlier than the date on which the Department
1511 determines that the Generation Unit has commenced compliance with the low-
1512 emission conditions in its Statement of Qualification;

1514 (b) in the case of a Hydroelectric Energy Generation Unit, the RPS Effective
1515 Date shall not be earlier than the date on which the Department determined that
1516 the Generation Unit has commenced compliance with the environmental
1517 conditions in its Statement of Qualification; and

1519 (c) in the case of Solar Carve-out II Renewable Generation Units, the Generation
1520 Unit Owner may elect to have their RPS Effective Date established as the first
1521 day of the calendar quarter following their Commercial Operation Date. In the
1522 case of a Solar Carve-out II Renewable Generation Unit in the Managed Growth
1523 Sector, its RPS Effective Date will be no earlier than the first day of the calendar

1524 year of the Annual Capacity Block under which the Solar Carve-out II
1525 Renewable Generation Unit is qualified.

1526
1527 (5) Notification Requirements for Change in Eligibility Status. The Owner or
1528 Operator of an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable
1529 Generation Unit, or Solar Carve-out II Renewable Generation Unit shall notify the
1530 Department of any changes in the technology, operation, emissions, fuel sources,
1531 energy resources, capacity commitment, or other characteristics of the Generation
1532 Unit that may affect the eligibility of the Generation Unit as an RPS Class I
1533 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1534 Carve-out II Renewable Generation Unit. The Owner or Operator shall submit the
1535 notification to the Department no later than five days following the end of the month
1536 during which such changes were implemented. The notice shall state the date the
1537 changes were made to the RPS Class I Renewable Generation Unit, Solar Carve-out
1538 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit and
1539 describe the changes in sufficient detail to enable the Department to determine if a
1540 change in eligibility is warranted.

1541
1542 (6) Notification Requirements for Change in Ownership, Generation Capacity, or
1543 Contact Information. The Owner or Operator of an RPS Class I Renewable
1544 Generation Unit, Solar Carve-out Generation Unit, or Solar Carve-out II Renewable
1545 Generation Unit shall notify the Department of any changes in the ownership,
1546 operating entity, generation capacity, NEPOOL GIS account, independent
1547 verification system for the Generation Unit's or Aggregation's electrical energy
1548 output, or contact information for the Generation Unit or Aggregation. The Owner or
1549 Operator shall submit the notification to the Department no later than five days
1550 following the end of the month during which such changes were implemented.

1551
1552 (7) Time Limit for Project Implementation. Any Statement of Qualification issued
1553 on or after March 31, 2009 shall expire 24 months after the issuance date of the
1554 Statement of Qualification (the Expiration Date) unless the Commercial Operation
1555 Date of the Generation Unit or Aggregation is on or before the Expiration Date, with
1556 the exception of any Statement of Qualification issued to a Solar Carve-out
1557 Generation Unit, which shall expire per the terms outlined in 225 CMR 14.05(4)(k).
1558 Any Statement of Qualification issued to a Solar Carve-out II Renewable Generation
1559 Unit shall expire pursuant to the terms outlined in 225 CMR 14.05(9)(q). The
1560 Department may, at its discretion, grant an extension of the Expiration Date of the
1561 Statement of Qualification upon petition by the Owner or Operator of the Generation
1562 Unit or Aggregation. If the Owner or Operator of such Generation Unit or
1563 Aggregation desires an extension, such Owner or Operator must submit a new
1564 Statement of Qualification Application, and the decision of the Department on such
1565 new application may be made in accordance with the regulations and criteria that are
1566 applicable on the date that the Department receives that application.

1567
1568 (8) Expiration of Advisory Rulings. An advisory ruling issued by the Department for
1569 any proposed Generation Unit for which an administratively complete Statement of

1570 Qualification Application has not been submitted as of January 7, 2011, shall be
1571 deemed to have expired on January 7, 2011.

1572
1573 (9) Suspension or Revocation of Statement of Qualification. The Department may
1574 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS
1575 Class I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or
1576 Solar Carve-out II Renewable Generation Unit or Authorized Agent of an
1577 Aggregation fails to comply with 225 CMR 14.00 or if a Generation Unit does not
1578 operate during a consecutive 12-month period.

1579
1580 14.07 : Renewable Energy Portfolio Standard - Class I
1581

1582 (1) RPS Class I Minimum Standard. The total annual sales of each Retail Electricity
1583 Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier
1584 shall include a minimum percentage, as specified in the table in 225 CMR 14.07, of
1585 electrical energy sales with RPS Class I Renewable Generation Attributes, Solar
1586 Carve-out Renewable Generation Attributes, and Solar Carve-out II Renewable
1587 Generation Attributes. The following table reflects annual total RPS Class I
1588 Minimum Standard Percentage requirements, including the Solar Carve-out and
1589 Solar Carve-out II Minimum Standards, in effect from 2003 through 2030:

Compliance Year	Cumulative Minimum Percentage, Including solar carve-out and solar carve-out II
2003	1.0%
2004	1.5%
2005	2.0%
2006	2.5%
2007	3.0%
2008	3.5%
2009	4.0%
2010	5.0%
2011	6.0%
2012	7.0%
2013	8.0%
2014	9.0%
2015	10.0%
2016	11.0%
2017	12.0%
2018	13.0%
2019	14.0%
2020	16.0%
2021	18.0%
2022	20.0%
2023	22.0%
2024	24.0%
2025	26.0%

2026	28.0%
2027	30.0%
2028	32.0%
2029	34.0%
2030	35.0%

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After 2030, the RPS Class I Minimum Standard shall increase by 1% in each subsequent Compliance Year unless modified by law.

(2) Solar Carve-out Minimum Standard. All references to kW or MW in 225 CMR 14.07(2) shall be measured on a nameplate capacity basis in direct current (DC).

(a) The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier shall include a minimum percentage of electrical energy sales with Solar Carve-out Renewable Generation Attributes. This percentage shall be a portion of the Supplier's obligation under 225 CMR 14.07(1) and not an additional obligation of the Supplier. For each Compliance Year, the Solar Carve-out Minimum Standard shall be calculated as the total Solar Carve-out compliance obligation (in MWh) as determined in 225 CMR 14.07(2)(b) and (c), divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in the Compliance Year two years prior, as such sales are defined in 225 CMR 14.09(2)(a). The following table reflects the Minimum Standards in effect from Compliance Years 2010 through 2021 by year and the execution date of a retail supply contract:

Solar Carve-Out Minimum Standards		
Compliance Year	Retail Contract Execution Date	Minimum Standard
2010	N/A	0.0679%
2011	N/A	0.1627%
2012	N/A	0.1630%
2013	On or before 6/7/2013	0.2744%
	After 6/7/2013	0.3833%
2014	N/A	0.9481%
2015	On or before 6/28/2013	1.5359%
	After 6/28/2013	2.1442%
2016	On or before 6/28/2013	0.9801%
	After 6/28/2013	1.7568%
2017	On or before 6/28/2013	0.9861%
	After 6/28/2013	1.6313%
2018	On or before 6/28/2013	1.1411%
	After 6/28/2013	1.7903%
2019	On or before 6/28/2013	1.0978%
	After 6/28/2013	1.7458%
2020	On or before 6/28/2013	0.9867%

	After 6/28/2013	1.6116%
2021	On or before 6/28/2013	1.6272%
	After 6/28/2013	0.9824%

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(b) For all Compliance Years subsequent to 2021, the Minimum Standards calculated for the Solar Carve-out, which shall be announced by the Department not later than August 31st of the preceding Compliance Year, shall be determined by first calculating the compliance obligation and setting it to either:

1. the total Solar Carve-out Renewable Generation Attributes projected to be generated for the previous Compliance Year (CY-1) minus the total Solar Carve-out Renewable Generation Attributes that will no longer be generated in the Compliance Year per 225 CMR 14.06(3)(e); or
2. the total Solar Carve-out Renewable Generation Attributes projected to be generated for the previous Compliance Year (CY-1) minus the total Solar Carve-out Renewable Generation Attributes that will no longer be generated in the Compliance Year per 225 CMR 14.06(3)(e), minus the quantity of solar carve-out Alternative Compliance Credits used for the Compliance Year two years prior (CY-2), plus the number of Solar Carve-out Renewable Generation Attributes from the Compliance Year two years prior (CY-2) banked as provided under 225 CMR 14.08(2), plus the number of Solar Carve-out Renewable Generation Attributes from the Compliance Year two years prior (CY-2) deposited into the Solar Credit Clearinghouse Auction Account, whichever is greater.

(c) Minimum Standard for Retail Load Served under Contracts Executed on or Before June 28, 2013. The Solar Carve-out Minimum Standard applied to Retail Electric Suppliers for that portion of electrical energy sales that were subject to a contract executed or extended prior to June 28, 2013 shall be calculated based on a compliance obligation calculated per 225 CMR 14.07(2)(b) as if the Solar Carve-Out Program Capacity Cap was 400 MW minus the capacity from Solar Carve-out Renewable Generation Units that will no longer be eligible per 225 CMR 14.06(3)(e). 225 CMR 14.07(2)(c) applies only if the Retail Electric Supplier provides documentation, satisfactory to the Department, identifying the terms of such contracts including but not limited to, the execution and expiration dates of the contract and the annual volume of electrical energy supplied.

(d) In the instance the Solar Credit Clearinghouse Auction under 225 CMR 14.05(4)(g) does not clear, prior to conducting an auction under 225 CMR 14.05(4)(h), the Department shall recalculate the Solar Carve-out Minimum Standards for the Compliance Year two years following the Compliance Year in which the Solar Carve-out Renewable Generation Attributes deposited into the Solar Credit Clearinghouse Auction Account were generated by adding to the previously calculated total compliance obligations under 225 CMR 14.07(2)(b) and (c) the number of Solar Carve-out Renewable Generation Attributes

1655 deposited into the Solar Credit Clearinghouse Auction Account such that the
1656 number of Attributes deposited is counted twice.

1657
1658 (e) Compliance Year 2023 shall be the final Compliance Year of the Solar
1659 Carve-out program. In the event that a Solar Credit Clearinghouse Auction is
1660 held for Compliance Year 2022 or 2023 and creates Re-minted Auction Account
1661 Attributes that can be used for Compliance Years after 2023, the Department
1662 shall extend the final Compliance Year by one additional Compliance Year. The
1663 compliance obligation for this additional Compliance Year will be equal to the
1664 number of Solar Carve-out Renewable Energy Generation Attributes deposited
1665 into the Solar Credit Clearinghouse Auction Account plus the number of
1666 remaining Re-Minted Auction Account Attributes and banked Solar Carve-out
1667 Renewable Generation Attributes that have not been used for meeting any
1668 compliance obligation. The Solar Carve-out Minimum Standard shall be set to
1669 zero for the year after this additional Compliance Year.

1670
1671 (f) In the event that there is an additional Compliance Year added as a result of
1672 an Auction in the final Compliance Year, Solar Carve-out Renewable Energy
1673 Generation Attributes shall cease to exist as of the start of the additional
1674 Compliance Year, and all generation from qualified Solar Carve-out Generation
1675 Units shall produce RPS Class I Generation Attributes.

1676
1677 (g) In the event that there is no additional Compliance Year added as the result of
1678 an Auction in the final Compliance Year, the Department shall set the Solar
1679 Carve-out Minimum Standard to zero for the year after the final Compliance
1680 Year. From this time forward, Solar Carve-out Renewable Energy Generation
1681 Attributes shall cease to exist, and all generation from qualified Solar Carve-out
1682 Renewable Generation Units shall produce RPS Class I Renewable Energy
1683 Attributes.

1684
1685 (3) Solar Carve-out II Minimum Standard. All references to MW in 225 CMR 14.07(3)
1686 shall be measured on a nameplate capacity basis in direct current (DC).

1687
1688 (a) The total annual sales of each Retail Electricity Product sold to Massachusetts
1689 End-use Customers by a Retail Electricity Supplier shall include a minimum
1690 percentage of electrical energy sales with Solar Carve-out II Renewable
1691 Generation Attributes. This percentage shall be a portion of the Supplier's
1692 obligation under 225 CMR 14.07(1) and not an additional obligation of the
1693 Supplier. For each Compliance Year, the Department shall calculate the Solar
1694 Carve-out II Minimum Standard by dividing the total Solar Carve-out II
1695 compliance obligation (in MWh), as determined in 225 CMR 14.07(3)(b) and
1696 (c), by the total MWh of electrical energy sales by Retail Electricity Suppliers to
1697 End-use Customers in the Compliance Year two years prior, as such sales are
1698 defined in 225 CMR 14.09(2)(a). The following table reflects the Minimum
1699 Standards in effect from Compliance Years 2014 through 2021 by year and the
1700 execution date of a retail supply contract:

1701

Solar Carve-Out II Minimum Standards		
Compliance Year	Retail Contract Execution Date	Minimum Standard
2014	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.0843%
2015	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.3288%
2016	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.7851%
2017	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.0197%
	After 5/8/2016	2.8628%
2018	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.6823%
	After 5/8/2016	4.0683%
2019	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.3196%
	After 5/8/2016	3.9141%
2020	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.2040%
	After 5/8/2016	3.8011%
2021	After 4/25/2014 and on or before 5/8/2016	2.2672%
	After 5/8/2016	3.9284%

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(b) For all Compliance Years subsequent to 2021 the Minimum Standard for the Solar Carve-out II shall be announced by the Department not later than August 31st of the preceding Compliance Year and shall be determined by the Department after calculating a compliance obligation as equal to the sum of the following quantities of generated and projected SREC IIs:

1. Installed SREC II Supply: For all Solar Carve-out II Renewable Generation Units installed at the time of the determination, the Department shall project the Compliance Year generation of SREC IIs based on assigned SREC Factors.

2. Qualified but not Installed SREC II Supply: For all Solar Carve-out II Renewable Generation Units that have received Statements of Qualification as Solar Carve-out II Renewable Generation Units from the Department, but whose Commercial Operation Dates have not yet been reached, the

1718 Department shall project the Compliance Year generation of SREC IIs based
1719 on assigned SREC Factors and expected Commercial Operation Dates.

1720
1721 3. Projected New Supply: The Department shall provide a projection of
1722 SREC II supply in Compliance Year from new installations that have not yet
1723 received Statements of Qualification based on prior growth trends by market
1724 sectors and all other available information.

1725
1726 4. Rollover Volume: The volume of SREC IIs generated in the Compliance
1727 Year two and three years prior to the Compliance Year for which the
1728 compliance obligation is being calculated that remain available for
1729 compliance, including each of the following:

1730
1731 a. re-minted auction-II account Generation Attributes as established in 225
1732 CMR 14.05(9)(e) and (g); and

1733
1734 b. banked Solar Carve-out II Renewable Generation Attributes as allowed
1735 in 225 CMR 14.08(2).

1736
1737 5. Third Round Auction Volume Doubling. In the case of a third round Solar
1738 Credit Clearinghouse Auction-II under 225 CMR 14.05(9)(g), the volume of
1739 SREC IIs deposited into the Solar Credit Clearinghouse Auction II Account
1740 in the Compliance Year two years prior to the Compliance Year for which
1741 the compliance obligation is being calculated, as prescribed by 225 CMR
1742 14.07(3)(d).

1743
1744 (c) Compliance Exemptions for Retail Load Served under Existing Contracts.

1745 The following methodologies will be used to calculate the compliance
1746 obligations and resulting Minimum Standards that apply to electrical energy
1747 sales that were subject to contracts executed or extended prior to certain dates as
1748 prescribed in 225 CMR 14.07(3)(c)1. through 2. These provisions apply only if
1749 the Retail Electric Supplier provides documentation, satisfactory to the
1750 Department, identifying the terms of such contracts including but not limited to,
1751 the execution and expiration dates of the contract and the annual volume of
1752 electrical energy supplied.

1753
1754 1. Minimum Standard for Retail Load Served under Contracts Executed on or
1755 Before April 25, 2014. There shall be no Solar Carve-out II Minimum
1756 Standard applied to Retail Electric Suppliers for that portion of electrical
1757 energy sales that were subject to a contract executed or extended prior to
1758 April 25, 2014.

1759
1760 2. Minimum Standard for Retail Load Served under Contracts Executed
1761 After April 25, 2014 and on or Before May 8, 2016. The Solar Carve-out II
1762 Minimum Standard applied to Retail Electric Suppliers for that portion of
1763 electrical energy sales that were subject to a contract executed or extended

1764 after April 25, 2014 and on or before May 8, 2016 shall be calculated based
1765 on a compliance obligation calculated per 225 CMR 14.07(3)(b) as if the
1766 combined Solar Carve-out Program Capacity Cap and Solar Carve-out II
1767 Program Capacity Cap were 1,600 MW.
1768

1769 (d) In the instance the Solar Credit Clearinghouse Auction-II under 225 CMR
1770 14.05(9)(g) does not clear, prior to conducting an auction under 225 CMR
1771 14.05(9)(h), the Department shall recalculate the Solar Carve-out II Minimum
1772 Standard for the Compliance Year two years following the Compliance Year in
1773 which the SREC IIs deposited into the Solar Credit Clearinghouse Auction-II
1774 Account were generated. This recalculation shall add to the previously calculated
1775 total compliance obligation under 225 CMR 14.07(b)(e)1. through 4. the number
1776 of SREC IIs deposited into the Solar Credit Clearinghouse Auction-II Account.
1777

1778 (e) The Department shall publish on its website a Guideline that provides clear
1779 and precise methodologies by which it will calculate each of the quantities in 225
1780 CMR 14.07(3)(b), and the compliance obligation. The Department shall maintain
1781 within this Guideline up-to-date publicly available data that serve as input into
1782 these calculations.
1783

1784 (f) Compliance Year 2027 shall be the final Compliance Year of the Solar Carve-
1785 out II program. In the event that a Solar Credit Clearinghouse Auction-II is held
1786 for Compliance Year 2026 or 2027 and creates SREC IIs that can be used for
1787 Compliance Years after 2027, the Department shall extend the final Compliance
1788 Year by one additional Compliance Year to 2028 or 2029, respectively. The
1789 compliance obligation for any additional Compliance Year will be equal to the
1790 number of Solar Carve-out II Renewable Energy Generation Attributes deposited
1791 into the Solar Credit Clearinghouse Auction-II account plus the number of
1792 remaining SREC IIs and banked SREC IIs that have not been used for meeting
1793 any prior compliance obligation. The Solar Carve-out II Minimum Standard shall
1794 be set to zero for the year after this additional Compliance Year, unless a second
1795 additional Compliance Year is required.
1796

1797 (g) In the event that there is an additional Compliance Year added as a result of
1798 an auction in the final Compliance Year, Solar Carve-out II Renewable Energy
1799 Generation Attributes shall cease to exist as of the start of the additional
1800 Compliance Year, and all generation from qualified Solar Carve-out II
1801 Generation Units shall produce RPS Class I Generation Attributes only.
1802

1803 (h) In the event that there is no additional Compliance Year added as the result of
1804 an auction in the final two Compliance Years, the Department shall set the Solar
1805 Carve-out II Minimum Standard to zero for the year after the final Compliance
1806 Year. From this time forward, Solar Carve-out II Renewable Energy Generation
1807 Attributes shall cease to exist, and all generation from qualified Solar Carve-out
1808 II Renewable Generation Units shall produce RPS Class I Renewable Energy
1809 Attributes only.

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14.08 : Compliance Procedures for Retail Electricity Suppliers

(1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in compliance with 225 CMR 14.00 if the information provided in the Compliance Filing submitted pursuant to 225 CMR 14.09 is true and accurate and demonstrates compliance with 225 CMR 14.07. A Retail Electricity Supplier shall demonstrate to the satisfaction of the Department that RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes used for compliance have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

(2) Banked Compliance. A Retail Electricity Supplier may use RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes produced in one Compliance Year for compliance in either or both of the two subsequent Compliance Years, subject to the limitations in 225 CMR 14.08(2) and provided that the Retail Electricity Supplier is in compliance with 225 CMR 14.00 for all previous Compliance Years. In addition, the Retail Electricity Supplier shall demonstrate to the satisfaction of the Department that such Attributes:

(a) were in excess of the RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes needed for compliance in the Compliance Year in which they were generated, and that such excess Attributes have not previously been used for compliance with 225 CMR 14.00;

(b) do not exceed 30% of the RPS Class I Renewable Generation Attributes or do not exceed 10% of the Solar Carve-out Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes needed by the Retail Electricity Supplier for compliance with the RPS Class I Minimum Standard, the Solar Carve-out Minimum Standard, or the Solar Carve-out II Minimum Standard, respectively, in the year they were generated, subject to 225 CMR 14.09(2)(d);

(c) were produced during the Compliance Year in which they are claimed as excess by the generation of electrical energy sold to End-use Customers in the ISO-NE Control Area, by the generation of electrical energy on End-use Customers' sides of retail meters in the ISO-NE Control Area, or by the generation of electrical energy from Off-grid Generation Units in Massachusetts; and

(d) have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

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(3) Alternative Compliance. A Retail Electricity Supplier may discharge its obligations under 225 CMR 14.07, in whole or in part, for any Compliance Year by making an Alternative Compliance Payment (ACP) to the MassCEC. Such funds shall be held in an account separate from other accounts of the MassCEC.

(a) RPS Class I Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(1) shall be determined by calculating the ratio of the total of ACPs paid for the Compliance Year to the ACP Rate for that Compliance Year.

2. The ACP Rate for the RPS Class I Minimum Standard shall be \$50 per MWh for Compliance Year 2003. For each subsequent Compliance Year, the Department shall publish the ACP Rate by January 31 of the Compliance Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according to the previous year's Consumer Price Index, but shall be \$60 per MWh in Compliance Year beginning in 2021, \$50 per MWh in Compliance Year 2022, and \$40 per MWh, beginning in Compliance Year 2023. The following table reflects the ACP Rates in effect from 2003 through 2020:

Compliance Year	ACP Rate per MWh
2003	\$50.00
2004	\$51.41
2005	\$53.19
2006	\$55.13
2007	\$57.12
2008	\$58.58
2009	\$60.92
2010	\$60.93
2011	\$62.13
2012	\$64.02
2013	\$65.27
2014	\$66.16
2015	\$67.07
2016	\$66.99
2017	\$67.70
2018	\$68.95
2019	\$70.44
2020	\$71.57

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4. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for ACPs made to the MassCEC for the Compliance Year.

(b) Solar Carve-out Renewable Generation Procedures. A Retail Electricity Supplier shall receive solar carve-out Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of solar carve-out Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(2) shall be determined by calculating the ratio of the total of solar carve-out ACPs paid for the Compliance Year to the solar carve-out ACP Rate for that Compliance Year.

2. The ACP Rate for the Solar Carve-out Minimum Standard shall be set annually according to the following schedule:

Compliance Year	ACP Rate per MWh
2010	\$600
2011	\$550
2012	\$550
2013	\$550
2014	\$523
2015	\$496
2016	\$472
2017	\$448
2018	\$426
2019	\$404
2020	\$384
2021	\$365
2022	\$347
2023	\$330
2024 (if necessary)	\$330
2025 (if necessary)	\$330

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3. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for solar carve-out ACPs made to the MassCEC for the Compliance Year.

(c) Solar Carve-out II Renewable Generation Procedures. A Retail Electricity Supplier shall receive solar carve-out II Alternative Compliance Credits from the Department, subject to the following:

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1. The quantity of solar carve-out II Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(3) shall be determined by calculating the ratio of the total of solar carve-out II ACPs paid for the Compliance Year to the solar carve-out II ACP Rate for that Compliance Year.

2. The ACP Rate for the Solar Carve-out II Minimum Standard shall be set annually according to the following schedule:

Compliance Year	ACP Rate per MWh
2014	\$375
2015	\$375
2016	\$350
2017	\$350
2018	\$350
2019	\$333
2020	\$316
2021	\$300
2022	\$285
2023	\$271
2024	\$257
2025	\$244
2026	\$232
2027	\$220
2028 (if necessary)	\$209
2029 (if necessary)	\$199

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(d) Use of Funds. The Department shall oversee the use of ACP funds by the MassCEC, so as to:

1. further the commercial development of RPS Class I Renewable Generation Units, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units; or
2. promote projects or activities that reduce greenhouse gas emissions or ratepayer costs through electric load reduction, peak demand reduction, or strategic electrification.

(4) Financial Security Requirements for Retail Electricity Suppliers. A Retail Electricity Supplier that is not a Distribution Company must provide annually by January 31st evidence of financial security that:

- (a) is in the form of a surety bond or other financial instrument showing evidence of liquid funds, such as a certificate of deposit, an irrevocable letter of credit, a line of credit, a loan or a guarantee;

- 1934 (b) is the greater of:
1935
1936 1. \$100,000;
1937
1938 2. 20% of the Retail Electricity Supplier's estimated gross receipts for its first
1939 full year of operation; or
1940
1941 3. 20% of the Retail Electricity Supplier's actual gross receipts for the
1942 preceding year of operation, not including revenue from the provision of basic
1943 service, for any year after the first year of operation;
1944
1945 (c) does not exceed \$1,000,000;
1946
1947 (d) names the Department as beneficiary, obligee, or guaranteed party, as
1948 applicable and specifies that a notice of default issued under 225 CMR 14.12(5)
1949 or 225 CMR 15.12(5) shall be sufficient grounds to withdraw or obtain funds from
1950 the surety;
1951
1952 (e) has an expiration date not less than one year; and
1953
1954 (f) shall be adjusted annually, if based upon actual or estimated gross receipts,
1955 under 225 CMR 14.08(4)(b)1. or 2.
1956

1957 14.09 : Annual Compliance Filings for Retail Electricity Suppliers

1958 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail
1959 Electricity Supplier annually shall file an annual Compliance Filing with the
1960 Department no later than the first day of July, or the first Business Day thereafter, of
1961 the subsequent Compliance Year.

1962
1963
1964 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product, the
1965 Filing shall document compliance with the provisions of 225 CMR 14.07 and 14.08
1966 to the satisfaction of the Department and shall include, but not be limited to, the
1967 following:

1968
1969 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the
1970 total MWhs of electrical energy allocated by the Retail Electricity Supplier to
1971 End-use Customers in the Compliance Year. Such allocation is defined as the
1972 total quantity of the Supplier's Certificates Obligation that the Supplier correctly
1973 allocated or should have allocated to all of the Supplier's Massachusetts retail
1974 subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of
1975 Part 4 of the NEPOOL GIS Operating Rules, or any successor rules, as specified
1976 in the Guideline on the Determination of Sales to End-use Customers.

1977
1978 (b) Electrical Energy Sales to End-use Customers by Product. Documentation of
1979 the total MWhs of each Retail Electricity Product allocated to End-use

1980 Customers in the Compliance Year, verified by an independent third party
1981 satisfactory to the Department, consistent with the Guidelines. Such allocation is
1982 defined as the quantity of the Supplier's Certificates Obligation that the Supplier
1983 correctly allocated or should have allocated to each of the Supplier's
1984 Massachusetts retail subaccounts at the NEPOOL GIS, in compliance with all
1985 relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any
1986 successor rules, as specified in the Guideline on the Determination of Sales to
1987 End-use Customers. The Department shall keep product information confidential
1988 to the extent permitted by law.

1989
1990 (c) Attributes Allocated from the Compliance Year. Documentation of the total
1991 MWhs of each Retail Electricity Product allocated to End-use Customers that
1992 were derived from RPS Class I Renewable Generation, Solar Carve-out
1993 Renewable Generation, and Solar Carve-out II Renewable Generation during the
1994 Compliance Year, and which may include electrical energy generated on End-use
1995 Customers' sides of retail meters in the ISO-NE Control Area or by Off-grid
1996 Generation Units in Massachusetts in the Compliance Year, as follows:

1997
1998 1. For electrical energy transactions included in the ISO-NE Settlement
1999 Market System, the Compliance Filings shall include documentation from the
2000 NEPOOL GIS administrator of the Retail Electricity Supplier's ownership of
2001 GIS Certificates representing RPS Class I Renewable Generation, Solar
2002 Carve-out Renewable Generation, and Solar Carve-out II Renewable
2003 Generation during the Compliance Year.

2004
2005 2. For electrical energy transactions not included in the ISO-NE Settlement
2006 Market System, but for which the Retail Electricity Supplier has secured GIS
2007 Certificates from the NEPOOL GIS, the Compliance Filings shall include
2008 documentation from the NEPOOL GIS of the Retail Electricity Supplier's
2009 ownership of GIS Certificates representing RPS Class I Renewable
2010 Generation, Solar Carve-out Renewable Generation, and Solar Carve-out II
2011 Renewable Generation during the Compliance Year.

2012
2013 (d) Attributes Allocated from Banked Compliance. Allocation by Retail
2014 Electricity Product of any quantity of RPS Class I Renewable Generation
2015 Attributes banked from one or both of the two previous years pursuant to 225
2016 CMR 14.08(2) that are used to demonstrate compliance with the RPS Class I
2017 Minimum Standard in the current Compliance Year, and allocation by Retail
2018 Electricity Product of any quantity of Solar Carve-out Renewable Generation
2019 Attributes banked from one or both of the two previous years pursuant to 225
2020 CMR 14.08(2) that are used to demonstrate compliance with the Solar Carve-out
2021 Minimum Standard or the RPS Class I Minimum Standard in the current
2022 Compliance Year, and allocation by Retail Electricity Product of any quantity of
2023 Solar Carve-out II Renewable Generation Attributes banked from one or both of
2024 the two previous years pursuant to 225 CMR 14.08(2) that are used to

2025 demonstrate compliance with the Solar Carve-out II Minimum Standard or the
2026 RPS Class I Minimum Standard in the current Compliance Year;

2027
2028 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of
2029 any Alternative Compliance Credits claimed pursuant to 225 CMR 14.08(3)(a),
2030 along with a copy of any Alternative Compliance Payment receipt(s), and
2031 allocation by Retail Electricity Product of any solar carve-Out Alternative
2032 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(b), along with a
2033 copy of any solar carve-out Alternative Compliance Payment receipt(s), and
2034 allocation by Retail Electricity Product of any Solar Carve-out II Alternative
2035 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(c), along with a
2036 copy of any Solar Carve-Out II Alternative Compliance Payment receipt(s); and
2037

2038 (f) Attributes Banked for Future Compliance. Identification of any quantity of
2039 Attributes from RPS Class I Renewable Generation, Solar Carve-out Renewable
2040 Generation, or Solar Carve-out II Renewable Generation, that the Retail
2041 Electricity Supplier anticipates claiming for purposes of Banked Compliance in
2042 subsequent years under the Banked Compliance provisions of 225 CMR
2043 14.08(2).
2044

2045 (g) Contracts Subject to Lower ACP Rate under 225 CMR 14.08(3)(b)(3).
2046 Identification of any contract for a specific term of years that was executed
2047 before January 1, 2010, and its terms, including but not limited to, the execution
2048 and expiration dates of the contract and the annual volume of electrical energy
2049 supplied. Contracts eligible for the Lower ACP Rate shall include only those
2050 contracts that were executed by a retail End-use Customer.
2051

2052 14.10 : Reporting Requirements
2053

2054 (1) Certification. Any person required by 225 CMR 14.00 to submit documentation
2055 to the Department shall provide:

2056 (a) the person's name, title and business address;

2057
2058 (b) the person's authority to certify and submit the documentation to the
2059 Department; and
2060

2061 (c) the following certification: "I hereby certify, under the pains and penalties of
2062 perjury, that I have personally examined and am familiar with the information
2063 submitted herein and based upon my inquiry of those individuals immediately
2064 responsible for obtaining the information, I believe that the information is true,
2065 accurate, and complete. I am aware that there are significant penalties, both civil
2066 and criminal, for submitting false information, including possible fines and
2067 imprisonment."
2068

2069 (2) Annual Renewable Energy Resource Report. The Department shall produce and
2070 make available to the public an annual report that summarizes information submitted
2071 to the Department by Retail Electricity Suppliers in the Annual Compliance Filings
2072 submitted to the Department pursuant to 225 CMR 14.09(2). Such report shall
2073 include non-confidential data that provides the following:

2074
2075 (a) the extent to which the Retail Electric Suppliers complied with the RPS Class
2076 I Minimum Standard, the Solar Carve-out Minimum Standard, and Solar Carve-
2077 out II Minimum Standard, both separately and combined; and

2078
2079 (b) the extent to which the Retail Electric Suppliers used Standard Compliance,
2080 Banked Compliance, and Alternative Compliance in meeting the Minimum
2081 Standards.

2082
2083 (3) Identification of Renewable Generation Units, RPS Class I Generation Units,
2084 Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable
2085 Generation Units. The Department shall inform the NEPOOL GIS administrator
2086 which Generation Units should be designated as Renewable Generation Units, RPS
2087 Class I Generation Units, Solar Carve-out Renewable Generation Units, and Solar
2088 Carve-out II Renewable Generation Units pursuant to 225 CMR 14.00.

2089 2090 14.11 : Inspection

2091
2092 (1) Document Inspection. The Department may audit the accuracy of all information
2093 submitted pursuant to 225 CMR 14.00. The Department may request and obtain
2094 from any Owner, Operator or Authorized Agent of an RPS Class I Renewable
2095 Generation Unit or a Solar Carve-out Renewable Generation Unit or a Solar Carve-
2096 out II Renewable Generation Unit, including Aggregations, supplier of Eligible
2097 Biomass Fuel, and from any Retail Electricity Supplier information that the
2098 Department determines necessary to monitor compliance with and enforcement of
2099 225 CMR 14.00.

2100
2101 (2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity
2102 Supplier, supplier of Eligible Biomass Fuel, or to an RPS Class I Renewable
2103 Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar Carve-out II
2104 Renewable Generation Unit Owner, Operator or Authorized Agent, the Department
2105 may conduct audits, which may include inspection and copying of records and/or
2106 site visits to an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable
2107 Generation Unit, Solar Carve-out II Renewable Generation Unit, supplier of Eligible
2108 Biomass Fuel, or a Retail Electricity Supplier's facilities, including, but not limited
2109 to, all files and documents that the Department determines are related to compliance
2110 with 225 CMR 14.00.

2111 2112 14.12 : Non-compliance

2113 Any Retail Electricity Supplier or Owner, Operator or Authorized Agent of a RPS Class
2114 I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, Solar Carve-
2115 out II Renewable Generation Unit or Aggregation that fails to comply with the
2116 requirements of 225 CMR 14.00 shall be subject to the provisions in 225 CMR 14.12(1)
2117 through (4).
2118

2119 (1) Notice of Non-compliance. A failure to comply with the requirements of 225
2120 CMR 14.00 shall be determined by the Department. A written Notice of Non-
2121 compliance shall be prepared and delivered by the Department to any Retail
2122 Electricity Supplier or Owner, Operator or Authorized Agent of an RPS Class I
2123 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
2124 Carve-out II Renewable Generation Unit or Aggregation that fails to comply with
2125 the requirements of 225 CMR 14.00. The Notice of Non-compliance shall describe
2126 the Requirement(s) with which the Retail Electricity Supplier, Owner, Operator or
2127 Authorized Agent failed to comply and the time period of such non-compliance.
2128

2129 (2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be
2130 published on the Department's website and in any other media deemed appropriate
2131 by the Department. Such publication may remain posted until the Retail Electricity
2132 Supplier or Owner, Operator or Authorized Agent returns to compliance as
2133 determined by the Department.
2134

2135 (3) Planning Requirement. A Retail Electricity Supplier that fails to meet the
2136 requirements of 225 CMR 14.07 during a Compliance Year shall submit a plan for
2137 achieving compliance for the subsequent three years. The plan shall be filed with the
2138 Department no later than the first day of September of the Compliance Year
2139 subsequent to the Compliance Year for which the Retail Electricity Supplier was out
2140 of compliance or such date as the Department may specify.
2141

2142 (4) Suspension or Revocation of License. The Department shall refer its findings of
2143 noncompliance to the Massachusetts Department of Public Utilities. A Retail
2144 Electricity Supplier that fails to comply with 225 CMR 14.00 may be subject to the
2145 Massachusetts Department of Public Utilities Licensure Action under 220 CMR
2146 11.07(4)(c)1.
2147

2148 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier
2149 fails to discharge its annual obligation by September 1st under 225 CMR 14.07, 225
2150 CMR 15.07, or 225 CMR 16.07 by the means described in 225 CMR 14.08(1)
2151 through (3), 225 CMR 15.08(1) through (4), or 225 CMR 16.08(1) through (3), the
2152 Department will notify the Retail Electricity Supplier that it must provide the
2153 Department with a payment using the financial security of which it provided
2154 evidence the prior January 31st, pursuant to 225 CMR 14.08(4), unless a Retail
2155 Electricity Supplier has an approved alternative payment plan to discharge its annual
2156 obligations in full that has been approved by the Department prior to September 1st.
2157 The payment shall, within 30-days of notification by the Department, be deposited

2158 into the Alternative Compliance Payment fund established in 225 CMR 14.08(3) and
2159 shall be in an amount equal to the lesser of:

2160
2161 (a) the amount of Alternative Compliance Payments that the Retail Electricity
2162 Supplier must make in order to discharge its annual obligation under 225 CMR
2163 14.07, 225 CMR 15.07, or 225 CMR 16.07 in full; or

2164
2165 (b) the full amount of the financial security.

2166
2167 (6) Partial Compliance. In the event that the collection of financial security under
2168 225 CMR 14.12(5) results in the collection of an amount of Alternative Compliance
2169 Payments that is insufficient to discharge a Retail Electricity Supplier's full annual
2170 obligations under 225 CMR 14.07, 225 CMR 15.07, or 225 CMR 16.07, the Retail
2171 Electricity Supplier will remain in a state of non-compliance, and the Department
2172 will take the necessary actions to document and enforce this non-compliance,
2173 pursuant to 225 CMR 14.12(1) through (4), 225 CMR 15.12(1) through (4), and 225
2174 CMR 16.12(1) through (4).

2175
2176 (7) The Department reserves all rights to take any and all appropriate actions to
2177 ensure the collection of all Alternative Compliance Payments owed to ensure annual
2178 compliance obligations are fully discharged by a Retail Electricity Supplier,
2179 including, but not limited to, filing a petition with the Department of Public Utilities
2180 requesting an investigation into a supplier that is deemed to be in non-compliance by
2181 the Department.

2182
2183 14.13 : Severability
2184

2185 If any provision of 225 CMR 14.00 is declared invalid, such invalidity shall not affect
2186 other provisions or applications that can be given effect without the invalid provision or
2187 application.

2188
2189 REGULATORY AUTHORITY

2190
2191 225 CMR 14.00: M.G.L. c. 25A, § 11F.
2192

2193 **225 CMR 15.00 RENEWABLE ENERGY PORTFOLIO STANDARD – CLASS II**

2194

2195 Section

2196

2197 15.01 : Authority

2198 15.02 : Definitions

2199 15.03 : Administration

2200 15.04 : Applicability

2201 15.05 : Eligibility Criteria for RPS Class II Renewable Generation

2202 Units

2203 15.06: Qualification Process for RPS Class II Renewable

2204 Generation Units

2205 15.07: Renewable Energy Portfolio Standard

2206 15.08: Compliance Procedures for Retail Electricity

2207 Suppliers

2208 15.09: Annual Compliance Filings for Retail Electricity

2209 Suppliers

2210 15.10: Reporting Requirements

2211 15.11 : Inspection

2212 15.12 : Non-compliance

2213 15.13 : Severability

2214

2215 15.01 : Authority

2216

2217 225 CMR 15.00 is promulgated pursuant to M.G.L. c. 25A, § 11F.

2218

2219 15.02 : Definitions

2220

2221 Aggregation. A group of one or more Generation Units that receives a single
2222 Statement of Qualification from the Department under criteria and procedures set
2223 forth in 225 CMR 15.05(4).

2224

2225 Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier
2226 upon making an Alternative Compliance Payment. Such credit is used to document
2227 compliance with 225 CMR 15.07. One unit of credit shall be equivalent to the RPS
2228 Class II Renewable Generation Attribute associated with one MWh of electrical
2229 energy output from an RPS Class II Renewable Generation Unit, excluding Waste
2230 Energy Generation Units, and one unit of credit shall be equivalent to the RPS Class
2231 II Waste Energy Generation Attribute associated with one MWh of electrical energy
2232 output from an RPS Class II Waste Energy Generation Unit.

2233

2234 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per
2235 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail
2236 Electricity Supplier may submit to the Department in lieu of providing RPS Class II
2237 Renewable Generation Attributes or RPS Class II Waste Energy Generation
2238 Attributes required under 225 CMR 15.07.

2239

2240 Biomass Fuel Certificate. A certificate issued in accordance with rules established
2241 by the Department in the *Guideline on Eligible Biomass Fuel for Renewable*
2242 *Generation Units* that:

2243 (a) quantifies the supply of Eligible Biomass Woody Fuel or Manufactured
2244 Biomass Fuel;

2245 (b) specifies the source of the Eligible Biomass Woody Fuel or Manufactured
2246 Biomass Fuel; and

2247 (c) specifies the eligibility of the Eligible Biomass Woody Fuel or Manufactured
2248 Biomass Fuel as Forest Derived Residues, Forest Derived Thinnings, Forest
2249 Salvage, Non-Forest Derived Residues, or Dedicated Energy Crops.

2250
2251 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS
2252 Class II Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical
2253 energy output may qualify as RPS Class II Renewable Generation under criteria set
2254 forth in 225 CMR 15.05(2).

2255
2256 Business Day. A business day shall mean Monday through Friday, exclusive of state
2257 and federal legal holidays.

2258
2259 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at
2260 Rule 4.1(b), or any successor rule.

2261
2262 Clean Wood. Means Clean Wood as defined in 310 CMR 19.006: Definitions.
2263

2264 Commercial Operation Date. The date that a Generation Unit first produced
2265 electrical energy for sale within the ISO-NE Control Area or within an adjacent
2266 Control Area. In the case of a Generation Unit that is connected to the End-use
2267 Customer's side of the electric meter or produces Off-grid Generation, the date that
2268 such Generation Unit first produced electrical energy.

2269
2270 Compliance Filing. A document filed annually by a Retail Electricity Supplier
2271 with the Department documenting compliance with 225 CMR 15.07, consistent
2272 with the format set forth in the Guidelines and submitted no later than the first day
2273 of July, or the first Business Day thereafter, of the subsequent Compliance Year.

2274
2275 Compliance Year. A calendar year beginning January 1 and ending December 31,
2276 for which a Retail Electricity Supplier must demonstrate that it has met the
2277 requirements of 225 CMR
2278 15.07 and 15.08.

2279
2280 Control Area. A geographic region in which a common generation control system is
2281 used to maintain scheduled interchange of electrical energy within and without the
2282 region.

2283
2284 Current Use Program. A state administered program that permits a property owner to
2285 have a parcel of land taxed at a rate based on the current use of the land including but
2286 not limited to open space, active forestry, or agriculture as opposed to the fair market

2287 or development value of the property.

2288
2289 DCR. The Massachusetts Department of Conservation and Recreation (DCR)
2290 established by
2291 M.G.L. c. 21 § 1.

2292
2293 Department. The Massachusetts Department of Energy Resources (DOER),
2294 established by
2295 M.G.L. c. 25A, § 1.

2296
2297 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.
2298

2299 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous
2300 bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible
2301 Biogas Fuel does not include natural gas, but does include renewable natural gas,
2302 which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.

2303 Eligible Biomass Fuel. Fuel sources consisting of the following:

- 2304 (a) Eligible Biomass Woody Fuel;
2305 (b) Manufactured Biomass Fuel;
2306 (c) Eligible Biogas Fuel
2307 (d) by-products or waste from animals or agricultural crops;
2308 (e) food or vegetative material;
2309 (f) algae;
2310 (g) organic refuse-derived fuel; and
2311 (h) Eligible Liquid Biofuel.

2312
2313 Eligible Biomass Woody Fuel. Woody fuels that are derived from the following
2314 sources, consistent with the requirements of 225 CMR 15.05(5):

- 2315
2316 (a) Forest Derived Residues:
- 2317 1. Tops, crooks, and other portions of trees produced as a byproduct,
2318 and trees collaterally damaged, during the normal course of
2319 harvesting material, such as timber, pulpwood, or cordwood in the
2320 implementation of a silvicultural prescription as administered by a
2321 licensed or certified forester as prescribed in
2322 the Department's *Guideline on Eligible Biomass Fuel for Renewable*
2323 *Generation Units*.
 - 2324 2. Trees and portions of trees harvested for the purposed of the
2325 restoration and management of habitat for rare & endangered
2326 species as listed by the Massachusetts Division of Fisheries and
2327 Wildlife. Qualifying harvest areas must be approved by the
2328 Massachusetts Division of Fisheries and Wildlife Natural Heritage
2329 Program.
 - 2330 3. Other woody vegetation that interferes with regeneration or the natural
2331 growth of the forest, limited to locally invasive native species and non-
2332 native invasive woody vegetation.
- 2333

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(b) Forest Derived Thinnings:

1. Unacceptable growing stock which is defined as trees considered structurally weak or have low vigor and do not have the potential to eventually yield an eight foot sawlog or survive for at least the next ten years.
2. Trees removed during thinning operations, the purpose of which is to reduce stand density and enhance diameter growth and volume of the residual stand.

(c) Forest Salvage:

1. Damaged, dying, or dead trees removed due to injurious agents, such as wind or ice storms or the spread of invasive epidemic forest pathogens, insects, and diseases or other epidemic biological risks to the forest, but not removed due to competition. Such eligible trees may be removed without limitation for biomass fuel, only if the injurious agent is a threat to forest health or risk to private or public resources, and if the United States Department of Agriculture Animal and Plant Health Inspection Service, the United States Department of Agriculture Forest Service, or appropriate federal or state governmental agency has issued a declaration, rule, or order declaring a major threat to forest health or risk to private or public resources, or if they are harvested through a DCR approved cutting plan.
2. Trees removed to reduce fire hazard within fire-adapted forest ecosystems, as certified by a letter to the Department from the state agency responsible for forestry in consultation with the appropriate environmental state agencies.

(d) Non-Forest Derived Residues:

1. Primary forest products industry: Residues derived from wood products manufacturing consisting of Clean Wood.
2. Land use change – agricultural: Trees cut or otherwise removed in the process of converting forest land to agricultural usage, either for new or restored farm land.
3. Wood waste: Post-consumer wood products from Clean Wood; pruned branches, stumps, and whole trees removed during the normal course of maintenance of public or private roads, highways, driveways, utility lines, rights of way, and parks.
4. Agricultural wood waste. Pruned branches, stumps, and whole trees resulting from maintenance activities directly related to the production of an agricultural product that is not Clean Wood.

Eligible Liquid Biofuel. A liquid fuel that is derived from organic waste feedstock and meets the standards for advanced biofuels under the Environmental Protection

2381 Agency's Renewable Fuel Standard (RFS2) program. Organic waste feedstocks
2382 shall include, but not be limited to, waste vegetable oils, waste animal fats, or grease
2383 trap waster. Eligible Liquid Biofuel shall not include petroleum-based waster or
2384 Hazardous Waste as defined in 310 CMR 40.0006: *Terminology, Definitions, and*
2385 *Acronyms*, unless otherwise determined by the Department in consultation with
2386 MassDEP.

2387
2388 Eligible RPS Class II Renewable Fuel. An Eligible Biomass Fuel, municipal solid
2389 waste, hydrogen derived from such fuels or hydrogen derived from water using the
2390 electrical output of a Renewable Generation Unit, but not hydrogen derived using
2391 RPS Class I or Class II Renewable Generation if the RPS Class I or Class II
2392 Renewable Generation Attributes of such Generation are sold, retired, claimed,
2393 used or represented as part of electrical energy output or sales, or used to satisfy
2394 regulatory obligations in any jurisdictions, and not hydrogen derived directly or
2395 indirectly from ineligible fuels.

2396
2397 End-use Customer. A person or entity in Massachusetts that purchases electrical
2398 energy at retail from a Retail Electricity Supplier, except that a Generation Unit
2399 taking station service at wholesale from ISO-NE or self-supplying from its owner's
2400 other generating stations, shall not be considered an End-use Customer.

2401
2402 Generation Attribute. A non-price characteristic of the electrical energy output
2403 of a Generation Unit including, but not limited to, the Generation Unit's fuel
2404 type, emissions, vintage and RPS eligibility.

2405
2406 Generation Unit. A facility that converts a fuel or an energy resource into electrical
2407 energy.

2408
2409 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for
2410 electric power generation.

2411 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies
2412 Generation Attributes of each MWh accounted for in the NEPOOL GIS.

2413
2414 Guidelines. A set of clarifications, interpretations, and procedures, including
2415 forms, developed by the Department to assist in compliance with the
2416 requirements of 225 CMR
2417 15.00. The Department may issue new or revised Guidelines from time to time.
2418 Each Guideline shall be effective on its date of issuance or on such date as is
2419 specified therein, except as otherwise provided in 225 CMR 15.00.

2420
2421 Hydroelectric Energy. Electrical energy from a Generation Unit that uses flowing
2422 freshwater as the primary energy resource, with or without a dam structure or other
2423 means of regulating water flow, and that is not located at a facility that uses
2424 mechanical or electrical energy to pump water into a storage facility.

2425
2426 Impacted Watershed. All water bodies or areas of land hydrologically connected
2427 to a hydroelectric facility, whether located upstream or downstream, which may

2428 experience any alteration of their physical, biological, or ecological characteristics
2429 as a result of the operation or increased capacity expansion of a Generation Unit.

2430
2431 ISO-NE. ISO New England Inc., the independent system operator for New
2432 England, the regional transmission organization for most of New England, which
2433 is authorized by the Federal Energy Regulatory Commission (FERC) to exercise
2434 for the New England Control Area the functions required pursuant to the FERC's
2435 Order No. 2000, the FERC's corresponding regulations, and any successor
2436 FERC orders and regulations.

2437
2438 ISO-NE Settlement Market System. The ISO-NE's electronic database system into
2439 which all real-time load and generation data are entered and from which such data
2440 are provided to the NEPOOL GIS.

2441
2442 Low Impact Hydro Power Institute (LIHI). A non-profit 501(c)(3) organization,
2443 whose stated purpose is to reduce the impacts of hydropower generation through
2444 the certification of hydropower projects that have avoided or reduced their
2445 environmental impacts pursuant to the Low Impact Hydropower Institute's criteria.

2446
2447 Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means
2448 of fuel drying, through a fuel processing facility that is separate from a Generation
2449 Unit and that utilizes Eligible Biomass Woody Fuel for production. Examples
2450 include, but are not limited to, the mechanical production of wood pellets or bio-
2451 dust, and the refinement of bio-oil through pyrolysis.

2452
2453 Marine or Hydrokinetic Energy. Electrical energy derived from waves, tides and
2454 currents in oceans, estuaries and tidal areas; free-flowing water in rivers, lakes,
2455 streams, and human- made channels, provided that such water is not diverted,
2456 impounded, or dammed; or differentials in ocean temperature, called ocean thermal
2457 energy conversion.

2458
2459 Massachusetts Clean Energy Technology Center (MassCEC). The center established
2460 in
2461 M.G.L. c. 23J, § 2.

2462
2463 MassDEP. The Massachusetts Department of Environmental Protection established
2464 by M.G.L. c. 21A, § 7.

2465
2466 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one
2467 million watts of power operating for one hour, or, for the purpose of thermal
2468 energy, a unit of energy equal to 3,412,000 British Thermal Units (Btu).

2469
2470 Merchantable Bio-products. Products that are refined from a biomass fuel by a bio-
2471 refinery project in which the Generation Unit is integral. Products include but are not
2472 limited to merchantable chemicals such as additives, lubricants, or specialty
2473 chemicals, and other products which can be permanently sequestered for carbon
2474 reductions.

2475
2476 NEPOOL GIS. The NEPOOL Generation Information System, which includes a
2477 generation information database and certificate system, operated by the New
2478 England Power Pool (NEPOOL), its designee or successor entity, that accounts for
2479 Generation Attributes of electrical energy consumed within, imported into, or
2480 exported from the ISO-NE Control Area.

2481
2482 Off-grid Generation. The electrical energy produced by a Generation Unit that is
2483 not connected to a utility transmission or distribution system.

2484
2485 Operator. Any person or entity who has charge or control of a Generation Unit
2486 subject to 225 CMR 15.00, including without limitation a duly authorized agent or
2487 lessee of the Owner, or a duly authorized independent contractor.

2488
2489 Owner. Any person or entity who, alone or in conjunction with others, has legal
2490 ownership, a leasehold interest, or effective control over the real property or
2491 property interest upon which a Generation Unit is located, or the airspace above
2492 said real property, including without limitation a duly authorized agent of the
2493 Owner. For the purposes of 225 CMR 15.02, Owner does not mean a person or
2494 entity holding legal title or security interest solely for the purpose of providing
2495 financing.

2496
2497 Relevant Hydroelectric Agency. A federal, state or provincial agency with
2498 oversight over fish and wildlife, water quality, river flows, fish passage and
2499 protection, mitigation and enhancement opportunities, related to a hydroelectric
2500 facility located in the Impacted Watershed or that impacts downstream or upstream
2501 passage of fish and wildlife.

2502
2503 Renewable Generation. The electrical energy output of a Renewable Generation Unit.
2504

2505 Renewable Generation Attribute. The Generation Attribute of the electrical energy
2506 output of a specific Generation Unit that derives from the Generation Unit's
2507 production of Renewable Generation.

2508
2509 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class II
2510 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of
2511 conventional municipal solid waste plant technology in commercial use, or any of
2512 the fuels, energy resources or technologies set forth in 225 CMR 15.04(1)(a).

2513
2514 Retail Electricity Product. An electrical energy offering that is distinguished by its
2515 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to
2516 End-use Customers.

2517
2518 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use
2519 Customers in Massachusetts, including but not limited to electric utility Distribution
2520 Companies supplying basic service or any successor service to End-use Customers.

2521 A Municipal Lighting Plant shall be considered a Retail Electricity Supplier;
2522 however, it shall be exempt from the obligations of a Retail Electricity Supplier
2523 under 225 CMR 15.00 so long as and insofar as it is exempt from the requirements
2524 to allow competitive choice of generation supply pursuant to M.G.L. c. 164, § 47A.
2525

2526 RPS Class II Renewable Generation. The electrical energy output of an RPS Class
2527 II Renewable Generation Unit, or that portion of the electrical energy output of an
2528 RPS Class II Generation Unit that qualifies under

- 2529 (a) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 15.05(2);
- 2530 (b) the Special Provisions for a Generation Unit Located in a Control Area
- 2531 Adjacent to the ISO-NE Control Area, pursuant to 225 CMR 15.05(3); or
- 2532 (c) any other applicable provision of 225 CMR 15.00.

2533
2534 RPS Class II Renewable Generation Attribute. The Generation Attribute of the
2535 electrical energy output of a specific RPS Class II Generation Unit that derives
2536 from the Generation Unit's production of RPS Class II Renewable Generation,
2537 excluding Attributes derived from the production of Waste Energy.
2538

2539 RPS Class II Renewable Generation Unit. A Generation Unit or Aggregation that
2540 has received an RPS Class II Statement of Qualification from the Department.
2541

2542 RPS Class II Waste Energy Generation Attribute. The Generation Attribute of the
2543 electrical energy output of a specific Waste Energy Generation Unit that derives from
2544 the Generation Unit's production of Waste Energy.
2545

2546 Statement of Qualification (SQ). A written document from the Department that
2547 qualifies a Generation Unit or Aggregation as an RPS Class II Qualified Generation
2548 Unit, or that qualifies a portion of the annual electrical energy output of a
2549 Generation Unit or Aggregation as RPS Class II Renewable Generation.
2550

2551 Sustainable Forestry Management. Practicing a land stewardship ethic that integrates
2552 the reforestation, managing, growing, nurturing, and harvesting of trees for useful
2553 products with the conservation of soil, air and water quality, wildlife and fish
2554 habitat, and aesthetics and the stewardship and use of forests and forest lands in a
2555 way, and a rate, that maintains their biodiversity, productivity, regeneration capacity,
2556 vitality, and potential to fulfill, now and in the future, relevant ecological, economic,
2557 and social functions at local, national, and global levels, and that does not cause
2558 damage to other ecosystems. Criteria for sustainable forestry include:

- 2559 (a) conservation of biological diversity;
- 2560 (b) maintenance of productive capacity of forest ecosystems;
- 2561 (c) maintenance of forest ecosystem health and vitality;
- 2562 (d) conservation and maintenance of soil and water resources;
- 2563 (e) maintenance of forest contributions to global carbon cycles; maintenance
- 2564 and enhancement of long-term multiple socioeconomic benefits to meet the
- 2565 needs of societies; and
- 2566 (f) a legal, institutional, and economic framework for forest
- 2567 conservation and sustainable management.

2568
2569 Useful Thermal Energy. Energy in the form of direct heat, steam, hot water, or other
2570 thermal form that is used in
2571 production and beneficial measures for heating, cooling, humidity control, process
2572 use, or other valid thermal end use energy requirements, for which fuel or
2573 electricity would
2574 otherwise be consumed. Thermal energy used to produce a dried or refined biomass
2575 fuel shall not be considered Useful Thermal Energy if the biomass fuel produced is
2576 used to fuel the Generation Unit that dried or refined the biomass fuel.

2577
2578 Valid Air Permit. Within the United States, a current and effective authorization,
2579 license, certificate, or like approval to construct and/or operate a source of air
2580 pollution, issued or required by the regulatory agency designated in the applicable
2581 State Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§
2582 7401, *et seq.* In jurisdictions outside of the United States, it shall be a document
2583 demonstrating an equivalent authorization.

2584
2585 Waste Energy. Electrical energy generated from the combustion of municipal solid
2586 waste.
2587

2588 Waste Energy Generation Unit. A Generation Unit that utilizes conventional
2589 municipal solid waste plant technology in commercial use to generate Waste Energy.
2590

2591 15.03 : Administration
2592

2593 225 CMR 15.00 shall be administered by the Department.
2594

2595 15.04 : Applicability
2596

2597 225 CMR 15.00 applies to Retail Electricity Suppliers and to the Owners or
2598 Operators of RPS Class II Generation Units.
2599

2600 15.05 : Eligibility Criteria for RPS Class II Generation Units
2601

2602 (1) Eligibility Criteria. A Generation Unit may qualify as an RPS Class II
2603 Generation Unit subject to the limitations in 225 CMR 15.05.
2604

2605 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use
2606 one or more of the fuels, energy resources and/or technologies listed in 225
2607 CMR 15.05(1)(a)1 through 10.
2608

2609 1. Solar photovoltaic or solar thermal electric energy.
2610

2611 2. Wind energy.
2612

2613 3. Ocean thermal, wave or tidal energy.
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4. Fuel cells using an Eligible RPS Class II Renewable Fuel.
5. Landfill methane gas, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas.
6. Hydroelectric. A Generation Unit that uses Hydroelectric Energy may qualify as an RPS Class II Generation Unit, subject to the limitations in 225 CMR 15.05(1)(a)6.
 - a. The Generation Unit has a nameplate capacity up to 7.5 megawatts.
 - b. The Generation Unit does not involve any dam or water diversion structure constructed after December 31, 1997, or pumped storage of water.
 - c. The Generation Unit does not generate Marine or Hydrokinetic Energy.
 - d. The Generation Unit meets appropriate and site-specific standards that address adequate and healthy river flows, water quality standards, fish passage and protection measures and mitigation and enhancement opportunities in the Impacted Watershed, as determined by the Department in consultation with Relevant Hydroelectric Agencies. The Generation Unit shall demonstrate compliance with such standards by submitting the documentation required in either 225 CMR 15.05(1)(a)6.d.i or ii.
 - i. LIHI Certification of the Generation Unit; except that in either of the two circumstances provided in 225 CMR 15.05(1)(a)6.d.i, the Department may request further information from the applicant and the Relevant Hydroelectric Agencies as part of its review of the applicant's Statement of Qualification Application. The Department shall notify the applicant of any such input from a Relevant Hydroelectric Agency not later than 30 days after receiving such input and shall provide the applicant an opportunity to respond to the Department not later than 30 days after the applicant's receipt of such notice from the Department.
 - (i) If a Relevant Hydroelectric Agency identified an environmental concern and a proposed remedy to LIHI during the LIHI certification process, and such concern was not addressed in the LIHI certification to the satisfaction of the Agency, and the Agency consulted with the Owner or Operator of the Generation Unit; or
 - (ii) If, between issuance of the LIHI certification and the Department's determination of the Generation Unit's eligibility, a Relevant Hydroelectric Agency submits to the

2662 Department evidence of a significant environmental problem
2663 not previously known by such Agency, after consulting with
2664 the Owner or Operator of the Generation Unit.

2665
2666 ii. A denial of certification from LIHI specifying the reasons the
2667 certification was denied and the applicant's proposed rationale
2668 for why the project should nevertheless receive a Statement of
2669 Qualification. In this instance, the Department shall notify and
2670 seek input from the Relevant Hydroelectric Agencies, which shall
2671 have 30 days from the date of their receipt of such notification to
2672 provide feedback to the Department. The

2673 Owner or Operator of the Generation Unit shall be notified of
2674 any such input and shall have 30 days from receipt of such
2675 notice to respond to the satisfaction of the Department as to why
2676 its Statement of Qualification Application should be approved.
2677 The Department thereafter shall make finding of whether the
2678 Generation Unit meets appropriate environmental safeguards
2679 despite the lack of LIHI certification.

2680
2681 e. The Owner or Operator of the Generation Unit must serve notice to
2682 all Relevant Hydroelectric Agencies of its application for LIHI
2683 certification. The Owner or Operator of the Generation Unit also must
2684 serve notice to all Relevant Hydroelectric Agencies, and provide
2685 opportunity for comment within 30 days of such notice, with regard to
2686 its submission of a Statement of Qualification Application. Notice of
2687 such service must be provided to the Department.

2688
2689 f. If LIHI fails to act to certify or deny certification within 180 days
2690 from the date of submission of the Generation Unit's application to
2691 LIHI, the Owner or Operator shall file notice of such event with the
2692 Department. The Department shall review the federal, state or
2693 provincial permits for the Generation Unit and any submissions to
2694 LIHI by Relevant Hydroelectric Agencies, and shall make a final
2695 determination as to whether the Generation Unit meets environmental
2696 standards specified in 225 CMR 15.05(1)(a)6.d.

2697
2698 g. If LIHI is unable to review for certification a Generation Unit that is
2699 located in a Control Area adjacent to the ISO-NE Control Area and
2700 outside the United States of America, the Owner or Operator of such
2701 Generation Unit may petition the Department for certification using the
2702 LIHI standards by an independent third party acceptable to the
2703 Department.

2704
2705 7. Waste to Energy. A Generation Unit that uses Waste Energy may
2706 qualify as an RPS Class II Generation Unit subject to the following
2707 limitations:
2708

2709 a. Has received approval from the MassDEP of the Unit's
2710 participation in or operation of an authorized recycling program;

2711
2712 b. Maintains participation in or operation of such recycling program and
2713 confirms this maintenance by submitting an annual report to the
2714 Department and MassDEP of its compliance.

2715
2716 c. Complies with the applicable requirements of 310 CMR 7.08(2):
2717 *Municipal Waste Combustors*.

2718
2719 d. Complies with the applicable requirements of 310 CMR 19.000:
2720 *Solid Waste Management*.

2721
2722 8. Low-emission, biomass power conversion technologies using an Eligible
2723 Biomass Fuel. A Generation Unit may qualify as an RPS Class II Generation
2724 Unit, provided it uses an Eligible Biomass Fuel, subject to the limitations in
2725 225 CMR 15.05(1)(a)8.

2726
2727 a. A Generation Unit utilizing an Eligible Biomass Fuel, that is required
2728 to obtain an air permit in its jurisdiction, must possess a Valid Air
2729 Permit.

2730 b. The Department shall set forth in Guidelines low-emission eligibility
2731 criteria which will become effective on their date of issuance. Any
2732 emission eligibility criteria in subsequently revised regulations or
2733 Guidelines shall become effective 12 months from their date of issuance.
2734 A Generation Unit utilizing an Eligible Biomass Fuel that is not a solid
2735 fuel, such as Eligible Liquid Biofuel, or does not use a steam boiler, shall
2736 follow the low-emission eligibility criteria process described in the
2737 Department's *Guideline on Eligible Biomass Fuel for Renewable*
2738 *Generation Units*. In the case of a Generation Unit for whose size, type,
2739 or fuel the Department's Guidelines do not provide applicable emission
2740 limits, the Department will determine appropriate limits in consultation
2741 with the MassDEP.

2742
2743 c. A Generation Unit utilizing an Eligible Biomass Woody Fuel or
2744 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from
2745 Forest Derived Residues, Forest Derived Thinnings and Forest Salvage
2746 must achieve an overall efficiency of at least 60% on a quarterly basis. A
2747 Generation Unit utilizing an Eligible Biomass Woody Fuel or
2748 Manufactured Biomass Fuel that has over 95% or more of its fuel
2749 sourced from Non-Forest Derived Residues on a quarterly basis shall
2750 have no applicable overall efficiency requirement. The procedure for
2751 calculating whether the Generation Unit meets the 60% overall efficiency
2752 requirement can be found in the Department's *Guideline on Overall*
2753 *Efficiency and Greenhouse Gas Analysis*.

2754
2755 d. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass

2756 Woody Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel
2757 shall reduce lifecycle greenhouse gas emissions, over a 20-year lifecycle,
2758 by at least 50% compared to the operation of a new combined cycle
2759 natural gas electric generating facility using the most efficient
2760 commercially available technology as of the date of the Statement of
2761 Qualification Application for the portion of electricity delivered by the
2762 Generation Unit and, if applicable, the operation of the fossil fuel fired
2763 thermal energy unit being displaced, or in the case of new Useful
2764 Thermal Energy, a gas- fired thermal energy unit using the most efficient
2765 commercially available technology as of the date of Statement of
2766 Qualification Application for the portion of the Useful Thermal Energy
2767 delivered by the Generation Unit. The procedure for calculating whether
2768 a Generation Unit meets the 50% reduction can be found in the
2769 Department's *Guideline on Overall Efficiency and Greenhouse Gas*
2770 *Analysis*.

2771 i. A Generation Unit that does not achieve a lifecycle greenhouse gas
2772 emissions reduction of at least 50% over a 20-year lifecycle in a
2773 particular calendar quarter of the Compliance Year, pursuant to 225
2774 CMR 15.05(1)(a)8.d., shall not be eligible to report RPS Class II
2775 Renewable Generation Attributes to the NEPOOL GIS for that
2776 calendar quarter.

2777
2778 e. In the case of a Generation Unit that uses Eligible Biogas Fuel, the
2779 Eligible Biogas Fuel may be either conveyed directly to the Generation
2780 Unit without the use of facilities used as common carriers of natural gas,
2781 or transported to a Generation Unit within the ISO-NE Control Area or
2782 an adjacent Control Area via a common carrier of natural gas, in which
2783 instance the gas would be subject to the following provisions:

- 2784 i. the gas is produced entirely within the ISO-NE Control
2785 Area or an adjacent Control Area; and
2786 ii. documentation is provided, satisfactory to the Department,
2787 regarding the gas transportation and related contracts; and
2788 iii. demonstration is provided, satisfactory to the Department,
2789 that the gas can be physically delivered to the Generation Unit.

2790
2791 9. Marine or Hydrokinetic Energy.

2792
2793 10. Geothermal Energy.

2794
2795 (b) Commercial Operation Date. The Commercial Operation Date shall be on
2796 or before December 31, 1997.

2797
2798 (c) Metering. The electrical energy output from a Generation Unit shall be
2799 verified by the ISO-NE or by an independent verification system or person
2800 participating in the NEPOOL GIS accounting system as an independent Third
2801 Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating
2802 Rules, or any successor rule, and approved by the Department.

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(d) Location. The Generation Unit location is subject to the following limitations:

1. Off-grid Generation. If the Generation Unit produces Off-grid Generation, such Generation Unit must be located in Massachusetts.

2. Behind-the-meter Generation. If the Generation Unit is wired to the electrical system on the End-use Customer's side of a retail electric meter, such Generation Unit must be located inside the ISO-NE Control Area and have a nameplate capacity of 25 megawatts or less.

(2) Co-Firing and Blended Fuel Waiver. All or a portion of the electrical energy output of a Generation Unit that uses ineligible fuel in conjunction with an Eligible RPS Class II Renewable Fuel, whether by co-firing such fuels or by using a Blended Fuel, may qualify as RPS Class II Renewable Generation provided the Generation Unit meets the eligibility requirements of 225 CMR 15.05, subject to the limitations in 225 CMR 15.05(2).

(a) The portion of the total electrical energy output that qualifies as RPS Class II Renewable Generation in a given time period shall be equal to the ratio of the net heat content of the Eligible RPS Class II Renewable Fuel consumed to the net heat content of all fuel consumed in that time period.

(b) If using a Blended Fuel of which the eligible portion is an Eligible Biomass Fuel or if co-firing an ineligible fuel with an Eligible Biomass Fuel, the entire Generation Unit must meet the requirements of an advanced biomass Power Conversion Technology as set forth in 225 CMR 15.05(1)(a)8.

(c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to the satisfaction of the Department that the emission rates for the entire Generation Unit are consistent with rates prescribed by the MassDEP for comparably fueled Generation Units in the Commonwealth. The Department may require the Generation Unit Owner or

Operator to retain at its own expense a third-party consultant deemed satisfactory to the Department, to provide the Department and the MassDEP with assistance in this determination.

(d) The Generation Unit must provide with its Statement of Qualification Application a fuel supply plan that specifies each and every fuel that it intends to use, in what relative proportions either in co-firing or in a Blended Fuel, and with what individual input heat values. Such plan shall include the procedures by which the Unit will document to the satisfaction of the Department its compliance with the plan.

(e) The provisions of 225 CMR 15.05(2) shall not apply to the incidental use of ineligible fuels for the purpose of cold starting a

2850 Generation Unit that otherwise exclusively uses an Eligible RPS Class
2851 II Renewable Fuel.

2852
2853 (3) Special Provisions for a Generation Unit Located in a Control Area Adjacent to
2854 the ISO- NE Control Area. The portion of the total electrical energy output of an
2855 RPS Class II Generation Unit located in a Control Area adjacent to the ISO-NE
2856 Control Area that qualifies as RPS Class II Renewable Generation shall meet the
2857 requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS
2858 Operating Rules or any successor rule, and the following requirements:

2859
2860 (a) The Generation Unit Owner or Operator shall provide documentation,
2861 satisfactory to the Department, that the RPS Class II Renewable Generation
2862 Attributes or RPS Class II Waste Energy Generation Attributes have not
2863 otherwise been, nor will be, sold, retired, claimed, used or represented as part of
2864 electrical energy output or sales, or used to satisfy obligations in jurisdictions
2865 other than Massachusetts.

2866
2867 (b) The Generation Unit Owner or Operator must provide an attestation in a
2868 form to be provided by the Department that it will not itself or through any
2869 affiliate or other contracted party, engage in the process of importing RPS Class
2870 II Renewable Generation into the ISO-NE Control Area for the creation of RPS
2871 Class II Renewable GIS Certificates, and then exporting that energy or a similar
2872 quantity of other energy out of the ISO-NE Control Area during the same hour.

2873
2874 (c) The quantity of electrical energy output from an RPS Class II Generation
2875 Unit outside the ISO-NE Control Area that can qualify as RPS Class II
2876 Renewable Generation at the NEPOOL GIS during each hour is limited to the
2877 lesser of the RPS Class II Renewable Generation actually produced by the Unit
2878 or the RPS Class II Renewable Generation actually scheduled and delivered into
2879 the ISO-NE Control Area.

2880
2881 (4) Special Provisions for Aggregations. An Aggregation of Generation Units that
2882 are located behind the customer meter or that are Off-grid Generation Units, each of
2883 which could independently meet the relevant requirements of 225 CMR 15.05, may
2884 receive a single Statement of Qualification and be treated as a single RPS Class II
2885 Renewable Generation Unit under the following criteria and procedures:

2886
2887 (a) Each Generation Unit in such Aggregation must use the same fuel, energy
2888 resource and technology as all other Generation Units in the Aggregation.

2889
2890 (b) Each of the Owners or Operators of Generation Units within the
2891 Aggregation must enter into an agreement with a person or entity that serves
2892 as the Authorized Agent for

2893 the Aggregation in all dealings with the Department and with the NEPOOL
2894 GIS, and such agreement must include procedures by which the electrical
2895 energy output of each Generation Unit shall be monitored and reported to the
2896 NEPOOL GIS.

2897
2898 (c) The Authorized Agent of the Aggregation must establish and maintain a
2899 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating
2900 Rules, including all provisions for Non-NEPOOL Generator Representatives,
2901 as that term is defined in Rule 2.1(a)(vi) of those Rules, or any successor rules.
2902

2903 (d) The electrical energy output of each of the Generation Units in the
2904 Aggregation must be individually monitored and recorded, and it must be
2905 reported to the NEPOOL GIS as part of an aggregated total for the
2906 Aggregation, by an independent Third Party Meter Reader, as defined in
2907 Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule, and
2908 approved by the Department.
2909

2910 (5) Special Provisions for Generation Units Using Eligible Biomass Woody
2911 Fuels, Co- Mingled Biomass Woody Fuels, or Manufactured Biomass Fuels. An
2912 Owner, Operator, or Authorized Agent of a Generation Unit that uses an Eligible
2913 Biomass Woody Fuel or a Manufactured Biomass Fuel must meet the following
2914 provisions:
2915

2916 (a) Sustainable Forest Management. Forest Derived Residues and Thinnings
2917 shall only be sourced from forests meeting Sustainable Forestry Management
2918 practices, as independently verified through the attestation of a licensed
2919 forester, certified forester or independent certification.
2920

2921 (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel
2922 or Manufactured Biomass Fuel that does not comply with the overall efficiency
2923 requirements in 225 CMR 15.05(1)(a)8.c. shall be subject the following:
2924

2925 1. A Generation Unit utilizing Eligible Biomass Woody Fuel or
2926 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from
2927 Forest Derived Residues, Forest Derived Thinnings and Forest Salvage and
2928 does not achieve an overall efficiency of at least 60% in a particular calendar
2929 quarter of the Compliance Year, pursuant to 225 CMR 15.05(1)(a)8.c., shall
2930 not be eligible to report RPS Class II Renewable Generation Attributes to
2931 the NEPOOL GIS for that calendar quarter.
2932

2933 2. A Generation Unit utilizing Eligible Biomass Woody Fuel or
2934 Manufactured Biomass Fuel that has more than 95% of its fuel sourced from
2935 Non-Forest Derived Residues in a particular calendar quarter of the
2936 Compliance Year, shall only be eligible to receive RPS Class II Renewable
2937 Generation Attributes at NEPOOL GIS in a proportion equal to the
2938 percentage of fuel sourced from Non-Forest Derived Residues for that
2939 calendar quarter.
2940

2941 (c) Reporting Requirements for Generation Units using Eligible Biomass Woody
2942 Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent
2943 of a Generation Unit using Eligible Biomass Woody Fuel or Manufactured
2944 Biomass Fuel shall provide to the Department on a quarterly basis the Biomass

2945 Fuel Report as prescribed in the Department's *Guideline on Eligible Biomass*
2946 *Fuel for Renewable Generation Units*.

2947
2948 (d) Verification of Eligible Biomass Woody Fuel. In order to verify the use of
2949 Eligible Biomass Woody Fuel, an RPS Class I Renewable Generation Unit
2950 utilizing Eligible

2951 Biomass Woody Fuel shall report the following to the Department on a quarterly
2952 basis in a manner outlined in the Department's *Guideline on Eligible Biomass*
2953 *Fuel for Renewable Generation Units*:

- 2954
- 2955 1. Supplier of the fuel;
 - 2956
 - 2957 2. Amount of fuel delivered; and
 - 2958
 - 2959 3. Date of delivery.

2960

2961 (e) Biomass Fuel Certificate. The tonnage of all Eligible Biomass Woody Fuel
2962 or Manufactured Biomass Fuel reported in the Quarterly Biomass Fuel Report
2963 shall be documented by ownership of the Biomass Fuel Certificates. The tonnage
2964 input for Eligible Biomass Fuel noted on the Biomass Fuel Certificate shall equal
2965 or be greater than the tonnage of Eligible Biomass Fuel consumed at the
2966 Generation Unit. For Manufactured Biomass Fuel, the Biomass Fuel Certificates
2967 shall be for the required tonnage of Eligible Biomass Woody Fuel necessary for
2968 the production of the delivered volume of Manufactured Biomass Fuel. The
2969 Biomass Fuel Certificates shall be originated, procured, and transacted in
2970 accordance with the *Guideline on Eligible Biomass Fuel for Renewable*
2971 *Generation Units*.

2972

2973

2974 15.06 : Statement of Qualification Process for RPS Class II Renewable Generation Units

2975

2976 (1) Statement of Qualification Application (SQA). An SQA shall be submitted
2977 to the Department by the Owner or Operator of the Generation Unit or
2978 Aggregation. The applicant must use the most current forms and associated
2979 instructions provided by the Department, and must include all information,
2980 documentation, and assurances required by such forms and instructions.

2981

2982 (2) Review Procedures.

2983

2984 (a) The Department will notify the applicant when the SQA is administratively
2985 complete or if additional information is required pursuant to 225 CMR 15.06(1).

2986

2987 (b) The Department may, in its sole discretion, provide an opportunity
2988 for public comment on any SQA.

2989

2990 (3) Issuance or Non-Issuance of an SQ.

2991

2992 (a) If the Department finds that all or a portion of the electrical energy
2993 output of a Generation Unit or of an Aggregation meets the requirements
2994 for eligibility as RPS
2995 Class II Renewable Generation pursuant to 225 CMR 15.05, the Department
2996 will provide the Owner or Operator of such Generation Unit or Aggregation
2997 with an SQ.

2998
2999 (b) The Statement of Qualification shall include any applicable restrictions
3000 and conditions that the Department deems necessary to ensure compliance
3001 by a particular Generation Unit or Aggregation with the provisions of 225
3002 CMR 15.00.

3003
3004 (c) If the Generation Unit or Aggregation does not meet the requirements for
3005 eligibility
3006 as an RPS Class II Renewable Generation Unit, the Department shall provide
3007 written notice to the Owner or Operator, including the Department's reasons
3008 for such finding.

3009
3010 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on which
3011 electrical energy output of an RPS Class II Renewable Generation Unit or Waste
3012 Energy Generation Unit can result in the creation of RPS Class II GIS Certificates,
3013 with the following limitations:

3014
3015 (a) In the case of a Generation Unit using Eligible Biomass Fuel, the RPS
3016 Effective Date shall not be earlier than the date on which the Department
3017 determines that the Biomass Generation Unit has commenced compliance with
3018 the low-emission conditions in its SQ;

3019
3020 (b) In the case of a Hydroelectric Energy Generation Unit, the RPS Effective
3021 Date shall not be earlier than the date on which the Department determined that
3022 the Generation Unit has commenced compliance with the environmental
3023 conditions in its SQ;

3024
3025 (c) In the case of a Waste Energy Generation Unit, the RPS Effective Date shall
3026 not be earlier than the date on which the Department determines that the Waste
3027 Energy Generation Unit has commenced compliance with the recycling program
3028 conditions in its SQ.

3029
3030 In no instance shall the RPS Effective Date occur before January 1, 2009.

3031
3032 (5) Notification Requirements for Change in Eligibility Status. The Owner or
3033 Operator of an RPS Class II Renewable Generation Unit or Waste Energy
3034 Generation Unit shall notify the Department of any changes in the technology,
3035 operation, emissions, fuel sources, energy resources, or other characteristics of the
3036 Generation Unit that may affect the eligibility of the Generation Unit as an RPS
3037 Class II Renewable Generation Unit or Waste Energy Generation Unit. The Owner
3038 or Operator shall submit the notification to the Department no later than five days
3039 following the end of the month during which such changes were implemented. The

3040 notice shall state the date the changes were made to the RPS Class II Renewable
3041 Generation Unit or Waste Energy Generation Unit and describe the changes in
3042 sufficient detail to enable the Department to determine if a change in eligibility is
3043 warranted.

3044
3045 (6) Notification Requirements for Change in Ownership, Generation Capacity, or
3046 Contact Information. The Owner or Operator of an RPS Class II Renewable
3047 Generation Unit or Waste Energy Generation Unit shall notify the Department of
3048 any changes in the ownership, operating entity, generation capacity, NEPOOL GIS
3049 account, independent verification system for the Generation Unit's or Aggregation's
3050 electrical energy output, or contact information for the Generation Unit or
3051 Aggregation. The Owner or Operator shall submit the notification to the Department
3052 no later than five days following the end of the month during which such changes
3053 were implemented.

3054
3055 (7) Suspension or Revocation of Statement of Qualification. The Department may
3056 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS
3057 Class II Renewable Generation Unit or Waste Energy Generation Unit fails to
3058 comply with 225 CMR
3059 15.00 or if a Generation Unit does not operate during a consecutive 12-month period.

3060
3061 15.07 : Renewable Energy Portfolio Standard – Class II
3062

3063 (1) RPS Class II Renewable Generation Minimum Standard. The total annual sales
3064 of each

3065 Retail Electricity Product sold to Massachusetts End-use Customers by a Retail
3066 Electricity Supplier, under contracts executed or extended on or after January 1,
3067 2009, shall include a minimum percentage of electrical energy sales with RPS
3068 Class II Renewable Generation Attributes. The RPS Class II Renewable
3069 Generation Minimum Standard shall be calculated as follows:

3070
3071 (a) The following table reflects the RPS Class II Renewable Generation
3072 Minimum Standards in effect from 2009 through 2021:
3073

Compliance Year	RPS Class II Renewable Generation Minimum Standard
2009	3.60%
2010	3.60%
2011	3.60%
2012	3.60%
2013	1.50%
2014	1.75%
2015	2.00%
2016	2.5319%
2017	2.5909%
2018	2.6155%
2019	2.6883%

2020	3.2056%
2021	3.5634%

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(b) For each Compliance Year after 2021, the Department shall announce the RPS Class II Renewable Generation Minimum Standard no later than August 31st two years prior to the Compliance Year. The RPS Class II Renewable Generation Minimum Standard shall be determined by the following formula:

The RPS Class II Renewable Generation Minimum Standard for each Compliance Year (CY) shall be equal to the RPS Class II Renewable Generation Minimum Standard for the prior Compliance Year (CY-1), plus the number of RPS Class II Renewable Generation Attributes settled for compliance in Compliance Year three years prior (CY-3), divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in Compliance Year three years prior (CY-3), minus the number of RPS Class II Renewable Generation Attributes settled for compliance in Compliance Year four years prior (CY-4) divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in Compliance Year four years prior (CY-4). For the purpose of these calculations, the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers shall be determined in the manner specified in 225 CMR 15.09(2)(a), and Attributes settled for compliance in a given Compliance Year shall be represented by the total of all RPS Class II qualified GIS Certificates that are determined by the Department to qualify for RPS Class II Renewable Energy compliance in the Compliance Year in which the energy that they signify was generated.

(c) Notwithstanding the calculation in 225 CMR 15.07(1)(b), the RPS Class II Renewable Generation Minimum Standard shall not exceed 3.6% of the Total Electrical Energy Sales to End-use Customers, as provided in 225 CMR 15.09(2)(a).

(2) RPS Class II Waste Energy Minimum Standard. The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier, under contracts executed or extended on or after January 1, 2009, shall include a minimum percentage of electrical energy sales with RPS Class II Waste Energy Generation Attributes. The RPS Class II Waste Energy Minimum Standard shall be equal to 3.5% of electrical energy sales in the Compliance Years 2009 through 2020. In Compliance Years 2021 through 2025, the RPS Class II Waste Energy Minimum Standard shall be equal to 3.7% of electrical energy sales. In 2026 and all subsequent Compliance Years, the RPS Class II Waste Energy Minimum Standard shall be equal to 3.5% of electrical energy sales. Beginning in 2025 and every five years thereafter, the Department shall conduct a review of the RPS Class II Waste Energy Minimum Standard and consult with MassDEP on the standard to ensure consistency with the solid waste master plan. Following stakeholder comment and input on the review of the RPS Class II Waste Energy Minimum Standard, the Department may modify the Minimum Standard for the following five years.

3119 15.08 : Compliance Procedures for Retail Electricity Suppliers.
3120

3121 (1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in
3122 compliance with 225 CMR 15.00 if the information provided in the Compliance
3123 Filing submitted pursuant to 225 CMR 15.09 is true and accurate and demonstrates
3124 compliance with 225 CMR 15.07. A Retail Electricity Supplier shall demonstrate to
3125 the satisfaction of the Department that RPS Class II Renewable Generation
3126 Attributes and RPS Class II Waste Energy Generation Attributes used for
3127 compliance have not otherwise been, nor will be, sold, retired, claimed, used or
3128 represented as part of electrical energy output or sales, or used to satisfy obligations
3129 in jurisdictions other than Massachusetts.

3130
3131 (2) Banked Compliance. A Retail Electricity Supplier may use RPS Class II
3132 Renewable Generation Attributes and RPS Class II Waste Energy Generation
3133 Attributes produced in one Compliance Year for compliance over the course of the
3134 following two subsequent Compliance Years, subject to the limitations in 225 CMR
3135 15.08(2) and provided that the Retail Electricity Supplier is in compliance with 225
3136 CMR 15.00 for all previous Compliance Years. In addition, the Retail Electricity
3137 Supplier shall demonstrate to the satisfaction of the Department that such Attributes:

3138
3139 (a) were in excess of the RPS Class II Renewable Generation Attributes and
3140 RPS Class II Waste Energy Generation Attributes needed for compliance in the
3141 Compliance Year in which they were generated, and that such excess Attributes
3142 have not previously been used for compliance with 225 CMR 15.00;

3143
3144 (b) do not exceed 30% of the RPS Class II Renewable Generation Attributes
3145 and 30% of the RPS Class II Waste Energy Generation Attributes needed by the
3146 Retail Electricity Supplier for compliance with the RPS Class II Renewable
3147 Generation Minimum Standard, and RPS Class II Waste Energy Minimum
3148 Standard in the year they were generated, subject to 225 CMR 15.09(2)(d) and
3149 subject to the following limitations:

3150
3151 1. In Compliance Years 2014 and 2015 no excess RPS Class II
3152 Waste Energy Generation Attributes shall be available as Banked
3153 Compliance;

3154
3155 2. Commencing with Compliance Year 2016, bankable excess RPS Class
3156 II Waste Energy Generation Attributes shall not exceed 5% of the RPS
3157 Class II Waste

3158 Energy Generation Attributes needed by the Retail Electricity Supplier for
3159 compliance with the RPS Class II Waste Energy Minimum Standard in the
3160 year they were generated; and

3161
3162 (c) were produced during the Compliance Year in which they are claimed as
3163 excess by the generation of electrical energy sold to End-use Customers in the
3164 ISO-NE Control Area, by the generation of electrical energy on End-use
3165 Customers' sides of retail meters in the ISO-NE Control Area, or by the
3166 generation of electrical energy from Off-grid Generation Units in

Massachusetts; and

(d) have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

(3) Alternative Compliance for RPS Class II Renewable Generation Minimum Standard. A Retail Electricity Supplier may discharge its obligations under 225 CMR 15.07(1), in whole or in part, for any Compliance Year by making an ACP to the MassCEC. Such funds shall be held in an account separate from other accounts of the MassCEC.

(a) Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 15.07(1) shall be determined by calculating the ratio of the total of ACPs paid for the Compliance Year to the ACP Rate for that Compliance Year.

2. The ACP Rate for the RPS Class II Renewable Generation Minimum Standard shall be \$25 per MWh for Compliance Year 2009. For each subsequent Compliance Year, the Department shall publish the ACP Rate by January 31 of the Compliance Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according to the previous year's Consumer Price Index. The ACP Rate for the RPS Class II Renewable Generation Minimum Standard shall not exceed \$35 per MWh for any given Compliance Year.

3. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for ACPs made to the MassCEC during the Compliance Year.

(b) Use of Funds. The Department shall oversee the use of ACP funds by the MassCEC.

(4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard. A Retail Electricity Supplier may discharge its obligations under 225 CMR 15.07(2), in whole or in part, for any Compliance Year by making an ACP to the MassCEC. Such funds shall be held in an account separate from other accounts of the MassCEC.

(a) Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 15.07(2) shall be determined by calculating the ratio of the total of ACPs paid for the

3215 Compliance Year to the ACP Rate for that Compliance Year.
3216

3217 2. The ACP Rate for the RPS Class II Waste Energy Minimum Standard
3218 shall be
3219 \$10 per MWh for Compliance Year 2009. For each subsequent Compliance
3220 Year, the Department shall publish the ACP Rate by January 31st of the
3221 Compliance Year. The ACP Rate shall be equal to the previous year's ACP
3222 Rate adjusted up or down according to the previous year's Consumer Price
3223 Index. In Compliance Year 2021 through 2025, the ACP Rate for the RPS
3224 Class II Waste Energy Minimum Standard shall be equal to the ACP Rate for
3225 the RPS Class II Renewable Energy Minimum Standard set pursuant to 225
3226 CMR 15.08(3)(a)2, but shall be \$11.50 per MWh beginning in 2026.
3227

3228 3. The Retail Electricity Supplier shall include with its Annual Compliance
3229 Filing copies of any ACP receipt(s) for ACPs made to the MassCEC during
3230 the Compliance Year.
3231

3232 (b) Use of Funds. The Department shall oversee the use of ACP funds by the
3233 MassCEC.
3234

3235 (5) Beginning in 2025 and every five years thereafter, the Department shall conduct
3236 a review of the ACP Rate and consult with DEP on the ACP Rate for the RPS Class
3237 II Waste Energy Minimum Standard to ensure consistency with the solid waste
3238 master plan. Following stakeholder comment and input on the review of the ACP
3239 Rate, the Department may modify the rate for the following five years.
3240

3241 15.09 : Annual Compliance Filings for Retail Electricity Suppliers
3242

3243 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail
3244 Electricity Supplier annually shall file an annual Compliance Filing with the
3245 Department no later than the first day of July, or the first Business Day thereafter,
3246 of the subsequent Compliance Year.
3247

3248 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product,
3249 the Filing shall document compliance with the provisions of 225 CMR 15.07 and
3250 15.08 to the satisfaction of the Department and shall include, but not be limited
3251 to, the following:
3252

3253 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the
3254 total MWhs of electrical energy allocated by the Retail Electricity Supplier to
3255 End-use Customers in the Compliance Year. Such allocation is defined as the
3256 total quantity of the Supplier's Certificates Obligation that the Retail Electricity
3257 Supplier correctly allocated or should have allocated to all of the Retail
3258 Electricity Supplier's Massachusetts retail subaccounts in the NEPOOL GIS, in
3259 compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating
3260 Rules, or any successor rules, as specified in the Department's Guideline on the
3261 Determination of Sales to End-use Customer.
3262

3263 (b) Electrical Energy Sales to End-use Customers by Product. Documentation

3264 of the total MWhs of each Retail Electricity Product allocated to End-use
3265 Customers in the Compliance Year, verified by an independent third party
3266 satisfactory to the Department, consistent with the Guidelines. Such allocation
3267 is defined as the quantity of the Supplier's Certificates Obligation that the
3268 Retail Electricity Supplier correctly allocated or should have allocated to each
3269 of the Retail Electricity Supplier's Massachusetts retail subaccounts at the
3270 NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the
3271 NEPOOL GIS Operating Rules, or any successor rules, as specified in the
3272 Department's Guideline on the Determination of Sales to End-Use Customer.
3273 The

3274 Department shall keep product information confidential to the extent permitted by
3275 law.

3276
3277 (c) Attributes Allocated from the Compliance Year. Documentation of the
3278 total MWhs of each Retail Electricity Product allocated to End-use Customers
3279 that were derived from both RPS Class II Renewable Generation and RPS Class
3280 II Waste Energy generation during the Compliance Year, and which may
3281 include electrical energy generated on End- use Customers' sides of retail
3282 meters in the ISO-NE Control Area or by Off-grid Generation Units in
3283 Massachusetts in the Compliance Year, shall be as follows:

3284
3285 1. For electrical energy transactions included in the ISO-NE Settlement
3286 Market System, the Compliance Filings shall include documentation from
3287 the NEPOOL GIS administrator of the Retail Electricity Supplier's
3288 ownership of GIS Certificates representing both RPS Class II Renewable
3289 Generation and RPS Class II Waste Energy generation during the
3290 Compliance Year.

3291
3292 2. For electrical energy transactions not included in the ISO-NE Settlement
3293 Market System, but for which the Retail Electricity Supplier has secured GIS
3294 Certificates from the NEPOOL GIS, the Compliance Filings shall include
3295 documentation from the NEPOOL GIS of the Retail Electricity Supplier's
3296 ownership of GIS Certificates representing both RPS Class II Renewable
3297 Generation and RPS Class II Waste Energy generation during the
3298 Compliance Year.

3299
3300 (d) Attributes Allocated from Banked Compliance. Allocation by Retail
3301 Electricity Product of any quantity of Attributes banked from one or both of
3302 the two previous years pursuant to 225 CMR 15.08(2) that are used to
3303 demonstrate compliance in the current Compliance Year, except that banked
3304 RPS Class II Waste Energy Generation Attributes cannot be used for
3305 compliance with the RPS Class II Renewable Generation Minimum Standard
3306 and banked RPS Class II Renewable Generation Attributes cannot be used for
3307 compliance with the RPS Class II Waste Energy Generation Minimum
3308 Standard.

3309
3310 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product
3311 of any Alternative Compliance Credits claimed pursuant to 225 CMR

3312 15.08(3), along with a copy of any ACP receipt(s).

3313
3314 (f) Attributes Banked for Future Compliance. Identification of any quantity of
3315 RPS Class II Renewable Generation Attributes and of any RPS Class II Waste
3316 Energy Generation Attributes that the Retail Electricity Supplier anticipates
3317 claiming for purposes of Banked Compliance in subsequent years under the
3318 Banked Compliance provisions of 225 CMR 15.08(2), except that RPS Class II
3319 Waste Energy Generation Attributes that are in excess of the quantity of such
3320 Attributes needed for the RPS Class II Waste Energy Minimum in Compliance
3321 Years 2014 and 2015 cannot be used for Banked Compliance.

3322
3323 (g) Exempt Contracts under the RPS Class II Renewable Generation Minimum
3324 Standard and the RPS Class II Waste Energy Minimum Standard. Identification
3325 of any contract for a specific term of years that was executed before January 1,
3326 2009, and its terms including but not limited to, the execution and expiration
3327 dates of the contract and the annual volume of electrical energy supplied.

3328

3329 15.10 : Reporting Requirements

3330 (1) Certification. Any person required by 225 CMR 15.00 to submit
3331 documentation to the Department shall provide:

3332

3333 (a) the person's name, title and business address;

3334

3335 (b) the person's authority to certify and submit the documentation to the
3336 Department; and

3337

3338 (c) the following certification: "I hereby certify, under the pains and penalties
3339 of perjury, that I have personally examined and am familiar with the information
3340 submitted herein and based upon my inquiry of those individuals immediately
3341 responsible for obtaining the information, I believe that the information is true,
3342 accurate, and complete. I am aware that there are significant penalties, both
3343 civil and criminal, for submitting false information, including possible fines and
3344 imprisonment."

3345

3346 (2) Annual Renewable Energy Resource Report. The Department shall produce
3347 an annual report that summarizes information submitted to the Department by
3348 Retail Electricity Suppliers in the Annual Compliance Filing submitted to the
3349 Department pursuant to 225 CMR 15.09(2). Such report shall include non-
3350 confidential data that provides the following:

3351

3352 (a) the extent to which the Retail Electric Suppliers complied with the RPS
3353 Class I Minimum Standard, the Solar Carve-out Minimum Standard, and
3354 Solar Carve-out II Minimum Standard, both separately and combined; and

3355

3356 (b) the extent to which the Retail Electric Suppliers used Standard
3357 Compliance, Banked Compliance, and Alternative Compliance in meeting the
3358 Minimum Standards.

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15.11 : Inspection

(1) Document Inspection. The Department may audit the accuracy of all information submitted pursuant to 225 CMR 15.00. The Department may request and obtain from any Owner or Operator of an RPS Class II Renewable Generation Unit, Waste Energy Generation Unit, supplier of Eligible Biomass Fuel, and any Retail Electricity Supplier information that the Department determines necessary to monitor compliance with and enforcement of 225 CMR 15.00.

(2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity Supplier, supplier of Eligible Biomass Fuel, Waste Energy Generation Unit Owner or Operator, or RPS Class II Renewable Generation Unit Owner or Operator, the Department may conduct audits, which may include inspection and copying of records and/or site visits to an RPS Class II Renewable Generation Unit, Waste Energy Generation Unit, supplier of Eligible Biomass fuel, or a Retail Electricity Supplier’s facilities, including, but not limited to, all files and documents that the Department determines are related to compliance with 225 CMR 15.00.

15.12 : Non-compliance

Any Retail Electricity Supplier or Owner or Operator of an RPS Class II Renewable Generation Unit that fails to comply with the requirements of 225 CMR 15.00 shall be subject to the following provisions:

(1) Notice of Non-compliance. A failure to comply with the requirements of 225 CMR 15.00 shall be determined by the Department. A written Notice of Non-compliance shall be prepared and delivered by the Department to any Retail Electricity Supplier or Owner or Operator of an RPS Class II Renewable Generation Unit that fails to comply with the requirements of 225 CMR 15.00. The Notice of Non-compliance shall describe the Requirement(s) with which the Retail Electricity Supplier, Owner, or Operator failed to comply and the time period of such non-compliance.

(2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be published on the Department’s website and in any other media deemed appropriate by the Department. Such publication may remain posted until the Retail Electricity Supplier or Owner or Operator returns to compliance as determined by the Department.

(3) Planning Requirement. A Retail Electricity Supplier that fails to meet the requirements of 225 CMR 15.07 during a Compliance Year shall submit a plan for achieving compliance for the subsequent three years. The plan shall be filed with the Department no later than the first day of September of the Compliance Year subsequent to the Compliance Year for which the Retail Electricity Supplier was out of compliance or such date as the Department may specify.

3406 (4) Suspension or Revocation of License. The Department shall refer its
3407 findings of non- compliance to the Massachusetts Department of Public Utilities.
3408 A Retail Electricity Supplier that fails to comply with 225 CMR 15.00 may be
3409 subject to the Massachusetts Department of Public Utilities Licensure Action
3410 under 220 CMR 11.07(4)(c)1.
3411

3412 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier
3413 fails to discharge its annual obligations by September 1st under 225 CMR 15.07, by
3414 the means described in 225 CMR 15.08(1) through (4), the Department will notify
3415 the Retail Electricity Supplier that it must provide the Department with a payment
3416 using the financial security of which it provided pursuant to 225 CMR 14.08(4),
3417 unless a Retail Electricity Supplier has an approved alternative payment plan to
3418 discharge its annual obligations in full that has been approved by the Department
3419 prior to September 1st. The payment shall, within 30-days of notification by the
3420 Department, be deposited into the Alternative Compliance Payment fund
3421 established in 225 CMR 14.08(3) pursuant to the provisions of 225 CMR 14.12(5).
3422

3423 (6) Partial Compliance. In the event that the collection of financial security under
3424 225 CMR 14.12(5) results in the collection of an amount of Alternative
3425 Compliance Payments that is insufficient to discharge a Retail Electricity
3426 Supplier's full annual obligations under 225 CMR 15.07, the Retail Electricity
3427 Supplier will remain in a state of non-compliance, and the Department will take the
3428 necessary actions to document and enforce this non-compliance, pursuant to 225
3429 CMR 15.12(1) through (4).
3430

3431 (7) The Department reserves all rights to take any and all appropriate actions to
3432 ensure the collection of all Alternative Compliance Payments owed to ensure
3433 annual compliance obligations are fully discharged by a Retail Electricity Supplier,
3434 including, but not limited to, filing a petition with the Department of Public Utilities
3435 requesting an investigation into a supplier that is deemed to be in non-compliance
3436 by the Department.
3437

3438 15.13 : Severability

3439 If any provision of 225 CMR 15.00 is declared invalid, such invalidity shall
3440 not affect other provisions or applications that can be given effect without the
3441 invalid provision or application.
3442

3443 REGULATORY AUTHORITY

3444
3445 225 CMR 15.00: M.G.L. c. 25A, § 11F.
3446