



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

June 24, 2022

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/2022-rps-class-i-ii-rulemaking>

Please direct questions and comments on this regulation to:

Johannes Buchanan
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857-268-0011
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Sincerely,

s/Patrick C. Woodcock

Patrick C. Woodcock
Commissioner

Summary of Proposed Changes – Draft - 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 (Statute). The Department of Energy Resources (DOER) first promulgated 225 CMR 15.00: Renewable Energy Portfolio Standard – Class II (Regulations) 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 2021, retail electricity suppliers are obligated to procure Class I RECs equal to an amount of 18% of their total electricity sales to end-use customers. This requirement increases by 2% each following year until 2025, when it will then increase 3% each year until 2029. Thereafter, the requirement increases by 1% each following year. Under RPS Class II, retail electricity suppliers are required to procure Class II RECs equal to an amount of 3.5634% of their total electricity sales to end-use customers in 2021. 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 2021 retail electricity supplier requirement for Class II WECs is currently equal to an amount of 3.7% of their total electricity sales to end-use customers and this obligation remains constant from year to year. Beginning in 2026, the Class II WEC requirement reduces to 3.5%.

The proposed changes to the Regulations are designed to meet the objectives of Executive Order 562.

The changes to the RPS Class I Regulations are identical to provisions that were proposed in 2019-2021. These include: modifying and simplifying provisions related to biomass generation, increasing the minimum standard between 2025-2029 to align with state statute, removing unnecessary and confusing language, and eliminating requirements that are outdated. The proposed changes to RPS Class II Regulations align with the proposed changes in RPS Class I Regulations.

These changes taken as a whole are expected to align with statutory requirements, improve the regulations, and make the regulations easier to administer, with no reduction in consumer or environmental benefits.

HOUSE No. 4919

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 15.00, Renewable Energy Portfolio Standard Regulations (RPS). Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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

- 1 Section
- 2
- 3 14.01: Purpose
- 4 14.02: Definitions
- 5 14.03: Administration
- 6 14.04: Applicability
- 7 14.05: Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units,
- 8 and Solar Carve-out II Renewable Generation Units
- 9 14.06: Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units,
- 10 and Solar Carve-out II Renewable Generation Units
- 11 14.07: Renewable Energy Portfolio Standard - Class I
- 12 14.08: Compliance Procedures for Retail Electricity Suppliers
- 13 14.09: Annual Compliance Filings for Retail Electricity Suppliers
- 14 14.10: Reporting Requirements
- 15 14.11 : Inspection
- 16 14.12 : Non-compliance
- 17 14.13 : Severability
- 18
- 19 14.01: Purpose
- 20
- 21 The purpose of 225 CMR 14.00 is to establish requirements for every Retail Electricity
- 22 Supplier to provide a minimum percentage of kilowatt-hour sales, as determined by
- 23 the Department, to End-use Customers in the Commonwealth from eligible renewable
- 24 energy technologies.
- 25
- 26 14.02: Definitions
- 27

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

31
32 Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon
33 making an Alternative Compliance Payment. Such credit is used to document
34 compliance with 225 CMR 14.07. One unit of credit shall be equivalent to one RPS
35 Class I Renewable Generation Attribute, Solar Carve-out Renewable Generation
36 Attribute, or Solar Carve-out II Renewable Generation Attribute.

37
38 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per
39 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail
40 Electricity Supplier may submit to the Department in lieu of providing RPS Class I
41 Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes,
42 or Solar Carve-out II Renewable Generation Attributes required under 225 CMR
43 14.07.

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

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

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

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

66
67 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS Class I
68 Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical energy output
69 may qualify as RPS Class I Renewable Generation under criteria set forth in 225 CMR
70 14.05(3).

71
72 Brownfield. A disposal site that has received a release tracking number from
73 MassDEP pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the
74 redevelopment or reuse of which is hindered by the presence of oil or hazardous

75 materials, as determined by the Department, in consultation with MassDEP. For the
76 purposes of this definition, the terms "disposal site," "release tracking number," "oil,"
77 and "hazardous materials" shall have the meanings giving to such terms in 310 CMR
78 40.0006: *Terminology, Definitions and Acronyms*. No disposal site that otherwise
79 meets the requirements of 225 CMR 14.02: Brownfield shall be excluded from
80 consideration as a Brownfield because its cleanup is also regulated by the
81 Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.
82 §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 -
83 6939g, or any other federal program.

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

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

91
92 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at Rule
93 4.1(b).

94 Clean Wood. Clean Wood as defined in 310 CMR 19.006.
95

96 Commercial Operation Date. The date that a Generation Unit first produces electrical
97 energy for sale within the ISO-NE Control Area or within an adjacent Control Area.
98 In the case of a Generation Unit that has been moved from a location within the ISO-
99 NE Control Area or within an adjacent Control Area to another location in one of those
100 Control Areas, the date that such Generation Unit first produced electrical energy for
101 sale at its earliest location in those Control Areas. In the case of a Generation Unit that
102 is connected to the End-use Customer's side of the electric meter, the date on which
103 the local Distribution Company grants approval for the Generation Unit to
104 interconnect with the grid. In the case of a Generation Unit that produces Off-grid
105 Generation, the date that such Generation Unit first produces electrical energy. In the
106 case of a Generation Unit that meets the eligibility requirements of 225 CMR 14.05
107 and co-fires an Eligible RPS Class I Renewable Fuel, the date when the Generation
108 Unit first co-fires such Eligible RPS Class I Renewable Fuel.
109

110 Community Shared Solar Generation Unit. A solar photovoltaic Generation Unit that
111 provides net metering credits to three or more utility accounts, whose participants have
112 an interest in the production of the Generation Unit or the entity that owns the
113 Generation Unit, in the form of formal ownership, a lease agreement, or a net metering
114 contract. No more than two participants may receive net metering credits in excess of
115 those produced annually by 25 kW of nameplate DC capacity, and the combined share
116 of said participants' capacity shall not exceed 50% of the total capacity of the
117 Generation Unit.
118

119 Compliance Filing. A document filed annually by a Retail Electricity Supplier with
120 the Department documenting compliance with 225 CMR 14.07, consistent with the
121 format set forth in the Guidelines and submitted no later than the first day of July, or
122 the first Business Day thereafter, of the subsequent Compliance Year.
123

124 Compliance Year (CY). A calendar year beginning January 1st and ending December
125 31st, for which a Retail Electricity Supplier must demonstrate that it has met the
126 requirements of 225 CMR 14.07 and 14.08.
127

128 Control Area. A geographic region in which a common generation control system is
129 used to maintain scheduled interchange of electrical energy within and without the
130 region.
131

132 DCR. The Massachusetts Department of Conservation and Recreation (DCR)
133 established by M.G.L. c. 21 § 1.
134

135 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.
136

137 Department. The Massachusetts Department of Energy Resources (DOER),
138 established by M.G.L. c. 25A.
139

140 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous
141 bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible
142 Biogas Fuel does not include natural gas, but does include renewable natural gas,
143 which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.
144

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

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

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

157 (a) Forest Derived Residues.

- 158 1. Tops, crooks and other portions of trees produced as a byproduct, and trees
159 collaterally damaged, during the normal course of harvesting material, such
160 as timber, pulpwood or cordwood in the implementation of a silvicultural
161 prescription as administered by a licensed or certified forester as prescribed
162 in the Department's *Guideline on Eligible Biomass Fuel for Renewable*
163 *Generation Units*.
- 164 2. Trees and portions of trees harvested for the purpose of the restoration and
165 management of habitat for rare & endangered species as listed by the
166 Massachusetts Division of Fisheries and Wildlife. Qualifying harvest areas
167 must be approved by the Massachusetts Division of Fisheries and Wildlife
168 Natural Heritage Program.
- 169 3. Other woody vegetation that interferes with regeneration or the natural
170 growth of the forest, limited to locally invasive native species and non-native
171 invasive woody vegetation.

172 (b) Forest Derived Thinnings

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

179 (c) Forest Salvage.

- 180 1. Damaged, dying or dead trees removed due to injurious agents, such as
181 wind or ice storms or the spread of invasive epidemic forest pathogens,
182 insects and diseases or other epidemic biological risks to the forest, but not
183 removed due to competition. Such eligible trees may be removed without
184 limitation for biomass fuel, only if the injurious agent is a threat to forest

185 health or risk to private or public resources, and if the United States
186 Department of Agriculture Animal and Plant Health Inspection Service, the
187 United States Department of Agriculture Forest Service, or appropriate
188 federal or state governmental agency has issued a declaration, rule, or order
189 declaring a major threat to forest health or risk to private or public resources,
190 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.

195 (d) Non-forest Derived Residues.

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

208
209 Eligible Landfill. A landfill that has received an approval from MassDEP for the use
210 of a solar photovoltaic Generation Unit at the landfill as a post-closure use pursuant to
211 310 CMR 19.143: *Post-closure Use of Landfills*.

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

220
221 Eligible RPS Class I Renewable Fuel. An Eligible Biomass Fuel, hydrogen derived
222 from such fuels or hydrogen derived from water using the electrical output of a
223 Renewable Generation Unit, but not hydrogen derived using RPS Class I Renewable
224 Generation if the RPS Class I Renewable Generation Attributes of such Generation
225 are sold, retired, claimed, used or represented as part of electrical energy output or
226 sales, or used to satisfy regulatory obligations in any jurisdictions, and not hydrogen
227 derived directly or indirectly from ineligible fuels.

228
229 Emergency Power Generation Unit. A solar photovoltaic Generation Unit installed for
230 the purpose of providing 67% or more of its annual electric output to be used on-site

231 as prescribed by 225 CMR 14.09(a) at critical infrastructure that can be utilized in the
232 event of an emergency or power outage. For purposes of Emergency Power
233 Generation Unit, critical infrastructure includes, but is not limited to, the following:
234 hospitals, police and fire stations, airports, emergency management agencies,
235 acute/post-acute medical facilities with life sustaining equipment, water and sewer
236 treatment facilities, pump stations, evacuation centers, and emergency
237 communications centers that serve a life safety function.

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

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

247
248 Generation Unit. A facility that converts a fuel or an energy resource into electrical
249 energy.

250
251 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for
252 electric power generation.

253
254 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies
255 Generation Attributes of each MWh accounted for in the NEPOOL GIS.

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

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

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

273
274 Impacted Watershed. All water bodies or areas of land hydrologically connected to a
275 hydroelectric facility, whether located upstream or downstream, which may
276 experience any alteration of their physical, biological, or ecological characteristics as

277 a result of the operation or increased capacity expansion of a hydroelectric Generation
278 Unit.

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

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

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

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

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

306
307 Massachusetts Clean Energy Technology Center (MassCEC). The center established
308 in M.G.L. c. 23J, § 2.

309
310 Massachusetts Renewable Energy Trust. The Trust under M.G.L. c. 23J, § 9, which
311 administers renewable energy programs for the Commonwealth.

312
313 MassDEP. The Massachusetts Department of Environmental Protection established
314 by M.G.L. c. 21A, § 7.

315
316 Megawatt (MW). A unit of power equal to one million watts.
317

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

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

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

332
333 Off-grid Generation. The electrical energy produced by a Generation Unit that is not
334 connected to a utility transmission or distribution system.

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

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

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

351
352 Power Conversion Technology. The design, process, and equipment by which an
353 energy resource is converted into useful energy, as specified in Guidelines.

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

360
361 Renewable Generation. The electrical energy output of a Renewable Generation Unit.

362
363 Renewable Generation Attribute. The Generation Attribute of the electrical energy
364 output of a specific Generation Unit that derives from the Generation Unit's production
365 of Renewable Generation.

366 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class I
367 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of
368 conventional municipal solid waste plant technology in commercial use, or any of the
369 fuels, energy resources or technologies set forth in 225 CMR 14.05(1)(a).
370

371 Retail Electricity Product. An electrical energy offering that is distinguished by its
372 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to
373 End-use Customers.
374

375 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use
376 Customers in Massachusetts, including but not limited to Distribution Companies
377 supplying basic service or any successor service to End-use Customers. A Municipal
378 Lighting Plant shall be considered a Retail Electricity Supplier; however, it shall be
379 exempt from the obligations of a Retail Electricity Supplier under 225 CMR 14.00 so
380 long as and insofar as it is exempt from the requirements to allow competitive choice
381 of generation supply pursuant to M.G.L. c. 164, § 47A.
382

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

- 388 (a) the Special Provisions for Incremental Generating Capacity, pursuant to 225
389 CMR 14.05(2) issued on or after January 1, 2009;
- 390 (b) a Vintage Waiver, pursuant to 225 CMR 14.05(2) issued before January 1,
391 2009;
- 392 (c) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 14.05(3);
- 393 (d) the Special Provisions for a Generation Unit Located in a Control Area
394 Adjacent to the ISO-NE Control Area, pursuant to 225 CMR 14.05(5); or
- 395 (e) any other applicable provision of 225 CMR 14.00.
396

397 RPS Class I Renewable Generation Attribute. The Generation Attribute of the
398 electrical energy output of a specific RPS Class I Renewable Generation Unit that
399 derives from the Generation Unit's production of RPS Class I Renewable Generation.
400

401 RPS Class I Renewable Generation Unit. A Generation Unit or Aggregation that has
402 received a Statement of Qualification from the Department, including a Generation
403 Unit or Aggregation termed a New Renewable Generation Unit in a Statement of
404 Qualification issued by the Department pursuant to 225 CMR 14.00 before January 1,
405 2009, but does not include Solar Carve-out Renewable Generation Units.
406

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

411 Solar Carve-out Program Capacity Cap. The capacity, in MW, of Solar Carve-Out
412 Renewable Generation Units qualified by the Department through June 30, 2014, and
413 as announced on its website by the Department no later than July 31, 2014.
414

415 Solar Carve-out II Program Capacity Cap. The aggregate eligible capacity, in MW, of
416 Solar Carve-out II Renewable Generation Units qualified by the Department upon the
417 establishment of a new incentive program, minus the Solar Carve-out Program
418 Capacity Cap.
419

420 Solar Carve-out Renewable Generation. The electrical output of a Solar Carve-out
421 Renewable Generation Unit that qualifies for the Solar Carve-out under 225 CMR
422 14.05(4), excluding any electrical energy utilized for parasitic load.
423

424 Solar Carve-out II Renewable Generation. The electrical output of a Solar Carve-out
425 II Renewable Generation Unit that qualifies for the Solar Carve-out II under 225 CMR
426 14.05(9), excluding any electrical energy utilized for parasitic load.
427

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

433 Solar Carve-out II Renewable Generation Attribute. The Generation Attribute of the
434 electrical energy output of a specific Solar Carve-out II Renewable Generation Unit
435 that derives from the Generation Unit's production of Solar Carve-out II Renewable
436 Generation.
437

438 Solar Carve-out Renewable Generation Unit. A Generation Unit or Aggregation that
439 has received a Statement of Qualification from the Department that specifies its
440 qualification for participation in the Solar Carve-out under 225 CMR 14.05(4).
441

442 Solar Carve-out II Renewable Generation Unit. A Generation Unit or Aggregation that
443 has received a Statement of Qualification from the Department that specifies its
444 qualification for participation in the Solar Carve-out II under 225 CMR 14.05(9).
445

446 Solar Renewable Energy Certificate II (SREC II). A GIS Certificate that represents
447 the RPS Class I Renewable Generation Attributes and Solar Carve-out II Renewable
448 Generation Attributes of the Renewable Generation from a Solar Carve-out II
449 Renewable Generation Unit.
450

451 Statement of Qualification. A written document from the Department that qualifies a
452 Generation Unit or Aggregation as an RPS Class I Qualified Generation Unit, a Solar
453 Carve-out Renewable Generation Unit, or a Solar Carve-out II Renewable Generation
454 Unit, or that qualifies a portion of the annual electrical energy output of a Generation
455 Unit or Aggregation as RPS Class I Renewable Generation Solar Carve-out
456 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.

502 14.04: Applicability
503

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

507
508 14.05 : Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units, and
509 Solar Carve-out II Renewable Generation Units
510

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

514
515 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use one or
516 more of the fuels, energy resources and/or technologies listed in 225 CMR
517 14.05(1)(a)1. through 9.

518
519 1. Solar photovoltaic or solar thermal electric energy.

520
521 2. Wind energy.

522
523 3. Ocean thermal, wave or tidal energy.

524
525 4. Fuel cells using an Eligible RPS Class I Renewable Fuel.

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

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

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

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

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

545
546 a. The Generation Unit has a nameplate capacity up to 30 megawatts, or
547 increased capacity installed or efficiency improvements implemented

548 after December 31, 1997, the aggregate of which increased capacity or
549 efficiency improvements does not exceed 30 megawatts.
550

551 b. The Generation Unit does not involve any dam or water diversion
552 structure constructed after December 31, 1997, or pumped storage of
553 water.
554

555 c. The Generation Unit does not generate Marine or Hydrokinetic Energy.
556

557 d. The Generation Unit meets appropriate and site-specific standards that
558 address adequate and healthy river flows, water quality standards, fish
559 passage and protection measures and mitigation and enhancement
560 opportunities in the Impacted Watershed, as determined by the
561 Department in consultation with Relevant Hydroelectric Agencies. The
562 Generation Unit shall demonstrate compliance with such standards by
563 submitting the documentation required in either 225 CMR
564 14.05(1)(a)6.d.i or ii.
565

566 i. LIHI Certification of the Generation Unit; except that in either of the
567 two circumstances provided in 225 CMR 14.05(1)(a)6.d.i, the
568 Department may request further information from the applicant and
569 the Relevant Hydroelectric Agencies as part of its review of the
570 applicant's Statement of Qualification Application. The Department
571 shall notify the applicant of any such input from a Relevant
572 Hydroelectric Agency not later than 30 days after receiving such
573 input and shall provide the applicant an opportunity to respond to the
574 Department not later than 30 days after the applicant's receipt of such
575 notice from the Department.
576

577 (i). If a Relevant Hydroelectric Agency identified an environmental
578 concern and a proposed remedy to LIHI during the LIHI
579 certification process, and such concern was not addressed in the
580 LIHI certification to the satisfaction of the Agency, and the
581 Agency consulted with the Owner or Operator of the Generation
582 Unit; or
583

584 (ii). If, between issuance of the LIHI certification and the
585 Department's determination of the Generation Unit's eligibility, a
586 Relevant Hydroelectric Agency submits to the Department
587 evidence of a significant environmental problem not previously
588 known by such Agency, after consulting with the Owner or
589 Operator of the Generation Unit.
590

591 ii. A denial of certification from LIHI specifying the reasons the
592 certification was denied and the applicant's proposed rationale for
593 why the project should nevertheless receive a Statement of

594 Qualification. In this instance, the Department shall notify and seek
595 input from the Relevant Hydroelectric Agencies, which shall have 30
596 days from the date of their receipt of such notification to provide
597 feedback to the Department. The Owner or Operator of the
598 Generation Unit shall be notified of any such input and shall have 30
599 days from receipt of such notice to respond to the satisfaction of the
600 Department as to why its Application should be approved. The
601 Department thereafter shall make finding of whether the Generation
602 Unit meets appropriate environmental safeguards despite the lack of
603 LIHI certification.
604

605 e. The Owner or Operator of the Generation Unit must serve notice to all
606 Relevant Hydroelectric Agencies of its application for LIHI certification.
607 The Owner or Operator of the Generation Unit also must serve notice to
608 all Relevant Hydroelectric Agencies, and provide opportunity for
609 comment within 30 days of such notice, with regard to its submission of a
610 Statement of Qualification Application. Notice of such service must be
611 provided to the Department.
612

613 f. If LIHI fails to act to certify or deny certification within 180 days from
614 the date of submission of the Generation Unit's application to LIHI, the
615 Owner or Operator shall file notice of such event with the Department.
616 The Department shall review the federal, state or provincial permits for
617 the Generation Unit and any submissions to LIHI by Relevant
618 Hydroelectric Agencies, and shall make a final determination as to
619 whether the Generation Unit meets environmental standards specified in
620 225 CMR 14.05(1)(a)6.d.
621

622 g. If LIHI is unable to review for certification a Generation Unit that is
623 located in a Control Area adjacent to the ISO-NE Control Area and
624 outside the United States of America, the Owner or Operator of such
625 Generation Unit may petition the Department for certification using the
626 LIHI standards by an independent third-party acceptable to the
627 Department.
628

629 7. Low-emission, Advanced Biomass Power Conversion Technologies Using an
630 Eligible Biomass Fuel. A Generation Unit may qualify as an RPS Class I
631 Renewable Generation Unit, provided it uses an Eligible Biomass Fuel, subject
632 to the limitations in 225 CMR 14.05(1)(a)7.
633

634 a. A Generation Unit utilizing an Eligible Biomass Fuel, that is required to
635 obtain an air permit in its jurisdiction, must possess a Valid Air Permit.
636

637 b. The Department shall set forth in Guidelines low-emission eligibility
638 criteria which will become effective on their date of issuance. Any
639 emission eligibility criteria in subsequently revised regulations or

640 Guidelines shall become effective 12 months from their date of issuance. A
641 Generation Unit utilizing an Eligible Biomass Fuel that is not a solid fuel,
642 such as Eligible Liquid Biofuel, or does not use a steam boiler, shall follow
643 the low-emission eligibility criteria process described in the Departments'
644 *Guideline on Eligible Biomass Fuel for Renewable Generation Units*. In the
645 case of a Generation Unit for whose size, type, or fuel the Department's
646 Guidelines do not provide applicable emission limits, the Department will
647 determine appropriate limits in consultation with the MassDEP.
648

649 A Generation Unit utilizing an Eligible Biomass Woody Fuel or
650 Manufactured Biomass Fuel with a Commercial Operation Date after
651 December 31, 2021 or a Generation Unit utilizing an Eligible Biomass
652 Woody Fuel or Manufactured Biomass Fuel that has 5% or more of its fuel
653 sourced from Forest Derived Residues, Forest Derived Thinnings, and Forest
654 Salvage must achieve an overall efficiency of at least 60% on a quarterly
655 basis. A Generation Unit with a Commercial Operation Date on or before
656 December 31, 2021 and utilizing an Eligible Biomass Woody Fuel or
657 Manufactured Biomass Fuel that has over 95% of its fuel sourced from Non-
658 Forest Derived Residues on a quarterly basis shall have no applicable overall
659 efficiency requirement. The procedure for calculating whether the
660 Generation Unit meets the 60% overall efficiency requirement can be found
661 in the Department's *Guideline on Overall Efficiency and Greenhouse Gas*
662 *Analysis*.
663

664 c. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass
665 Woody Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel shall
666 reduce lifecycle greenhouse gas emissions, over a 20-year lifecycle, by at
667 least 50% compared to the operation of a new combined cycle natural gas
668 electric generating facility using the most efficient commercially available
669 technology as of the date of the Statement of Qualification Application for
670 the portion of electricity delivered by the Generation Unit and, if
671 applicable, the operation of the fossil fuel fired thermal energy unit being
672 displaced, or in the case of new Useful Thermal Energy, a gas-fired thermal
673 energy unit using the most efficient commercially available technology as
674 of the date of Statement of Qualification Application for the portion of the
675 Useful Thermal Energy delivered by the Generation Unit. The procedure
676 for calculating whether a Generation Unit meets the 50% reduction can be
677 found in the Department's *Guideline on Overall Efficiency and*
678 *Greenhouse Gas Analysis*.
679

680 i. A Generation Unit that does not achieve a lifecycle greenhouse gas
681 emissions reduction of at least 50% over a 20-year lifecycle in a
682 particular calendar quarter of the Compliance Year, pursuant to 225
683 CMR 14.05(1)(a)7.d., shall not be eligible to report RPS Class I

684 Renewable Generation Attributes to the NEPOOL GIS for that
685 Calendar Quarter.

686
687 d. In the case of a Generation Unit that uses Eligible Biogas Fuel, the Eligible
688 Biogas Fuel may be either conveyed directly to the Generation Unit
689 without the use of facilities used as common carriers of natural gas, or
690 transported to a Generation Unit within the ISO-NE Control Area or an
691 adjacent Control Area via a common carrier of natural gas, in which
692 instance the gas would be subject to the following provisions:

693
694 i. the gas is produced entirely within the ISO-NE Control Area or an
695 adjacent Control Area;

696
697 ii. documentation is provided, satisfactory to the Department, regarding
698 the gas transportation and related contracts; and

699
700 iii. demonstration is provided, satisfactory to the Department, that the
701 gas can be physically delivered to the Generation Unit.
702

703 e. A Generation Unit using Eligible Biomass Woody Fuel or Manufactured
704 Biomass Fuel with a Commercial Operation Date after December 31, 2021
705 that is either: (i) sited in an environmental justice population or (ii) sited
706 within 5 miles of an environmental justice population, shall not qualify as
707 an RPS Class I Renewable Generation Unit; provided, however, that the
708 Secretary of the Executive Office of Energy and Environmental Affairs
709 shall determine environmental justice populations in accordance with law.
710

711 8. Marine or hydrokinetic energy.

712
713 9. Geothermal energy.
714

715 (b) Commercial Operation Date. The Commercial Operation Date shall be after
716 December 31, 1997, unless the Generation Unit received a Statement of
717 Qualification with a Vintage Waiver prior to January 1, 2009. In the case of a
718 Solar Carve-out Renewable Generation Unit, the Commercial Operation Date
719 shall be after December 31, 2007. In the case of a Solar Carve-out II Renewable
720 Generation Unit, the Commercial Operation Date shall be after December 31,
721 2012.
722

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

728 (d) Location. The Generation Unit location is subject to the limitations in 225
729 CMR 14.05(1)(d).

730
731 1. Off-grid Generation. If the Generation Unit produces Off-grid Generation,
732 such Generation Unit must be located in Massachusetts.

733
734 2. Behind-the-meter Generation. If the Generation Unit is wired to the
735 electrical system on the End-use Customer's side of a retail electric meter,
736 such Generation Unit must be located within the ISO-NE Control Area.

737
738 (2) Special Provisions for Incremental Generation. An increase in electrical energy
739 output of a Generation Unit with a Commercial Operation Date on or before
740 December 31, 1997, may qualify as RPS Class I Renewable Generation, subject to
741 the limitations in CMR 14.05(2).

742
743 (a) The Generation Unit must meet the eligibility requirements of 225 CMR
744 14.05 with the exception of 225 CMR 14.05(1)(b).

745
746 (b) The portion of the total electrical energy output of the Generation Unit that
747 qualifies as RPS Class I Renewable Generation in a given calendar year shall be
748 the portion attributable to incremental new generating capacity or efficiency
749 improvements installed or implemented after December 31, 1997, using
750 equipment that was not utilized in any Renewable Generation Unit within the
751 ISO-NE Control Area or within Control Areas adjacent thereto on or before
752 December 31, 1997.

753
754 (c) The portion of the electrical energy output of a Generation Unit that does not
755 qualify as RPS Class I Renewable Generation under the provisions of 225 CMR
756 14.05(2)(c) or under a Statement of Qualification granted to a Vintage
757 Generation Unit prior to January 1, 2009, may qualify as RPS Class II
758 Renewable Generation if it applies for and meets the eligibility standards of the
759 RPS Class II Regulations set forth in 225 CMR 15.00: *Renewable Energy*
760 *Portfolio Standard – Class II*.

761
762 (d) The portion of electrical energy output of a Generation Unit that replaces the
763 output of an RPS Class I Renewable Generation Unit qualified under 225 CMR
764 14.05(1)(a)5. at the same location, or proximate thereto, and utilizes the fuel
765 resource of that location, shall not be qualified as Incremental Generation, unless
766 a Generation Unit meets the requirements of 225 CMR 14.05(7)(d).

767
768 (3) Co-firing and Blended Fuel Waiver. All or a portion of the electrical energy output
769 of a Generation Unit that uses ineligible fuel in conjunction with an Eligible RPS
770 Class I Renewable Fuel, whether by co-firing such fuels or by using a Blended
771 Fuel, may qualify as RPS Class I Renewable Generation provided the Generation
772 Unit meets the eligibility requirements of 225 CMR 14.05, subject to the limitations
773 in 225 CMR 14.05(3).

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- (a) The portion of the total electrical energy output that qualifies as RPS Class I Renewable Generation in a given time period shall be equal to the ratio of the net heat content of the Eligible RPS Class I Renewable Fuel consumed to the net heat content of all fuel consumed in that time period.
 - (a) 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 set forth in 225 CMR 14.05(1)(a)7.
 - (b) 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.
 - (c) 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.
 - (d) The provisions of 225 CMR 14.05(3) shall not apply to the incidental use of ineligible fuels for the purpose of cold starting a Generation Unit that otherwise exclusively uses an Eligible RPS Class I Renewable Fuel.
- (4) Special Provisions for a Solar Carve-out Generation Unit. All references to kW or MW in 225 CMR 14.05(4) shall be measured on a nameplate capacity basis in direct current (DC).
 - (a) The Solar Carve-out Renewable Generation Unit must use solar photovoltaic technology, be used on-site, located in the Commonwealth of Massachusetts, and be interconnected with the electric grid. On-site use includes any new or existing load located at the site of the Generation Unit including any parasitic load that may result from the installation of the Generation Unit, and that is wired to receive a portion of the electrical energy output from the Generation Unit before the balance of such output passes through the Generation Unit's metered interconnection onto the electric grid. The maximum capacity of a Generation Unit shall be 6 MW, as measured on a nameplate capacity basis in direct current and shall be determined based on the total capacity located on a single parcel of land. For any parcel of land for which a Solar Carve-out Generation Unit has submitted a Statement of Qualification Application, if its current boundaries are the result of a subdivision recorded after January 1, 2010, the Owner or Operator

821 shall make a demonstration to the Department that the subdivision was not for
822 the purpose of eligibility in the Solar Carve-out Program. If the Department is
823 not satisfied by such showing, the 6 MW limit shall apply to the metes and
824 bounds of the parcel as recorded prior to the subdivision. Any subsequent
825 additional solar photovoltaic Generation Units that would result in excess of 6
826 MW of capacity installed on the same parcel of land and meeting all other
827 requirements under 225 CMR 14.00 may qualify only for RPS Class I
828 Renewable Generation Attributes.

829
830 (b) If the construction and installation of a Generation Unit was funded through a
831 program administered prior to January 1, 2010, by the Massachusetts Renewable
832 Energy Trust, or if the Generation Unit was funded substantially from American
833 Recovery and Reinvestment Act, P.L. 111-5 (ARRA) for the installation of that
834 Generation Unit, the Generation Unit shall not be eligible to participate in the
835 Solar Carve-out. Substantial shall mean for this purpose more than 67% of total
836 installed cost. Notwithstanding 225 CMR 14.05(4)(b), if the substantial funding
837 that a Generation Unit receives is from a payment in *lieu* of tax credit under §
838 1603 of ARRA, the Generation Unit shall be eligible for Solar Carve-out
839 Renewable Generation Attributes.

840
841 (c) Any entity that owns Solar Carve-out Renewable Generation Attributes is
842 eligible to make deposits into the Solar Credit Clearinghouse Auction provided
843 the Attributes deposited into the Auction were generated during the Opt-in
844 Term specified in the Statement of Qualification of the Generation Unit. The
845 Department or its agent shall maintain an account, known as Solar Credit
846 Clearinghouse Auction Account on the NEPOOL GIS into which Solar Carve-
847 out Renewable Generation Attributes may be deposited. The Solar Credit
848 Clearinghouse Auction Account shall be available for deposit of Attributes only
849 from May 16 to June 15.

850
851 (d) An entity that opts to deposit Solar Carve-out Generation Renewable Attributes into
852 the Solar Credit Clearinghouse Auction Account shall be assessed, at the
853 completion of the auction, a usage fee of 5% of the auction price for each such
854 Attribute deposited into Solar Credit Clearinghouse Auction Account. This usage
855 fee shall be deposited into the Alternative Compliance Payment fund under 225
856 CMR 14.08(3). This usage fee will not apply to Attributes that remain unsold
857 following the final round of the Solar Credit Clearinghouse Auction as provided
858 in 225 CMR 14.05(4)(i).

859
860 (e) Those Attributes deposited into Solar Credit Clearinghouse Auction Account shall
861 then be retired and reissued by NEPOOL GIS as Re-minted Auction Account
862 Attributes. These Attributes shall be eligible in either of the two subsequent
863 Compliance Years from the year in which they were generated to meet obligations
864 under the Massachusetts Solar Carve-out Minimum Standard. The Department or
865 its agent shall conduct an auction for those Attributes. Any entity wishing to
866 purchase Re-minted Auction Account Attributes may participate and enter a bid.

867 Each bid shall be for the number of Re-minted Auction Account Attributes that
868 the bidder wishes to purchase at a fixed price of \$300 per Re-minted Auction
869 Account Attribute.

870
871 (f) The Solar Credit Clearinghouse Auction shall be held not later than July 31. If
872 the Auction clears, meaning that the total number of Re-minted Auction Account
873 Attributes bid for in the auction was equal to or more than the number of Solar
874 Carve-out Renewable Generation Attributes deposited, then the total amount of
875 deposited Attributes will be distributed to the bidders in a pro-rated manner such
876 that each bidder receives the same percentage of their bid volume. If the auction
877 does not clear, meaning that the total number of Re-minted Auction Account
878 Attributes bid for in the auction was less than the number of Solar Carve-out
879 Renewable Generation Attributes deposited, the Department or its agent shall
880 void the auction.

881
882 (g) If the auction under 225 CMR 14.05(4)(f) does not clear, the Department shall
883 conduct a new auction within three Business Days, in which any Attributes
884 purchased shall be eligible in any of the three subsequent Compliance Years
885 from the year in which they were generated to meet obligations under the
886 Massachusetts Solar Carve-out Minimum Standard. If the auction does not clear,
887 the Department or its agent shall void the auction.

888
889 (h) If the auction under 225 CMR 14.05(4)(g) does not clear, the Department or its
890 agent shall conduct another auction within three Business Days, at which point
891 the Attributes shall be eligible in any of the three subsequent Compliance Years
892 from the year in which they were generated to meet obligations under the
893 Massachusetts Solar Carve-out Minimum Standard. Prior to this Auction, the
894 Department shall also re-calculate the Massachusetts Solar Carve-out Minimum
895 Standard under 225 CMR 14.07(2).

896
897 (i) If the auction under 225 CMR 14.05(4)(h) does not clear, the Re-minted
898 Auction Account Attributes deposited in the Solar Credit Clearinghouse Auction
899 Account shall be allocated to the bidders in a pro-rated manner so that an equal
900 percentage of Re-minted Auction Account Attributes are allocated from each
901 Generation Unit that deposited Solar Carve-out Renewable Generation
902 Attributes. The remaining Re-minted Auction Account Attributes shall be
903 returned to the entity that made the deposit. These Attributes shall be eligible in
904 any of the three subsequent Compliance Years from the year in which they were
905 generated to meet obligations under the Massachusetts Solar Carve-out
906 Minimum Standard.

907
908 (j) Re-minted Auction Account Attributes may not be placed into the Solar
909 Credit Clearinghouse Auction Account in subsequent years.

910
911 (k) Within two weeks from June 28, 2013, the Department shall establish and
912 provide on its website a list of all projects that are within the 400 MW capacity

913 limit and the set of Generation Units that are outside of the 400 MW capacity
914 limit. The Department shall provide Statement of Qualifications to all Generation
915 Units with Statement of Qualification Applications as follows, provided such
916 Generation Units meet all other eligibility criterion of 225 CMR 14.00.
917

- 918 1. A Generation Unit greater than 100 kW that has received a Statement of
919 Qualification or has submitted a Statement of Qualification Application that
920 is within the 400 MW capacity limit shall be provided a Statement of
921 Qualification only if the Generation Unit meets the project construction
922 timelines prescribed in 225 CMR 14.05(4)(k)4. Notwithstanding 225 CMR
923 14.06(4), the RPS Effective Date of the Generation Unit shall be no later than
924 December 31, 2013, regardless of when the Unit's Commercial Operation
925 Date occurs.
926
- 927 2. A Generation Unit greater than 100 kW that has submitted a Statement of
928 Qualification Application that is outside the 400 MW capacity limit shall be
929 provided a Statement of Qualification only if the Generation Unit is
930 authorized to interconnect by its local Distribution Company on or before
931 June 28, 2013 or has received an interconnection service agreement from its
932 local Distribution Company that is fully executed by both the interconnecting
933 customer and the Distribution Company and dated on or before June 7, 2013,
934 and meets the project construction timelines prescribed in 225 CMR
935 14.05(4)(k)4. The Generation Unit shall have one week after June 28, 2013
936 to provide the Department with a copy of the executed Interconnection
937 Service Agreement or its Statement of Qualification Application will be
938 rejected. Notwithstanding 225 CMR 14.06(4), the RPS Effective Date of the
939 Generation Unit shall be no later than December 31, 2013, regardless of
940 when the Generation Unit's Commercial Operation Date occurs.
941
- 942 3. A Generation Unit that has a rated capacity equal to or less than 100 kW, or
943 has qualified as a Community Solar Project by the MassCEC under its
944 Commonwealth Solar II Rebate Program, which has received its
945 authorization to interconnect or permission to operate from its local
946 Distribution Company by the effective date of a new solar carve-out program
947 established by the Department, or by June 30, 2014, whichever is earlier, and
948 has submitted a Statement of Qualification Application shall be provided a
949 Statement of Qualification. Notwithstanding 225 CMR 14.06(4), the RPS
950 Effective Date of the Generation Unit shall be no later than December 31,
951 2013, regardless of when the Generation Unit's Commercial Operation Date
952 occurs. For the purpose of 225 CMR 14.05(4)(k)3., the Generation Unit's
953 capacity shall be measured as the total capacity of qualified Solar Carve-out
954 Renewable Generation on a single parcel of land or on a roof of a single
955 building, whichever is less.
956
- 957 4. A Generation Unit greater than 100 kW must meet the following
958 construction timelines to receive a Statement of Qualification.

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- a. A Generation Unit must receive its authorization to interconnect or permission to operate from its local Distribution Company on or before December 31, 2013.
- b. A Generation Unit that has not received an authorization to interconnect or permission to operate on or before December 31, 2013 will be provided an extension to June 30, 2014 only if it can demonstrate to the satisfaction of the Department that the project has expended at least 50% of its total construction costs by December 31, 2013. A Generation Unit provided such an extension must receive its authorization to interconnect or permission to operate on or before June 30, 2014.
- c. If a Generation Unit can demonstrate to the Department's satisfaction that either of these two timelines have been met, but that interconnection depends only on the receipt of notice of authorization to interconnect or its permission to operate, and such receipt is delayed only by the local Distribution Company or due to remaining steps required by other parties for safe and reliable interconnection, then the Generation Unit will be provided an extension until the authorization to interconnect or permission to operate is received.

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

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

- (a) The Generation Unit Owner or Operator shall provide documentation, satisfactory to the Department that the RPS Class I Renewable Generation Attributes 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.
- (b) The Generation Unit Owner or Operator must provide an attestation in a form to be provided by the Department that it will not itself or through any affiliate or other contracted party, knowingly engage in the process of importing RPS Class I Renewable Generation into the ISO-NE Control Area for the creation of RPS

- 1005 Class I Renewable GIS Certificates, and then exporting that energy or a similar
1006 quantity of other energy out of the ISO-NE Control Area during the same hour.
1007
- 1008 (c) The quantity of electrical energy output from an RPS Class I Renewable
1009 Generation Unit outside the ISO-NE Control Area that can qualify as RPS Class
1010 I Renewable Generation at the NEPOOL GIS during each hour is limited to the
1011 lesser of the RPS Class I Renewable Generation actually produced by the
1012 Generation Unit or the RPS Class I Renewable Generation actually scheduled
1013 and delivered into the ISO-NE Control Area.
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- 1015 (6) Special Provisions for Aggregations. An Aggregation of Generation Units that are
1016 located behind the customer meter or that are Off-grid Generation Units, each of
1017 which could independently meet the relevant requirements of 225 CMR 14.05, may
1018 receive a single Statement of Qualification and be treated as a single RPS Class I
1019 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1020 Carve-out II Renewable Generation Unit under the criteria and procedures in 225
1021 CMR 14.05(6).
1022
- 1023 (a) Each Generation Unit in such Aggregation must be located within the same state
1024 and use the same fuel, energy resource and technology as all other Generation
1025 Units in the Aggregation. In the instance of an Aggregation that includes a Solar
1026 Carve-out Renewable Generation Unit, the Aggregation shall only include
1027 Generation Units that are eligible for the Solar Carve-out under 225 CMR
1028 14.05(4). In the instance of an Aggregation that includes a Solar Carve-out II
1029 Renewable Generation Unit, the Aggregation shall only include Generation
1030 Units that are eligible for the Solar Carve-out II under 225 CMR 14.05(9).
1031
- 1032 (b) Each of the Owners or Operators of Generation Units within the Aggregation
1033 must enter into an agreement with a person or entity that serves as the
1034 Authorized Agent for the Aggregation in all dealings with the Department and
1035 with the NEPOOL GIS, and such agreement must include procedures by which
1036 the electrical energy output of each Generation Unit shall be monitored and
1037 reported to the NEPOOL GIS.
1038
- 1039 (c) The Authorized Agent of the Aggregation must establish and maintain a
1040 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating
1041 Rules, including all provisions for Non-NEPOOL Generator Representatives, as
1042 that term is defined in Rule 2.1(a)(vi).
1043
- 1044 (d) The electrical energy output of each of the Generation Units in the
1045 Aggregation must be individually monitored and recorded, and it must be
1046 reported to the NEPOOL GIS, by an independent Third Party Meter Reader as
1047 defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, and approved by
1048 the Department.

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- (7) Special Provisions for Relocated, Repowered, and Replacement Generation Units. The Department may provide a Statement of Qualification to a Generation Unit that meets one of the following categories and criteria, as well as all other relevant provisions of 225 CMR 14.05:
- (a) Relocated RPS Class I Renewable Generation Unit. A Generation Unit whose Power Conversion Technology was used on or before December 31, 1997, to generate electrical energy outside of both the ISO-NE Control Area and Control Areas adjacent thereto, and that is relocated into one of said Control Areas after December 31, 1997, provided that any components of the Power Conversion Technology that were not used outside of said Control Areas were first used in a Generation Unit after December 31, 1997.
 - (b) Repowered RPS Class I Renewable Generation Unit. A Generation Unit that did not utilize an Eligible RPS Class I Renewable Fuel at any time on or before December 31, 1997.
 - (c) Replacement RPS Class I Renewable Generation Unit. A Generation Unit that replaces a mothballed or decommissioned Generation Unit that had operated on the same site on or before December 31, 1997, provided the entire Power Conversion Technology of the existing Generation Unit is replaced with equipment manufactured after December 31, 1997.
- (8) Special Provisions for Generation Units Using Eligible Biomass Woody Fuels or Manufactured Biomass Fuels. An Owner, Operator, or Authorized Agent of a Generation Unit that uses an Eligible Biomass Woody Fuel or a Manufactured Biomass Fuel must meet the following provisions.
- (a) Sustainable Forest Management. Forest Derived Residues and Forest Derived Thinnings shall only be sourced from forests meeting Sustainable Forestry Management practices, as independently verified through the attestation of a licensed forester, certified forester, or independent certification.
 - (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel or Manufactured Biomass Fuel that does not comply with the overall efficiency requirements in 225 CMR 14.05(1)(a)7.c. shall be subject the following:
 - 1. A Generation Unit utilizing an Eligible Biomass Woody Fuel or Manufactured Biomass Fuel with a Commercial Operation Date after December 31, 2021 or a Generation Unit utilizing Eligible Biomass Woody Fuel or Manufactured Biomass Fuel that has 5% or more of its fuel sourced from Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage and does not achieve an overall efficiency of at least 60% in a particular calendar quarter of the Compliance Year, pursuant to 225 CMR 14.05(1)(a)7.c., shall not be eligible to report RPS Class I Renewable Generation Attributes to the NEPOOL GIS for that calendar quarter.

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2. A Generation Unit utilizing Eligible Biomass Woody Fuel or Manufactured Biomass Fuel with a Commercial Operation Date on or before December 31, 2021 and that has over 95% of its fuel sourced from Non-Forest Derived Residues in a particular calendar quarter of the Compliance Year, shall only be eligible to receive RPS Class I Renewable Generation Attributes at NEPOOL GIS in a proportion equal to the percentage of fuel sourced from Non-Forest Derived Residues for that calendar quarter.

(c) Reporting Requirements for Generation Units using Eligible Biomass Woody Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent of a Generation Unit using Eligible Biomass Woody Fuel or Manufactured Biomass Fuel shall provide to the Department on a quarterly basis the Biomass Fuel Report as prescribed in the Department’s *Guideline on Eligible Biomass Fuel for Renewable Generation Units*.

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

1. Supplier of the fuel;
2. Amount of fuel delivered; and
3. Date of delivery.

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

(f) Forest Impact Assessment. Every five years, beginning in 2020, the Department, in coordination with DCR, will conduct an assessment of the impacts on Massachusetts and regional forests resulting from biomass fuel removals. The five-year assessment shall also consider information on the Eligible Biomass Woody Fuel utilized by qualified Generation Units and the extent to which such fuels come from the categories of Non-forest Derived Residues, Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage. If the Department concludes its findings would likely result in significant impacts on long term forest sustainability, the Department shall consult with the MassDEP, and DCR on any

1140 changes that may be required by the Department, MassDEP, or DCR to maintain
1141 long term forest sustainability and climate change mitigation.
1142

1143 (9) Special Provisions for a Solar Carve-out II Renewable Generation Unit. All references
1144 to kW or MW in 225 CMR 14.05(9) shall be measured on a nameplate capacity basis
1145 in direct current (DC).
1146

1147 (a) The Solar Carve-out II Renewable Generation Unit must use solar photovoltaic
1148 technology on-site and be interconnected with the electric grid in the
1149 Commonwealth of Massachusetts. On-site use includes any new or existing load
1150 located at the site of the Solar Carve-out II Renewable Generation Unit, including
1151 any parasitic load that may result from the installation and operation of the Solar
1152 Carve-out II Renewable Generation Unit, and that is wired to receive a portion of
1153 the electrical energy output from the Solar Carve-out II Renewable Generation
1154 Unit before the balance of such output passes through the Solar Carve-out II
1155 Renewable Generation Unit's metered interconnection onto the electric grid. The
1156 maximum capacity of a Solar Carve-out II Renewable Generation Unit shall be six
1157 MW and shall be determined based on the total capacity of Solar Carve-out
1158 Renewable Generation Units and Solar Carve-out II Renewable Generation Units
1159 located on a single parcel of land. For any parcel of land for which a Solar Carve-
1160 out II Renewable Generation Unit has submitted a Statement of Qualification
1161 Application, if its current boundaries are the result of a subdivision recorded after
1162 January 1, 2010, the Owner or Operator shall demonstrate to the Department that
1163 the subdivision was not for the purpose of obtaining eligibility as a Solar Carve-
1164 out II Renewable Generation Unit. If the Owner or Operator fails to make such a
1165 showing to the Department, the six MW limit shall apply to the metes and bounds
1166 of the parcel as recorded prior to the subdivision. Any solar photovoltaic
1167 Generation Units that would result in excess of six MW of capacity installed on
1168 the same parcel of land and meeting all other requirements under 225 CMR 14.00
1169 may qualify only for RPS Class I Renewable Generation Attributes.
1170

1171 (b) A Solar Carve-out II Renewable Generation Unit must have a Commercial
1172 Operation Date on or after January 1, 2013 and must not be qualified as a Solar
1173 Carve-out Renewable Generation Unit under provisions in 225 CMR 14.05(4).
1174

1175 (c) Any entity that owns Solar Carve-out II Renewable Attributes generated by a Solar
1176 Carve-Out II Renewable Generation Unit is eligible to make deposits into the Solar
1177 Credit Clearinghouse Auction-II. The Department or its agent shall maintain a
1178 Solar Credit Clearinghouse Auction-II Account on the NEPOOL GIS into which
1179 eligible Solar Carve-out II Renewable Generation Attributes may be deposited.
1180 The Solar Credit Clearinghouse Auction-II Account shall be available for deposit
1181 of Attributes only from May 16th through June 15th.
1182

1183 (d) An entity that opts to deposit Solar Carve-out II Renewable Attributes into the
1184 Solar Credit Clearinghouse Auction-II Account shall be assessed, at the
1185 completion of the auction, a usage fee of five percent of the auction price for each

1186 such Attribute deposited into Solar Credit Clearinghouse Auction-II Account. This
 1187 usage fee shall be deposited into the Alternative Compliance Payment fund under
 1188 225 CMR 14.08(3). This usage fee will not apply to Attributes that remain unsold
 1189 following the final round of the Solar Credit Clearinghouse Auction-II as provided
 1190 in 225 CMR 14.05(9)(i).

1191
 1192 (e) Those Solar Carve-out II Renewable Generation Attributes deposited into the
 1193 Solar Credit Clearinghouse Auction-II Account shall then be retired and reissued
 1194 by NEPOOL GIS as re-minted auction-II account Generation Attributes. These
 1195 re-minted auction-II account Generation Attributes shall be eligible for
 1196 compliance in either of the two subsequent Compliance Years from the year in
 1197 which they were generated to meet obligations under the Massachusetts Solar
 1198 Carve-out II Minimum Standard. The Department or its agent shall conduct an
 1199 auction for those re-minted auction-II account Generation Attributes. Any entity
 1200 wishing to purchase re-minted auction-II account Generation Attributes may
 1201 participate and enter a bid. Each bid shall be for the number of re-minted
 1202 auction-II account Generation Attributes that the bidder wishes to purchase at a
 1203 fixed price. The fixed price shall vary each Compliance Year according to the
 1204 following schedule.

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

1206
 1207 (f) The Solar Credit Clearinghouse Auction-II shall be held not later than July 31st
 1208 each year as necessary. If this Auction clears, meaning that the total number of
 1209 re-minted auction-II account Generation Attributes bid for in the auction was
 1210 equal to or more than the number of Solar Carve-out II Renewable Generation
 1211 Attributes deposited, then the total amount of re-minted auction-II account
 1212 Generation Attributes will be distributed to the bidders in a pro-rated manner
 1213 such that each bidder receives the same percentage of their bid volume.

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- (g) If the auction under 225 CMR 14.05(9)(f) does not clear, meaning that the total number of re-minted auction-II account Generation Attributes bid for in the auction was less than the number of Solar Carve-out II Renewable Generation Attributes deposited, the Department or its agent shall void the auction. The Department shall then conduct a second auction within three Business Days of the first auction under 225 CMR 14.05(9)(f), in which any re-minted auction-II Generation Attributes purchased shall be eligible in any of the three subsequent Compliance Years from the year in which they were generated to meet obligations under the Massachusetts Solar Carve-out II Minimum Standard.
- (h) If the second auction under 225 CMR 14.05(9)(g) does not clear, the Department or its agent shall void the auction. The Department shall then conduct a third auction within three Business Days of the second auction under 225 CMR 14.05(9)(g), at which point the re-minted auction-II Generation Attributes shall be eligible in any of the three subsequent Compliance Years from the year in which they were generated to meet obligations under the Massachusetts Solar Carve-out II Minimum Standard. Prior to the third auction under 225 CMR 14.05(9)(h), the Department shall also re-calculate the Massachusetts Solar Carve-out II Minimum Standard under 225 CMR 14.07(3).
- (i) If the third auction under 225 CMR 14.05(9)(h) does not clear, the re-minted auction-II account Generation Attributes deposited in the Solar Credit Clearinghouse Auction-II Account shall be allocated to the bidders in a pro-rated manner so that an equal percentage of re-minted auction-II account Generation Attributes are allocated from each Generation Unit that deposited Solar Carve-out II Renewable Generation Attributes. The remaining re-minted auction-II account Generation Attributes that were not allocated to the bidders shall be returned to the entity that made the deposit. These re-minted auction-II account Generation Attributes shall be eligible in any of the three subsequent Compliance Years from the year in which they were generated to meet obligations under the Massachusetts Solar Carve-out II Minimum Standard.
- (j) Re-minted auction-II account Generation Attributes may not be placed into the Solar Credit Clearinghouse Auction-II Account in subsequent years.
- (k) For each MWh of electricity generation, a Solar Carve-out II Renewable Generation Unit shall generate two types of GIS Certificates. The first type of GIS Certificate shall be encoded as solar photovoltaic, but without RPS Class I Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes. The second type of GIS Certificate shall be a Solar Renewable Energy Certificate II (SREC II). The proportion of each of type of GIS Certificate that a Solar Carve-out II Renewable Generation Unit shall generate will be determined subject to the following:

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1. Beginning with the calendar quarter in which each Solar Carve-out II Renewable Generation Unit's RPS Effective Date occurs, as prescribed in 225 CMR 14.06(4), the number of GIS Certificates encoded as solar photovoltaic without RPS Class I Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes that each Generation Unit generates shall be equal to one minus the SREC Factor, as determined under 225 CMR 14.05(9)(l), times the number of MWh generated. The number of SREC IIs each Generation Unit generates shall be equal to the SREC Factor, as determined under 225 CMR 14.05(9)(l), times the number of MWh generated. This shall apply for as long as the Solar Carve-out II Renewable Generation Unit is eligible to generate Solar Carve-out II Renewable Generation Attributes pursuant to 225 CMR 14.05(9)(l)4.
 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)(l)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)(l)2. to support solar policy objectives.
 2. An SREC Factor under 225 CMR 14.05(9)(l)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;

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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)(l)2.a., a Generation Unit's capacity shall be measured as the total nameplate capacity of the qualified Solar Carve-out II Renewable Generation Unit on a single parcel of land or on a roof of a single building.

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

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

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

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

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

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

d. Managed Growth Sector. Any Solar Carve-out II Renewable Generation Unit that does not meet the solar market sectors specified in 225 CMR 14.05(9)(l)2.a. through c. shall be eligible to qualify as

1350 Managed Growth. There shall be no more than 126 MW of Managed
1351 Growth Solar Carve-out II Renewable Generation Units.
1352

1353 3. The SREC Factor assigned to a Unit in its Statement of Qualification shall
1354 remain its SREC Factor for its entire term it is eligible to generate Solar
1355 Carve-out II Renewable Generation Attributes subject to the limitations in
1356 225 CMR 14.05(9)(l)4, unless otherwise approved at the Department's
1357 discretion.
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1359 4. Solar Carve-out II Renewable Generation Units with an RPS Effective Date
1360 on or before March 31, 2018 will be eligible to receive Solar Carve-out II
1361 Renewable Generation Attributes for 40 quarters. However, no Solar Carve-
1362 out II Renewable Generation Unit will generate Solar Carve-out II
1363 Renewable Generation Attributes after Compliance Year 2027.
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1365 5. Notwithstanding 225 CMR 14.05(9)(l)3, any Solar Carve-out II
1366 Renewable Generation Unit that has a nameplate capacity equal to or less
1367 than 25 kW and receives an authorization to interconnect after January 8,
1368 2017 or that qualifies for an extension under 225 CMR 14.05(9)(p)4.a.
1369 will receive a lower SREC Factor that shall be established in a revision to
1370 the SREC Factor Guideline on or before August 31, 2016.
1371

1372 (m) The Department shall issue a Guideline outlining the process for providing
1373 Assurance of Qualification or queuing position to Solar Carve-out II Renewable
1374 Generation Units as outlined in 225 CMR 14.05(9)(n) and (o). The Guideline
1375 may consider accommodations for small Generation Units and will provide a
1376 queuing system for Generation Units awaiting an Assurance of Qualification.
1377 The content of the Guideline will be subject to stakeholder review and comment.
1378

1379 (n) A Generation Unit seeking a Statement of Qualification as a Solar Carve-out II
1380 Renewable Generation Unit must submit a Statement of Qualification
1381 Application.
1382

1383 (o) The Department shall grant a Statement of Qualification to Solar Carve-out II
1384 Renewable Generation Units that have submitted a complete Statement of
1385 Qualification Application and meet the eligibility criteria prescribed in 225 CMR
1386 14.05(9).
1387

1388 (p) As of April 8, 2016, the Department shall provide Statements of Qualifications
1389 to all Solar Carve-out II Renewable Generation Units with submitted Statement
1390 of Qualification Applications as follows, provided such Solar Carve-out II
1391 Renewable Generation Units meet all other eligibility criteria of 225 CMR
1392 14.00.
1393

1394 1. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1395 greater than 25 kW that has received an Assurance of Qualification under the

- 1396 Solar Carve-out II Program Capacity Cap as of April 8, 2016, shall
1397 immediately be granted a Statement of Qualification. The Solar Carve-out II
1398 Renewable Generation Unit will retain its Statement of Qualification only if
1399 the Generation Unit meets the project construction timelines prescribed in
1400 225 CMR 14.05(9)(p)4.
1401
- 1402 2. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1403 greater than 25 kW that submits a complete Statement of Qualification
1404 Application shall be provided a Statement of Qualification. The Solar Carve-
1405 out II Renewable Generation Unit will retain its Statement of Qualification
1406 only if the Generation Unit meets the project construction timelines
1407 prescribed in 225 CMR 14.05(9)(p)4.
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- 1409 3. A Solar Carve-out II Renewable Generation Unit that has a rated capacity
1410 equal to or less than 25 kW, which has both received its authorization to
1411 interconnect or permission to operate from its local Distribution Company
1412 and submitted a Statement of Qualification Application by the SMART
1413 Program Effective Date, as defined in 225 CMR 20.05(2): *SMART Program*
1414 *Effective Date*, shall be provided a Statement of Qualification provided it
1415 meets all other applicable eligibility criteria of 225 CMR 14.00. For the
1416 purpose of this subparagraph, the Generation Unit's capacity shall be
1417 measured as the total capacity of qualified Solar Carve-Out Renewable
1418 Generation and Solar Carve-Out II Renewable Generation on a single parcel
1419 of land or on a roof of a single building, whichever is less.
1420
- 1421 4. A Solar Carve-out II Renewable Generation Unit with a rated capacity
1422 greater than 25 kW that has received a Statement of Qualification must
1423 receive its authorization to interconnect or permission to operate from its
1424 local Distribution Company on or before January 8, 2017, in order to retain
1425 its Statement of Qualification. However, a Solar Carve-out II Renewable
1426 Generation Unit that does not receive its authorization to interconnect or
1427 permission to operate from its local Distribution Company on or before
1428 January 8, 2017, may also retain its Statement of Qualification if it can meet
1429 the following criteria:
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- 1431 a. If a Solar Carve-out II Renewable Generation Unit can demonstrate to
1432 the Department's satisfaction that it has expended at least 50% of its
1433 total construction costs by January 8, 2017, it will be provided an
1434 extension through May 8, 2017, at which point the Generation Unit
1435 must provide evidence that it has received its authorization to
1436 interconnect or permission to operate, or that it meets the criteria to
1437 qualify for an additional extension under 225 CMR 14.05(9)(p)4.b or c.
1438
- 1439 b. If a Solar Carve-out II Renewable Generation Unit can demonstrate
1440 to the Department's satisfaction that its interconnection depends only
1441 upon receipt of notice of authorization to interconnect from the

1442 Distribution Company, its Statement of Qualification shall be extended
1443 indefinitely until such notice is received or denied.

1444
1445 c. If a Solar Carve-out II Renewable Generation Unit can demonstrate to
1446 the Department's satisfaction that good cause warrants an extension
1447 outside of that permitted under 225 CMR 14.05(9)(p)4.a or b, its
1448 Statement of Qualification shall be extended by an amount of time to be
1449 determined by the Department.

1450
1451 d. Details on additional deadlines and eligibility criteria can be found in the
1452 Department's *SREC Factor Guideline*.

1453
1454 14.06 : Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units, and
1455 Solar Carve-out II Renewable Generation Units
1456

1457 (1) Statement of Qualification Application. A Statement of Qualification Application
1458 shall be submitted to the Department by the Owner or Operator of the Generation
1459 Unit or by the Authorized Agent for an Aggregation, as provided in 225 CMR
1460 14.05(6)(b). The applicant must use the most current forms and associated
1461 instructions provided by the Department, and must include all information,
1462 documentation, and assurances required by such forms and instructions.

1463
1464 (2) Review Procedures.

1465
1466 (a) The Department will notify the applicant when the Statement of Qualification
1467 Application is administratively complete or if additional information is required
1468 pursuant to 225 CMR 14.06(1).

1469
1470 (b) The Department may, in its sole discretion, provide an opportunity for public
1471 comment on any Statement of Qualification Application.

1472
1473 (3) Issuance or Non-issuance of a Statement of Qualification.

1474
1475 (a) If the Department finds that all or a portion of the electrical energy output of a
1476 Generation Unit or of an Aggregation meets the requirements for eligibility as
1477 RPS Class I Renewable Generation, Solar Carve-out Renewable Generation, or
1478 Solar Carve-out II Renewable Generation pursuant to 225 CMR 14.05, the
1479 Department will provide the Owner or Operator of such Generation Unit or the
1480 Authorized Agent for such Aggregation with a Statement of Qualification.

1481
1482 (b) The Statement of Qualification shall include any applicable restrictions and
1483 conditions that the Department deems necessary to ensure compliance by a
1484 particular Generation Unit or Aggregation with the provisions of 225 CMR
1485 14.00. After June 28, 2013, a Statement of Qualification shall be issued to a
1486 Solar Carve-out Renewable Generation Unit only if it meets the conditions of
1487 225 CMR 14.05(4)(k).

- 1488
- 1489 (c) If the Generation Unit or Aggregation does not meet the requirements for
1490 eligibility as an RPS Class I Renewable Generation Unit, a Solar Carve-out
1491 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit,
1492 the Department shall provide written notice to the Owner or Operator or to the
1493 Authorized Agent for an Aggregation, including the Department's reasons for
1494 such finding.
- 1495
- 1496 (d) A Solar Carve-out Renewable Generation Unit shall receive a Statement of
1497 Qualification that states that the Generation Unit is eligible for the Massachusetts
1498 Solar Carve-out and that specifies a term of calendar quarters, referred to as the
1499 Opt-in Term, during which period the Generation Unit is eligible to participate in
1500 the Solar Credit Clearinghouse Auction. The Opt-in Term shall be set at the time
1501 that the Generation Unit receives its Statement of Qualification, and the Opt-in
1502 Term shall commence with the earlier of either the first day of the calendar
1503 quarter during which occurs the RPS Effective Date, as such date is provided in
1504 225 CMR 14.06(4), or, at the request of the applicant or in the case that the
1505 Generation Unit has not yet been granted the approval to interconnect to the grid
1506 by the local Distribution Company, the first day of the subsequent calendar
1507 quarter from the date of the Statement of Qualification.
- 1508
- 1509 (e) The length of the Opt-in Term shall be 40 quarters for all Solar Carve-out
1510 Renewable Generation Units that receive a Statement of Qualification.
- 1511
- 1512 (f) After January 1, 2022, starting in the calendar quarter after the end of a Solar
1513 Carve-out Renewable Generation Unit's Opt-in Term, it shall no longer be
1514 eligible to generate Solar Carve-out Renewable Generation Attributes, but will
1515 remain qualified to generate RPS Class I Renewable Generation Attributes.
- 1516
- 1517 (g) A Solar Carve-out II Renewable Generation Unit shall be issued a Statement of
1518 Qualification provided that it meets the provisions of 225 CMR 14.05(9).
- 1519
- 1520 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on or after the
1521 Commercial Operation Date on which electrical energy output of an RPS Class I
1522 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1523 Carve-out II Renewable Generation Unit can result in the creation of RPS Class I
1524 Renewable Generation Attributes, Solar Carve-out Renewable Generation
1525 Attributes, or Solar Carve-out II Renewable Generation Attributes except that:
- 1526
- 1527 (a) in the case of a Generation Unit using Eligible Biomass Fuel, the RPS
1528 Effective Date shall not be earlier than the date on which the Department
1529 determines that the Generation Unit has commenced compliance with the low-
1530 emission conditions in its Statement of Qualification;
- 1531
- 1532 (b) in the case of a Hydroelectric Energy Generation Unit, the RPS Effective Date
1533 shall not be earlier than the date on which the Department determined that

1534 the Generation Unit has commenced compliance with the environmental
1535 conditions in its Statement of Qualification; and

1536
1537 (c) in the case of Solar Carve-out II Renewable Generation Units, the Generation
1538 Unit Owner may elect to have their RPS Effective Date established as the first
1539 day of the calendar quarter following their Commercial Operation Date. In the
1540 case of a Solar Carve-out II Renewable Generation Unit in the Managed Growth
1541 Sector, its RPS Effective Date will be no earlier than the first day of the calendar
1542 year of the Annual Capacity Block under which the Solar Carve-out II
1543 Renewable Generation Unit is qualified.

1544
1545 (5) Notification Requirements for Change in Eligibility Status. The Owner or Operator
1546 of an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable
1547 Generation Unit, or Solar Carve-out II Renewable Generation Unit shall notify the
1548 Department of any changes in the technology, operation, emissions, fuel sources,
1549 energy resources, capacity commitment, or other characteristics of the Generation
1550 Unit that may affect the eligibility of the Generation Unit as an RPS Class I
1551 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
1552 Carve-out II Renewable Generation Unit. The Owner or Operator shall submit the
1553 notification to the Department no later than five days following the end of the month
1554 during which such changes were implemented. The notice shall state the date the
1555 changes were made to the RPS Class I Renewable Generation Unit, Solar Carve-out
1556 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit and
1557 describe the changes in sufficient detail to enable the Department to determine if a
1558 change in eligibility is warranted.

1559
1560 (6) Notification Requirements for Change in Ownership, Generation Capacity, or
1561 Contact Information. The Owner or Operator of an RPS Class I Renewable
1562 Generation Unit, Solar Carve-out Generation Unit, or Solar Carve-out II Renewable
1563 Generation Unit shall notify the Department of any changes in the ownership,
1564 operating entity, generation capacity, NEPOOL GIS account, independent
1565 verification system for the Generation Unit's or Aggregation's electrical energy
1566 output, or contact information for the Generation Unit or Aggregation. The Owner or
1567 Operator shall submit the notification to the Department no later than five days
1568 following the end of the month during which such changes were implemented.

1569
1570 (7) Time Limit for Project Implementation. Any Statement of Qualification issued on or
1571 after March 31, 2009 shall expire 24 months after the issuance date of the Statement
1572 of Qualification (the Expiration Date) unless the Commercial Operation Date of the
1573 Generation Unit or Aggregation is on or before the Expiration Date, with the
1574 exception of any Statement of Qualification issued to a Solar Carve-out Generation
1575 Unit, which shall expire per the terms outlined in 225 CMR 14.05(4)(k). Any
1576 Statement of Qualification issued to a Solar Carve-out II Renewable Generation
1577 Unit shall expire pursuant to the terms outlined in 225 CMR 14.05(9)(p). The
1578 Department may, at its discretion, grant an extension of the Expiration Date of the
1579 Statement of Qualification upon petition by the Owner or Operator of the Generation

1580 Unit or Aggregation. If the Owner or Operator of such Generation Unit or
 1581 Aggregation desires an extension, such Owner or Operator must submit a new
 1582 Statement of Qualification Application, and the decision of the Department on such
 1583 new application may be made in accordance with the regulations and criteria that are
 1584 applicable on the date that the Department receives that application.
 1585

1586 (8) Expiration of Advisory Rulings. An advisory ruling issued by the Department for
 1587 any proposed Generation Unit for which an administratively complete Statement of
 1588 Qualification Application has not been submitted as of January 7, 2011, shall be
 1589 deemed to have expired on January 7, 2011.
 1590

1591 (9) Suspension or Revocation of Statement of Qualification. The Department may
 1592 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS
 1593 Class I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or
 1594 Solar Carve-out II Renewable Generation Unit or Authorized Agent of an
 1595 Aggregation fails to comply with 225 CMR 14.00 or if a Generation Unit does not
 1596 operate during a consecutive 12-month period.
 1597

1598 14.07 : Renewable Energy Portfolio Standard - Class I
 1599

1600 (1) RPS Class I Minimum Standard. The total annual sales of each Retail Electricity
 1601 Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier
 1602 shall include a minimum percentage, as specified in the table in 225 CMR 14.07, of
 1603 electrical energy sales with RPS Class I Renewable Generation Attributes, Solar
 1604 Carve-out Renewable Generation Attributes, and Solar Carve-out II Renewable
 1605 Generation Attributes. The following table reflects annual total RPS Class I
 1606 Minimum Standard Percentage requirements, including the Solar Carve-out and
 1607 Solar Carve-out II Minimum Standards, in effect from 2003 through 2030:
 1608

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	27.0%
2026	30.0%
2027	33.0%
2028	36.0%
2029	39.0%
2030	40.0%

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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	1.0181%
	After 6/28/2013	1.6629%

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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 Electricity 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 Electricity 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.

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- (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 deposited into the Solar Credit Clearinghouse Auction Account such that the number of Attributes deposited is counted twice.
- (e) Compliance Year 2023 shall be the final Compliance Year of the Solar Carve-out program. In the event that a Solar Credit Clearinghouse Auction is held for Compliance Year 2022 or 2023 and creates Re-minted Auction Account Attributes that can be used for Compliance Years after 2023, the Department shall extend the final Compliance Year by one additional Compliance Year. The compliance obligation for this additional Compliance Year will be equal to the number of Solar Carve-out Renewable Energy Generation Attributes deposited into the Solar Credit Clearinghouse Auction Account plus the number of remaining Re-Minted Auction Account Attributes and banked Solar Carve-out Renewable Generation Attributes that have not been used for meeting any compliance obligation. The Solar Carve-out Minimum Standard shall be set to zero for the year after this additional Compliance Year.
- (f) In the event that there is an additional Compliance Year added as a result of an Auction in the final Compliance Year, Solar Carve-out Renewable Energy Generation Attributes shall cease to exist as of the start of the additional Compliance Year, and all generation from qualified Solar Carve-out Generation Units shall produce RPS Class I Generation Attributes.
- (g) In the event that there is no additional Compliance Year added as the result of an Auction in the final Compliance Year, the Department shall set the Solar Carve-out Minimum Standard to zero for the year after the final Compliance Year. From this time forward, Solar Carve-out Renewable Energy Generation Attributes shall cease to exist, and all generation from qualified Solar Carve-out Renewable Generation Units shall produce RPS Class I Renewable Energy Attributes.
- (3) Solar Carve-out II Minimum Standard. All references to MW in 225 CMR 14.07(3) 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 II Renewable Generation Attributes. This percentage shall be a portion of the Supplier's

1712 obligation under 225 CMR 14.07(1) and not an additional obligation of the
 1713 Supplier. For each Compliance Year, the Department shall calculate the Solar
 1714 Carve-out II Minimum Standard by dividing the total Solar Carve-out II
 1715 compliance obligation (in MWh), as determined in 225 CMR 14.07(3)(b) and
 1716 (c), by the total MWh of electrical energy sales by Retail Electricity Suppliers to
 1717 End-use Customers in the Compliance Year two years prior, as such sales are
 1718 defined in 225 CMR 14.09(2)(a). The following table reflects the Minimum
 1719 Standards in effect from Compliance Years 2014 through 2021 by year and the
 1720 execution date of a retail supply contract:
 1721

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%

1722
 1723 (b) For all Compliance Years subsequent to 2021 the Minimum Standard for the Solar
 1724 Carve-out II shall be announced by the Department not later than August 31st of
 1725 the preceding Compliance Year and shall be determined by the Department after
 1726 calculating a compliance obligation as equal to the sum of the following quantities
 1727 of generated and projected SREC IIs:

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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 Department shall project the Compliance Year generation of SREC IIs based on assigned SREC Factors and expected Commercial Operation Dates.
 3. Projected New Supply: The Department shall provide a projection of SREC II supply in Compliance Year from new installations that have not yet received Statements of Qualification based on prior growth trends by market sectors and all other available information.
 4. Rollover Volume: The volume of SREC IIs generated in the Compliance Year two and three years prior to the Compliance Year for which the compliance obligation is being calculated that remain available for compliance, including each of the following:
 - a. re-minted auction-II account Generation Attributes as established in 225 CMR 14.05(9)(e) and (g); and
 - b. banked Solar Carve-out II Renewable Generation Attributes as allowed in 225 CMR 14.08(2).
 5. Third Round Auction Volume Doubling. In the case of a third round Solar Credit Clearinghouse Auction-II under 225 CMR 14.05(9)(g), the volume of SREC IIs deposited into the Solar Credit Clearinghouse Auction II Account in the Compliance Year two years prior to the Compliance Year for which the compliance obligation is being calculated, as prescribed by 225 CMR 14.07(3)(d).
- (c) Compliance Exemptions for Retail Load Served under Existing Contracts. The following methodologies will be used to calculate the compliance obligations and resulting Minimum Standards that apply to electrical energy sales that were subject to contracts executed or extended prior to certain dates as prescribed in 225 CMR 14.07(3)(c)1. through 2. These provisions apply only if the Retail Electricity 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.

- 1772 1. Minimum Standard for Retail Load Served under Contracts Executed on or
1773 Before April 25, 2014. There shall be no Solar Carve-out II Minimum
1774 Standard applied to Retail Electricity Suppliers for that portion of electrical
1775 energy sales that were subject to a contract executed or extended prior to
1776 April 25, 2014.
1777
- 1778 2. Minimum Standard for Retail Load Served under Contracts Executed After
1779 April 25, 2014 and on or Before May 8, 2016. The Solar Carve-out II
1780 Minimum Standard applied to Retail Electricity Suppliers for that portion
1781 of electrical energy sales that were subject to a contract executed or
1782 extended after April 25, 2014 and on or before May 8, 2016 shall be
1783 calculated based on a compliance obligation calculated per 225 CMR
1784 14.07(3)(b) as if the combined Solar Carve-out Program Capacity Cap and
1785 Solar Carve-out II Program Capacity Cap were 1,600 MW.
1786
- 1787 (d) In the instance the Solar Credit Clearinghouse Auction-II under 225 CMR
1788 14.05(9)(g) does not clear, prior to conducting an auction under 225 CMR
1789 14.05(9)(h), the Department shall recalculate the Solar Carve-out II Minimum
1790 Standard for the Compliance Year two years following the Compliance Year in
1791 which the SREC IIs deposited into the Solar Credit Clearinghouse Auction-II
1792 Account were generated. This recalculation shall add to the previously calculated
1793 total compliance obligation under 225 CMR 14.07(3)(b)1. through 4. the number
1794 of SREC IIs deposited into the Solar Credit Clearinghouse Auction-II Account.
1795
- 1796 (e) The Department shall publish on its website a Guideline that provides clear and
1797 precise methodologies by which it will calculate each of the quantities in 225
1798 CMR 14.07(3)(b), and the compliance obligation. The Department shall maintain
1799 within this Guideline up-to-date publicly available data that serve as input into
1800 these calculations.
1801
- 1802 (f) Compliance Year 2027 shall be the final Compliance Year of the Solar Carve-
1803 out II program. In the event that a Solar Credit Clearinghouse Auction-II is held
1804 for Compliance Year 2026 or 2027 and creates SREC IIs that can be used for
1805 Compliance Years after 2027, the Department shall extend the final Compliance
1806 Year by one additional Compliance Year to 2028 or 2029, respectively. The
1807 compliance obligation for any additional Compliance Year will be equal to the
1808 number of Solar Carve-out II Renewable Energy Generation Attributes deposited
1809 into the Solar Credit Clearinghouse Auction-II account plus the number of
1810 remaining SREC IIs and banked SREC IIs that have not been used for meeting
1811 any prior compliance obligation. The Solar Carve-out II Minimum Standard shall
1812 be set to zero for the year after this additional Compliance Year, unless a second
1813 additional Compliance Year is required.
1814
- 1815 (g) In the event that there is an additional Compliance Year added as a result of an
1816 auction in the final Compliance Year, Solar Carve-out II Renewable Energy
1817 Generation Attributes shall cease to exist as of the start of the additional

1818 Compliance Year, and all generation from qualified Solar Carve-out II
1819 Generation Units shall produce RPS Class I Generation Attributes only.

1820
1821 (h) In the event that there is no additional Compliance Year added as the result of an
1822 auction in the final two Compliance Years, the Department shall set the Solar
1823 Carve-out II Minimum Standard to zero for the year after the final Compliance
1824 Year. From this time forward, Solar Carve-out II Renewable Energy Generation
1825 Attributes shall cease to exist, and all generation from qualified Solar Carve-out
1826 II Renewable Generation Units shall produce RPS Class I Renewable Energy
1827 Attributes only.

1828
1829 14.08 : Compliance Procedures for Retail Electricity Suppliers
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1831 (1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in
1832 compliance with 225 CMR 14.00 if the information provided in the Compliance
1833 Filing submitted pursuant to 225 CMR 14.09 is true and accurate and demonstrates
1834 compliance with 225 CMR 14.07. A Retail Electricity Supplier shall demonstrate to
1835 the satisfaction of the Department that RPS Class I Renewable Generation
1836 Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II
1837 Renewable Generation Attributes used for compliance have not otherwise been, nor
1838 will be, sold, retired, claimed, used or represented as part of electrical energy output
1839 or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

1840
1841 (2) Banked Compliance. A Retail Electricity Supplier may use RPS Class I Renewable
1842 Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar
1843 Carve-out II Renewable Generation Attributes produced in one Compliance Year for
1844 compliance in either or both of the two subsequent Compliance Years, subject to the
1845 limitations in 225 CMR 14.08(2) and provided that the Retail Electricity Supplier is
1846 in compliance with 225 CMR 14.00 for all previous Compliance Years. In addition,
1847 the Retail Electricity Supplier shall demonstrate to the satisfaction of the Department
1848 that such Attributes:

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1850 (a) were in excess of the RPS Class I Renewable Generation Attributes, Solar
1851 Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable
1852 Generation Attributes needed for compliance in the Compliance Year in which
1853 they were generated, and that such excess Attributes have not previously been
1854 used for compliance with 225 CMR 14.00;

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1856 (b) do not exceed 30% of the RPS Class I Renewable Generation Attributes or do
1857 not exceed 10% of the Solar Carve-out Renewable Generation Attributes or
1858 Solar Carve-out II Renewable Generation Attributes needed by the Retail
1859 Electricity Supplier for compliance with the RPS Class I Minimum Standard, the
1860 Solar Carve-out Minimum Standard, or the Solar Carve-out II Minimum
1861 Standard, respectively, in the year they were generated, subject to 225 CMR
1862 14.09(2)(d);

1863 (c) were produced during the Compliance Year in which they are claimed as excess
1864 by the generation of electrical energy sold to End-use Customers in the ISO-NE
1865 Control Area, by the generation of electrical energy on End-use Customers' sides
1866 of retail meters in the ISO-NE Control Area, or by the generation of electrical
1867 energy from Off-grid Generation Units in Massachusetts; and
1868

1869 (d) have not otherwise been, nor will be, sold, retired, claimed or represented as
1870 part of electrical energy output or sales, or used to satisfy obligations in
1871 jurisdictions other than Massachusetts.
1872

1873 (3) Alternative Compliance. A Retail Electricity Supplier may discharge its obligations
1874 under 225 CMR 14.07, in whole or in part, for any Compliance Year by making an
1875 Alternative Compliance Payment (ACP) to the MassCEC. Such funds shall be held
1876 in an account separate from other accounts of the MassCEC.
1877

1878 (a) RPS Class I Procedures. A Retail Electricity Supplier shall receive Alternative
1879 Compliance Credits from the Department, subject to the following:
1880

1881 1. The quantity of Alternative Compliance Credits, specified in MWhs, that
1882 can be applied to its obligations under 225 CMR 14.07(1) shall be
1883 determined by calculating the ratio of the total of ACPs paid for the
1884 Compliance Year to the ACP Rate for that Compliance Year.
1885

1886 2. The ACP Rate for the RPS Class I Minimum Standard shall be \$50 per MWh
1887 for Compliance Year 2003. For each subsequent Compliance Year, the
1888 Department shall publish the ACP Rate by January 31 of the Compliance
1889 Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted
1890 up or down according to the previous year's Consumer Price Index, but shall
1891 be \$60 per MWh in Compliance Year beginning in 2021, \$50 per MWh in
1892 Compliance Year 2022, and \$40 per MWh, beginning in Compliance Year
1893 2023. The following table reflects the ACP Rates in effect from 2003 through
1894 2020:
1895

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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3. 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:

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

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(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;
- (b) is the greater of:
 - 1. \$100,000;
 - 2. 20% of the Retail Electricity Supplier’s estimated gross receipts for its first full year of operation; or
 - 3. 20% of the Retail Electricity Supplier’s actual gross receipts for the preceding year of operation, not including revenue from the provision of basic service, for any year after the first year of operation;
- (c) does not exceed \$1,000,000;
- (d) names the Department as beneficiary, obligee, or guaranteed party, as applicable and specifies that a notice of default issued under 225 CMR 14.12(5) or 225 CMR 15.12(5) shall be sufficient grounds to withdraw or obtain funds from the surety;
- (e) has an expiration date not less than one year; and
- (f) shall be adjusted annually, if based upon actual or estimated gross receipts, under 225 CMR 14.08(4)(b)1. or 2.

14.09 : Annual Compliance Filings for Retail Electricity Suppliers

(1) Date of Annual Compliance Filing. For each Compliance Year, the Retail Electricity Supplier annually shall file an annual Compliance Filing with the Department no later than the first day of July, or the first Business Day thereafter, of the subsequent Compliance Year. Notwithstanding the date of its annual Compliance Filing, the Retail Electricity Supplier’s obligations under 225 CMR 14.07 and 14.08 begin on the date in any Compliance Year upon which the Retail Electricity Supplier provides service to an End Use Customer.

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

- (a) Total Electrical Energy Sales to End-use Customers. Documentation of the total MWhs of electrical energy allocated by the Retail Electricity Supplier to

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End-use Customers in the Compliance Year. Such allocation is defined as the total quantity of the Supplier's Certificates Obligation that the Supplier correctly allocated or should have allocated to all of the Supplier's Massachusetts retail subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any successor rules, as specified in the Guideline on the Determination of Sales to End-use Customers.

(b)Electrical Energy Sales to End-use Customers by Product. Documentation of the total MWhs of each Retail Electricity Product allocated to End-use Customers in the Compliance Year, verified by an independent third-party satisfactory to the Department, consistent with the Guidelines. Such allocation is defined as the quantity of the Supplier's Certificates Obligation that the Supplier correctly allocated or should have allocated to each of the Supplier's Massachusetts retail subaccounts at the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any successor rules, as specified in the Guideline on the Determination of Sales to End-use Customers. The Department shall keep product information confidential to the extent permitted by law.

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

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

(d)Attributes Allocated from Banked Compliance. Allocation by Retail Electricity Product of any quantity of RPS Class I Renewable Generation Attributes banked from one or both of the two previous years pursuant to 225 CMR 14.08(2) that are used to demonstrate compliance with the RPS Class I

2038 Minimum Standard in the current Compliance Year, and allocation by Retail
2039 Electricity Product of any quantity of Solar Carve-out Renewable Generation
2040 Attributes banked from one or both of the two previous years pursuant to 225
2041 CMR 14.08(2) that are used to demonstrate compliance with the Solar Carve-out
2042 Minimum Standard or the RPS Class I Minimum Standard in the current
2043 Compliance Year, and allocation by Retail Electricity Product of any quantity of
2044 Solar Carve-out II Renewable Generation Attributes banked from one or both of
2045 the two previous years pursuant to 225 CMR 14.08(2) that are used to
2046 demonstrate compliance with the Solar Carve-out II Minimum Standard or the
2047 RPS Class I Minimum Standard in the current Compliance Year;

2048
2049 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of any
2050 Alternative Compliance Credits claimed pursuant to 225 CMR 14.08(3)(a),
2051 along with a copy of any Alternative Compliance Payment receipt(s), and
2052 allocation by Retail Electricity Product of any solar carve-Out Alternative
2053 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(b), along with a
2054 copy of any solar carve-out Alternative Compliance Payment receipt(s), and
2055 allocation by Retail Electricity Product of any solar carve-out II Alternative
2056 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(c), along with a
2057 copy of any solar carve-Out II Alternative Compliance Payment receipt(s); and
2058

2059 (f) Attributes Banked for Future Compliance. Identification of any quantity of
2060 Attributes from RPS Class I Renewable Generation, Solar Carve-out Renewable
2061 Generation, or Solar Carve-out II Renewable Generation, that the Retail
2062 Electricity Supplier anticipates claiming for purposes of Banked Compliance in
2063 subsequent years under the Banked Compliance provisions of 225 CMR
2064 14.08(2).
2065

2066 (g) Contracts Subject to Lower ACP Rate under 225 CMR 14.08(3)(b)(3).
2067 Identification of any contract for a specific term of years that was executed
2068 before January 1, 2010, and its terms, including but not limited to, the execution
2069 and expiration dates of the contract and the annual volume of electrical energy
2070 supplied. Contracts eligible for the Lower ACP Rate shall include only those
2071 contracts that were executed by a retail End-use Customer.
2072

2073 14.10 : Reporting Requirements

2074

2075 (1) Certification. Any person required by 225 CMR 14.00 to submit documentation to
2076 the Department shall provide:

2077
2078 (a) the person's name, title and business address;

2079
2080 (b) the person's authority to certify and submit the documentation to the
2081 Department; and

2082 (c) the following certification: "I hereby certify, under the pains and penalties of
2083 perjury, that I have personally examined and am familiar with the information
2084 submitted herein and based upon my inquiry of those individuals immediately
2085 responsible for obtaining the information, I believe that the information is true,
2086 accurate, and complete. I am aware that there are significant penalties, both civil
2087 and criminal, for submitting false information, including possible fines and
2088 imprisonment."
2089

2090 (2) Annual Renewable Energy Resource Report. The Department shall produce and
2091 make available to the public an annual report that summarizes information submitted
2092 to the Department by Retail Electricity Suppliers in the Annual Compliance Filings
2093 submitted to the Department pursuant to 225 CMR 14.09(2). Such report shall
2094 include non-confidential data that provides the following:
2095

2096 (a) the extent to which the Retail Electricity Supplier complied with the RPS Class I
2097 Minimum Standard, the Solar Carve-out Minimum Standard, and Solar Carve-
2098 out II Minimum Standard, both separately and combined; and
2099

2100 (b) the extent to which the Retail Electricity Supplier used Standard Compliance,
2101 Banked Compliance, and Alternative Compliance in meeting the Minimum
2102 Standards.
2103

2104 (3) Identification of Renewable Generation Units, RPS Class I Generation Units, Solar
2105 Carve-out Renewable Generation Units, and Solar Carve-out II Renewable
2106 Generation Units. The Department shall inform the NEPOOL GIS administrator
2107 which Generation Units should be designated as Renewable Generation Units, RPS
2108 Class I Generation Units, Solar Carve-out Renewable Generation Units, and Solar
2109 Carve-out II Renewable Generation Units pursuant to 225 CMR 14.00.
2110

2111 14.11 : Inspection 2112

2113 (1) Document Inspection. The Department may audit the accuracy of all information
2114 submitted pursuant to 225 CMR 14.00. The Department may request and obtain
2115 from any Owner, Operator or Authorized Agent of an RPS Class I Renewable
2116 Generation Unit or a Solar Carve-out Renewable Generation Unit or a Solar Carve-
2117 out II Renewable Generation Unit, including Aggregations, supplier of Eligible
2118 Biomass Fuel, and from any Retail Electricity Supplier information that the
2119 Department determines necessary to monitor compliance with and enforcement of
2120 225 CMR 14.00.
2121

2122 (2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity Supplier,
2123 supplier of Eligible Biomass Fuel, or to an RPS Class I Renewable Generation Unit,
2124 Solar Carve-out Renewable Generation Unit, or Solar Carve-out II Renewable
2125 Generation Unit Owner, Operator or Authorized Agent, the Department may
2126 conduct audits, which may include inspection and copying of records and/or site
2127 visits to an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable

2128 Generation Unit, Solar Carve-out II Renewable Generation Unit, supplier of Eligible
2129 Biomass Fuel, or a Retail Electricity Supplier's facilities, including, but not limited
2130 to, all files and documents that the Department determines are related to compliance
2131 with 225 CMR 14.00.
2132

2133 14.12 : Non-compliance
2134

2135 Any Retail Electricity Supplier or Owner, Operator or Authorized Agent of a RPS Class
2136 I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, Solar Carve-
2137 out II Renewable Generation Unit or Aggregation that fails to comply with the
2138 requirements of 225 CMR 14.00 shall be subject to the provisions in 225 CMR 14.12(1)
2139 through (4).
2140

- 2141 (1) Notice of Non-compliance. A failure to comply with the requirements of 225
2142 CMR 14.00 shall be determined by the Department. A written Notice of Non-
2143 compliance shall be prepared and delivered by the Department to any Retail
2144 Electricity Supplier or Owner, Operator or Authorized Agent of an RPS Class I
2145 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar
2146 Carve-out II Renewable Generation Unit or Aggregation that fails to comply with
2147 the requirements of 225 CMR 14.00. The Notice of Non-compliance shall describe
2148 the Requirement(s) with which the Retail Electricity Supplier, Owner, Operator or
2149 Authorized Agent failed to comply and the time period of such non-compliance.
2150
- 2151 (2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be
2152 published on the Department's website and in any other media deemed appropriate
2153 by the Department. Such publication may remain posted until the Retail Electricity
2154 Supplier or Owner, Operator or Authorized Agent returns to compliance as
2155 determined by the Department.
2156
- 2157 (3) Planning Requirement. A Retail Electricity Supplier that fails to meet the
2158 requirements of 225 CMR 14.07 during a Compliance Year shall submit a plan for
2159 achieving compliance for the subsequent three years. The plan shall be filed with the
2160 Department no later than the first day of September of the Compliance Year
2161 subsequent to the Compliance Year for which the Retail Electricity Supplier was out
2162 of compliance or such date as the Department may specify.
2163
- 2164 (4) Suspension or Revocation of License. The Department shall refer its findings of
2165 noncompliance to the Massachusetts Department of Public Utilities. A Retail
2166 Electricity Supplier that fails to comply with 225 CMR 14.00 may be subject to the
2167 Massachusetts Department of Public Utilities Licensure Action under 220 CMR
2168 11.07(4)(c)1.
2169
- 2170 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier fails
2171 to discharge its annual obligation by September 1st under 225 CMR 14.07, 225
2172 CMR 15.07, or 225 CMR 16.07 by the means described in 225 CMR 14.08(1)
2173 through (3), 225 CMR 15.08(1) through (4), or 225 CMR 16.08(1) through (3), the

2174 Department will notify the Retail Electricity Supplier that it must provide the
2175 Department with a payment using the financial security of which it provided
2176 evidence the prior January 31st, pursuant to 225 CMR 14.08(4), unless a Retail
2177 Electricity Supplier has an approved alternative payment plan to discharge its
2178 annual obligations in full that has been approved by the Department prior to
2179 September 1st. The payment shall, within 30-days of notification by the
2180 Department, be deposited into the Alternative Compliance Payment fund
2181 established in 225 CMR 14.08(3) and shall be in an amount equal to the lesser of:

2182
2183 (a) the amount of Alternative Compliance Payments that the Retail Electricity
2184 Supplier must make in order to discharge its annual obligation under 225
2185 CMR 14.07, 225 CMR 15.07, or 225 CMR 16.07 in full; or

2186
2187 (b) the full amount of the financial security.

2188
2189 (6) Partial Compliance. In the event that the collection of financial security under 225
2190 CMR 14.12(5) results in the collection of an amount of Alternative Compliance
2191 Payments that is insufficient to discharge a Retail Electricity Supplier's full
2192 annual obligations under 225 CMR 14.07, 225 CMR 15.07, or 225 CMR 16.07,
2193 the Retail Electricity Supplier will remain in a state of non-compliance, and the
2194 Department will take the necessary actions to document and enforce this non-
2195 compliance, pursuant to 225 CMR 14.12(1) through (4), 225 CMR 15.12(1)
2196 through (4), and 225 CMR 16.12(1) through (4).

2197
2198 (7) The Department reserves all rights to take any and all appropriate actions to
2199 ensure the collection of all Alternative Compliance Payments owed to ensure
2200 annual compliance obligations are fully discharged by a Retail Electricity
2201 Supplier, including, but not limited to, filing a petition with the Department of
2202 Public Utilities requesting an investigation into a supplier that is deemed to be in
2203 non-compliance by the Department.

2204
2205 14.13 : Severability
2206

2207 If any provision of 225 CMR 14.00 is declared invalid, such invalidity shall not
2208 affect other provisions or applications that can be given effect without the invalid
2209 provision or application.

2210
2211 REGULATORY AUTHORITY

2212
2213 225 CMR 14.00: M.G.L. c. 25A, § 11F.

2214 **225 CMR 15.00 RENEWABLE ENERGY PORTFOLIO STANDARD –**
2215 **CLASS II**

2216
2217 Section

2218
2219 15.01 : Purpose

2220 15.02 : Definitions

2221 15.03 : Administration

2222 15.04 : Applicability

2223 15.05 : Eligibility Criteria for RPS Class II Renewable Generation Units

2224 15.06: Qualification Process for RPS Class II Renewable Generation Units

2225 15.07: Renewable Energy Portfolio Standard

2226 15.08: Compliance Procedures for Retail Electricity Suppliers

2227 15.09: Annual Compliance Filings for Retail Electricity Suppliers

2228 15.10: Reporting Requirements

2229 15.11 : Inspection

2230 15.12 : Non-compliance

2231 15.13 : Severability

2232

2233 15.01 : Purpose

2234

2235 The purpose of 225 CMR 15.00 is to establish requirements for every Retail Electricity
2236 Supplier to provide a minimum percentage of kilowatt-hour sales, as determined by the
2237 Department, to End-use Customers in the Commonwealth from eligible renewable
2238 energy technologies.

2239

2240 15.02 : Definitions

2241

2242 Aggregation. A group of one or more Generation Units that receives a single Statement
2243 of Qualification from the Department under criteria and procedures set forth in 225
2244 CMR 15.05(4).

2245

2246 Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon
2247 making an Alternative Compliance Payment. Such credit is used to document
2248 compliance with 225 CMR 15.07. One unit of credit shall be equivalent to the RPS
2249 Class II Renewable Generation Attribute associated with one MWh of electrical energy
2250 output from an RPS Class II Renewable Generation Unit, excluding Waste Energy
2251 Generation Units, and one unit of credit shall be equivalent to the RPS Class II Waste
2252 Energy Generation Attribute associated with one MWh of electrical energy output from
2253 an RPS Class II Waste Energy Generation Unit.

2254

2255 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per
2256 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail
2257 Electricity Supplier may submit to the Department in lieu of providing RPS Class II
2258 Renewable Generation Attributes or RPS Class II Waste Energy Generation Attributes

2259 required under 225 CMR 15.07.
2260
2261 Biomass Fuel Certificate. A certificate issued in accordance with rules established by the
2262 Department in the Guideline on Eligible Biomass Fuel for Renewable Generation Units
2263 that:
2264 (a) quantifies the supply of Eligible Biomass Woody Fuel or Manufactured Biomass
2265 Fuel;
2266 (b) specifies the source of the Eligible Biomass Woody Fuel or Manufactured
2267 Biomass Fuel; and
2268 (c) specifies the eligibility of the Eligible Biomass Woody Fuel or Manufactured
2269 Biomass Fuel as Forest Derived Residues, Forest Derived Thinnings, Forest Salvage,
2270 Non-Forest Derived Residues, or Dedicated Energy Crops.
2271
2272 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS Class II
2273 Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical energy output
2274 may qualify as RPS Class II Renewable Generation under criteria set forth in 225 CMR
2275 15.05(2).
2276
2277 Business Day. A business day shall mean Monday through Friday, exclusive of state and
2278 federal legal holidays.
2279
2280 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at Rule
2281 4.1(b), or any successor rule.
2282
2283 Clean Wood. Clean Wood as defined in 310 CMR 19.006.
2284
2285 Commercial Operation Date. The date that a Generation Unit first produced electrical
2286 energy for sale within the ISO-NE Control Area or within an adjacent Control Area. In
2287 the case of a Generation Unit that is connected to the End-use Customer's side of the
2288 electric meter or produces Off-grid Generation, the date that such Generation Unit first
2289 produced electrical energy.
2290
2291 Compliance Filing. A document filed annually by a Retail Electricity Supplier with the
2292 Department documenting compliance with 225 CMR 15.07, consistent with the format
2293 set forth in the Guidelines and submitted no later than the first day of July, or the first
2294 Business Day thereafter, of the subsequent Compliance Year.
2295
2296 Compliance Year. A calendar year beginning January 1 and ending December 31, for
2297 which a Retail Electricity Supplier must demonstrate that it has met the requirements of
2298 225 CMR
2299 15.07 and 15.08.
2300
2301 Control Area. A geographic region in which a common generation control system is
2302 used to maintain scheduled interchange of electrical energy within and without the
2303 region.

2304 Current Use Program. A state administered program that permits a property owner to
2305 have a parcel of land taxed at a rate based on the current use of the land including but not
2306 limited to open space, active forestry, or agriculture as opposed to the fair market or
2307 development value of the property.
2308

2309 DCR. The Massachusetts Department of Conservation and Recreation (DCR)
2310 established by
2311 M.G.L. c. 21 § 1.
2312

2313 Department. The Massachusetts Department of Energy Resources (DOER) established
2314 by
2315 M.G.L. c. 25A, § 1.
2316

2317 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.
2318

2319 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous bacterial
2320 decomposition or thermal gasification of Eligible Biomass Fuel. Eligible Biogas Fuel
2321 does not include natural gas, but does include renewable natural gas, which is Eligible
2322 Biogas Fuel upgraded to a quality similar to natural gas.
2323

2324 Eligible Biomass Fuel. Fuel sources consisting of the following:

- 2325 (a) Eligible Biomass Woody Fuel;
 - 2326 (b) Manufactured Biomass Fuel;
 - 2327 (c) Eligible Biomass Fuel;
 - 2328 (d) by-products or waste from animals or agricultural crops;
 - 2329 (e) food or vegetative material;
 - 2330 (f) algae;
 - 2331 (g) organic refuse-derived fuel; and
 - 2332 (h) Eligible Liquid Biofuel.
- 2333

2334 Eligible Biomass Woody Fuel. Woody fuels that are derived from the following sources,
2335 consistent with the requirements of 225 CMR 15.05(5):
2336

2337 (a) Forest Derived Residues:

- 2338 1. Tops, crooks, and other portions of trees produced as a byproduct, and trees
2339 collaterally damaged, during the normal course of harvesting material, such as timber,
2340 pulpwood, or cordwood in the implementation of a silvicultural prescription as
2341 administered by a licensed or certified forester as prescribed in
2342 the Department's Guideline on Eligible Biomass Fuel for Renewable Generation Units.
- 2343 2. Trees and portions of trees harvested for the purpose of the restoration and
2344 management of habitat for rare & endangered species as listed by the Massachusetts
2345 Division of Fisheries and Wildlife. Qualifying harvest areas must be approved by the
2346 Massachusetts Division of Fisheries and Wildlife Natural Heritage Program.
- 2347 3. Other woody vegetation that interferes with regeneration or the natural growth of
2348 the forest, limited to locally invasive native species and non-native invasive woody

2349 vegetation.

2350

2351 (b) Forest Derived Thinnings:

2352 1. Unacceptable growing stock which is defined as trees considered structurally

2353 weak or have low vigor and do not have the potential to eventually yield an eight-foot

2354 sawlog or survive for at least the next ten years.

2355 2. Trees removed during thinning operations, the purpose of which is to reduce stand

2356 density and enhance diameter growth and volume of the residual stand.

2357

2358 (c) Forest Salvage:

2359

2360 1. Damaged, dying, or dead trees removed due to injurious agents, such as wind or

2361 ice storms or the spread of invasive epidemic forest pathogens, insects, and diseases or

2362 other epidemic biological risks to the forest, but not removed due to competition. Such

2363 eligible trees may be removed without limitation for biomass fuel, only if the injurious

2364 agent is a threat to forest health or risk to private or public resources, and if the United

2365 States Department of Agriculture Animal and Plant Health Inspection Service, the

2366 United States Department of Agriculture Forest Service, or appropriate federal or state

2367 governmental agency has issued a declaration, rule, or order declaring a major threat to

2368 forest health or risk to private or public resources, or if they are harvested through a

2369 DCR approved cutting plan.

2370 2. Trees removed to reduce fire hazard within fire-adapted forest ecosystems, as

2371 certified by a letter to the Department from the state agency responsible for forestry in

2372 consultation with the appropriate environmental state agencies.

2373

2374 (d) Non-Forest Derived Residues:

2375 1. Primary forest products industry: Residues derived from wood products

2376 manufacturing consisting of Clean Wood.

2377

2378 2. Land use change – agricultural: Trees cut or otherwise removed in the process of

2379 converting forest land to agricultural usage, either for new or restored farm land.

2380

2381 3. Wood waste: Post-consumer wood products from Clean Wood; pruned branches,

2382 stumps, and whole trees removed during the normal course of maintenance of public or

2383 private roads, highways, driveways, utility lines, rights of way, and parks.

2384

2385 4. Agricultural wood waste. Pruned branches, stumps, and whole trees resulting

2386 from maintenance activities directly related to the production of an agricultural product

2387 that is not Clean Wood.

2388

2389 Eligible Liquid Biofuel. A liquid fuel that is derived from organic waste feedstock and

2390 meets the standards for advanced biofuels under the Environmental Protection Agency’s

2391 Renewable Fuel Standard (RFS2) program. Organic waste feedstocks shall include, but

2392 not be limited to, waste vegetable oils, waste animal fats, or grease trap waster. Eligible

2393 Liquid Biofuel shall not include petroleum-based waster or Hazardous Waste as defined

2394 in 310 CMR 40.0006: Terminology, Definitions, and Acronyms, unless otherwise
2395 determined by the Department in consultation with MassDEP.
2396
2397 Eligible RPS Class II Renewable Fuel. An Eligible Biomass Fuel, municipal solid waste,
2398 hydrogen derived from such fuels or hydrogen derived from water using the electrical
2399 output of a Renewable Generation Unit, but not hydrogen derived using RPS Class I or
2400 Class II Renewable Generation if the RPS Class I or Class II Renewable Generation
2401 Attributes of such Generation are sold, retired, claimed, used or represented as part of
2402 electrical energy output or sales, or used to satisfy regulatory obligations in any
2403 jurisdictions, and not hydrogen derived directly or indirectly from ineligible fuels.
2404
2405 End-use Customer. A person or entity in Massachusetts that purchases electrical energy
2406 at retail from a Retail Electricity Supplier, except that a Generation Unit taking station
2407 service at wholesale from ISO-NE or self-supplying from its owner's other generating
2408 stations, shall not be considered an End-use Customer.
2409
2410 Generation Attribute. A non-price characteristic of the electrical energy output of a
2411 Generation Unit including, but not limited to, the Generation Unit's fuel type, emissions,
2412 vintage and RPS eligibility.
2413
2414 Generation Unit. A facility that converts a fuel or an energy resource into electrical
2415 energy.
2416
2417 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for
2418 electric power generation.
2419 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies
2420 Generation Attributes of each MWh accounted for in the NEPOOL GIS.
2421
2422 Guidelines. A set of clarifications, interpretations, and procedures, including forms,
2423 developed by the Department to assist in compliance with the requirements of 225 CMR
2424 15.00. The Department may issue new or revised Guidelines from time to time. Each
2425 Guideline shall be effective on its date of issuance or on such date as is specified therein,
2426 except as otherwise provided in 225 CMR 15.00.
2427
2428 Hydroelectric Energy. Electrical energy from a Generation Unit that uses flowing
2429 freshwater as the primary energy resource, with or without a dam structure or other
2430 means of regulating water flow, and that is not located at a facility that uses mechanical
2431 or electrical energy to pump water into a storage facility.
2432
2433 Impacted Watershed. All water bodies or areas of land hydrologically connected to a
2434 hydroelectric facility, whether located upstream or downstream, which may experience
2435 any alteration of their physical, biological, or ecological characteristics as a result of the
2436 operation or increased capacity expansion of a Generation Unit.
2437
2438 ISO-NE. ISO New England Inc., the independent system operator for New England, the

2439 regional transmission organization for most of New England, which is authorized by the
2440 Federal Energy Regulatory Commission (FERC) to exercise for the New England
2441 Control Area the functions required pursuant to the FERC's Order No. 2000, the
2442 FERC's corresponding regulations, and any successor FERC orders and regulations.
2443

2444 ISO-NE Settlement Market System. The ISO-NE's electronic database system into
2445 which all real-time load and generation data are entered and from which such data are
2446 provided to the NEPOOL GIS.
2447

2448 Low Impact Hydro Power Institute (LIHI). A non-profit 501(c)(3) organization, whose
2449 stated purpose is to reduce the impacts of hydropower generation through the
2450 certification of hydropower projects that have avoided or reduced their environmental
2451 impacts pursuant to
2452 the Low Impact Hydropower Institute's criteria.
2453

2454 Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means of
2455 fuel drying, through a fuel processing facility that is separate from a Generation Unit
2456 and that utilizes Eligible Biomass Woody Fuel for production. Examples include, but are
2457 not limited to, the mechanical production of wood pellets or bio-dust, and the refinement
2458 of bio-oil through pyrolysis.
2459

2460 Marine or Hydrokinetic Energy. Electrical energy derived from waves, tides and
2461 currents in oceans, estuaries and tidal areas; free-flowing water in rivers, lakes, streams,
2462 and human- made channels, provided that such water is not diverted, impounded, or
2463 dammed; or differentials in ocean temperature, called ocean thermal energy conversion.
2464

2465 Massachusetts Clean Energy Technology Center (MassCEC). The center established in
2466 M.G.L. c. 23J, § 2.
2467

2468 MassDEP. The Massachusetts Department of Environmental Protection established by
2469
2470 M.G.L. c. 21A, § 7.
2471

2472 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million
2473 watts of power operating for one hour, or, for the purpose of thermal energy, a unit of
2474 energy equal to 3,412,000 British Thermal Units (Btu).
2475

2476 Merchantable Bio-products. Products that are refined from a biomass fuel by a bio-
2477 refinery project in which the Generation Unit is integral. Products include but are not
2478 limited to merchantable chemicals such as additives, lubricants, or specialty chemicals,
2479 and other products which can be permanently sequestered for carbon reductions.
2480

2481 NEPOOL GIS. The NEPOOL Generation Information System, which includes a
2482 generation information database and certificate system, operated by the New England
2483 Power Pool (NEPOOL), its designee or successor entity, that accounts for Generation

2484 Attributes of electrical energy consumed within, imported into, or exported from the
2485 ISO-NE Control Area.
2486
2487 Off-grid Generation. The electrical energy produced by a Generation Unit that is not
2488 connected to a utility transmission or distribution system.
2489
2490 Operator. Any person or entity who has charge or control of a Generation Unit subject
2491 to 225 CMR 15.00, including without limitation a duly authorized agent or lessee of the
2492 Owner, or a duly authorized independent contractor.
2493
2494 Owner. Any person or entity who, alone or in conjunction with others, has legal
2495 ownership, a leasehold interest, or effective control over the real property or property
2496 interest upon which a Generation Unit is located, or the airspace above said real
2497 property, including without limitation a duly authorized agent of the Owner. For the
2498 purposes of 225 CMR 15.02, Owner does not mean a person or entity holding legal title
2499 or security interest solely for the purpose of providing financing.
2500
2501 Relevant Hydroelectric Agency. A federal, state or provincial agency with oversight
2502 over fish and wildlife, water quality, river flows, fish passage and protection, mitigation
2503 and enhancement opportunities, related to a hydroelectric facility located in the
2504 Impacted Watershed or that impacts downstream or upstream passage of fish and
2505 wildlife.
2506
2507 Renewable Generation. The electrical energy output of a Renewable Generation Unit.
2508
2509 Renewable Generation Attribute. The Generation Attribute of the electrical energy
2510 output of a specific Generation Unit that derives from the Generation Unit's production
2511 of Renewable Generation.
2512
2513 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class II
2514 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of
2515 conventional municipal solid waste plant technology in commercial use, or any of the
2516 fuels, energy resources or technologies set forth in 225 CMR 15.04(1)(a).
2517
2518 Retail Electricity Product. An electrical energy offering that is distinguished by its
2519 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to End-
2520 use Customers.
2521
2522 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use
2523 Customers in Massachusetts, including but not limited to electric utility Distribution
2524 Companies supplying basic service or any successor service to End-use Customers. A
2525 Municipal Lighting Plant shall be considered a Retail Electricity Supplier; however, it
2526 shall be exempt from the obligations of a Retail Electricity Supplier under 225 CMR
2527 15.00 so long as and insofar as it is exempt from the requirements to allow competitive
2528 choice of generation supply pursuant to M.G.L. c. 164, § 47A.

2529
2530 RPS Class II Renewable Generation. The electrical energy output of an RPS Class II
2531 Renewable Generation Unit, or that portion of the electrical energy output of an RPS
2532 Class II Generation Unit that qualifies under
2533 (a) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 15.05(2);
2534 (b) the Special Provisions for a Generation Unit Located in a Control Area Adjacent
2535 to the ISO-NE Control Area, pursuant to 225 CMR 15.05(3); or
2536 (c) any other applicable provision of 225 CMR 15.00.

2537
2538 RPS Class II Renewable Generation Attribute. The Generation Attribute of the electrical
2539 energy output of a specific RPS Class II Generation Unit that derives from the
2540 Generation Unit's production of RPS Class II Renewable Generation, excluding
2541 Attributes derived from the production of Waste Energy.

2542
2543 RPS Class II Renewable Generation Unit. A Generation Unit or Aggregation that has
2544 received an RPS Class II Statement of Qualification from the Department.

2545
2546 RPS Class II Waste Energy Generation Attribute. The Generation Attribute of the
2547 electrical energy output of a specific Waste Energy Generation Unit that derives from
2548 the Generation Unit's production of Waste Energy.

2549
2550 Statement of Qualification (SQ). A written document from the Department that qualifies
2551 a Generation Unit or Aggregation as an RPS Class II Qualified Generation Unit, or that
2552 qualifies a portion of the annual electrical energy output of a Generation Unit or
2553 Aggregation as RPS Class II Renewable Generation.

2554
2555 Sustainable Forestry Management. Practicing a land stewardship ethic that integrates the
2556 reforestation, managing, growing, nurturing, and harvesting of trees for useful products
2557 with the conservation of soil, air and water quality, wildlife and fish habitat, and
2558 aesthetics and the stewardship and use of forests and forest lands in a way, and a rate,
2559 that maintains their biodiversity, productivity, regeneration capacity, vitality, and
2560 potential to fulfill, now and in the future, relevant ecological, economic, and social
2561 functions at local, national, and global levels, and that does not cause damage to other
2562 ecosystems. Criteria for sustainable forestry include:

- 2563 (a) conservation of biological diversity;
2564 (b) maintenance of productive capacity of forest ecosystems;
2565 (c) maintenance of forest ecosystem health and vitality;
2566 (d) conservation and maintenance of soil and water resources;
2567 (e) maintenance of forest contributions to global carbon cycles;
2568 (f) maintenance and enhancement of long-term multiple socioeconomic benefits to
2569 meet the needs of societies; and
2570 (g) a legal, institutional, and economic framework for forest conservation and

2571
2572 sustainable management.

2573

2574 Useful Thermal Energy. Energy in the form of direct heat, steam, hot water, or other
2575 thermal form that is used in production and beneficial measures for heating, cooling,
2576 humidity control, process use, or other valid thermal end use energy requirements, for
2577 which fuel or electricity would otherwise be consumed. Thermal energy used to produce
2578 a dried or refined biomass fuel shall not be considered Useful Thermal Energy if the
2579 biomass fuel produced is used to fuel the Generation Unit that dried or refined the
2580 biomass fuel.

2581
2582 Valid Air Permit. Within the United States, a current and effective authorization,
2583 license, certificate, or like approval to construct and/or operate a source of air pollution,
2584 issued or required by the regulatory agency designated in the applicable State
2585 Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§ 7401, et
2586 seq. In jurisdictions outside of the United States, it shall be a document demonstrating
2587 an equivalent authorization.

2588
2589 Waste Energy. Electrical energy generated from the combustion of municipal solid
2590 waste.

2591
2592 Waste Energy Generation Unit. A Generation Unit that utilizes conventional municipal
2593 solid waste plant technology in commercial use to generate Waste Energy.

2594
2595 15.03 : Administration

2596
2597 225 CMR 15.00 shall be administered by the Department.

2598
2599 15.04 : Applicability

2600
2601 225 CMR 15.00 applies to Retail Electricity Suppliers and to the Owners or Operators of
2602 RPS Class II Generation Units.

2603
2604 15.05 : Eligibility Criteria for RPS Class II Generation Units

2605
2606 (1) Eligibility Criteria. A Generation Unit may qualify as an RPS Class II Generation
2607 Unit subject to the limitations in 225 CMR 15.05.

2608
2609 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use one or
2610 more of the fuels, energy resources and/or technologies listed in 225 CMR 15.05(1)(a)1
2611 through 10.

2612
2613 1. Solar photovoltaic or solar thermal electric energy.

2614
2615 2. Wind energy.

2616
2617 3. Ocean thermal, wave or tidal energy.

2618

- 2619 4. Fuel cells using an Eligible RPS Class II Renewable Fuel.
2620
- 2621 5. Landfill methane gas, provided that such gas is collected and conveyed directly to
2622 the Generation Unit without use of facilities used as common carriers of natural gas.
2623
- 2624 6. Hydroelectric. A Generation Unit that uses Hydroelectric Energy may qualify as
2625 an RPS Class II Generation Unit, subject to the limitations in 225 CMR 15.05(1)(a)6.
2626
2627
- 2628 a. The Generation Unit has a nameplate capacity up to 7.5 megawatts.
2629
- 2630 b. The Generation Unit does not involve any dam or water diversion structure
2631 constructed after December 31, 1997, or pumped storage of water.
2632
- 2633 c. The Generation Unit does not generate Marine or Hydrokinetic Energy.
2634
- 2635 d. The Generation Unit meets appropriate and site-specific standards that address
2636 adequate and healthy river flows, water quality standards, fish passage and protection
2637 measures and mitigation and enhancement opportunities in the Impacted Watershed, as
2638 determined by the Department in consultation with Relevant Hydroelectric Agencies.
2639 The Generation Unit shall demonstrate compliance with such standards by submitting
2640 the documentation required in either 225 CMR 15.05(1)(a)6.d.i or ii.
2641
- 2642 i. LIHI Certification of the Generation Unit; except that in either of the two
2643 circumstances provided in 225 CMR 15.05(1)(a)6.d.i., the Department may request
2644 further information from the applicant and the Relevant Hydroelectric Agencies as part
2645 of its review of the applicant's Statement of Qualification Application. The Department
2646 shall notify the applicant of any such input from a Relevant Hydroelectric Agency not
2647 later than 30 days after receiving such input and shall provide the applicant an
2648 opportunity to respond to the Department not later than 30 days after the applicant's
2649 receipt of such notice from the Department.
2650
- 2651 (i) If a Relevant Hydroelectric Agency identified an environmental concern and a
2652 proposed remedy to LIHI during the LIHI certification process, and such concern was
2653 not addressed in the LIHI certification to the satisfaction of the Agency, and the Agency
2654 consulted with the Owner or Operator of the Generation Unit; or
2655
- 2656 (ii) If, between issuance of the LIHI certification and the Department's determination
2657 of the Generation Unit's eligibility, a Relevant Hydroelectric Agency submits to the
2658 Department evidence of a significant environmental problem not previously known by
2659 such Agency, after consulting with the Owner or Operator of the Generation Unit.
2660
- 2661 ii. A denial of certification from LIHI specifying the reasons the certification was
2662 denied and the applicant's proposed rationale for why the project should nevertheless
2663 receive a Statement of Qualification. In this instance, the Department shall notify and

2664 seek input from the Relevant Hydroelectric Agencies, which shall have 30 days from the
2665 date of their receipt of such notification to provide feedback to the Department. The
2666 Owner or Operator of the Generation Unit shall be notified of any such input and shall
2667 have 30 days from receipt of such notice to respond to the satisfaction of the Department
2668 as to why its Statement of Qualification Application should be approved. The
2669 Department thereafter shall make

2670
2671 finding of whether the Generation Unit meets appropriate environmental safeguards
2672 despite the lack of LIHI certification.

2673
2674 e. The Owner or Operator of the Generation Unit must serve notice to all Relevant
2675 Hydroelectric Agencies of its application for LIHI certification. The Owner or Operator
2676 of the Generation Unit also must serve notice to all Relevant Hydroelectric Agencies,
2677 and provide opportunity for comment within 30 days of such notice, with regard to its
2678 submission of a Statement of Qualification Application. Notice of such service must be
2679 provided to the Department.

2680
2681 f. If LIHI fails to act to certify or deny certification within 180 days from the date of
2682 submission of the Generation Unit's application to LIHI, the Owner or Operator shall
2683 file notice of such event with the Department. The Department shall review the federal,
2684 state or provincial permits for the Generation Unit and any submissions to LIHI by
2685 Relevant Hydroelectric Agencies, and shall make a final determination as to whether the
2686 Generation Unit meets environmental standards specified in 225 CMR 15.05(1)(a)6.d.

2687
2688 g. If LIHI is unable to review for certification a Generation Unit that is located in a
2689 Control Area adjacent to the ISO-NE Control Area and outside the United States of
2690 America, the Owner or Operator of such Generation Unit may petition the Department
2691 for certification using the LIHI standards by an independent third-party acceptable to the
2692 Department.

2693
2694 7. Waste to Energy. A Generation Unit that uses Waste Energy may qualify as an
2695 RPS Class II Generation Unit subject to the following limitations:

2696
2697 a. Has received approval from the MassDEP of the Unit's participation in or
2698 operation of an authorized recycling program;

2699
2700 b. Maintains participation in or operation of such recycling program and confirms
2701 this maintenance by submitting an annual report to the Department and MassDEP of its
2702 compliance;

2703
2704 c. Complies with the applicable requirements of 310 CMR 7.08(2): Municipal
2705 Waste Combustors; and

2706
2707 d. Complies with the applicable requirements of 310 CMR 19.000: Solid Waste
2708 Management.

2709 8. Low-emission, biomass power conversion technologies using an Eligible Biomass
2710 Fuel. A Generation Unit may qualify as an RPS Class II Generation Unit, provided it uses
2711 an Eligible Biomass Fuel, subject to the limitations in 225 CMR 15.05(1)(a)8.
2712

2713 a. A Generation Unit utilizing an Eligible Biomass Fuel that is required to obtain an
2714 air permit in its jurisdiction must possess a Valid Air Permit.
2715

2716 b. The Department shall set forth in Guidelines low-emission eligibility criteria
2717 which will become effective on their date of issuance. Any emission eligibility criteria
2718 in subsequently revised regulations or Guidelines shall become effective
2719

2720 12 months from their date of issuance. A Generation Unit utilizing an Eligible Biomass
2721 Fuel that is not a solid fuel, such as Eligible Liquid Biofuel, or does not use a steam
2722 boiler, shall follow the low-emission eligibility criteria process described in the
2723 Departments' Guideline on Eligible Biomass Fuel for Renewable Generation Units. In
2724 the case of a Generation Unit for whose size, type, or fuel
2725 the Department's Guidelines do not provide applicable emission limits, the Department
2726 will determine appropriate limits in consultation with the MassDEP.
2727

2728 c. A Generation Unit utilizing an Eligible Biomass Woody Fuel or Manufactured
2729 Biomass Fuel that has 5% or more of its fuel sourced from Forest Derived Residues,
2730 Forest Derived Thinnings and Forest Salvage must achieve an overall efficiency of at
2731 least 60% on a quarterly basis. A Generation Unit utilizing an Eligible Biomass Woody
2732 Fuel or Manufactured Biomass Fuel that has over 95% or more of its fuel sourced from
2733 Non-Forest Derived Residues on a quarterly basis shall have no applicable overall
2734 efficiency requirement. The procedure for calculating whether the Generation Unit
2735 meets the 60% overall efficiency requirement can be found in the Department's
2736 Guideline on Overall Efficiency and Greenhouse Gas Analysis.
2737

2738 d. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass Woody
2739 Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel shall reduce lifecycle
2740 greenhouse gas emissions, over a 20-year lifecycle, by at least 50% compared to the
2741 operation of a new combined cycle natural gas electric generating facility using the most
2742 efficient commercially available technology as of the date of the Statement of
2743 Qualification Application for the portion of electricity delivered by the Generation Unit
2744 and, if applicable, the operation of the fossil fuel fired thermal energy unit being
2745 displaced, or in the case of new Useful Thermal Energy, a gas-fired thermal energy unit
2746 using the most efficient commercially available technology as of the date of Statement
2747 of Qualification Application for the portion of the Useful Thermal Energy delivered by
2748 the Generation Unit. The procedure for calculating whether a Generation Unit meets the
2749 50% reduction can be found in the Department's Guideline on Overall Efficiency and
2750 Greenhouse Gas Analysis.
2751

2752 i. A Generation Unit that does not achieve a lifecycle greenhouse gas emissions
2753 reduction of at least 50% over a 20-year lifecycle in a particular calendar quarter of the

2754 Compliance Year, pursuant to 225 CMR 15.05(1)(a)8.d., shall not be eligible to report
2755 RPS Class II Renewable Generation Attributes to the NEPOOL GIS for that calendar
2756 quarter.

2757
2758 e. In the case of a Generation Unit that uses Eligible Biogas Fuel, the Eligible
2759 Biogas Fuel may be either conveyed directly to the Generation Unit without the use of
2760 facilities used as common carriers of natural gas, or transported to a Generation Unit
2761 within the ISO-NE Control Area or an adjacent Control Area via a common carrier of
2762 natural gas, in which instance the gas would be subject to the following provisions:

- 2763
- 2764 i. the gas is produced entirely within the ISO-NE Control Area or an adjacent
2765 Control Area;
 - 2766
 - 2767 ii. documentation is provided, satisfactory to the Department, regarding the gas
2768 transportation and related contracts; and
 - 2769
 - 2770 iii. demonstration is provided, satisfactory to the Department, that the gas can be
2771 physically delivered to the Generation Unit.
 - 2772

2773 9. Marine or Hydrokinetic Energy.

2774
2775 10. Geothermal Energy.

2776
2777 (b) Commercial Operation Date. The Commercial Operation Date shall be on or
2778 before December 31, 1997.

2779
2780 (c) Metering. The electrical energy output from a Generation Unit shall be verified by
2781 the ISO-NE or by an independent verification system or person participating in the
2782 NEPOOL GIS accounting system as an independent Third Party Meter Reader, as
2783 defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule, and
2784 approved by the Department.

2785 (d) Location. The Generation Unit location is subject to the following limitations:

2786
2787 1. Off-grid Generation. If the Generation Unit produces Off-grid Generation, such
2788 Generation Unit must be located in Massachusetts.

2789
2790 2. Behind-the-meter Generation. If the Generation Unit is wired to the electrical
2791 system on the End-use Customer's side of a retail electric meter, such Generation Unit
2792 must be located inside the ISO-NE Control Area and have a nameplate capacity of 25
2793 megawatts or less.

2794
2795
2796 (2) Co-Firing and Blended Fuel Waiver. All or a portion of the electrical energy
2797 output of a Generation Unit that uses ineligible fuel in conjunction with an Eligible RPS
2798 Class II Renewable Fuel, whether by co-firing such fuels or by using a Blended Fuel,

2799 may qualify as RPS Class II Renewable Generation provided the Generation Unit meets
2800 the eligibility requirements of 225 CMR 15.05, subject to the limitations in 225 CMR
2801 15.05(2).

2802
2803 (a) The portion of the total electrical energy output that qualifies as RPS Class II
2804 Renewable Generation in a given time period shall be equal to the ratio of the net heat
2805 content of the Eligible RPS Class II Renewable Fuel consumed to the net heat content of
2806 all fuel consumed in that time period.

2807
2808 (b) If using a Blended Fuel of which the eligible portion is an Eligible Biomass Fuel
2809 or if co-firing an ineligible fuel with an Eligible Biomass Fuel, the entire Generation
2810 Unit must meet the requirements of an advanced biomass Power Conversion
2811 Technology as set forth in 225 CMR 15.05(1)(a)8.

2812
2813 (c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to the
2814 satisfaction of the Department that the emission rates for the entire Generation Unit are
2815 consistent with rates prescribed by the MassDEP for comparably fueled Generation
2816 Units in the Commonwealth. The Department may require the Generation Unit Owner
2817 or Operator to retain at its own expense a third-party consultant deemed satisfactory to
2818 the

2819
2820 Department, to provide the Department and the MassDEP with assistance in this
2821 determination.

2822
2823 (d) The Generation Unit must provide with its Statement of Qualification Application
2824 a fuel supply plan that specifies each and every fuel that it intends to use, in what
2825 relative proportions either in co-firing or in a Blended Fuel, and with what individual
2826 input heat values. Such plan shall include the procedures by which the Unit will
2827 document to the satisfaction of the Department its compliance with the plan.

2828
2829 (e) The provisions of 225 CMR 15.05(2) shall not apply to the incidental use of
2830 ineligible fuels for the purpose of cold starting a Generation Unit that otherwise
2831 exclusively uses an Eligible RPS Class II Renewable Fuel.

2832
2833 (3) Special Provisions for a Generation Unit Located in a Control Area Adjacent to
2834 the ISO- NE Control Area. The portion of the total electrical energy output of an RPS
2835 Class II Generation Unit located in a Control Area adjacent to the ISO-NE Control Area
2836 that qualifies as RPS Class II Renewable Generation shall meet the requirements in Rule
2837 2.7(c) and all other relevant sections of the NEPOOL GIS Operating Rules or any
2838 successor rule, and the following requirements:

2839
2840 (a) The Generation Unit Owner or Operator shall provide documentation, satisfactory
2841 to the Department, that the RPS Class II Renewable Generation Attributes or RPS Class
2842 II Waste Energy Generation Attributes have not otherwise been, nor will be, sold,
2843 retired, claimed, used or represented as part of electrical energy output or sales, or used

2844 to satisfy obligations in jurisdictions other than Massachusetts.

2845

2846 (b) The Generation Unit Owner or Operator must provide an attestation in a form to
2847 be provided by the Department that it will not itself or through any affiliate or other
2848 contracted party, engage in the process of importing RPS Class II Renewable Generation
2849 into the ISO-NE Control Area for the creation of RPS Class II Renewable GIS
2850 Certificates, and then exporting that energy or a similar quantity of other energy out of
2851 the ISO-NE Control Area during the same hour.

2852

2853 (c) The quantity of electrical energy output from an RPS Class II Generation Unit
2854 outside the ISO-NE Control Area that can qualify as RPS Class II Renewable
2855 Generation at the NEPOOL GIS during each hour is limited to the lesser of the RPS
2856 Class II Renewable Generation actually produced by the Unit or the RPS Class II
2857 Renewable Generation actually scheduled and delivered into the ISO-NE Control Area.

2858

2859 (4) Special Provisions for Aggregations. An Aggregation of Generation Units that are
2860 located behind the customer meter or that are Off-grid Generation Units, each of which
2861 could independently meet the relevant requirements of 225 CMR 15.05, may receive a
2862 single Statement of Qualification and be treated as a single RPS Class II Renewable
2863 Generation Unit under the following criteria and procedures:

2864

2865 (a) Each Generation Unit in such Aggregation must use the same fuel, energy
2866 resource and technology as all other Generation Units in the Aggregation.

2867

2868 (b) Each of the Owners or Operators of Generation Units within the Aggregation
2869 must enter into an agreement with a person or entity that serves as the Authorized Agent
2870 for the Aggregation in all dealings with the Department and with the NEPOOL GIS, and
2871

2872

2873 such agreement must include procedures by which the electrical energy output of each
2874 Generation Unit shall be monitored and reported to the NEPOOL GIS.

2874

2875 (c) The Authorized Agent of the Aggregation must establish and maintain a
2876 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating Rules,
2877 including all provisions for Non-NEPOOL Generator Representatives, as that term is
2878 defined in Rule 2.1(a)(vi) of those Rules, or any successor rules.

2879

2880 (d) The electrical energy output of each of the Generation Units in the Aggregation
2881 must be individually monitored and recorded, and it must be reported to the NEPOOL
2882 GIS as part of an aggregated total for the Aggregation, by an independent Third Party
2883 Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any
2884 successor rule, and approved by the Department.

2885

2886 (5) Special Provisions for Generation Units Using Eligible Biomass Woody Fuels, or
2887 Manufactured Biomass Fuels. An Owner, Operator, or Authorized Agent of a
2888 Generation Unit that uses an Eligible Biomass Woody Fuel or a Manufactured Biomass

2889 Fuel must meet the following provisions:

2890

2891 (a) Sustainable Forest Management. Forest Derived Residues and Thinnings shall
2892 only be sourced from forests meeting Sustainable Forestry Management practices, as
2893 independently verified through the attestation of a licensed forester, certified forester or
2894 independent certification.

2895

2896 (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel or
2897 Manufactured Biomass Fuel that does not comply with the overall efficiency
2898 requirements in 225 CMR 15.05(1)(a)8.c shall be subject the following:

2899

2900 1. A Generation Unit utilizing Eligible Biomass Woody Fuel or Manufactured
2901 Biomass Fuel that has 5% or more of its fuel sourced from Forest Derived Residues,
2902 Forest Derived Thinnings and Forest Salvage and does not achieve an overall efficiency
2903 of at least 60% in a particular calendar quarter of the Compliance Year, pursuant to 225
2904 CMR 15.05(1)(a)8.c, shall not be eligible to report RPS Class II Renewable Generation
2905 Attributes to the NEPOOL GIS for that calendar quarter.

2906

2907 2. A Generation Unit utilizing Eligible Biomass Woody Fuel or Manufactured
2908 Biomass Fuel that has more than 95% of its fuel sourced from Non-Forest Derived
2909 Residues in a particular calendar quarter of the Compliance Year, shall only be eligible
2910 to receive RPS Class II Renewable Generation Attributes at NEPOOL GIS in a
2911 proportion equal to the percentage of fuel sourced from Non-Forest Derived Residues
2912 for that calendar quarter.

2913

2914 (c) Reporting Requirements for Generation Units using Eligible Biomass Woody
2915 Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent of a
2916 Generation Unit using Eligible Biomass Woody Fuel or Manufactured Biomass Fuel
2917 shall provide to the Department on a quarterly basis the Biomass Fuel Report as
2918 prescribed in the Department's Guideline on Eligible Biomass Fuel for Renewable
2919 Generation Units.

2920

2921 (d) Verification of Eligible Biomass Woody Fuel. In order to verify the use of
2922 Eligible Biomass Woody Fuel, an RPS Class I Renewable Generation Unit utilizing
2923 Eligible

2924

2925 Biomass Woody Fuel shall report the following to the Department on a quarterly basis
2926 in a manner outlined in the Department's Guideline on Eligible Biomass Fuel for
2927 Renewable Generation Units:

2928

2929 1. Supplier of the fuel;

2930

2931 2. Amount of fuel delivered; and

2932

2933 3. Date of delivery.

2934 (e) Biomass Fuel Certificate. The tonnage of all Eligible Biomass Woody Fuel or
2935 Manufactured Biomass Fuel reported in the Quarterly Biomass Fuel Report shall be
2936 documented by ownership of the Biomass Fuel Certificates. The tonnage input for
2937 Eligible Biomass Fuel noted on the Biomass Fuel Certificate shall equal or be greater
2938 than the tonnage of Eligible Biomass Fuel consumed at the Generation Unit. For
2939 Manufactured Biomass Fuel, the Biomass Fuel Certificates shall be for the required
2940 tonnage of Eligible Biomass Woody Fuel necessary for the production of the delivered
2941 volume of Manufactured Biomass Fuel. The Biomass Fuel Certificates shall be
2942 originated, procured, and transacted in accordance with the Guideline on Eligible
2943 Biomass Fuel for Renewable Generation Units.

2944
2945 15.06 : Statement of Qualification Process for RPS Class II Renewable Generation
2946 Units

2947
2948 (1) Statement of Qualification Application (SQA). An SQA shall be submitted to the
2949 Department by the Owner or Operator of the Generation Unit or Aggregation. The
2950 applicant must use the most current forms and associated instructions provided by the
2951 Department, and must include all information, documentation, and assurances required
2952 by such forms and instructions.

2953
2954 (2) Review Procedures.

2955
2956 (a) The Department will notify the applicant when the SQA is administratively
2957 complete or if additional information is required pursuant to 225 CMR 15.06(1).

2958
2959 (b) The Department may, in its sole discretion, provide an opportunity for public
2960 comment on any SQA.

2961
2962 (3) Issuance or Non-Issuance of an SQ.

2963
2964 (a) If the Department finds that all or a portion of the electrical energy output of a
2965 Generation Unit or of an Aggregation meets the requirements for eligibility as RPS
2966 Class II Renewable Generation pursuant to 225 CMR 15.05, the Department will
2967 provide the Owner or Operator of such Generation Unit or Aggregation with an SQ.

2968
2969 (b) The Statement of Qualification shall include any applicable restrictions and
2970 conditions that the Department deems necessary to ensure compliance by a particular
2971 Generation Unit or Aggregation with the provisions of 225 CMR 15.00.

2972
2973 (c) If the Generation Unit or Aggregation does not meet the requirements for
2974 eligibility as an RPS Class II Renewable Generation Unit, the Department shall provide
2975 written

2976
2977 notice to the Owner or Operator, including the Department's reasons for such finding.
2978

2979 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on which
2980 electrical energy output of an RPS Class II Renewable Generation Unit or Waste Energy
2981 Generation Unit can result in the creation of RPS Class II GIS Certificates, with the
2982 following limitations:

2983
2984 (a) In the case of a Generation Unit using Eligible Biomass Fuel, the RPS Effective
2985 Date shall not be earlier than the date on which the Department determines that the
2986 Biomass Generation Unit has commenced compliance with the low-emission conditions
2987 in its SQ;

2988
2989 (b) In the case of a Hydroelectric Energy Generation Unit, the RPS Effective Date
2990 shall not be earlier than the date on which the Department determined that the
2991 Generation Unit has commenced compliance with the environmental conditions in its
2992 SQ; and

2993
2994 (c) In the case of a Waste Energy Generation Unit, the RPS Effective Date shall not
2995 be earlier than the date on which the Department determines that the Waste Energy
2996 Generation Unit has commenced compliance with the recycling program conditions in
2997 its SQ.

2998
2999 In no instance shall the RPS Effective Date occur before January 1, 2009.

3000
3001 (5) Notification Requirements for Change in Eligibility Status. The Owner or
3002 Operator of an RPS Class II Renewable Generation Unit or Waste Energy Generation
3003 Unit shall notify the Department of any changes in the technology, operation, emissions,
3004 fuel sources, energy resources, or other characteristics of the Generation Unit that may
3005 affect the eligibility of the Generation Unit as an RPS Class II Renewable Generation
3006 Unit or Waste Energy Generation Unit. The Owner or Operator shall submit the
3007 notification to the Department no later than five days following the end of the month
3008 during which such changes were implemented. The notice shall state the date the
3009 changes were made to the RPS Class II Renewable Generation Unit or Waste Energy
3010 Generation Unit and describe the changes in sufficient detail to enable the Department to
3011 determine if a change in eligibility is warranted.

3012
3013 (6) Notification Requirements for Change in Ownership, Generation Capacity, or
3014 Contact Information. The Owner or Operator of an RPS Class II Renewable Generation
3015 Unit or Waste Energy Generation Unit shall notify the Department of any changes in the
3016 ownership, operating entity, generation capacity, NEPOOL GIS account, independent
3017 verification system for the Generation Unit's or Aggregation's electrical energy output,
3018 or contact information for the Generation Unit or Aggregation. The Owner or Operator
3019 shall submit the notification to the Department no later than five days following the end
3020 of the month during which such changes were implemented.

3021
3022 (7) Suspension or Revocation of Statement of Qualification. The Department may
3023 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS

3024 Class II Renewable Generation Unit or Waste Energy Generation Unit fails to comply
3025 with 225 CMR
3026 15.00 or if a Generation Unit does not operate during a consecutive 12-month period.
3027

3028 15.07 : Renewable Energy Portfolio Standard – Class II
3029

3030 (1) RPS Class II Renewable Generation Minimum Standard. The total annual sales of
3031 each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail
3032 Electricity
3033

3034 Supplier, under contracts executed or extended on or after January 1, 2009, shall include
3035 a minimum percentage of electrical energy sales with RPS Class II Renewable
3036 Generation Attributes. The RPS Class II Renewable Generation Minimum Standard
3037 shall be calculated as follows:
3038

3039 (a) The following table reflects the RPS Class II Renewable Generation Minimum
3040 Standards in effect from 2009 through 2021:
3041

3042	Compliance Year	RPS Class II Renewable Generation Minimum Standard
3043	2009	3.60%
3044	2010	3.60%
3045	2011	3.60%
3046	2012	3.60%
3047	2013	1.50%
3048	2014	1.75%
3049	2015	2.00%
3050	2016	2.5319%
3051	2017	2.5909%
3052	2018	2.6155%
3053	2019	2.6883%
3054	2020	3.2056%
3055	2021	3.5634%

3056
3057 (b) For each Compliance Year after 2021, the Department shall announce the RPS
3058 Class II Renewable Generation Minimum Standard no later than August 31st two years
3059 prior to the Compliance Year. The RPS Class II Renewable Generation Minimum
3060 Standard shall be determined by the following formula:
3061

3062 The RPS Class II Renewable Generation Minimum Standard for each Compliance Year
3063 (CY) shall be equal to the RPS Class II Renewable Generation Minimum Standard for
3064 the prior Compliance Year (CY-1), plus the number of RPS Class II Renewable
3065 Generation Attributes settled for compliance in Compliance Year three years prior (CY-
3066 3), divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to
3067 End-use Customers in Compliance Year three years prior (CY-3), minus the number of
3068 RPS Class II Renewable Generation Attributes settled for compliance in Compliance

3069 Year four years prior (CY-4) divided by the total MWh of electrical energy sales by
3070 Retail Electricity Suppliers to End-use Customers in Compliance Year four years prior
3071 (CY-4). For the purpose of these calculations, the total MWh of electrical energy sales
3072 by Retail Electricity Suppliers to End-use Customers shall be determined in the manner
3073 specified in 225 CMR 15.09(2)(a), and Attributes settled for compliance in a given
3074 Compliance Year shall be represented by the total of all RPS Class II qualified GIS
3075 Certificates that are determined by the Department to qualify for RPS Class II
3076 Renewable Energy compliance in the Compliance Year in which the energy that they
3077 signify was generated.

3078
3079 (c) Notwithstanding the calculation in 225 CMR 15.07(1)(b), the RPS Class II
3080 Renewable Generation Minimum Standard shall not exceed 3.6% of the Total Electrical
3081 Energy Sales to End-use Customers, as provided in 225 CMR 15.09(2)(a).

3082
3083 (2) RPS Class II Waste Energy Minimum Standard. The total annual sales of each
3084 Retail

3085
3086 Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity
3087 Supplier, under contracts executed or extended on or after January 1, 2009, shall include
3088 a minimum percentage of electrical energy sales with RPS Class II Waste Energy
3089 Generation Attributes. The RPS Class II Waste Energy Minimum Standard shall be
3090 equal to 3.5% of electrical energy sales in the Compliance Years 2009 through 2020. In
3091 Compliance Years 2021 through 2025, the RPS Class II Waste Energy Minimum
3092 Standard shall be equal to 3.7% of electrical energy sales. In 2026 and all subsequent
3093 Compliance Years, the RPS Class II Waste Energy Minimum Standard shall be equal to
3094 3.5% of electrical energy sales.

3095 Beginning in 2025 and every five years thereafter, the Department shall conduct a
3096 review of the RPS Class II Waste Energy Minimum Standard and consult with
3097 MassDEP on the standard to ensure consistency with the solid waste master plan.
3098 Following stakeholder comment and input on the review of the RPS Class II Waste
3099 Energy Minimum Standard, the Department may modify the Minimum Standard for the
3100 following five years.

3101
3102 15.08 : Compliance Procedures for Retail Electricity Suppliers.

3103
3104 (1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in
3105 compliance with 225 CMR 15.00 if the information provided in the Compliance Filing
3106 submitted pursuant to 225 CMR 15.09 is true and accurate and demonstrates compliance
3107 with 225 CMR 15.07. A Retail Electricity Supplier shall demonstrate to the satisfaction
3108 of the Department that RPS Class II Renewable Generation Attributes and RPS Class II
3109 Waste Energy Generation Attributes used for compliance have not otherwise been, nor
3110 will be, sold, retired, claimed, used or represented as part of electrical energy output or
3111 sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

3112
3113 (2) Banked Compliance. A Retail Electricity Supplier may use RPS Class II

3114 Renewable Generation Attributes and RPS Class II Waste Energy Generation Attributes
3115 produced in one Compliance Year for compliance over the course of the following two
3116 subsequent Compliance Years, subject to the limitations in 225 CMR 15.08(2) and
3117 provided that the Retail Electricity Supplier is in compliance with 225 CMR 15.00 for
3118 all previous Compliance Years. In addition, the Retail Electricity Supplier shall
3119 demonstrate to the satisfaction of the Department that such Attributes:

3120
3121 (a) were in excess of the RPS Class II Renewable Generation Attributes and RPS
3122 Class II Waste Energy Generation Attributes needed for compliance in the Compliance
3123 Year in which they were generated, and that such excess Attributes have not previously
3124 been used for compliance with 225 CMR 15.00;

3125
3126 (b) do not exceed 30% of the RPS Class II Renewable Generation Attributes and 30%
3127 of the RPS Class II Waste Energy Generation Attributes needed by the Retail Electricity
3128 Supplier for compliance with the RPS Class II Renewable Generation Minimum
3129 Standard, and RPS Class II Waste Energy Minimum Standard in the year they were
3130 generated, subject to 225 CMR 15.09(2)(d) and subject to the following limitations:

3131
3132 1. In Compliance Years 2014 and 2015 no excess RPS Class II Waste Energy
3133 Generation Attributes shall be available as Banked Compliance; and

3134
3135 2. Commencing with Compliance Year 2016, bankable excess RPS Class II Waste
3136 Energy Generation Attributes shall not exceed 5% of the RPS Class II Waste Energy
3137 Generation Attributes needed by the Retail Electricity Supplier for compliance with the
3138 RPS Class II Waste Energy Minimum Standard in the year they

3139
3140 were generated.

3141
3142 (c) were produced during the Compliance Year in which they are claimed as excess
3143 by the generation of electrical energy sold to End-use Customers in the ISO-NE Control
3144 Area, by the generation of electrical energy on End-use Customers' sides of retail meters
3145 in the ISO-NE Control Area, or by the generation of electrical energy from Off-grid
3146 Generation Units in Massachusetts; and

3147
3148 (d) have not otherwise been, nor will be, sold, retired, claimed or represented as part
3149 of electrical energy output or sales, or used to satisfy obligations in jurisdictions other
3150 than Massachusetts.

3151
3152 (3) Alternative Compliance for RPS Class II Renewable Generation Minimum
3153 Standard. A Retail Electricity Supplier may discharge its obligations under 225 CMR
3154 15.07(1), in whole or in part, for any Compliance Year by making an ACP to the
3155 MassCEC. Such funds shall be held in an account separate from other accounts of the
3156 MassCEC.

3157
3158 (a) Procedures. A Retail Electricity Supplier shall receive Alternative Compliance

3159 Credits from the Department, subject to the following:
3160

3161 1. The quantity of Credits, specified in MWhs, that can be applied to its obligations
3162 under 225 CMR 15.07(1) shall be determined by calculating the ratio of the total of
3163 ACPs paid for the Compliance Year to the ACP Rate for that Compliance Year.
3164

3165 2. The ACP Rate for the RPS Class II Renewable Generation Minimum Standard
3166 shall be \$25 per MWh for Compliance Year 2009. For each subsequent Compliance
3167 Year, the Department shall publish the ACP Rate by January 31 of the Compliance
3168 Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down
3169 according to the previous year's Consumer Price Index. The ACP Rate for the RPS Class
3170 II Renewable Generation Minimum Standard shall not exceed \$35 per MWh for any
3171 given Compliance Year.
3172

3173 3. The Retail Electricity Supplier shall include with its Annual Compliance Filing
3174 copies of any ACP receipt(s) for ACPs made to the MassCEC during the Compliance
3175 Year.
3176

3177 (b) Use of Funds. The Department shall oversee the use of ACP funds by the
3178 MassCEC.
3179

3180 (4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard. A
3181 Retail Electricity Supplier may discharge its obligations under 225 CMR 15.07(2), in
3182 whole or in part, for any Compliance Year by making an ACP to the MassCEC. Such
3183 funds shall be held in an account separate from other accounts of the MassCEC.
3184

3185 (a) Procedures. A Retail Electricity Supplier shall receive Alternative Compliance
3186 Credits from the Department, subject to the following:
3187

3188 1. The quantity of Alternative Compliance Credits, specified in MWhs, that can be
3189 applied to its obligations under 225 CMR 15.07(2) shall be determined by calculating
3190 the ratio of the total of ACPs paid for the Compliance Year to the ACP Rate for that
3191 Compliance Year.
3192

3193 2. The ACP Rate for the RPS Class II Waste Energy Minimum Standard shall be
3194 \$10 per MWh for Compliance Year 2009. For each subsequent Compliance Year, the
3195 Department shall publish the ACP Rate by January 31st of the Compliance Year. The
3196 ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according
3197 to the previous year's Consumer Price Index. In Compliance Year 2021 through 2025,
3198 the ACP Rate for the RPS Class II Waste Energy Minimum Standard shall be equal to
3199 the ACP Rate for the RPS Class II Renewable Energy Minimum Standard set pursuant
3200 to 225 CMR 15.08(3)(a)2., but shall be \$11.50 per MWh beginning in 2026.
3201

3202 3. The Retail Electricity Supplier shall include with its Annual Compliance Filing
3203 copies of any ACP receipt(s) for ACPs made to the MassCEC during the Compliance

3204 Year.

3205

3206 (b) Use of Funds. The Department shall oversee the use of ACP funds by the
3207 MassCEC.

3208

3209 (5) Beginning in 2025 and every five years thereafter, the Department shall conduct a
3210 review of the ACP Rate and consult with DEP on the ACP Rate for the RPS Class II
3211 Waste Energy Minimum Standard to ensure consistency with the solid waste master
3212 plan. Following stakeholder comment and input on the review of the ACP Rate, the
3213 Department may modify the rate for the following five years.

3214

3215 15.09 : Annual Compliance Filings for Retail Electricity Suppliers

3216

3217 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail
3218 Electricity Supplier annually shall file an annual Compliance Filing with the Department
3219 no later than the first day of July, or the first Business Day thereafter, of the subsequent
3220 Compliance Year.

3221

3222 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product, the
3223 Filing shall document compliance with the provisions of 225 CMR 15.07 and 15.08 to
3224 the satisfaction of the Department and shall include, but not be limited to, the following:

3225

3226 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the total
3227 MWhs of electrical energy allocated by the Retail Electricity Supplier to End-use
3228 Customers in the Compliance Year. Such allocation is defined as the total quantity of the
3229 Supplier's Certificates Obligation that the Retail Electricity Supplier correctly allocated
3230 or should have allocated to all of the Retail Electricity Supplier's Massachusetts retail
3231 subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of
3232 the NEPOOL GIS Operating Rules, or any successor rules, as specified in the
3233 Department's Guideline on the Determination of Sales to End-use Customer.

3234

3235 (b) Electrical Energy Sales to End-use Customers by Product. Documentation of the
3236 total MWhs of each Retail Electricity Product allocated to End-use Customers in the
3237 Compliance Year, verified by an independent third-party satisfactory to the Department,
3238 consistent with the Guidelines. Such allocation is defined as the quantity of the
3239 Supplier's Certificates Obligation that the Retail Electricity Supplier correctly allocated
3240 or should have allocated to each of the Retail Electricity Supplier's Massachusetts retail
3241 subaccounts at the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of
3242 the NEPOOL GIS Operating Rules, or any successor rules, as specified in the
3243 Department's Guideline on the Determination of Sales to End-Use Customer. The
3244 Department shall keep product information confidential to the extent permitted by law.

3245

3246 (c) Attributes Allocated from the Compliance Year. Documentation of the total
3247 MWhs of each Retail Electricity Product allocated to End-use Customers that were
3248 derived from both RPS Class II Renewable Generation and RPS Class II Waste Energy

3249 generation during the Compliance Year, and which may include electrical energy
3250 generated on End- use Customers' sides of retail meters in the ISO-NE Control Area or
3251 by Off-grid Generation Units in Massachusetts in the Compliance Year, shall be as
3252 follows:

3253
3254 1. For electrical energy transactions included in the ISO-NE Settlement Market
3255 System, the Compliance Filings shall include documentation from the NEPOOL GIS
3256 administrator of the Retail Electricity Supplier's ownership of GIS Certificates
3257 representing both RPS Class II Renewable Generation and RPS Class II Waste Energy
3258 generation during the Compliance Year.

3259
3260 2. For electrical energy transactions not included in the ISO-NE Settlement Market
3261 System, but for which the Retail Electricity Supplier has secured GIS Certificates from
3262 the NEPOOL GIS, the Compliance Filings shall include documentation from the
3263 NEPOOL GIS of the Retail Electricity Supplier's ownership of GIS Certificates
3264 representing both RPS Class II Renewable Generation and RPS Class II Waste Energy
3265 generation during the Compliance Year.

3266
3267 (d) Attributes Allocated from Banked Compliance. Allocation by Retail Electricity
3268 Product of any quantity of Attributes banked from one or both of the two previous years
3269 pursuant to 225 CMR 15.08(2) that are used to demonstrate compliance in the current
3270 Compliance Year, except that banked RPS Class II Waste Energy Generation Attributes
3271 cannot be used for compliance with the RPS Class II Renewable Generation Minimum
3272 Standard and banked RPS Class II Renewable Generation Attributes cannot be used for
3273 compliance with the RPS Class II Waste Energy Generation Minimum Standard.

3274
3275 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of any
3276 Alternative Compliance Credits claimed pursuant to 225 CMR 15.08(3), along with a
3277 copy of any ACP receipt(s).

3278
3279 (f) Attributes Banked for Future Compliance. Identification of any quantity of RPS
3280 Class II Renewable Generation Attributes and of any RPS Class II Waste Energy
3281 Generation Attributes that the Retail Electricity Supplier anticipates claiming for
3282 purposes of Banked Compliance in subsequent years under the Banked Compliance
3283 provisions of 225 CMR 15.08(2), except that RPS Class II Waste Energy Generation
3284 Attributes that are in excess of the quantity of such Attributes needed for the RPS Class
3285 II Waste Energy Minimum in Compliance Years 2014 and 2015 cannot be used for
3286 Banked Compliance.

3287
3288 (g) Exempt Contracts under the RPS Class II Renewable Generation Minimum
3289 Standard and the RPS Class II Waste Energy Minimum Standard. Identification of any
3290 contract for a specific term of years that was executed before January 1, 2009, and its
3291 terms including but not limited to, the execution and expiration dates of the contract and
3292 the annual volume of electrical energy supplied.

3293

3294 15.10 : Reporting Requirements

3295

3296 (1) Certification. Any person required by 225 CMR 15.00 to submit documentation to
3297 the Department shall provide:

3298

3299 (a) the person’s name, title and business address;

3300

3301 (b) the person’s authority to certify and submit the documentation to the Department;
3302 and

3303

3304 (c) the following certification: “I hereby certify, under the pains and penalties of
3305 perjury, that I have personally examined and am familiar with the information submitted
3306 herein and based upon my inquiry of those individuals immediately responsible for
3307 obtaining the information, I believe that the information is true, accurate, and complete.
3308 I am aware that there are significant penalties, both civil and criminal, for submitting
3309 false information, including possible fines and imprisonment.”

3310

3311 (2) Annual Renewable Energy Resource Report. The Department shall produce an
3312 annual report that summarizes information submitted to the Department by Retail
3313 Electricity Suppliers in the Annual Compliance Filing submitted to the Department
3314 pursuant to 225 CMR 15.09(2). Such report shall include non-confidential data that
3315 provides the following:

3316

3317 (a) the extent to which the Retail Electricity Suppliers complied with the RPS Class I
3318 Minimum Standard, the Solar Carve-out Minimum Standard, and Solar Carve-out II
3319 Minimum Standard, both separately and combined; and

3320

3321 (b) the extent to which the Retail Electricity Suppliers used Standard Compliance,
3322 Banked Compliance, and Alternative Compliance in meeting the Minimum Standards.

3323

3324 15.11 : Inspection

3325

3326 (1) Document Inspection. The Department may audit the accuracy of all information
3327 submitted pursuant to 225 CMR 15.00. The Department may request and obtain from
3328 any Owner or Operator of an RPS Class II Renewable Generation Unit, Waste Energy
3329 Generation Unit, supplier of Eligible Biomass Fuel, and any Retail Electricity Supplier
3330 information that the Department determines necessary to monitor compliance with and
3331 enforcement of 225 CMR 15.00.

3332

3333 (2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity Supplier,
3334 supplier of Eligible Biomass Fuel, Waste Energy Generation Unit Owner or Operator, or
3335 RPS Class II Renewable Generation Unit Owner or Operator, the Department may
3336 conduct audits, which may include inspection and copying of records and/or site visits to
3337 an RPS Class II Renewable Generation Unit, Waste Energy Generation Unit, supplier of
3338 Eligible Biomass fuel, or a Retail Electricity Supplier’s facilities, including, but not

3339 limited to, all files and documents that the Department determines are related to
3340 compliance with 225 CMR 15.00.

3341
3342 15.12 : Non-compliance

3343
3344 Any Retail Electricity Supplier or Owner or Operator of an RPS Class II Renewable
3345 Generation Unit that fails to comply with the requirements of 225 CMR 15.00 shall be
3346 subject to the following provisions:

3347
3348 (1) Notice of Non-compliance. A failure to comply with the requirements of 225
3349 CMR
3350 15.00 shall be determined by the Department. A written Notice of Non-compliance shall
3351 be prepared and delivered by the Department to any Retail Electricity Supplier or Owner
3352 or Operator of an RPS Class II Renewable Generation Unit that fails to comply with the
3353 requirements of 225 CMR 15.00. The Notice of Non-compliance shall describe the
3354 Requirement(s) with which the Retail Electricity Supplier, Owner, or Operator failed to
3355 comply and the time period of such non-compliance.

3356
3357 (2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be
3358 published on the Department's website and in any other media deemed appropriate by
3359 the Department. Such publication may remain posted until the Retail Electricity Supplier
3360 or Owner or Operator returns to compliance as determined by the Department.

3361
3362 (3) Planning Requirement. A Retail Electricity Supplier that fails to meet the
3363 requirements of 225 CMR 15.07 during a Compliance Year shall submit a plan for
3364 achieving compliance for the subsequent three years. The plan shall be filed with the
3365 Department no later than the first day of September of the Compliance Year subsequent
3366 to the Compliance Year for which the Retail Electricity Supplier was out of compliance
3367 or such date as the Department may specify.

3368
3369 (4) Suspension or Revocation of License. The Department shall refer its findings of
3370 non-compliance to the Massachusetts Department of Public Utilities. A Retail
3371 Electricity Supplier that fails to comply with 225 CMR 15.00 may be subject to the
3372 Massachusetts Department of Public Utilities Licensure Action under 220 CMR
3373 11.07(4)(c)1.

3374
3375 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier
3376 fails to discharge its annual obligations by September 1st under 225 CMR 15.07, by the
3377 means described in 225 CMR 15.08(1) through (4), the Department will notify the Retail
3378 Electricity Supplier that it must provide the Department with a payment using the
3379 financial security of which it provided pursuant to 225 CMR 14.08(4), unless a Retail
3380 Electricity Supplier has an approved alternative payment plan to discharge its annual
3381 obligations in full that has been approved by the Department prior to September 1st. The
3382 payment shall, within 30-days of notification by the Department, be deposited into the
3383 Alternative Compliance Payment fund established in 225 CMR 14.08(3) pursuant to the

3384 provisions of 225 CMR 14.12(5).

3385

3386 (6) Partial Compliance. In the event that the collection of financial security under 225
3387 CMR 14.12(5) results in the collection of an amount of Alternative Compliance

3388 Payments that is

3389 insufficient to discharge a Retail Electricity Supplier's full annual obligations under 225
3390 CMR 15.07, the Retail Electricity Supplier will remain in a state of non-compliance, and
3391 the Department will take the necessary actions to document and enforce this non-
3392 compliance, pursuant to 225 CMR 15.12(1) through (4).

3393

3394 (7) The Department reserves all rights to take any and all appropriate actions to
3395 ensure the collection of all Alternative Compliance Payments owed to ensure annual
3396 compliance obligations are fully discharged by a Retail Electricity Supplier, including,
3397 but not limited to, filing a petition with the Department of Public Utilities requesting an
3398 investigation into a supplier that is deemed to be in non-compliance by the Department.

3399

3400 15.13 : Severability

3401

3402 If any provision of 225 CMR 15.00 is declared invalid, such invalidity shall not affect
3403 other provisions or applications that can be given effect without the invalid provision or
3404 application.

3405

3406

3407 REGULATORY AUTHORITY

3408

3409 225 CMR 15.00: M.G.L. c. 25A, § 11F.