HOUSE . . . . No. 4876

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 16, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill upgrading the grid and protecting ratepayers (Senate, No. 2838), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4876; and by striking out the title and inserting in place thereof the following title: "An Act accelerating a responsible, innovative and equitable clean energy transition.".

For the committee,

AARON MICHLEWITZ.

HOUSE . . . . No. 4876

Text of amendments, recommended by the committee on Ways and Means, to the Senate Bill upgrading the grid and protecting ratepayers (Senate, No. 2838). July 16, 2024.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

By striking out all after the enacting clause and inserting in place thereof the following:

1 "SECTION 1. Chapter 21A of the General Laws is hereby amended by adding the
2 following 2 sections:-

3 Section 29. There shall be an office of environmental justice and equity within the
4 executive office of energy and environmental affairs, which shall be administered by an
5 undersecretary of environmental justice and equity who shall be appointed and may be removed
6 by the secretary. The office shall be responsible for implementing environmental justice
7 principles, as defined in section 62 of chapter 30, in the operation of each office and agency
8 under the executive office. The office shall develop standards and guidelines governing the
9 potential use and applicability of: (i) community benefit plans and agreements; and (ii)
10 cumulative impact analyses in developing energy infrastructure with input from representatives
11 from utilities, the renewable energy industry, local government, environmental justice
12 community organizations, environmental sectors and other representatives as deemed appropriate
13 by the office.

14 Section 30. The executive office of energy and environmental affairs shall establish and
15 periodically update a methodology for determining the suitability of sites for clean energy
16 generation facilities, clean energy storage facilities and clean transmission and distribution
17 infrastructure facilities in newly established public rights of way. The methodology shall include
18 multiple geospatial screening criteria to evaluate sites for: (i) development potential; (ii) climate
19 change resilience; (iii) carbon storage and sequestration; (iv) biodiversity; and (v) social and
20 environmental benefits and burdens. The executive office shall require facility development
21 project proponents to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate
22 siting impacts and environmental and land use concerns. The executive office shall develop and
23 periodically update guidance to inform state, regional and local regulations, ordinances, by-laws
24 and permitting processes on ways to avoid, minimize or mitigate impacts on the environment and
25 people to the greatest extent practicable.

26 SECTION 2. Section 9A of chapter 23J of the General Laws, as appearing in the 2022
27 Official Edition, is hereby amended by inserting after the word "support", in line 78, the
28 following words:- and to issue and maintain technical guidance on the center's website.

29 SECTION 3. Chapter 25 of the General Laws is hereby amended by striking out section
30 12N, as so appearing, and inserting in place thereof the following section:-

31 Section 12N. There is hereby established within the department, and under the general
32 supervision and control of the commission, a facility siting division, which shall be under the
33 charge of a director appointed by the commission. The facility siting division, hereinafter
34 referred to as the division, shall perform such functions as the commission deems necessary for

35 the administration, implementation and enforcement of sections 69G to 69W, inclusive, of
36 chapter 164 imposed upon the department and the energy facilities siting board by said sections.

37 The division shall maintain a real-time, online clean energy infrastructure dashboard. The
38 division shall, in cooperation with the executive office of energy and environmental affairs and
39 its affiliated departments and offices, create, maintain and update the dashboard by collecting,
40 facilitating the collection of, and reporting comprehensive data and information related to: (i)
41 accelerating the responsible deployment of clean energy infrastructure through siting and
42 permitting reform in a manner consistent with applicable legal requirements, including, but not
43 limited to, greenhouse gas emissions limits and sublimits set under chapter 21N; (ii) facilitating
44 community input into the siting and permitting of clean energy infrastructure; and (iii) ensuring
45 that the benefits of clean energy deployment are shared equitably among all residents of the
46 commonwealth; provided, however, that the dashboard shall, at a minimum, report for the most
47 recent reporting period and in the aggregate the number of facility applications filed, decided or
48 pending information, including, but not limited to: (a) the number of applications deemed
49 incomplete and the number of applications constructively approved; (b) the average duration of
50 application review; and (c) average staffing levels delineated by job classification. The
51 dashboard shall make use of bar charts, line charts and other visual representations to facilitate
52 public understanding of both recent performance and long-term and cumulative trends and
53 outcomes of clean energy deployment. The division shall convene a stakeholder process for the
54 purpose of developing and informing the design and content of the dashboard.

55 SECTION 4. The first paragraph of section 12Q of said chapter 25, as so appearing, is
56 hereby amended by striking out the second sentence and inserting in place thereof the following
57 sentence:- The department shall credit to the fund: (i) appropriations or other money authorized

58 or transferred by the general court and specifically designated to be credited to the fund; (ii) a
59 portion of assessments collected pursuant to section 18, as determined by the department; (iii) a
60 portion of application fees, as determined by the department, collected pursuant to section 69J1/2
61 of chapter 164; and (iv) income derived from the investment of amounts credited to the fund.

62 SECTION 5. Said chapter 25 is hereby further amended by inserting after section 12R the
63 following 2 sections:-

64 Section 12S. There shall be a Department of Public Utilities and Energy Facilities Siting
65 Board Intervenor Support Fund. The department shall credit to the fund: (i) appropriations or
66 other money authorized or transferred by the general court and specifically designated to be
67 credited to the fund; (ii) a portion of assessments collected pursuant to section 18, as determined
68 by the department; (iii) a portion of application fees, as determined by the department, collected
69 pursuant to sections 69J1/2, 69T, 69U, 69V and 69W of chapter 164; (iv) any non-ratepayer
70 funded sources obtained through gifts, grants, contributions and bequests of funds from any
71 department, agency or subdivision of federal, state or municipal government or any individual,
72 foundation, corporation, association or public authority; and (v) income derived from the
73 investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust
74 and shall be expended solely, without further appropriation, for the purposes set forth in section
75 149 of chapter 164, consistent with the requirements set forth in said section 149 of said chapter
76 164 and any regulations promulgated thereunder. Any unexpended balance in the fund at the
77 close of a fiscal year shall remain in the fund and shall not revert and shall be available for
78 expenditure in subsequent fiscal years.

79 Section 12T. There shall be a division of public participation within the department and
80 under the general supervision and control of the commission, which shall be under the charge of
81 a director appointed by the commission. The division of public participation, hereinafter referred
82 to as the division, shall perform such functions as the commission may determine and shall be
83 responsible for assisting individuals, local governments, community organizations and other
84 entities before the department or the energy facilities siting board. With respect to matters before
85 the department, the division shall assist such parties with navigating filing requirements,
86 opportunities to provide comment and intervene and facilitating dialogue among parties to
87 proceedings. With respect to siting and permitting matters under the jurisdiction of the energy
88 facilities siting board, the division shall assist individuals, local governments, community
89 organizations, project applicants and other entities with navigating pre-filing consultation and
90 engagement requirements, clarifying filing requirements, identifying opportunities to intervene
91 and facilitating dialogue among stakeholders involved in the permitting process and shall assist
92 with coordinating with other state, regional and local officials, including the office of
93 environmental justice and equity established by section 29 of chapter 21A, involved in the pre-
94 filing consultation process, pre-filing engagement process and the permitting process generally.
95 The director and staff of the division shall not participate as adjudicatory staff in matters before
96 the department or in reviewing applications submitted to the energy facilities siting board, nor
97 shall they serve as legal counsel to or otherwise represent any party before the department or the
98 energy facilities siting board. The director shall be responsible for making final determinations
99 with respect to intervenor funding support requests made pursuant to section 149 of chapter 164
100 and administering all aspects of the intervenor support grant program established pursuant to said
101 section 149 of said chapter 164.

102 SECTION 6. Section 18 of said chapter 25, as appearing in the 2022 Official Edition, is
103 hereby amended by inserting after the third paragraph the following 2 paragraphs:-

104 The commission may make an assessment against each electric company under the
105 jurisdictional control of the department, based upon the intrastate operating revenues subject to
106 the jurisdiction of the department of each such company derived from sales within the
107 commonwealth of electric service, as shown in the annual report of each such company to the
108 department. The assessments shall be made at a rate not exceeding 0.1 per cent of such intrastate
109 operating revenues, as shall be determined and certified annually by the commission as sufficient
110 to reimburse the commonwealth for: (i) funds appropriated by the general court for the operation
111 and general administration of the energy facilities siting board, exclusive of the cost of fringe
112 benefits established by the comptroller pursuant to section 5D of chapter 29, including group life
113 and health insurance, retirement benefits, paid vacations, holidays and sick leave; and (ii) funds
114 for a clean energy infrastructure dashboard, as required to be maintained by the facility siting
115 division pursuant to section 12N. The funds may be used by the energy facilities siting board to
116 compensate consultants in hearings on petitions filed by companies subject to assessment under
117 this section. Assessments made under this section may be credited to the normal operating cost
118 of each company. Each company shall pay the amount assessed against it not later than 30 days
119 after the date of the notice of assessment from the department. The department shall collect such
120 assessments and credit a portion of said assessments to the department of public utilities energy
121 facilities siting board trust fund established by section 12Q and the Department of Public
122 Utilities and Energy Facilities Siting Board Intervenor Support Fund established by section 12S.
123 Any funds unexpended in any fiscal year for the purposes for which such assessments were made

124 shall be credited against the assessment to be made in the following fiscal year and the
125 assessment in the following fiscal year shall be reduced by any such unexpended amount.

126 For the purpose of providing the department with funds to be used to provide support to
127 intervenors in the department or energy facilities siting board proceedings consistent with section
128 149 of chapter 164, the commission may make a separate assessment proportionally against each
129 electric and gas company under the jurisdictional control of the department, based upon the
130 intrastate operating revenues subject to the jurisdiction of the department of each of such
131 companies derived from sales within the commonwealth of electric and gas service, as shown in
132 the annual report of each of such companies to the department. Such assessments shall be made
133 at a rate as shall be determined and certified annually by the commission as sufficient to produce
134 an annual amount of not more than $3,500,000. The amount of the assessment may be increased
135 by the commission annually by a rate not to exceed the most recent annual consumer price index
136 as calculated for the northeast region for all urban consumers; provided, however, that the
137 assessment may be increased by the commission by a rate exceeding such index upon a finding
138 that additional funding is necessary to meet the demand for grant funding from prospective
139 grantees. Each company shall pay the amount assessed against it not later than 30 days after the
140 date of the notice of assessment from the department. Such assessments shall be collected by the
141 department and credited to the department of public utilities and energy facilities siting board
142 intervenor support trust fund established by section 12S. Any funds unexpended in any fiscal
143 year and remaining in the fund shall be credited against the assessment to be made in the
144 following fiscal year and the assessment in the following fiscal year shall be reduced by any such
145 unexpended amount.

146 SECTION 7. Section 2 of chapter 25A of the General Laws, as so appearing, is hereby
147 amended by striking out the second paragraph and inserting in place thereof the following
148 paragraph:-

149 There shall be within the department 4 divisions: (i) a division of energy efficiency,
150 which shall work with the department of public utilities regarding energy efficiency programs;
151 (ii) a division of renewable and alternative energy development, which shall oversee and
152 coordinate activities that seek to maximize the installation of renewable and alternative energy
153 generating sources that will provide benefits to ratepayers, advance the production and use of
154 biofuels and other alternative fuels as the division may define by regulation and administer the
155 renewable portfolio standard and the alternative portfolio standard; (iii) a division of green
156 communities, which shall serve as the principal point of contact for local governments and other
157 governmental bodies concerning all matters under the jurisdiction of the department of energy
158 resources, with the exception of matters involving the siting and permitting of small clean energy
159 infrastructure facilities; and (iv) a division of clean energy siting and permitting, which shall
160 establish standard conditions, criteria and requirements for the siting and permitting of small
161 clean energy infrastructure facilities by local governments and provide technical support and
162 assistance to local governments, small clean energy infrastructure facility project proponents and
163 other stakeholders impacted by the siting and permitting of small clean energy infrastructure
164 facilities at the local government level. Each division shall be headed by a director appointed by
165 the commissioner and who shall be a person of skill and experience in the field of energy
166 efficiency, renewable energy or alternative energy, energy regulation or policy and land use and
167 planning, respectively. The directors shall be the executive and administrative heads of their
168 respective divisions and shall be responsible for administering and enforcing the law relative to

169 their division and to each administrative unit thereof under the supervision, direction and control
170 of the commissioner. The directors shall serve at the pleasure of the commissioner, shall receive
171 such salary as may be determined by law and shall devote full time during regular business hours
172 to the duties of the office. In the case of an absence or vacancy in the office of any director, or in
173 the case of disability as determined by the commissioner, the commissioner may designate an
174 acting director to serve as director until the vacancy is filled or the absence or disability ceases.
175 The acting director shall have all the powers and duties of the director and shall have similar
176 qualifications as the director.

177 SECTION 8. Section 3 of said chapter 25A, as so appearing, is hereby amended by
178 striking out the definition of "Qualified RPS resource" and inserting in place thereof the
179 following definition:-

180 "Qualified RPS resource", a renewable energy generating source, as defined in
181 subsection (c) or subsection (d) of section 11F, that has: (i) installed a qualified energy storage
182 system at its facility; or (ii) commenced operation on or after January 1, 2019, provided,
183 however, that a qualified RPS resource that commenced operation prior to January 1, 2019 shall
184 be considered to have the commercial operation date of when the resource is co-located with a
185 qualified energy storage system having a minimum nominal useful energy capacity of not less
186 than 25 per cent of the nameplate power rating of the qualified RPS resource, or is contractually
187 paired with a qualified energy storage system having a minimum nominal useful energy capacity
188 of not less than 25 per cent of the nameplate power rating of the qualified RPS resource for 4
189 hours.

190 SECTION 9. Section 6 of said chapter 25A, as so appearing, is hereby amended by
191 striking out, in line 56, the word "and".

192 SECTION 10. Said section 6 of said chapter 25A, as so appearing, is hereby further
193 amended by striking out, in line 63, the words "chapter 21N." and inserting in place thereof the
194 following words:- chapter 21N; and

195 (15) develop and promulgate, regulations, criteria, guidelines, and standard conditions,
196 criteria, and requirements that establish parameters for the siting, zoning, review and permitting
197 of small clean energy infrastructure facilities by local government pursuant to section 21.

198 SECTION 11. Section 11F of said chapter 25A, as so appearing, is hereby amended by
199 striking out, in lines 44 and 45 and line 84, the words "or (9) geothermal energy", each time they
200 appear, and inserting in place thereof, in each instance, the following words:- (9) geothermal
201 energy; or (10) fusion energy.

202 SECTION 12. Said section 11F of said chapter 25A, as so appearing, is hereby further
203 amended by striking out, in line 116, the words "or (10) geothermal energy" and inserting in
204 place thereof the following words:- (10) geothermal energy; or (11) fusion energy.

205 SECTION 13. Said chapter 25A is hereby further amended by inserting after section 17
206 the following section:-

207 Section 17A. (a) The department of energy resources may develop a statewide energy
208 storage incentive program to encourage the continued development of energy storage resources
209 connected to the electric distribution system throughout the commonwealth. If the department
210 elects to develop said program, the department shall promulgate rules and regulations

211 implementing an energy storage incentive program which: (i) promotes the orderly transition to a
212 stable and self-sustaining energy storage market at a reasonable cost to ratepayers; (ii) considers
213 underlying system costs, including, but not limited to, storage costs, balance of system costs,
214 installation costs and soft costs; (iii) takes into account any federal or state incentives; (iv)
215 minimizes direct and indirect program costs and barriers; (v) considers environmental benefits,
216 energy demand reduction, distribution system benefits and other avoided costs provided by
217 energy storage resources; (vi) encourages energy storage resource deployment where it can
218 provide benefits to the distribution system; (vii) ensures that the costs of the program are shared
219 collectively among all ratepayers of the distribution companies; and (viii) promotes investor
220 confidence through long-term incentive revenue certainty and market stability.

221 (b) If the department proposes a tariff-based mechanism for the incentive program under
222 this section, such program may include, to the extent feasible, both energy and environmental
223 attributes, as defined by the department. Environmental attributes of the energy storage resources
224 receiving incentives pursuant to this section shall be eligible for use by retail electric suppliers
225 for compliance with their obligations pursuant to section 17.

226 SECTION 14. Said chapter 25A is hereby further amended by adding the following 2
227 sections:-

228 Section 21. (a) As used in this section, the following words shall, unless the context
229 clearly requires otherwise, have the following meanings:

230 "Anaerobic digestion facility", a facility that: (i) generates electricity from a biogas
231 produced by the accelerated biodegradation of organic materials under controlled anaerobic
232 conditions; and (ii) has been determined by the department, in coordination with the department

233 of environmental protection, to qualify under department of energy resources regulations as a
234 Class I renewable energy generating source under section 11F.

235 "Local government", a municipality or regional agency, inclusive of the Cape Cod
236 Commission, established by chapter 716 of the acts of 1989, and the Martha's Vineyard
237 Commission, established by chapter 831 of the acts of 1977, that has permitting authority over
238 small clean energy infrastructure facilities.

239 "Small clean energy generation facility", energy generation infrastructure with a
240 nameplate capacity of less than 25 megawatts that is an anaerobic digestion facility, solar facility
241 or wind facility, including any ancillary structure that is an integral part of the operation of the
242 small clean energy generation facility or, following a rulemaking by the department in
243 consultation with the energy facilities siting board in which the facility type is added to the
244 regulatory definition of a small clean energy generation facility, any other type of generation
245 facility that produces no greenhouse gas emissions or other pollutant emissions known to have
246 negative health impacts; provided, however, that the nameplate capacity for solar facilities shall
247 be calculated in direct current.

248 "Small clean energy infrastructure facility", a small clean energy generation facility,
249 small clean energy storage facility or small clean transmission and distribution infrastructure
250 facility.

251 "Small clean energy storage facility", an energy storage system as defined in section 1 of
252 chapter 164 with a rated capacity of less than 100 megawatt hours, including any ancillary
253 structure that is an integral part of the operation of the small clean energy storage facility.

254 “Small clean transmission and distribution infrastructure facility”, electric transmission
255 and distribution infrastructure and related ancillary infrastructure, including: (i) electric
256 transmission line reconductoring or rebuilding projects; (ii) new or substantially altered electric
257 transmission lines located in an existing transmission corridor that are not more than 10 miles
258 long, including any ancillary structure that is an integral part of the operation of the transmission
259 line; (iii) new or substantially altered electric transmission lines located in a new transmission
260 corridor that are not more than 1 mile long, including any ancillary structure that is an integral
261 part of the operation of the transmission line; (iv) any other electric transmission infrastructure,
262 including standalone transmission substations and upgrades and any ancillary structure that is an
263 integral part of the operation of the transmission line and that does not require zoning
264 exemptions; and (v) electric distribution-level projects that meet a certain threshold, as
265 determined by the department; provided, however, that the “small clean transmission and
266 distribution infrastructure facility” shall be: (A) designed, fully or in part, to directly interconnect
267 or otherwise facilitate the interconnection of clean energy infrastructure to the electric grid; (B)
268 designed to ensure electric grid reliability and stability; or (C) designed to help facilitate the
269 electrification of the building and transportation sectors; and provided further, that a “small clean
270 transmission and distribution infrastructure facility” shall not include new transmission and
271 distribution infrastructure facilities that solely interconnect new or existing generation powered
272 by fossil fuels to the electric grid on or after January 1, 2026.

273 “Solar facility”, a ground mounted facility that uses sunlight to generate electricity.

274 “Wind facility”, an onshore or offshore facility that uses wind to generate electricity.

275 (b) The department shall establish standards, requirements and procedures governing the
276 siting and permitting of small clean energy infrastructure facilities by local governments that
277 shall include: (i) uniform sets of public health, safety, environmental and other standards,
278 including zoning criteria, that local governments shall require for the issuance of permits for
279 small clean energy infrastructure facilities; (ii) a common standard application for small clean
280 energy infrastructure facility project applicants submitting a permit application to local
281 governments; (iii) uniform pre-filing requirements for small clean energy infrastructure facilities,
282 which shall include specific requirements for public meetings and other forms of outreach that
283 must occur in advance of an applicant submitting an application; (iv) standards for applying site
284 suitability guidance developed by the executive office of energy and environmental affairs
285 pursuant to section 30 of chapter 21A to evaluate the social and environmental impacts of
286 proposed small clean energy infrastructure facilities in new rights of way, which shall include a
287 mitigation hierarchy to be applied during the permitting process to avoid or minimize or, if
288 impacts cannot be avoided or minimized, mitigate negative impacts of siting on the environment,
289 people and the commonwealth's goals and objectives for climate mitigation, resilience,
290 biodiversity and protection of natural and working lands, to the extent practicable; (v) common
291 conditions and requirements for a single permit consolidating all necessary local approvals to be
292 issued for different types of small clean energy infrastructure facilities in the event that
293 constructive approval is triggered through the non-issuance of a final decision by a local
294 government pursuant to subsection (d); (vi) guidance for procedures and potential extensions of
295 time should an applicant fail to respond to a request for information within a specified timeframe
296 or proposes a significant revision to a proposed project; provided, however, that the department
297 shall solicit public input in the development of such guidance; and (vii) responsible parties

298 subject to enforcement actions, including in the event of sale of small clean energy infrastructure
299 facilities after permitting. The department may promulgate rules and regulations allowing local
300 governments to set fees for compensatory environmental mitigation for the restoration,
301 establishment, enhancement or preservation of comparable environmental resources through
302 funds paid to the local government or to a non-profit entity to be used at the election of an
303 applicant to satisfy the standard of mitigation to the maximum extent practicable. Local
304 governments acting in accordance with the standards established by the department for small
305 clean energy generation facilities and small clean energy storage facilities pursuant to this
306 subsection shall be considered to have acted consistent with the limitations on solar facility and
307 small clean energy storage facility zoning under section 3 of chapter 40A. The department shall
308 establish a transition or concurrency period for the effective date of any standards that it
309 establishes.

310 (c) The proponent of a small clean energy infrastructure facility may submit a
311 consolidated small clean energy infrastructure facility permit application seeking a single permit
312 consolidating all necessary local permits and approvals. To initiate the permitting of a small
313 clean energy infrastructure facility, an applicant may elect to submit an application, with
314 supporting information in the form developed by the department pursuant to subsection (b), for
315 the local government to conduct a consolidated review pursuant to the criteria and standards set
316 forth in subsection (b) and using the process set forth in subsection (d). Local governments shall
317 determine whether such consolidated small clean energy infrastructure facility permit application
318 is complete not later than 30 days of receipt. If an application is deemed incomplete, the
319 applicant shall have 30 days, and any additional time as determined by the local government, to

320 cure any deficiencies before the application is rejected. In the event of a rejection of the

321 application, the local government shall provide a detailed reasoning for the rejection.

322 (d)(1) Local governments shall issue a single, final decision on a consolidated small clean

323 energy infrastructure facility permit application submitted pursuant to subsection (c), including

324 all decisions necessary for a project to proceed with construction within 12 months of the receipt

325 of a complete permit application; provided, however, that the permit shall not include any state

326 permits that may be required to proceed with construction and operation of said facility. All local

327 government authorities, boards, commissions, offices or other entities that may be required to

328 issue a decision on 1 or more permits in response to the application for the small clean energy

329 infrastructure facility may conduct reviews separately and concurrently. Such permits shall

330 adhere to any requirements established by the department pursuant to subsection (b).

331 (2) If a final decision is not issued within 12 months of the receipt of a complete permit

332 application, a constructive approval permit shall be issued by the local government that includes

333 the common conditions and requirements established by the department for the type of small

334 clean energy infrastructure facility under review.

335 (e) Individual decisions of local government authorities, boards, commissions, offices or

336 other entities that would otherwise be required to issue 1 or more permits to the small clean

337 energy infrastructure facility may not be appealed or reviewed independently. The only decision

338 of a local government that is subject to further review is the single, final decision issued by the

339 local government that is inclusive of all individual decisions necessary for a project to proceed

340 with construction, which shall be reviewable via a de novo adjudication of the permit application

341 by the director of the energy facilities siting division of the department of public utilities, as
342 provided in subsection (f).

343 (f) Within 30 days of the single, final decision on a consolidated permit application by a
344 local government described in subsections (d) and (e), project proponents and other individuals
345 or entities substantially and specifically affected by a proposed small clean energy infrastructure
346 facility may file a petition to request in writing a de novo adjudication of the permit application
347 by the director of the facilities siting division pursuant to section 69W of chapter 164 following
348 permit issuance, including constructive approval permits issued pursuant to subsection (d), or
349 denials by a local government.

350 (g) If a local government lacks the resources, capacity or staffing to review a small clean
351 energy infrastructure facility permit application within 12 months, it may, not later than 60 days
352 after receipt of such application or at any time thereafter with the consent of the applicant,
353 request in writing a de novo adjudication of such application by the director pursuant to section
354 69W of chapter 164.

355 (h) The department shall promulgate regulations to implement this section in consultation
356 with the Massachusetts Municipal Association, Inc., the department of public utilities, the
357 department of environmental protection, the department of fish and game, the department of
358 conservation and recreation, the department of agricultural resources, an office within the
359 executive office of environmental affairs designated by the secretary for review of compliance
360 with the Massachusetts environmental policy act, the office of environmental justice and equity,
361 the executive office of health and human services, the executive office of housing and livable
362 communities and the executive office of public safety and security.

363 (i) Nothing in subsections (c) to (g), inclusive, shall apply to a comprehensive permit
364 pursuant to sections 20 to 23, inclusive, of chapter 40B. For the purpose of this section, the
365 procedures and standards for filing and review of an application for a comprehensive permit that
366 includes a small clean energy infrastructure facility shall be in accordance with said sections 20
367 to 23, inclusive, of said chapter 40B.

368 SECTION 15. Section 2 of chapter 25B of the General Laws, as appearing in the 2022
369 Official Edition, is hereby amended by inserting after the definition of "Faucet" the following
370 definition:-

371 "Flexible demand", the capability to schedule, shift or curtail the electrical demand of a
372 load-serving entity's customer through direct action by the customer or through action by a third
373 party, the load-serving entity or a grid balancing authority, with the customer's consent.

374 SECTION 16. Section 5 of said chapter 25B, as so appearing, is hereby amended by
375 inserting after the fifth paragraph the following paragraph:-

376 The commissioner may promulgate regulations to establish standards for any appliance to
377 facilitate the deployment of flexible demand technology. These regulations may include labeling
378 provisions to promote the use of appliances with flexible demand capabilities. The flexible
379 demand appliance standards shall be based on feasible and attainable efficiencies or feasible
380 improvements that will enable appliance operations to be scheduled, shifted or curtailed to
381 reduce emissions of greenhouse gases associated with electricity generation.

382 SECTION 17. The second paragraph of section 62A of chapter 30 of the General Laws,
383 as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof
384 the following sentence:- This section and sections 62B to 62L, inclusive, shall not apply to the

385 energy facilities siting board established under section 69H of chapter 164 or to any proponent or
386 owner of a large clean energy infrastructure facility, as defined in section 69G of chapter 164, or
387 small clean energy infrastructure facility, as defined in section 21 of chapter 25A, in relation to
388 an application for a consolidated permit or petition for a de novo adjudication filed under
389 sections 69T to 69W, inclusive, of chapter 164.

390 SECTION 18. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
391 amended by inserting after the definition of "Permit granting authority" the following definition:-

392 "Public service corporation", (i) a corporation or other entity duly qualified to conduct
393 business in the commonwealth that owns or operates or proposes to own or operate assets or
394 facilities to provide electricity, gas, telecommunications, cable, water or other similar services of
395 public need or convenience to the public directly or indirectly, including, but not limited to, an
396 entity that owns or operates or proposes to own or operate electricity generation, storage,
397 transmission or distribution facilities, or natural gas facilities including pipelines, manufacturing,
398 and storage facilities; (ii) any transportation company that owns or operates or proposes to own
399 or operate railways and related common carrier facilities; (iii) any communications company,
400 including a wireless communications company or cable company that owns or operates or
401 proposes to own or operate communications or cable facilities; and (iv) any water company that
402 owns or operates or proposes to own or operate facilities necessary for its operations.

403 SECTION 19. Section 3 of said chapter 40A, as so appearing, is hereby amended by
404 striking out, in line 65, and lines 74 and 82, the words "department of public utilities", each time
405 they appear, and inserting in place thereof, in each instance, the following words:- energy
406 facilities siting board.

407 SECTION 20. Subsection (cc) of section 6 of chapter 62 of the General Laws, as so
408 appearing, is hereby amended by striking out, in lines 1489 and 1490, the words "employ, in the
409 aggregate with other tenants at the offshore wind facility, not less than 200" and inserting in
410 place thereof the following words:- employ not less than 50.

411 SECTION 21. Section 38MM of chapter 63 of the General Laws, as so appearing, is
412 hereby amended by striking out, in lines 48 to 50, inclusive, the words "employ, in the aggregate
413 with other tenants at the offshore wind facility, not less than 200" and inserting in place thereof
414 the following words:- employ not less than 50.

415 SECTION 22. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby
416 amended by inserting before the definition of "Aggregator" the following definition:-

417 "Advanced metering infrastructure,", a meter and network communications technology
418 that measures, records and transmits electricity usage by the end user at a minimum of hourly
419 intervals and is capable of providing data to the end user and authorized third parties in real time
420 or near real time.

421 SECTION 23. Said section 1 of said chapter 164, as so appearing, is hereby further
422 amended by inserting after the definition of "FERC" the following definition:-

423 "Fusion energy", energy generated when nuclei from light atoms, such as hydrogen,
424 combine to form a single heavier atom, such as helium.

425 SECTION 24. Said section 1 of said chapter 164, as so appearing, is hereby further
426 amended by striking out the definition of "Gas company" and inserting in place thereof the
427 following definition:-

428 “Gas company”, a corporation originally organized for the purpose of making and selling
429 or distributing and selling, gas within the commonwealth, even though subsequently authorized
430 to make or sell electricity. A gas company may make, sell or distribute utility-scale non-emitting
431 thermal energy, including networked geothermal and deep geothermal energy.

432 SECTION 25. Said section 1 of said chapter 164, as so appearing, is hereby further
433 amended by inserting after the word “hydroelectric”, in line 295, the following words:- ; fusion
434 energy.

435 SECTION 26. Section 1F of said chapter 164, as so appearing, is hereby amended by
436 striking out paragraph (4) and inserting in place thereof the following paragraph:-

437 (4)(i) The department shall require that distribution companies provide discounted rates
438 for: (A) low-income customers comparable to the low-income discount rate in effect prior to
439 March 1, 1998; and (B) eligible moderate-income customers. Said discounts shall be in addition
440 to any reduction in rates that becomes effective pursuant to subsection (b) of section 1B on
441 March 1, 1998, and to any subsequent rate reductions provided by a distribution company after
442 said date pursuant to said subsection (b). The cost of such discounts shall be included in the rates
443 charged to all other customers of a distribution company upon approval by the department. Each
444 distribution company shall guarantee payment to the generation supplier for all power sold to
445 low-income and eligible moderate-income customers at said discounted rates. Eligibility for the
446 discount rates established herein shall be established upon verification of a low-income
447 customer's receipt of any means tested public benefit or verification of eligibility for the low-
448 income home energy assistance program, or its successor program, for which eligibility does not
449 exceed 200 per cent of the federal poverty level based on a household’s gross income, and by

450 criteria determined by the department for verification of an eligible moderate-income customer.
451 Said public benefits may include, but shall not be limited to, assistance that provides cash,
452 housing, food or medical care, including, but not limited to, transitional assistance for needy
453 families, supplemental security income, emergency assistance to elders, disabled and children,
454 food stamps, public housing, federally-subsidized or state-subsidized housing, the low-income
455 home energy assistance program, veterans' benefits and similar benefits. The department of
456 energy resources shall make available to distribution companies the eligibility guidelines for said
457 public benefit programs. Each distribution company shall conduct substantial outreach efforts to
458 make said low-income or moderate-income discount available to eligible customers and shall
459 annually report to the department of energy resources on its outreach activities and results.
460 Outreach may include establishing an automated program of matching customer accounts with:
461 (i) lists of recipients of said means tested public benefit programs and based on the results of said
462 matching program, to presumptively offer a low-income discount rate to eligible customers so
463 identified; and (ii) criteria established by the department for verification of a moderate-income
464 customer to presumptively offer a moderate-income discount rate to eligible customers so
465 identified; provided, however, that the distribution company, within 60 days of said presumptive
466 enrollment, shall inform any such low-income customer or eligible moderate-income customer of
467 said presumptive enrollment and all rights and obligations of a customer under said program,
468 including the right to withdraw from said program without penalty.

469 In a program year in which maximum eligibility for the low-income home energy
470 assistance program, or its successor program, exceeds 200 per cent of the federal poverty level, a
471 household that is income eligible for the low-income home energy assistance program shall be
472 eligible for the low-income discount rates required by this subparagraph.

473 (ii) A residential customer eligible for low-income or moderate-income discount rates
474 shall receive the service on demand. Each distribution company shall periodically notify all
475 customers of the availability and method of obtaining low-income or moderate-income discount
476 rates. An existing residential customer eligible for a low-income or moderate-income discount on
477 the date of the start of retail access who orders service for the first time from a distribution
478 company shall be offered basic service by that distribution company.

479 The department shall promulgate rules and regulations requiring utility companies
480 organized pursuant to this chapter to produce information, in the form of a mailing, webpage or
481 other approved method of distribution, to their consumers, to inform them of available rebates,
482 discounts, credits and other cost-saving mechanisms that can help lower their monthly utility
483 bills, and send out such information semi-annually unless otherwise provided by this chapter.

484 (iii) There shall be no charge to any residential customer for initiating or terminating low-
485 income or moderate-income discount rates, default service or standard offer service when said
486 initiation or termination request is made after a regular meter reading has occurred and the
487 customer is in receipt of the results of said reading. A distribution company may impose a
488 reasonable charge, as set by the department through regulation, for initiating or terminating low-
489 income or moderate-income discount rates, default service or standard offer service when a
490 customer does not make such an initiation or termination request upon the receipt of said results
491 and prior to the receipt of the next regularly scheduled meter reading. For purposes of this
492 subsection, there shall be a regular meter reading conducted of every residential account not less
493 than once every 2 months. Notwithstanding the foregoing, there shall be no charge when the
494 initiation or termination is involuntary on the part of the customer.

495 SECTION 27. Section 69G of said chapter 164, as so appearing, is hereby amended by
496 striking out, in line 1, the words "sixty-nine H to sixty-nine R" and inserting in place thereof the
497 following words:- 69H to 69W.

498 SECTION 28. Said section 69G of said chapter 164, as so appearing, is hereby further
499 amended by striking out the definition of "Applicant" and inserting in place thereof the following
500 2 definitions:-

501 "Anaerobic digestion facility", a facility that: (i) generates electricity from a biogas
502 produced by the accelerated biodegradation of organic materials under controlled anaerobic
503 conditions; and (ii) has been determined by the department of energy resources, in coordination
504 with the department of environmental protection, to qualify under the department of energy
505 resources regulations as a Class I renewable energy generating source under section 11F of
506 chapter 25A.

507 "Applicant", a person or group of persons who submits to the department or board a long-
508 range plan, a petition to construct a facility, a petition for a consolidated permit for a large clean
509 energy infrastructure facility or small clean energy infrastructure facility, a petition for a
510 certificate of environmental impact and public need, a notice of intent to construct an oil facility
511 or any application, petition or matter referred by the chair of the department to the board
512 pursuant to section 69H.

513 SECTION 29. Said section 69G of said chapter 164, as so appearing, is hereby further
514 amended by inserting after the definition of "Certificate" the following definition:-

515 "Consolidated permit", a permit issued by the board to a large clean energy infrastructure
516 facility or a small clean energy infrastructure facility that includes all municipal, regional and

517 state permits that the large or small clean energy infrastructure facility would otherwise need to
518 obtain individually, with the exception of certain federal permits that are delegated to specific
519 state agencies, as determined by the board.

520 SECTION 30. Said section 69G of said chapter 164, as so appearing, is hereby further
521 amended by striking out the definition of "Department" and inserting in place thereof the
522 following 3 definitions:-

523 "Cumulative impact analysis", a written report produced by the applicant assessing any
524 existing unfair or inequitable environmental burden and related public health consequences
525 impacting a specific geographical area in which a facility, large clean energy infrastructure
526 facility or small clean energy infrastructure facility is proposed from any prior or current private,
527 industrial, commercial, state or municipal operation or project that has damaged the environment
528 or impacted public health; provided, that if the analysis indicates that such a geographical area is
529 subject to an existing unfair or inequitable environmental burden or related health consequence,
530 the analysis shall identify any: (i) environmental and public health impact from the proposed
531 project that would likely result in a disproportionate adverse effect on such geographical area;
532 (ii) potential impact or consequence from the proposed project that would increase or reduce the
533 effects of climate change on such geographical area; and (iii) proposed potential remedial actions
534 to address any disproportionate adverse impacts to the environment, public health and climate
535 resilience of such geographical area that may be attributable to the proposed project. Said
536 cumulative impact analysis shall be developed in accordance with guidance established by the
537 office of environmental justice and equity established pursuant to section 29 of chapter 21A and
538 regulations promulgated by the board.

539 “Department”, the department of public utilities.

540 “Director”, the director of the facilities siting division appointed pursuant to section 12N
541 of chapter 25, who shall serve as the director of the board.

542 SECTION 31. Said section 69G of said chapter 164, as so appearing, is hereby further
543 amended by inserting after the word “capacity”, in line 46, the following words:- ; provided,
544 however, that “facility” shall not include a large clean energy infrastructure facility or small
545 clean energy infrastructure facility.

546 SECTION 32. Said section 69G of said chapter 164, as so appearing, is hereby further
547 amended by striking out, in line 48, the words “and liquified natural gas”, and inserting in place
548 thereof the following words:- liquified natural gas, renewable natural gas and hydrogen.

549 SECTION 33. Said section 69G of said chapter 164, as so appearing, is hereby further
550 amended by striking out, in line 61, the figure “100” and inserting in place thereof the following
551 figure:- 25.

552 SECTION 34. Said section 69G of said chapter 164, as so appearing, is hereby further
553 amended by inserting after the definition of “Generating facility” the following 4 definitions:-

554 “Large clean energy generation facility”, energy generation infrastructure with a
555 nameplate capacity of not less than 25 megawatts that is an anaerobic digestion facility, solar
556 facility or wind facility, including any ancillary structure that is an integral part of the operation
557 of the large clean energy generation facility, or, following a rulemaking by the board in
558 consultation with the department of energy resources that includes the facility within the
559 regulatory definition of a large clean energy generation facility, any other type of generation

560 facility that does not emit greenhouse gas; provided, however, that the nameplate capacity for
561 solar facilities shall be calculated in direct current.

562 "Large clean energy infrastructure facility", a large clean energy generation facility, large
563 clean energy storage facility or large clean transmission and distribution infrastructure facility.

564 "Large clean energy storage facility", an energy storage system as defined under section
565 1 with a rated capacity of not less than 100 megawatt hours, including any ancillary structure that
566 is an integral part of the operation of the large clean energy storage facility.

567 "Large clean transmission and distribution infrastructure facility", electric transmission
568 and distribution infrastructure and related ancillary infrastructure that is: (i) an electric
569 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1
570 mile in length on a new transmission corridor, including any ancillary structure that is an integral
571 part of the operation of the transmission line; (ii) an electric transmission line having a design
572 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing
573 transmission corridor except reconductored or rebuilt transmission lines at the same voltage,
574 including any ancillary structure that is an integral part of the operation of the transmission line;
575 (iii) any other electric transmission infrastructure requiring zoning exemptions, including
576 standalone transmission substations and upgrades and any ancillary structure that is an integral
577 part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore
578 wind to the grid; provided, however, that the large clean transmission and distribution facility:
579 (A) is designed, fully or in part, to directly interconnect or otherwise facilitate the
580 interconnection of clean energy infrastructure to the electric grid; (B) is approved by the regional
581 transmission operator in relation to interconnecting clean energy infrastructure; (C) is proposed

582 to ensure electric grid reliability and stability; or (D) will help facilitate the electrification of the
583 building and transportation sectors; and provided further, that a “large clean transmission and
584 distribution infrastructure facility” shall not include new transmission and distribution
585 infrastructure that solely interconnects new and existing energy generation powered by fossil
586 fuels on or after January 1, 2026.

587 SECTION 35. Said section 69G of said chapter 164, as so appearing, is hereby further
588 amended by striking out the definition of “Significant portion of his income” and inserting in
589 place thereof the following 6 definitions:-

590 “Significant portion of their income”, 10 per cent of gross personal income for a calendar
591 year; provided, however, that it shall mean 50 per cent of gross personal income for a calendar
592 year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement,
593 pension or similar arrangement. Income includes retirement benefits, consultants’ fees and stock
594 dividends. Income shall not be received directly or indirectly from permit holders or applicants
595 for a permit where it is derived from mutual fund payments or from other diversified investments
596 over which the recipient does not know the identity of the primary sources of income.

597 “Small clean energy generation facility”, as defined in section 21 of chapter 25A.

598 “Small clean energy infrastructure facility”, as defined in section 21 of chapter 25A.

599 “Small clean energy storage facility”, as defined in section 21 of chapter 25A.

600 “Small clean transmission and distribution infrastructure facility”, as defined in section
601 21 of chapter 25A.

602 “Solar facility”, a ground mounted facility that uses sunlight to generate electricity.

603 SECTION 36. Said section 69G of said chapter 164, as so appearing, is hereby further
604 amended by adding the following definition:-

605 “Wind facility”, an onshore or offshore facility that uses wind to generate electricity.

606 SECTION 37. Section 69H of said chapter 164, as amended by section 292 of chapter 7
607 of the acts of 2023, is hereby further amended by striking out the first 3 paragraphs and inserting
608 in place thereof the following 4 paragraphs:-

609 There shall be an energy facilities siting board within the department, but not under the
610 supervision or control of the department. The board shall implement the provisions contained in
611 sections 69H to 69Q, inclusive, and sections 69S to 69W, inclusive, to: (i) provide a reliable,
612 resilient and clean supply of energy consistent with the commonwealth’s climate change and
613 greenhouse gas reduction policies and requirements; (ii) ensure that large clean energy
614 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities
615 avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental
616 impacts and negative health impacts to the extent practicable; (iii) ensure that large clean energy
617 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are,
618 to the extent practicable, in compliance with energy, environmental, land use, labor, economic
619 justice, environmental justice and equity and public health and safety policies of the
620 commonwealth, its subdivisions and its municipalities; and (iv) ensure large clean energy
621 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are
622 constructed in a manner that avoids or minimizes costs. The board shall review: (A) the need for,
623 cost of and environmental and public health impacts of transmission lines, natural gas pipelines,
624 facilities for the manufacture and storage of gas, oil facilities, large clean transmission and

625 distribution infrastructure facilities and small clean transmission and distribution infrastructure
626 facilities; and (B) the environmental and public health impacts of generating facilities, large
627 clean energy generation facilities, small clean energy generation facilities, large clean energy
628 storage facilities and small clean energy storage facilities.

629 Any determination made by the board shall describe the environmental and public health
630 impacts, if any, of the large clean energy infrastructure facility, small clean energy infrastructure
631 facility, facility or oil facility and shall include findings, including, but not be limited to, findings
632 that: (i) efforts have been made to avoid or minimize or, if impacts cannot be avoided or
633 minimized, mitigate environmental impacts; (ii) due consideration has been given to the findings
634 and recommendations of local governments; (iii) in the case of large clean transmission and
635 distribution infrastructure facilities, small clean transmission and distribution infrastructure
636 facilities and natural gas pipelines, due consideration has been given to advanced transmission
637 technologies, grid enhancement technologies, non-wires or non-pipeline alternatives, the repair
638 or retirement of pipelines and other alternatives in an effort to avoid or minimize costs; (iv) in
639 the case of large clean transmission and distribution infrastructure facilities and small clean
640 transmission and distribution infrastructure facilities, the infrastructure or project will increase
641 the capacity of the system to interconnect large electricity customers, electric vehicle supply
642 equipment, clean energy generation, clean energy storage or other clean energy generation
643 sources that qualify under any clean energy standard regulation established by the department of
644 environmental protection pursuant to subsection (d) of section 3 of chapter 21N or will facilitate
645 the electrification of the building and transportation sectors; and (v) due consideration has been
646 given to any cumulative burdens on host communities and efforts that must be taken to avoid or
647 minimize or, if impacts cannot be avoided or minimized, efforts to mitigate such burdens. In

648 considering and issuing a decision, the board shall also consider reasonably foreseeable climate
649 change impacts, including additional greenhouse gas or other pollutant emissions known to have
650 negative health impacts, predicted sea level rise, flooding and any other disproportionate adverse
651 effects on a specific geographical area. Such reviews shall be conducted consistent with section
652 69J1/4 for generating facilities, section 69T for large clean energy infrastructure facilities,
653 sections 69U to 69W, inclusive, for small clean energy infrastructure facilities and section 69J
654 for all other types of facilities.

655 The board shall be composed of: the secretary of energy and environmental affairs or a
656 designee, who shall serve as chair; the secretary of economic development or a designee; the
657 commissioner of environmental protection or a designee; the commissioner of energy resources
658 or a designee; the commissioner of public utilities or a designee; the commissioner of fish and
659 game or a designee; and 3 public members to be appointed by the governor for a term
660 coterminous with that of the governor, 1 of whom shall be a representative of the Massachusetts
661 Municipal Association, Inc. with expertise in municipal permitting matters, 1 of whom shall be
662 experienced in environmental justice issues or indigenous sovereignty and 1 of whom shall be
663 experienced in labor issues; provided, however, that the public members shall not have received,
664 within the 2 years immediately preceding appointment, a significant portion of their income
665 directly or indirectly from the developer of an energy facility or an electric, gas or oil company.
666 The public members shall serve on a part-time basis, receive $100 per diem of board service and
667 be reimbursed by the commonwealth for all reasonable expenses actually and necessarily
668 incurred in the performance of official board duties. Upon the resignation of any public member,
669 a successor shall be appointed in a like manner for the unexpired portion of the term. Appointees
670 shall serve for not more than 2 consecutive full terms.

671 In the event of the absence, recusal or disqualification of the chair, the commissioner of
672 energy resources shall appoint an acting chair from the remaining members of the board. The
673 board shall meet at such time and place as the chair may designate or upon the request of 3
674 members. The board shall render a final decision on an application by a majority vote of the
675 members in attendance at a meeting and 5 members shall constitute a quorum.

676 SECTION 38. The fifth paragraph of said section 69H of said chapter 164, as appearing
677 in the 2022 Official Edition, is hereby amended by striking out clause (1) and inserting in place
678 thereof the following clause:-

679 (1) To adopt and publish rules and regulations consistent with the purposes of sections
680 69H to 69S, inclusive, and to amend the same from time to time, including, but not limited to,
681 rules and regulations for the conduct of the board's public hearings under sections 69H1/2, 69J,
682 69J1/4, 69M and 69T to 69W, inclusive.

683 SECTION 39. Said section 69H of said chapter 164, as amended by section 292 of
684 chapter 7 of the acts of 2023, is hereby further amended by adding the following 2 paragraphs:-

685 The board shall promulgate regulations, in consultation with the office of environmental
686 justice and equity and the Massachusetts environmental policy act office, for cumulative impact
687 analysis as part of its review of facilities, large clean energy infrastructure facilities and small
688 clean energy infrastructure facilities which shall be informed by the cumulative impact analysis
689 standards and guidelines developed pursuant to section 29 of chapter 21A.

690 The board and any proponent or owner of a large clean energy infrastructure facility or
691 small clean energy infrastructure facility shall not be subject to any provisions of sections 61 to
692 62L, inclusive, of chapter 30 in relation to an application or petition for a comprehensive permit

693 or de novo adjudication filed under sections 69T to 69W, inclusive. This section shall apply to
694 any state agency issuing, in relation to an application or petition under said sections 69T to 69V,
695 inclusive, a federal permit that is delegated to that agency and determined by the board to be
696 excluded from the definition of consolidated permit in section 69G.

697 SECTION 40. The third paragraph of section 69I of said chapter 164, as appearing in the
698 2022 Official Edition, is hereby amended by striking out the last sentence and inserting in place
699 thereof the following sentence:- Neither the board nor any other person, in taking any action
700 pursuant to sections 69I to 69J1/4, inclusive, or sections 69T to 69W, inclusive, shall be subject
701 to sections 61 to 62H, inclusive, of chapter 30.

702 SECTION 41. Section 69J of said chapter 164, as so appearing, is hereby amended by
703 inserting after the words “a facility”, in lines 1 and 2, the following words:- that is not a large
704 clean energy infrastructure facility or small clean energy infrastructure facility.

705 SECTION 42. Said section 69J of said chapter 164, as so appearing, is hereby further
706 amended by striking out the second to fourth paragraphs, inclusive, and inserting in place thereof
707 the following paragraph:-

708 A petition to construct a facility shall include, in such form and detail as the board shall
709 from time to time prescribe: (i) a description of the facility, site and surrounding areas; (ii) an
710 analysis of the need for the facility, either within or outside, or both within and outside the
711 commonwealth, including a description of the energy benefits of the facility; (iii) a description of
712 the alternatives to the facility, such as other methods of transmitting or storing energy, other site
713 locations, other sources of electrical power or gas or a reduction of requirements through load
714 management; (iv) a description of the environmental impacts of the facility, including both

715 environmental benefits and burdens, that includes a description of efforts to avoid, minimize and
716 mitigate burdens and efforts to enhance benefits, such as shared use, recreational paths or access
717 to nature; (v) evidence that all pre-filing consultation and community engagement requirements
718 established by the board have been satisfied and, if not, the applicant shall demonstrate good
719 cause for a waiver of the requirements that could not be satisfied by the applicant; and (vi) a
720 cumulative impact analysis. The board may issue and revise filing guidelines after public notice
721 and a period for comment. Said filing guidelines shall require the applicant to provide minimum
722 data for review related to climate change impact, land use impact, water resource impact, air
723 quality impact, fire and other public safety risks, solid waste impact, radiation impact, noise
724 impact and other public health impacts as determined by the board.

725 SECTION 43. Said section 69J of said chapter 164, as so appearing, is hereby further
726 amended by striking out the last paragraph and inserting in place thereof the following
727 paragraph:-

728 This section shall not apply to petitions submitted under sections 69U to 69W, inclusive,
729 or petitions to construct a generating facility or a large clean energy infrastructure facility, which
730 shall be subject to sections 69J1/4 and 69T, respectively.

731 SECTION 44. Section 69J1/4 of said chapter 164, as so appearing, is hereby amended by
732 inserting after the word "facility", in line 2, the following words:- that is not a large clean energy
733 infrastructure facility or small clean energy infrastructure facility.

734 SECTION 45. Said section 69J1/4 of said chapter 164, as so appearing, is hereby further
735 amended by striking out the third paragraph and inserting in place thereof the following
736 paragraph:-

737 A petition to construct a generating facility shall include, in such form and detail as the
738 board shall from time to time prescribe, the following information: (i) a description of the
739 proposed generating facility and any ancillary structures and related facilities, including a
740 description of the energy benefits of the generating facility; (ii) a description of the
741 environmental and public health impacts of the facility, including both environmental and public
742 health benefits and burdens that includes a description of efforts to avoid or minimize or, if
743 impacts cannot be avoided or minimized, efforts to mitigate the burdens and enhance the
744 benefits, and the costs associated with the mitigation, control or reduction of the environmental
745 and public health impacts of the proposed generating facility; (iii) a description of the project
746 development and site selection process used in choosing the design and location of the proposed
747 generating facility; (iv) either: (A) evidence that the expected emissions from the facility meet
748 the technology performance standard in effect at the time of filing; or (B) a description of the
749 environmental impacts, costs and reliability of other fossil fuel generating technologies and an
750 explanation of why the proposed technology was chosen; (v) evidence that all pre-filing
751 consultation and community engagement requirements established by the board have been
752 satisfied and, if not, the applicant shall demonstrate good cause for a waiver of the requirements
753 that could not be satisfied by the applicant; (vi) a cumulative impact analysis; and (vii) any other
754 information necessary to demonstrate that the generating facility meets the requirements for
755 approval specified in this section.

756 SECTION 46. Said chapter 164 is hereby further amended by striking out section 69J1/2,
757 as so appearing, and inserting in place thereof the following section:-

758 Section 69J1/2. Notwithstanding any general or special law to the contrary, the
759 department may charge a fee as specified by its regulations for each application to construct a

760 facility that generates electricity, a large clean energy generation facility, a small clean energy
761 generation facility, a large clean energy storage facility, a small clean energy storage facility, a
762 non-utility owned large clean transmission and distribution infrastructure facility or a small clean
763 transmission and distribution infrastructure facility. If the application to construct any such
764 facility is accompanied by an application to construct 1 additional facility that does not generate
765 electricity, the department may charge a fee as specified by its regulations for the combined
766 application. If an application to construct a facility that generates electricity is accompanied by
767 applications to construct 2 additional facilities that do not generate electricity, the department
768 may charge a fee as specified by its regulations for the combined application. If an application to
769 construct a facility that does not generate electricity is filed separately, the department may
770 charge a fee as specified by its regulations for each such application; provided, however, that, the
771 department may charge a lower fee for applications to construct facilities that do not generate
772 electricity and that are below a size to be determined by the department. Said fees shall be
773 payable upon issuance of the notice of adjudication and public hearing.

774 The department may retain said fees for the purpose of reviewing applications to
775 construct or consolidated permit applications for the facilities subject to this section and for the
776 purpose of creating a clean energy infrastructure dashboard established under section 12N of
777 chapter 25.

778 Any remaining balance of fees at the end of a fiscal year shall not revert to the General
779 Fund but shall remain available to the department during the following fiscal year for the
780 purposes of this section or section 12S of chapter 25.

781 The department shall issue an annual report summarizing the data and information
782 required by this section, including, but not limited to: (i) the number of applications filed for
783 facilities, large clean energy infrastructure facilities and small clean energy infrastructure
784 facilities, decided and pending; (ii) the average duration of review; and (iii) the average staffing
785 levels; provided, however, that the annual report shall make use of bar charts, line charts and
786 other visual representations in order to facilitate public understanding of events of the immediate
787 preceding year and of long-term and cumulative trends and outcomes. The board shall file the
788 report with the clerks of the house of representatives and the senate, the house and senate
789 committees on ways and means and the joint committee on telecommunications, utilities and
790 energy not later than January 31.

791 Nothing contained in this section shall be interpreted as changing the statutory mandates
792 of the department or board or the type of facilities that may be constructed by applicants that are
793 not utilities. Nothing contained in this section shall be interpreted as changing the regulations or
794 body of precedent of the department or board or interpreted as changing the rights of intervenors
795 before the department or board.

796 SECTION 47. Section 69O of said chapter 164, as so appearing, is hereby amended by
797 striking out, in lines 7 and 8, the words "sixty-one to sixty-two H, inclusive, of chapter thirty"
798 and inserting in place thereof the following words:- 61 to 62L, inclusive, of chapter 30.

799 SECTION 48. Said chapter 164 is hereby further amended by striking out section 69P, as
800 so appearing, and inserting in place thereof the following section:-

801 Section 69P. Any party in interest aggrieved by a final decision of the board or the
802 director shall have a right to judicial review in the manner provided by section 5 of chapter 25.

803 The scope of such judicial review shall be limited to whether the decision of the board or the
804 director: (i) is in conformity with the constitution of the commonwealth and the constitution of
805 the United States; (ii) was made in accordance with the procedures established under sections
806 69H to 69O, inclusive, and sections 69T to 69W, inclusive, and the rules and regulations of the
807 board with respect to such sections; (iii) was supported by substantial evidence of record in the
808 board's proceedings; and (iv) was arbitrary, capricious or an abuse of the board's discretion
809 under said sections 69H to 69O, inclusive, and said sections 69T to 69W, inclusive.

810 SECTION 49. Said chapter 164 is hereby further amended by striking out section 69R, as
811 so appearing, and inserting in place thereof the following section:-

812 Section 69R. An electric or gas company, generation company or wholesale generation
813 company may petition the board for the right to exercise the power of eminent domain with
814 respect to a facility, large clean transmission and distribution infrastructure facility or small clean
815 transmission and distribution infrastructure facility, specified and contained in a petition or
816 application submitted in accordance with sections 69J, 69T or 69U, or a bulk power supply
817 substation if such company is unable to reach an agreement with the owners of land for the
818 acquisition of any necessary estate or interest in land. The applicant shall forward, at the time of
819 filing such petition, a copy thereof to each city, town and property owner affected.

820 The company shall file with such petition or have annexed thereto: (i) a statement of the
821 use for which such land is to be taken; (ii) a description of land to be taken sufficient for the
822 identification thereof; (iii) a statement of the estate or interest in the land to be taken for such
823 use; (iv) a plan showing the land to be taken; (v) a statement of the sum of money established by

824 such utility to be just compensation for the land to be taken; and (vi) such additional maps and
825 information as the board requires.

826 The board, after such notice as it may direct, shall hold at least 1 public hearing in the
827 community in which the land to be taken is located. For facilities involving takings in several
828 communities, the hearing shall be held in communities in proximity to the land to be taken, as
829 determined by the board. The board may thereafter authorize the company to take by eminent
830 domain under chapter 79 such lands necessary for the construction of the facility as are required
831 in the public interest, convenience and necessity. The board shall transmit a certified copy of its
832 order to the company and to the clerk of each affected municipality.

833 If the board dismisses the petition at any stage in the proceedings, no further action shall
834 be taken thereon and the company may file a new petition not less than 1 year after the date of
835 such dismissal.

836 Following a taking under this section, the electric or gas company may forthwith proceed
837 to utilize such land. If the electric or gas company shall not utilize the lands so taken for the
838 purpose or purposes authorized in the department's order within such time as the board shall
839 determine, its rights under such taking shall cease and terminate.

840 No land, rights of way or other easements therein in any public way, public park,
841 reservation or other land subject to Article 97 of the Amendments to the Constitution of the
842 Commonwealth shall be taken by eminent domain under this section except in accordance with
843 said Article 97.

844 This section shall not be construed as abrogating the board's jurisdiction described in
845 section 72 in respect to transmission lines or the board's jurisdiction described in sections 75B to
846 75G, inclusive, in respect to natural gas transmission lines.

847 SECTION 50. The second paragraph of section 69S of said chapter 164, as so appearing,
848 is hereby amended by striking out the first sentence and inserting in place thereof the following
849 sentence:- The board, after such notice as it may direct, shall hold at least 1 public hearing in the
850 city or town in which the greater portion of said land in question is located.

851 SECTION 51. Said chapter 164 is hereby further amended by inserting after section 69S
852 the following 4 sections:-

853 Section 69T. (a) The energy facilities siting board may issue consolidated permits for
854 large clean energy infrastructure facilities. No applicant shall commence construction of a large
855 clean energy infrastructure facility at a site unless an application for a consolidated permit for
856 such facility pursuant to this section has been approved by the board and no state agency shall
857 issue a construction permit for any such facility unless the petition to construct such facility has
858 been approved by the board. For the purposes of this section, construction shall not include
859 contractual obligations to purchase facilities or equipment.

860 (b) The board shall establish the following criteria governing the siting and permitting of
861 large clean energy infrastructure facilities: (i) a uniform set of baseline health, safety,
862 environmental and other standards that apply to the issuance of a consolidated permit; (ii) a
863 common standard application to be used when submitting an application to the board; (iii) pre-
864 filing requirements commensurate with the scope and scale of the proposed large clean energy
865 infrastructure facility, which shall include specific requirements for pre-filing consultations with

866 permitting agencies and the Massachusetts environmental policy act office, public meetings and
867 other forms of outreach that must occur in advance of an applicant submitting an application; (iv)
868 standards for applying site suitability criteria developed by the executive office of energy and
869 environmental affairs pursuant to section 30 of chapter 21A to evaluate the social and
870 environmental impacts of proposed large clean energy infrastructure project sites and which shall
871 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize
872 or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment,
873 people and goals and objectives of the commonwealth for climate mitigation, carbon storage and
874 sequestration, resilience, biodiversity and protection of natural and working lands to the extent
875 practicable; (v) standards for applying the cumulative impacts analysis standards and guidelines
876 developed by the office of environmental justice and equity pursuant to section 29 of chapter
877 21A to evaluate and minimize the impacts of large clean energy infrastructure facilities in the
878 context of existing infrastructure and conditions; (vi) standard permit conditions and
879 requirements for a single permit consolidating all necessary local, regional and state approvals to
880 be issued to different types of large clean energy infrastructure facilities in the event that
881 constructive approval is triggered through the non-issuance of a permit by the board pursuant to
882 subsection (i); and (vii) entities responsible for compliance and enforcement of permit
883 conditions, including in the event of sale of large clean energy infrastructure facilities after
884 permitting.

885 (c) An application for a consolidated permit for a large clean transmission and
886 distribution infrastructure facility shall include, in such form and detail as the board shall from
887 time to time prescribe: (i) a description of the large clean transmission and distribution
888 infrastructure facility, site and surrounding areas; (ii) an analysis of the need for the large clean

889 transmission and distribution infrastructure facility, either within or outside or both within and
890 outside the commonwealth, including a description of energy benefits; (iii) a description of the
891 alternatives to the large clean transmission and distribution infrastructure facility including siting
892 and project alternatives to avoid or minimize or, if impacts cannot be avoided or minimized,
893 mitigate impacts; (iv) a description of the environmental impacts of the large clean transmission
894 and distribution infrastructure facility, including both environmental benefits and burdens, such
895 as shared use, recreational paths or access to nature; (v) evidence that all pre-filing consultation
896 and community engagement requirements established by the board have been satisfied and, if
897 not, demonstrate good cause for a waiver of the requirements that could not be satisfied by the
898 applicant; and (vi) a cumulative impact analysis. The board may issue and revise filing
899 guidelines after public notice and a period for comment.

900 (d) An application for a consolidated permit for a large clean energy generation facility or
901 large clean energy storage facility shall include, in such form and detail as the board shall from
902 time to time prescribe: (i) a description of the large clean energy generation facility's or large
903 clean energy storage facility's site and surrounding areas, including any ancillary structures and
904 related facilities and a description of the energy benefits of the large clean energy generation
905 facility or large clean energy storage facility; (ii) a description of the environmental impacts of
906 the large clean energy generation facility or large clean energy storage facility, including both
907 environmental benefits and burdens; (iii) a description of the project site selection process and
908 alternatives analysis used in choosing the location of the proposed large clean energy generation
909 facility or large clean energy storage facility to avoid or minimize or, if impacts cannot be
910 avoided or minimized, mitigate impacts; (iv) evidence that all pre-filing consultation and
911 community requirements established by the board have been satisfied and, if not, demonstrate

912 good cause for a waiver of the requirements that could not be satisfied by the applicant; and (v) a
913 cumulative impact analysis. The board may issue and revise filing guidelines after public notice
914 and a period for comment.

915 (e) Review by the board of the application shall be an adjudicatory proceeding under
916 chapter 30A. The authority of the board to conduct the adjudicatory proceeding under the
917 provisions of this section may be delegated in whole or in part to the employees of the
918 department. Pursuant to the rules of the board, such employees shall report back to the board
919 with recommended decisions for final action thereon.

920 (f) The board shall determine whether a large clean energy infrastructure facility permit
921 application is complete within 30 days of receipt of the application. If an application is deemed
922 not complete, the applicant shall have 30 days to cure any deficiencies identified by the board
923 before the application is rejected. The board may provide extensions of time to cure deficiencies
924 if the applicant can demonstrate extenuating circumstances.

925 (g) The board shall conduct a public hearing in at least 1 of the affected cities or towns in
926 which a large clean energy infrastructure facility would be located.

927 (h) Following a determination by the board that an application for a large clean energy
928 infrastructure facility is complete, all municipal, regional and state agencies, authorities, boards,
929 commissions, offices or other entities that would otherwise be required to issue at least 1 permit
930 to the facility shall be deemed to be substantially and specifically affected by the proceeding and
931 upon notification to the board shall have intervenor status in the proceeding to review the
932 facility's application. All municipal, regional and state agencies, authorities, boards,
933 commissions, offices or other entities that would otherwise be required to issue at least 1 permit

934 to the facility shall be afforded an opportunity to submit statements of recommended permit
935 conditions to the board relative to the respective permits that each agency, authority, board,
936 commission, office or other entity would otherwise be responsible for issuing.

937 (i) The board shall establish timeframes for reviewing different types of large clean
938 energy infrastructure facilities based on the complexity of the facility, the need for an exemption
939 from local zoning requirements and community impacts, but in no instance shall the board take
940 more than 15 months from the determination of application completeness to render a final
941 decision on an application. The board shall have the authority to approve, approve with
942 conditions or reject a consolidated permit application. If no final decision is issued within the
943 deadline established by the board for the type of large clean energy infrastructure facility, the
944 board shall issue a permit granting approval to construct that includes the common conditions
945 and requirements established by the board through regulations for the type of large clean energy
946 infrastructure facility under review, which shall be deemed a final decision of the board. A
947 consolidated permit, if issued, shall be in the form of a composite of all individual permits,
948 approvals or authorizations that would otherwise be necessary for the construction and operation
949 of the large clean energy infrastructure facility and that portion of the consolidated permit that
950 relates to subject matters within the jurisdiction of a municipal, regional or state agency,
951 authority, board, commission, office or other entity shall be enforced by said agency, authority,
952 board, commission, office or other entity under other applicable laws of the commonwealth as if
953 the consolidated permit had been directly granted by the said agency, authority, board,
954 commission, office or other entity.

955 Section 69U. (a)The board may issue a consolidated permit for a small clean transmission
956 and distribution infrastructure facility that is not automatically subject to the jurisdiction of the

957 board pursuant to section 69G, if the applicant petitions the board to be granted a consolidated
958 permit for such facility. The board shall review such petition in accordance with subsections (b)
959 and (c). The board may issue such consolidated permit upon finding that the small clean
960 transmission and distribution infrastructure facility will serve the public convenience and is
961 consistent with the public interest. Upon application for a consolidated permit under this section,
962 no applicant shall commence construction of a small clean transmission and distribution
963 infrastructure facility at a site unless a consolidated permit for construction of that small clean
964 transmission and distribution infrastructure facility pursuant to this section has been approved by
965 the board. For purposes of this section, construction shall not include contractual obligations to
966 purchase such facilities or equipment.

967 (b) The board shall establish the same criteria governing the siting and permitting of
968 small clean transmission and distribution infrastructure facilities eligible to submit an application
969 under this section as it is required to establish for large clean energy infrastructure facilities
970 pursuant to subsection (b) of section 69T. An application for a consolidated permit for a small
971 clean transmission and distribution infrastructure facility shall include the same elements as
972 required for large clean transmission and distribution infrastructure facilities under subsection (c)
973 of section 69T. Subject to subsection (c), subsections (d) to (i), inclusive, of section 69T shall
974 apply to the process followed by the board regarding the issuance of a consolidated permit to any
975 small clean transmission and distribution infrastructure facility under this section.

976 (c) The board shall establish timeframes and procedures for reviewing different types of
977 small clean transmission and distribution infrastructure facilities based on the complexity of the
978 facility and the need for an exemption from local zoning requirements, but in no instance shall
979 the board take more than 12 months from the determination of application completeness to

980 render a final decision on an application. The board shall have the authority to approve, approve
981 with conditions or reject a permit application. If no final decision is issued within the deadline
982 for the type of small clean transmission and distribution infrastructure facility established by the
983 board, the board shall issue a permit granting approval to construct that adopts the common
984 conditions and requirements established by the board in regulation for the type of small clean
985 transmission and distribution infrastructure facility under review, which shall be deemed a final
986 decision of the board. A consolidated permit, if issued, shall be in the form of a composite of all
987 individual permits, approvals or authorizations that would otherwise be necessary for the
988 construction and operation of the small clean transmission and distribution infrastructure facility
989 and the portion of the consolidated permit that relates to subject matters within the jurisdiction of
990 a municipal, regional or state agency, authority, board, commission, office or other entity shall
991 be enforced by said agency, authority, board, commission, office or other entity under the other
992 applicable laws of the commonwealth as if the consolidated permit had been directly granted by
993 said agency, authority, board, commission, office or other entity.

994 Section 69V. (a) The board may issue a consolidated permit for a small clean energy
995 generation facility or a small clean energy storage facility. An owner or proponent of a small
996 clean energy generation facility or a small clean energy storage facility may submit an
997 application to the board to be granted a consolidated permit that shall include all state permits
998 necessary to construct the small clean energy generation facility or small clean energy storage
999 facility. All local government permits and approvals for a small clean energy generation facility
1000 or a small clean energy storage facility shall be issued separately pursuant to section 21 of
1001 chapter 25A.

1002 (b) The board shall establish the same criteria governing the siting and permitting of
1003 small clean energy generation facilities and small clean energy storage facilities eligible to
1004 submit an application under this section as it is required to establish for large clean energy
1005 infrastructure facilities pursuant to subsection (b) of section 69T. An application for a
1006 consolidated permit for a small clean energy generation facility or small clean energy storage
1007 facility eligible to submit an application under this section shall include the same elements as
1008 required for a large clean energy generation facility and a large clean energy storage facility
1009 under subsection (d) of section 69T. Subsections (e) to (g), inclusive, of section 69T shall apply
1010 to the issuance of a consolidated permit to any small clean energy generation facility or small
1011 clean energy storage facility under this section.

1012 (c) The board shall not take more than 12 months from the determination of application
1013 completeness to render a final decision on an application. The board shall have the authority to
1014 approve, approve with conditions or reject a permit application. If no final decision is issued
1015 within the deadline for the type of small clean energy generation facility or small clean energy
1016 storage facility established by the board, the board shall issue a permit granting approval to
1017 construct that adopts the common conditions and requirements established by the board in
1018 regulation for the type of small clean energy generation facility or small clean energy storage
1019 facility under review, which shall be deemed a final decision of the board. A consolidated permit
1020 shall be in the form of a composite of all individual permits, approvals or authorizations that
1021 would otherwise be necessary for the construction and operation of the small clean energy
1022 generation facility or small clean energy storage facility and that portion of the consolidated
1023 permit that relates to subject matters within the jurisdiction of a municipal, regional or state
1024 agency, authority, board, commission, office or other entity shall be enforced by said agency,

1025 authority, board, commission, office or other entity under the other applicable laws of the
1026 commonwealth as if the consolidated permit had been directly granted by said agency, authority,
1027 board, commission, office or other entity.

1028 Section 69W. (a) An owner or proponent of a small clean energy infrastructure facility
1029 that has received a final decision on, or a constructive approval of, a consolidated permit
1030 application from a local government, as defined in section 21 of chapter 25A, or other parties
1031 substantially and specifically affected by the decision of the local government may submit a
1032 request for a de novo adjudication of the local permit application by the director. Subject to
1033 subsection (g) of section 21 of chapter 25A, a local government may also submit a request for a
1034 de novo adjudication if their resources, capacity and staffing do not allow for review of a small
1035 clean energy infrastructure facility's permit application within the required maximum 12-month
1036 timeframe for local government review established in said section 21 of said chapter 25A.
1037 Review by the director of the request for de novo adjudication shall be deemed an adjudicatory
1038 proceeding under chapter 30A.

1039 (b) A request for a de novo adjudication by an owner or proponent of a small clean
1040 energy infrastructure facility or other party substantially and specifically affected by a final
1041 decision of a local government shall be filed within 30 days of such decision.

1042 (c) Upon determination that at least 1 party seeking a de novo adjudication is
1043 substantially and specifically affected, the director of the board shall review the request and the
1044 local government's final decision for consistency with the regulations adopting statewide
1045 permitting standards for such facilities established by the department of energy resources
1046 pursuant to section 21 of chapter 25A. The director shall render a decision on the request within

1047 6 months of receipt of the application and such decision shall be final. If the local government's
1048 decision is found to be inconsistent with the regulatory standards established by the department
1049 of energy resources, the director may issue a final decision that supersedes the local
1050 government's prior decision and imposes new local permit conditions that are consistent with the
1051 laws of the commonwealth.

1052 (d) The board shall establish regulations governing the process the director shall follow to
1053 conduct the review of requests for de novo adjudication under this section.

1054 SECTION 52. Said chapter 164 is hereby further amended by striking out sections 72 and
1055 72A, as appearing in the 2022 Official Edition, and inserting in place thereof the following 2
1056 sections:-

1057 Section 72. An electric company, distribution company, generation company,
1058 transmission company or any other entity providing or seeking to provide transmission service
1059 may petition the energy facilities siting board for authority to construct and use, or to continue to
1060 use as constructed or with altered construction, a line for the transmission of electricity for
1061 distribution in some definite area or for supplying electricity to itself, another electric company
1062 or a municipal lighting plant for distribution and sale or to a railroad, street railway or electric
1063 railroad for the purpose of operating it and shall represent that such line will or does serve the
1064 public convenience and is consistent with the public interest. The company shall forward at the
1065 time of filing such petition a copy thereof to each municipality within such area. The company
1066 shall file with such petition a general description of such transmission line and a map or plan
1067 showing the municipalities through which the line will or does pass and its general location. The
1068 company shall also furnish an estimate showing in reasonable detail the cost of the line and such

1069 additional maps and information as the energy facilities siting board requires. The energy
1070 facilities siting board, after notice and a public hearing in at least 1 of the municipalities affected,
1071 may determine that said line is necessary for the purpose alleged, will serve the public
1072 convenience and is consistent with the public interest. If the electric company, distribution
1073 company, generation company or transmission company or any other entity providing or seeking
1074 to provide transmission service shall file with the energy facilities siting board a map or plan of
1075 the transmission line showing the municipalities through which it will or does pass, the public
1076 ways, railroads, railways, navigable streams and tide waters in the municipality named in said
1077 petition that it will cross and the extent to which it will be located upon private land or upon,
1078 under or along public ways and places, the energy facilities siting board, after such notice as it
1079 may direct, shall hold a public hearing in at least 1 of the municipalities through which the line
1080 passes or is intended to pass. The energy facilities siting board may by order authorize an electric
1081 company, distribution company, generation company, transmission company or any other entity
1082 to take by eminent domain under chapter 79 such lands or such rights of way or widening thereof
1083 or other easements therein necessary for the construction and use or continued use as constructed
1084 or with altered construction of such line along the route prescribed in the order of the energy
1085 facilities siting board. The energy facilities siting board shall transmit a certified copy of its order
1086 to the company and the clerk of each affected municipality. The company may at any time before
1087 such hearing modify the whole or a part of the route of said line, either of its own motion or at
1088 the insistence of the energy facilities siting board or otherwise and, in such case, shall file with
1089 the energy facilities siting board maps, plans and estimates as aforesaid showing such changes. If
1090 the energy facilities siting board dismisses the petition at any stage in said proceedings, no
1091 further action shall be taken thereon and the company may file a new petition not less than 1 year

1092 after the date of such dismissal. When a taking under this section is effected, the company may
1093 forthwith, except as hereinafter provided, proceed to erect, maintain and operate thereon said
1094 line. If the company does not enter upon and construct such line upon the land so taken within 1
1095 year thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1096 other easements therein shall be taken by eminent domain under the provisions of this section in
1097 any public way, public place, park or reservation or within the location of any railroad, electric
1098 railroad or street railway company except with the consent of such company and on such terms
1099 and conditions as it may impose or except as otherwise provided in this chapter and no electricity
1100 shall be transmitted over any land, right of way or other easement taken by eminent domain as
1101 herein provided until the electric company, distribution company, generation company,
1102 transmission company or any other entity shall have acquired from the select board, city council
1103 or such other authority having jurisdiction all necessary rights in the public ways or public places
1104 in the municipality or municipalities, or in any park or reservation, through which the line will or
1105 does pass. No land, rights of way or other easements therein in any public way, public park,
1106 reservation or other land subject to Article 97 of the Amendments to the Constitution of the
1107 Commonwealth shall be taken by eminent domain under this section except in accordance with
1108 said Article 97. No entity shall be authorized under this section or section 69R or section 24 of
1109 chapter 164A to take by eminent domain any lands or rights of way or other easements therein
1110 held by an electric company or transmission company to support an existing or proposed
1111 transmission line without the consent of the electric company or transmission company.

1112 No electric company, distribution company, generation company, transmission company
1113 or any other entity providing or seeking to provide transmission services shall be required to

1114 petition the energy facilities siting board under this section unless it is seeking authorization to
1115 take lands, rights of way or other easements under chapter 79.

1116 Section 72A. The energy facilities siting board may upon petition authorize an electric
1117 company to enter upon lands of any person or corporation for the purpose of making a survey
1118 preliminary to eminent domain proceedings. The energy facilities siting board shall give notice
1119 of the authorization granted, by registered mail, to the landowners involved not less than 5 days
1120 prior to any entry by such electric company. The company entering upon any such lands shall be
1121 subject to liability for any damages occasioned thereby to be recovered under chapter 79.

1122 SECTION 53. Said chapter 164 is hereby further amended by striking out section 75C, as
1123 so appearing, and inserting in place thereof the following section:-

1124 Section 75C. A natural gas pipeline company may petition the energy facilities siting
1125 board for the right to exercise the power of eminent domain under chapter 79. The natural gas
1126 pipeline company shall file with such petition a general description of such pipeline and a map or
1127 plan thereof showing the rights of way, easements and other interests in land or other property
1128 proposed to be taken for such use, the towns through which such pipeline will pass, the public
1129 ways, railroads, railways, navigable streams and tide waters in the town or towns named in the
1130 petition that it will cross and the extent to which it will be located upon private land and upon,
1131 under or along public ways, lands and places. Upon the filing of such petition, the energy
1132 facilities siting board, after such notice as it may direct, shall hold a public hearing in at least 1 of
1133 the towns through which the pipeline is intended to pass and may, by order, authorize the
1134 company to take by eminent domain under said chapter 79 such lands or such rights of way,
1135 easements or other interests in land or other property necessary for the construction, operation,

1136 maintenance, alteration and removal of the pipeline, compressor stations, appliances,
1137 appurtenances and other equipment along the route described in the order of the energy facilities
1138 siting board. The energy facilities siting board shall: (i) provide notice to each municipality
1139 through which the pipeline is intended to pass; and (ii) transmit a certified copy of its order to the
1140 company and the town clerk of each affected town. The company may, at any time before such a
1141 public hearing, modify the whole or a part of the route of said pipeline, either of its own motion
1142 or at the insistence of the energy facilities siting board or otherwise, and, in such case, shall file
1143 with the energy facilities siting board maps, plans and estimates showing such changes. If the
1144 energy facilities siting board dismisses the petition at any stage in the proceedings, no further
1145 action shall be taken thereon and the company may file a new petition not sooner than 1 year
1146 after the date of such dismissal.

1147 When a taking under this section is effected, the company may forthwith, except as
1148 hereinafter provided, proceed to construct, install, maintain and operate thereon said pipeline. If
1149 the company does not enter upon and construct such line upon the land so taken within 1 year
1150 thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1151 easements therein shall be taken by eminent domain under the provisions of this section in any
1152 public way, public place, park or reservation or within the location of any railroad, electric
1153 railroad or street railway company, except that such pipeline may be constructed under any
1154 public way or any way dedicated to the public use; provided, however, that the rights granted
1155 hereunder shall not affect the right or remedy to recover damages for an injury caused to persons
1156 or property by the acts of such company; provided further, that such company shall put all such
1157 streets, lanes and highways in as good repair as they were when opened by such company and
1158 the method of such construction and the plans and specifications therefor have been approved

1159 either generally or in any particular instance by the energy facilities siting board or, in the case of
1160 state highways, by the department of highways; and provided further, that a natural gas pipeline
1161 company may construct such lines under, over or across the location on private land of any
1162 railroad, electric railroad or street railway corporation subject to the provisions of section 73.
1163 Rights of way, buildings, structures or lands to be used in the construction of such pipelines over
1164 or upon the lands referred to therein shall be governed by section 34A of chapter 132.

1165 SECTION 54. Said chapter 164 is hereby further amended by inserting after section 92C,
1166 as so appearing, the following 4 sections:-

1167 Section 92D. (a) The department shall establish standards to ensure reasonable and timely
1168 access to the distribution grid for all customers and to ensure that distribution companies
1169 undertake investments and process improvements to facilitate the transformation of the
1170 commonwealth's distribution grid to align with the commonwealth's climate, greenhouse gas
1171 reduction and economic development goals. The department shall promulgate rules or
1172 regulations: (i) containing a schedule specifying the maximum length of time that may elapse
1173 from the date of initial interconnection application to the receipt of an interconnection services
1174 agreement for various sizes and types of distributed generation facilities and energy storage
1175 systems; (ii) containing a schedule specifying the maximum length of time that may elapse from
1176 the distribution company's commencement of design of required interconnection-related
1177 upgrades and authorization to interconnect for various sizes and types of distributed generation
1178 facilities and energy storage systems; and (iii) requiring distribution companies to enable the
1179 interconnection of distributed generation facilities and energy storage systems in accordance
1180 with the rules and regulations promulgated by the department.

1181 (b) The rules or regulations adopted by the department shall include rules to measure and
1182 enforce compliance with the rules and schedules adopted by the department, including, but not
1183 limited to: (i) revisions to existing timeline enforcement mechanisms; (ii) mechanisms to enable
1184 customers to seek department review and enforcement of the rules and schedules required by this
1185 section; and (iii) provisions for the timely resolution of disputes between customers and
1186 distribution companies.

1187 Section 92E. (a) The department shall establish a cost allocation framework to implement
1188 the electric-sector modernization plans established by section 92B beginning with the 2030-2034
1189 electric-sector modernization plans. Such electric-sector modernization plans shall identify: (i)
1190 an amount, in megawatts of alternating current, of incremental grid hosting capacity that will be
1191 available to interconnect distributed generation and energy storage systems upon implementation
1192 of the plans; and (ii) a proportional share of the benefits of the electric-sector modernization
1193 plans that is attributable to distributed generation and energy storage systems. The department
1194 shall establish a uniform fee to be assessed to interconnecting customers based on a project's
1195 export capacity under subsections (b) and (c) by applying the proportional share of benefits
1196 attributable to distributed generation and energy storage to the total number of megawatts of
1197 capacity enabled by the plans. Such fee shall be uniform within the sub-region of a distribution
1198 company's service territory regardless of the customer's point of interconnection. The uniform
1199 fee shall result in a dollar amount per kilowatt AC to be assessed to interconnecting customers
1200 based on project export capacity for their use of the grid capacity enabled by the plans. The
1201 electrical boundaries of the sub-region of a distribution company's service territory shall be
1202 proposed by the distribution company and defined within the respective distribution company's
1203 electric-sector modernization plan. Interconnecting customers with proposed facilities above 60

1204 kW may be assessed additional interconnection costs for upgrades identified in the
1205 interconnection studies.

1206 (b) For projects with an export capacity between 60 kW and 500 kW, the following
1207 standardized interconnection cost allocation shall apply to customers for distributed generation
1208 facilities and energy storage systems: (i) no customer shall be charged more than a fixed dollar
1209 per kilowatt AC of export capacity within a sub-region of a distribution company's service
1210 territory to interconnect distributed generation facilities and energy storage systems; and (ii) any
1211 costs incurred by the distribution company for interconnecting a distributed generation facility or
1212 energy storage system that exceeds the applicable fixed dollar per kilowatt AC of export capacity
1213 shall be included in the distribution company's revenue requirement and recovered through fully
1214 reconciling rates approved by the department. The department shall require each distribution
1215 company to propose a fixed sub-regional dollar per kilowatt fee within each electric-sector
1216 modernization plan for approval.

1217 (c) For projects with an export capacity less than 60kW, the following standardized
1218 interconnection cost allocation shall apply to customers for distributed generation facilities and
1219 energy storage systems: (i) no customer shall be charged more than a fixed dollar per kilowatt
1220 AC of export capacity to interconnect distributed generation facilities and energy storage
1221 systems; (ii) such fee shall be inclusive of interconnection costs for upgrades not included in the
1222 approved electric-sector modernization plans including, but not limited to, shared service
1223 distribution system upgrades; and (iii) any costs incurred by the distribution company for
1224 interconnecting a distributed generation facility or energy storage system that exceed the
1225 applicable fixed dollar per kilowatt AC of export capacity shall be included in the distribution
1226 company's revenue requirement and recovered through fully reconciling rates approved by the

1227 department. The department shall require each distribution company to propose a fixed sub-
1228 regional dollar per kilowatt fee within each electric sector modernization plan for approval. The
1229 utilities may include costs of upgrades identified in the interconnection studies in their proposed
1230 fixed sub-regional dollar per kilowatt fee.

1231 Section 92F. The department shall establish an office of a distributed generation and
1232 clean energy ombudsperson to advocate for improvements to distribution company
1233 interconnection processes and practices and to receive complaints and facilitate the resolution of
1234 disputes between distributed generation customers and the distribution companies. The
1235 department shall designate an ombudsperson to serve as the administrative head of said office.
1236 The office shall be staffed with not less than 2 individuals, 1 of whom shall be an expert in the
1237 interconnection tariff and department precedent and 1 of whom shall be an expert in technical
1238 solutions and standards for interconnecting distributed generation customers. The ombudsperson
1239 may recommend that the department impose civil penalties upon a finding that a distribution
1240 company has intentionally or negligently violated 1 or more requirements of the interconnection
1241 tariff, has exhibited a pattern or history of violating such tariff or has failed to provide an
1242 acceptable level of customer service for a distributed generation customer or customers. In
1243 considering penalties under this section, the ombudsperson and the department shall consider the
1244 severity of the violation, the financial impact upon the distribution customer or customers, the
1245 distribution company's history of violations and customer service and other factors that may be
1246 relevant to determining the level of penalty that may be appropriate. The department may direct
1247 that all or a portion of a penalty shall take the form of restitution to be paid to an affected
1248 distribution customer.

1249 Section 92G. (a) There is hereby established within the department an interconnection
1250 working group to consider improvements to interconnection tariffs and interconnection technical
1251 standards and processes. The working group shall be facilitated by the office of the
1252 ombudsperson and shall meet not less than 4 times per year.

1253 (b) The working group shall study and make recommendations on topics, including, but
1254 not limited to: (i) cost and best available technology for interconnecting and metering distributed
1255 generation, energy storage systems and other distributed energy resources; (ii) process
1256 improvements to improve timeliness and efficiency of distributed generation and storage
1257 interconnection; (iii) processes for identifying and achieving distribution system upgrade cost
1258 avoidance through the use of advanced inverter functions and other non-wire solutions under the
1259 distribution company's operational control, along with sharing mechanisms or incentives for
1260 capital investment deferrals; (iv) processes and customer service improvements for
1261 interconnecting customers adopting distributed generation and energy storage; (v) revisions to
1262 distribution company interconnection and metering standards that impact distributed energy
1263 resources or exporting and non-exporting energy storage systems; (vi) implementation of
1264 programs, guidelines and schedules for grid-enabling technologies and platforms such as
1265 distributed energy resource management systems; and (vii) other technical, policy and tariff
1266 issues related to and affecting interconnection performance and customer service for distributed
1267 generation and energy storage customers in the commonwealth, as determined by the working
1268 group. The working group may jointly create subcommittees to focus on specific issues of
1269 importance and may invite technical or policy experts to assist or consult with the working
1270 group.

1271 (c) The office of the ombudsperson shall develop and submit a report detailing consensus
1272 recommendations of the working group and, if applicable, additional recommendations for which
1273 consensus was not reached to the department and the clerks of the house of representatives and
1274 the senate. The department shall within 180 days of filing the report issue an order addressing the
1275 recommendations of the working group. The order shall specify the recommendations adopted
1276 and explain in detail the reasons for rejecting any recommendations not adopted.

1277 SECTION 55. Said chapter 164 is hereby further amended by inserting after section
1278 116B, as so appearing, the following section:-

1279 Section 116C. (a) Distribution companies deploying advanced metering infrastructure in
1280 their territories shall jointly establish a centralized data repository to allow customers and third
1281 parties, including competitive suppliers, access to advanced metering data, including billing,
1282 interval usage and load data, in near-real time for all customer classes. The centralized data
1283 repository shall be developed in a cost-effective manner as approved by the department.

1284 (b) A supplier or other third party shall be entitled to access detailed advanced metering
1285 infrastructure customer data from the centralized data repository, subject to appropriate customer
1286 approval and protections. Advanced metering infrastructure data may include, but shall not be
1287 limited to, customer billing period usage data, peak demand, supplier information and relevant
1288 account information.

1289 (c) Electric customers may opt out of inclusion in the implementation of advanced
1290 metering infrastructure with notice to the distribution company. Upon receiving such notice, the
1291 distribution company shall remove the customer from the implementation plan, notify the
1292 department of the customer's decision to opt out of such implementation plan in a manner

1293 determined by the department and charge such a customer any reasonable and necessary fees for
1294 delivering non-advanced metering service.

1295 (d) A supplier may provide consolidated billing services to electric customers utilizing
1296 advanced metering infrastructure. For a supplier who implements supplier consolidated billing
1297 services for their customers, the supplier shall be subject to the same customer protection rules
1298 and requirements as distribution companies for suspension, disconnection and reconnection of
1299 electric services.

1300 (e) Distribution companies shall implement accelerated switching permitting a residential
1301 or small commercial electric customer to change suppliers within 3 business days. Customers
1302 moving within a distribution company's territory shall be permitted to transfer their supplier
1303 directly to their new service location without being required to switch to an interim rate provided
1304 by the distribution company or other supplier. Customers establishing electric service shall be
1305 permitted to take service from their supplier on the first day of service. Customers shall not be
1306 required to take basic service from a distribution company prior to selecting and switching to a
1307 supplier. Notwithstanding the requirements of this subsection, a distribution company shall not
1308 implement accelerated switching until the advanced metering infrastructure, approved by the
1309 department in calendar year 2022 as part of a company's grid modernization plan, is fully
1310 deployed.

1311 (f) Distribution companies shall be entitled to recovery of prudent and necessary
1312 expenses for the implementation of advanced metering data repositories. The department may
1313 implement penalties for failure of distribution companies to meet implementation goals.

1314 SECTION 56. Section 141 of said chapter 164, as so appearing, is hereby amended by

1315 striking out the second sentence and inserting in place thereof the following sentence:- Where the

1316 scale of on-site generation would have an impact on affordability for low-income or moderate-

1317 income customers, a fully compensating adjustment shall be made to the low-income or

1318 moderate-income rate discount.

1319 SECTION 57. Said chapter 164 is hereby further amended by adding the following 3

1320 sections:-

1321 Section 149. (a) For the purposes of this section, the following words shall, unless the

1322 context clearly requires otherwise, have the following meanings:

1323 "Director", the director of the division of public participation.

1324 "Division of public participation", established in section 12T of chapter 25.

1325 "Fund", the Department of Public Utilities and Energy Facilities Siting Board Intervenor

1326 Support Fund established in section 12S of chapter 25.

1327 "Governmental body", a city, town, district, regional school district, county or agency,

1328 board, commission, authority, department or instrumentality of a city, town, district, regional

1329 school district or county.

1330 "Grantee", an organization, entity, governmental body, federally recognized tribe, state-

1331 acknowledged tribe or state-recognized tribe that has received a grant award under this section.

1332 "Office of environmental justice and equity", established in section 29 of chapter 21A.

1333 "Prospective grantee", an organization, entity, governmental body, federally recognized
1334 tribe, state-acknowledged tribe or state-recognized tribe that has applied or plans to apply for a
1335 grant under this section.

1336 (b) The department may make available as grants funds deposited into the fund to parties
1337 that have been granted intervenor status by the department or the board pursuant to clause (4) of
1338 the second sentence of the first paragraph of section 10 of chapter 30A and corresponding
1339 department and board regulations, and that are: (i) organizations and entities that advocate on
1340 behalf of a relevant subset of residential customers defined geographically or based on specific
1341 shared interests; (ii) organizations and entities that advocate on behalf of low-income or
1342 moderate-income residential populations, residents of historically marginalized or overburdened
1343 and underserved communities; or (iii) governmental bodies, federally recognized tribes, state-
1344 acknowledged tribes or state-recognized tribes.

1345 (c) The director, in consultation with the office of environmental justice and equity, shall
1346 establish criteria to determine whether, and to what extent, a prospective grantee shall be eligible
1347 to receive a grant award pursuant to this section. Such criteria shall include, but shall not be
1348 limited to, whether the prospective grantee: (i) lacks the financial resources that would enable it
1349 to intervene and participate in a department or board proceeding absent a grant award pursuant to
1350 this section; and (ii) previously intervened in department or board proceedings prior to the
1351 establishment of the intervenor support grant program pursuant to this section; provided,
1352 however, that a municipality with a population of less than 7,500 that is a prospective grantee for
1353 a proceeding pertaining to a facility, large clean energy infrastructure facility or small clean
1354 energy infrastructure facility, as those terms are defined in section 69G, within its boundaries
1355 shall not be required to meet the criteria pursuant to this paragraph to receive a grant award.

1356 (d) A prospective grantee seeking funding under this section shall submit a grant
1357 application in a form and manner developed by the director demonstrating that the prospective
1358 grantee meets the criteria established by the director in accordance with subsection (c). Such
1359 grant application shall include: (i) a statement outlining the prospective grantee's anticipated
1360 participation in the department or board proceeding, to the extent it is known at the time of grant
1361 application; (ii) a detailed estimate of costs and fees of anticipated attorneys, consultants and
1362 experts, including community experts, and all other costs related to the preparation for, and
1363 intervention and participation in, the department or board proceeding; and (iii) background
1364 information on the attorneys, consultants and experts, including community experts, that the
1365 prospective grantee plans to retain if awarded grant funding. The director may, at their
1366 discretion, make conditional grant awards to grant applicants that have not yet been granted
1367 intervenor status by the department or board; provided, however, that no grant shall be awarded
1368 until such intervenor status is granted.

1369 (e) A grant awarded pursuant to this section shall not exceed $150,000 for any single
1370 department or board proceeding. The director shall, in the director's sole discretion, determine
1371 the amount of financial support being granted, considering the demonstrated needs of the
1372 intervenor and the complexity of the proceeding. The director may, in the director's sole
1373 discretion: (i) upon the petition of a prospective grantee, award a grant exceeding $150,000 only
1374 upon a demonstration of good cause, including the complexity of the proceeding in which the
1375 grantee is intervening; and (ii) upon the petition of a prospective grantee, provide grant funding
1376 in addition to the funding initially requested under section (c) upon a showing that new, novel or
1377 complex issues have arisen in the proceeding since the time the grant application was submitted
1378 pursuant said subsection (c). The director shall consider the potential for intervenors to share

1379 costs through collaborative efforts with other parties to a proceeding as part of determining the
1380 amount of funding awarded to any prospective grantee and such intervenors shall be expected to
1381 reduce duplicative costs to the extent possible in instances where the position or positions of
1382 multiple intervenors align.

1383 (f) The aggregate grant funding for any individual department or board proceeding shall
1384 not exceed $500,000; provided, however, that where the aggregate amount of funding being
1385 requested exceeds $500,000, funding shall be allocated to prospective grantees based on their
1386 relative financial hardship. The director may, at the director's discretion and upon a
1387 determination of good cause, provide funding exceeding $500,000 for any individual department
1388 or board proceeding.

1389 (g) Ten per cent of grant funds awarded to a grantee, or a greater percentage as
1390 determined by the director at the director's sole discretion, may be expended on non-legal, non-
1391 expert and non-consultant administrative costs directly attributable to the intervention and
1392 participation in a proceeding before the department or board. All remaining grant funds may be
1393 expended to retain qualified legal counsel, experts and consultants to assist in proceedings before
1394 the department or board; provided, however, that such funds may be used to retain qualified
1395 community experts, which shall include residential ratepayers and residents with lived
1396 experience that can inform such proceedings. Such funding may be expended for administrative,
1397 legal, consultant and expert costs associated with an intervention petition submitted pursuant to
1398 clause (4) of the first paragraph of section 10 of chapter 30A or section 10A of said chapter 30A
1399 and any department or board regulations, if applicable.

1400 (h) All grant payments to grantees shall be made from the fund. Such grant payments
1401 shall be made only for reasonable costs incurred and upon submission of a grant payment request
1402 by the grantee. Such grant payment requests shall be in a form and manner as prescribed by the
1403 director and grant payments shall be made within 30 days of receipt of such grant payment
1404 requests by the director to the grantee or to the entity designated by the grantee to receive grant
1405 payments. The director, at the director's discretion or as provided for in regulations promulgated
1406 pursuant to this section, may provide grant payments before such costs are incurred by the
1407 grantee upon a showing of financial hardship by the grantee.

1408 (i) All decisions pertaining to the issuance of financial support shall be made solely by
1409 the director. The director shall have sole discretion to deny funding to a prospective grantee that
1410 demonstrates a pattern of repeatedly delaying or obstructing, or attempting to repeatedly delay or
1411 obstruct, proceedings or otherwise misuses or has misused funds.

1412 (j) In the department's annual report required pursuant to section 2 of chapter 25, the
1413 director shall include a report describing all activities of the fund, including, but not limited to:
1414 (i) amounts credited to the fund, amounts expended from the fund and any unexpended balance;
1415 (ii) a summary of the intervenor support grant fund application process; (iii) the number of grant
1416 applications received, the number and amount of awards granted, and the number of grant
1417 applications rejected; (iv) the number of intervenors who participated in proceedings with and
1418 without support from the fund; (v) an itemization of costs incurred by and payments made to
1419 grantees; (vi) an evaluation of the impact and contribution of grantees in department and board
1420 proceedings; (vii) a summary of education and outreach activities conducted by the division of
1421 public participation related to the intervenor support grant program; and (viii) any recommended
1422 changes to the program.

1423 (k) The director shall develop: (i) accessible, multi-lingual and easily comprehensible
1424 web-based educational materials, including forms and templates, to educate prospective grantees
1425 and the public on the intervenor support grant program; and (ii) a robust virtual and in-person
1426 outreach program to educate prospective grantees and the public about the intervenor support
1427 grant program.

1428 (l) The department, in consultation with the board, shall promulgate regulations to
1429 implement this section.

1430 Section 150. (a) For the purposes of this section, the following words shall, unless the
1431 context clearly requires otherwise, have the following meanings:

1432 "Advanced conductors", any hardware technology that can conduct electricity across
1433 transmission distribution lines and demonstrate enhanced performance over traditional conductor
1434 products.

1435 "Advanced power flow control", any hardware or software technologies used to push or
1436 pull electric power in a manner that balances overloaded lines and underutilized corridors within
1437 the distribution or transmission system.

1438 "Advanced reconductoring", the application of advanced conductors to increase the
1439 capacity and efficiency of the existing electric grid.

1440 "Dynamic line rating", any hardware or software technologies used to appropriately
1441 update the calculated thermal limits of existing distribution or transmission lines based on real-
1442 time and forecasted weather conditions.

1443 “Grid-enhancing technology”, any hardware or software technology that enables
1444 enhanced or more efficient performance from the electric distribution or transmission system,
1445 including, but not limited to, dynamic line rating, advanced power flow control technology,
1446 topology optimization and energy storage when used as a distribution resource.

1447 “Topology optimization”, any hardware or software technology that identifies
1448 reconfigurations of the distribution or transmission grid and can enable the routing of power
1449 flows around congested or overloaded distribution or transmission elements.

1450 (b) To the extent authorized under federal law, for base rate proceedings and other
1451 proceedings in which a distribution or transmission company proposes capital improvements or
1452 additions to the distribution or transmission system, the distribution or transmission company
1453 shall conduct a cost-effectiveness and timetable analysis of multiple strategies, including, but not
1454 limited, to the deployment of grid-enhancing technology, advanced conductors or energy storage
1455 used as a distribution resource. Where grid-enhancing technology, advanced conductors or
1456 energy storage used as a distribution or transmission resource whether in combination with or
1457 instead of capital investments, offer a more cost-effective strategy to achieving distribution or
1458 transmission goals, including, but not limited to, distributed energy resource interconnection,
1459 grid reliability and enhanced cyber and physical security, the department, to the extent permitted
1460 under federal law, may approve the deployment of grid-enhancing technology, advanced
1461 conductors or energy storage used as a distribution or transmission resource.

1462 (c) As part of a base rate filing or other filing in which a distribution or transmission
1463 company proposes capital improvements or additions to the distribution or transmission system,
1464 the distribution or transmission company may propose a performance incentive mechanism that

1465 provides a financial incentive for the cost-effective deployment of grid-enhancing technologies,
1466 advanced reconductoring or energy storage used as a distribution or transmission resource.

1467 (d) Once every 5 years, not later than September 1 of the fifth year, each distribution
1468 company and, to the extent permitted by federal law, each transmission company shall make a
1469 compliance filing with the department and provide a separate report to both ISO-NE and the joint
1470 committee on telecommunications, utilities and energy on the deployment of grid-enhancing
1471 technology, advanced conductors or energy storage used as a distribution or transmission
1472 resource in a format determined by the department.

1473 Section 151. (a) For the purposes of this section, "meter socket adapter" shall mean an
1474 electronic device that is installed between a residential electric meter and the meter socket, for
1475 the purpose of facilitating the deployment of customer-owned or customer-leased technology.

1476 (b) An electric company shall authorize the installation and operation of a meter socket
1477 adapter, whether the meter socket is owned by a residential customer or by a third-party, if the
1478 meter socket adapter:

1479 (i) is qualified to be connected to the supply side of the service disconnect pursuant to the
1480 applicable provisions of the National Electric Code;

1481 (ii) is approved or listed by a nationally recognized testing laboratory and is rated
1482 appropriately for the meter socket into which it is intended to be installed;

1483 (iii) is certified to meet all applicable standards, as determined by a nationally recognized
1484 testing laboratory approved by the department; and

1485 (iv) does not prevent access to the sealed meter socket compartment or the pull section of
1486 the service section of the electric meter or switchboard, as applicable.

1487 (c) A manufacturer of a meter socket adapter, a third-party, a residential customer or an
1488 electric company shall all be allowed to install, maintain or service a meter socket adapter or
1489 associated equipment.

1490 (d) An electric company shall approve or disapprove a request for approval of a specific
1491 model of meter socket adapter for installation in its service area not later than 60 days after a
1492 manufacturer, a third-party or a residential customer submits a request for approval of the
1493 specific model of meter socket adapter. An electric company shall provide public notice of all
1494 decisions approving a meter socket adapter, including by posting the information on the utility's
1495 website. Should an electric company disapprove a specific model of meter socket adapter, the
1496 electric company shall provide an explanation to the requesting vendor providing the reasons the
1497 application was denied.

1498 (e) The department may adopt rules and regulations as necessary to implement the
1499 provisions of this section.

1500 SECTION 58. Chapter 166 of the General Laws is hereby amended by striking out
1501 section 28, as appearing in the 2022 Official Edition, and inserting in place thereof the following
1502 section:-

1503 Section 28. A company subject to this chapter, except a telegraph or telephone company,
1504 desiring to construct a line for the transmission of electricity that will, of necessity, pass through
1505 at least 1 city or town to connect the proposed termini of such line, whose petition for the
1506 location necessary for such line has been refused or has not been granted within 3 months after

1507 the filing thereof by the city council or the select board of the town through which the company
1508 intends to construct such line, may apply to the energy facilities siting board for such location.
1509 The energy facilities siting board shall hold a public hearing thereon after notice to the city
1510 council or select board refusing or neglecting to grant such location and to all persons owning
1511 real estate abutting upon any way in the city or town where such location is sought, as such
1512 ownership is determined by the last assessment for taxation. The energy facilities siting board
1513 shall, if requested by the city council or select board, hold the hearing in the city or town where
1514 the location is sought. If it appears at the hearing that the company has already been granted, and
1515 has accepted, a location for such line in 2 cities or in 2 towns or in a city and town adjoining the
1516 city or town refusing or neglecting to grant a location or if it appears at the hearing that the
1517 company has already been granted, and has accepted, locations for such line in a majority of the
1518 cities or towns through which such line will pass and if the energy facilities siting board deems
1519 the location necessary for public convenience and in the public interest, the board may by order
1520 grant a location for such line in the city or town with respect to which the application is made
1521 and shall have and exercise the powers and authority conferred by section 22 upon the city
1522 council or select board and in addition to the provisions of law governing such company may
1523 impose such other terms, limitations and restrictions as it deems the public interest may require.
1524 The energy facilities siting board shall cause an attested copy of its order, with the certificate of
1525 its clerk endorsed thereon that the order was adopted after due notice and a public hearing, to be
1526 forwarded to the city or town clerk, who shall record the same and furnish attested copies
1527 thereof. The company in whose favor the order is made shall pay for such record and attested
1528 copies the fees provided by clauses 31 and 32, respectively, of section 34 of chapter 262.

1529 SECTION 59. Section 3A of chapter 185 of the General Laws, as so appearing, is hereby
1530 amended by striking out, in lines 35 to 37, inclusive, the words "either 25 or more dwelling units
1531 or the construction or alteration of 25,000 square feet or more of gross floor area or both" and
1532 inserting in place thereof the following words:- at least 1 of the following: (1) not less than 25
1533 dwelling units; (2) the construction or alteration of not less than 25,000 square feet of gross floor
1534 area; (3) the construction or alteration of a Class I renewable energy generating source, as
1535 defined in subsection (c) of section 11F of chapter 25A; or (4) the construction or alteration of an
1536 energy storage system, as defined in section 1 of chapter 164.

1537 SECTION 60. Said section 3A of said chapter 185 is hereby further amended by striking
1538 out the words "at least 1 of the following: (1) not less than 25 dwelling units; (2) the construction
1539 or alteration of not less than 25,000 square feet of gross floor area; (3) the construction or
1540 alteration of a Class I renewable energy generating source, as defined in subsection (c) of section
1541 11F of chapter 25A; or (4) the construction or alteration of an energy storage system, as defined
1542 in section 1 of chapter 164," inserted by section 59, and inserting in place thereof the following
1543 words:- either 25 or more dwelling units or the construction or alteration of 25,000 square feet or
1544 more of gross floor area or both.

1545 SECTION 61. The first paragraph of section 83B of chapter 169 of the acts of 2008,
1546 inserted by section 12 of chapter 188 of the acts of 2016, and most recently amended by section
1547 60 of chapter 179 of the acts of 2022, is hereby further amended by striking out the words "83C
1548 and 83D" and inserting in place thereof the following words:- 83C, 83D, 83E and 83F.

1549 SECTION 62. Said first paragraph of said section 83B of said chapter 169, as so
1550 amended, is hereby further amended by striking out the definition of "Clean energy generation"
1551 and inserting in place thereof the following definition:-

1552 "Clean energy generation", (i) firm service hydroelectric generation from hydroelectric
1553 generation alone; (ii) new Class I RPS eligible resources that are firmed up with energy storage
1554 or firm service hydroelectric generation; (iii) new Class I renewable portfolio standard eligible
1555 resources; or (iv) nuclear power generation that is located in the ISO-NE control area and
1556 commenced commercial operation before January 1, 2011.

1557 SECTION 63. Said first paragraph of said section 83B of said chapter 169, as so
1558 amended, is hereby further amended by inserting after the definition of "Distribution company"
1559 the following 2 definitions:-

1560 "Energy services", operation of infrastructure that increases the deliverability or
1561 reliability of clean energy generation or reduces the cost of clean energy generation. Such
1562 infrastructure shall include, but not be limited to, transmission, energy storage systems, as
1563 defined in section 1 of chapter 164 of the General Laws, and demand response technologies.

1564 "Environmental attributes", all present and future attributes under any and all
1565 international, federal, regional, state or other law or market, including, but not limited to, all
1566 credits or certificates that are associated, either now or by future action, with clean energy
1567 generation, including, but not limited to, those attributes authorized and created by programs
1568 developed under subsection (c) section 3 of chapter 21N of the General Laws, and section 11F
1569 and section 17 of chapter 25A of the General Laws.

1570 SECTION 64. Said first paragraph of said section 83B of said chapter 169, as so
1571 amended, is hereby further amended by striking out the definition of "Long-term contract" and
1572 inserting in place thereof the following definition:-

1573 "Long-term contract", a contract for a period of 15 to 30 years for offshore wind energy
1574 generation pursuant to section 83C or for clean energy generation pursuant to sections 83D or
1575 83E or for energy storage systems pursuant to section 83F; provided, however, that a contract for
1576 offshore wind energy generation pursuant to said section 83C may include terms and conditions
1577 for renewable energy credits associated with the offshore wind energy generation that exceed the
1578 term of generation under the contract.

1579 SECTION 65. Said first paragraph of said section 83B of said chapter 169, as so
1580 amended, is hereby further amended by inserting after the definition of "Mid-duration energy
1581 storage system" the following definition:-

1582 "Multi-day energy storage," an energy storage system, as defined in section 1 of chapter
1583 164 of the General Laws, that is capable of dispatching electricity at its full rated capacity for
1584 greater than 24 hours.

1585 SECTION 66. Said chapter 169, as amended by chapter 188 of the acts of 2016, is hereby
1586 further amended by inserting after section 83D the following 2 sections:-

1587 Section 83E. (a) In order to provide a cost-effective mechanism for procuring beneficial,
1588 reliable clean energy generation resources on a long-term basis, taking into account the factors
1589 outlined in this section, not later than August 31, 2025, every distribution company shall, in
1590 coordination with the department of energy resources, jointly and competitively solicit proposals
1591 for clean energy generation and, if reasonable proposals have been received, shall enter into cost-

1592 effective long-term contracts for clean energy generation for an annual amount of electricity up
1593 to approximately 9,450,000 megawatt-hours additional to the amount of clean energy generation
1594 purchased from the seller in the year 2022 through the spot market or other contracts. Long-term
1595 contracts executed pursuant to this section shall be subject to the approval of the department of
1596 public utilities and shall be apportioned among the distribution companies pursuant to this
1597 section.

1598 (b) The timetable and method for solicitation of long-term contracts shall be proposed by
1599 the department of energy resources in coordination with the distribution companies using a
1600 competitive bidding process and shall be subject to review and approval by the department of
1601 public utilities. The department of energy resources shall consult with the distribution companies
1602 and the attorney general's office regarding the choice of solicitation methods. A solicitation may
1603 be coordinated and issued jointly with other New England states or entities designated by those
1604 states. The distribution companies, in coordination with the department of energy resources, may
1605 conduct 1 or more competitive solicitations through a staggered procurement schedule developed
1606 by the department of energy resources; provided, that the schedule shall ensure that the
1607 distribution companies enter into cost-effective long-term contracts for the delivery of an annual
1608 amount of clean energy generation up to approximately 9,450,000 megawatt-hours not later than
1609 December 31, 2030, additional to the amount of clean energy generation purchased from the
1610 seller in the year 2022 through the spot market or other contracts. Proposals received pursuant to
1611 a solicitation pursuant to this section shall be subject to review by the department of energy
1612 resources and the executive office of economic development, in consultation with the
1613 independent evaluator selected pursuant to subsection (f). The electric distribution companies
1614 shall offer technical advice. If the department of energy resources, in consultation with the

1615 independent evaluator, determines that reasonable proposals were not received pursuant to a
1616 solicitation, the department may terminate the solicitation, and may require additional
1617 solicitations to fulfill the requirements of this section.

1618 (c) In developing proposed long-term contracts, the distribution companies shall consider
1619 long-term contracts for clean energy certificates, for energy and for a combination of both clean
1620 energy certificates and energy. A distribution company may decline to pursue a contract if the
1621 contract's terms and conditions would require the contract obligation to place an unreasonable
1622 burden on the distribution company's balance sheet after consultation with the department of
1623 energy resources; provided, however, that the distribution company shall take all reasonable
1624 actions to structure the contracts, pricing or administration of the products purchased under this
1625 section to prevent or mitigate any impact on the balance sheet or income statement of the
1626 distribution company or its parent company, subject to the approval of the department of public
1627 utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a
1628 distribution company deems all contracts to be unreasonable, the distribution company shall
1629 consult with the department of energy resources and, not later than 20 days of the date of its
1630 decision, submit a filing to the department of public utilities. The filing shall include, in the form
1631 and detail prescribed by the department of public utilities, documentation supporting the
1632 distribution company's decision to decline the contract. Following a distribution company's
1633 filing, and not later than 4 months of the date of filing, the department of public utilities shall
1634 approve or reject the distribution company's decision and may order the distribution company to
1635 reconsider any contract. The department of public utilities shall take into consideration the
1636 department of energy resources' recommendations on the distribution company's decision. The

1637 department of energy resources may require additional solicitations to fulfill the requirements of

1638 this section.

1639 (d) The department of public utilities shall promulgate regulations consistent with this

1640 section. The regulations shall: (i) allow developers or owners of clean energy generation

1641 resources to submit proposals for long-term contracts; (ii) require that contracts executed by the

1642 distribution companies under such proposals are filed with, and approved by, the department of

1643 public utilities before they become effective; (iii) provide for an annual remuneration for the

1644 contracting distribution company equal to 2.25 per cent of the annual payments under the

1645 contract to compensate the company for accepting the financial obligation of the long-term

1646 contract; provided, however, that such provision shall be acted upon by the department of public

1647 utilities at the time of contract approval; (iv) require associated transmission costs to be

1648 incorporated into a proposal; provided, however, that to the extent that there are regional or

1649 project-specific transmission costs included in a bid, the department of public utilities may, if it

1650 finds such recovery to be in the public interest, authorize or require the contracting parties to

1651 seek recovery of such transmission costs from other states or from benefitted entities or

1652 populations in other states through federal transmission rates, consistent with policies and tariffs

1653 of the Federal Energy Regulatory Commission; and (v) require that the clean energy resources to

1654 be used by a developer or owner under the proposal: (A) provide enhanced electricity reliability,

1655 system safety and energy security; (B) contribute to reducing winter electricity price spikes; (C)

1656 are cost effective to electric ratepayers in the commonwealth over the term of the contract taking

1657 into consideration costs and benefits to the ratepayers, including economic and environmental

1658 benefits, and the equitable allocation of costs to, and the equitable sharing of costs with, other

1659 states, and populations within other states that may benefit from clean energy generation

1660 procured by the commonwealth; (D) if applicable, avoid line loss and mitigate transmission costs
1661 to the extent possible and ensure that transmission cost overruns, if any, are not borne by
1662 ratepayers; (E) allow long-term contracts for clean energy generation resources to be paired with
1663 energy storage systems, including new and existing mid-duration and long-duration energy
1664 storage systems; (F) if applicable, adequately demonstrate project viability in a commercially
1665 reasonable timeframe; (G) include benefits to environmental justice populations and low-income
1666 ratepayers in the commonwealth; and (H) include opportunities for diversity, equity and
1667 inclusion, including, at a minimum, a workforce diversity plan and supplier diversity program
1668 plan.

1669 (e) A proposed long-term contract shall be subject to the review and approval of the
1670 department of public utilities and shall be apportioned among the distribution companies. As part
1671 of its approval process, the department of public utilities shall consider recommendations by the
1672 attorney general, which shall be submitted to the department not later than 45 days following the
1673 filing of a proposed long-term contract with the department. The department of public utilities
1674 shall take into consideration the department of energy resources' recommendations on the costs
1675 and benefits to the rate payers, the equitable allocation and sharing of costs to and with other
1676 states and populations within other states that may benefit from clean energy generation procured
1677 by the commonwealth and the requirements of chapter 298 of the acts of 2008 and statewide
1678 greenhouse gas emissions limits under chapter 21N of the General Laws. The department of
1679 public utilities shall consider the costs and benefits of the proposed long-term contract and shall
1680 approve a proposed long-term contract if the department finds that the proposed contract is in the
1681 public interest and a cost-effective mechanism for procuring beneficial, reliable clean energy on
1682 a long-term basis, taking into account the factors outlined in this section. A distribution company

1683 shall be entitled to cost recovery of payments made under a long-term contract approved under
1684 this section.

1685 (f) The department of energy resources and the attorney general shall jointly select, and
1686 the department of energy resources shall contract with, an independent evaluator to monitor and
1687 report on the solicitation and bid selection process in order to assist the department of energy
1688 resources in determining whether a proposal received pursuant to subsection (b) is reasonable,
1689 and to assist the department of public utilities in its consideration of long-term contracts or filed
1690 for approval. To ensure an open, fair and transparent solicitation and bid selection process that is
1691 not unduly influenced by an affiliated company, the independent evaluator shall: (i) issue a
1692 report to the department of public utilities analyzing the timetable and method of solicitation and
1693 the solicitation process implemented by the distribution companies and the department of energy
1694 resources under subsection (b) and include recommendations, if any, for improving the process;
1695 and (ii) upon the opening of an investigation by the department of public utilities into a proposed
1696 long-term contract for a winning bid proposal, file a report with the department of public utilities
1697 summarizing and analyzing the solicitation and the bid selection process, and providing its
1698 independent assessment of whether all bids were evaluated in a fair and non-discriminatory
1699 manner. The independent evaluator shall have access to all information and data related to the
1700 competitive solicitation and bid selection process necessary to fulfill the purposes of this
1701 subsection but shall ensure all proprietary information remains confidential. The department of
1702 public utilities shall consider the findings of the independent evaluator and may adopt
1703 recommendations made by the independent evaluator as a condition for approval. If the
1704 independent evaluator concludes in the findings that the solicitation and bid selection of a long-

1705 term contract was not fair and objective and that the process was substantially prejudiced as a
1706 result, the department of public utilities shall reject the contract.

1707 (g) The distribution companies shall each enter into a contract with the winning bidders
1708 for their apportioned share of the market products being purchased from the project. The
1709 apportioned share shall be calculated and based upon the total energy demand from all
1710 distribution customers in each service territory of the distribution companies.

1711 (h) An electric distribution company may elect to use any energy purchased under such
1712 contracts for resale to its customers and may elect to retain clean energy certificates to meet any
1713 applicable annual portfolio standard requirements, including section 11F of chapter 25A of the
1714 General Laws and other clean energy compliance standards as applicable. If the energy and clean
1715 energy certificates are not so used, such companies shall sell such purchased energy into the
1716 wholesale market and shall sell such purchased clean energy certificates attributed to any
1717 applicable portfolio standard eligible resources to minimize the costs to ratepayers under the
1718 contract. The department of energy resources shall conduct periodic reviews to determine the
1719 impact on the energy and clean energy certificate markets of the disposition of energy and clean
1720 energy certificates under this section and may issue reports recommending legislative changes if
1721 it determines that actions are being taken that will adversely affect the energy and clean energy
1722 certificate markets.

1723 (i) If a distribution company sells the purchased energy into the wholesale spot market
1724 and auctions the clean energy certificates as described in this section, the distribution company
1725 shall net the cost of payments made to projects under the long-term contracts against the net
1726 proceeds obtained from the sale of energy and clean energy certificates, and the difference shall

1727 be credited or charged to all distribution customers through a uniform, fully reconciling annual
1728 factor in distribution rates, subject to review and approval of the department of public utilities.

1729 (j) A long-term contract procured under this section shall utilize an appropriate tracking
1730 system to ensure a unit-specific accounting of the delivery of clean energy to enable the
1731 department of environmental protection, in consultation with the department of energy resources,
1732 to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the
1733 acts of 2008 or the statewide greenhouse gas emissions limits under chapter 21N of the General
1734 Laws.

1735 (k) The department of energy resources and the department of public utilities may jointly
1736 develop requirements for a bond or other security to ensure performance with requirements
1737 under this section.

1738 (l) If this section is subjected to a legal challenge, the department of public utilities may
1739 suspend the applicability of the challenged provision during the pendency of the action until a
1740 final resolution, including any appeals, is obtained and shall issue an order and take other actions
1741 as are necessary to ensure that the provisions not subject to the challenge are implemented
1742 expeditiously to achieve the public purposes of this section.

1743 Section 83F. (a) In order to provide a cost-effective mechanism for procuring beneficial,
1744 reliable energy storage systems, as defined in section 1 of chapter 164 of the General Laws, on a
1745 long-term basis, taking into account the factors outlined in this section, every distribution
1746 company shall, in coordination with the department of energy resources, jointly and
1747 competitively solicit proposals for energy storage systems and, provided that reasonable
1748 proposals have been received, shall enter into cost-effective long-term contracts for up to 5,000

1749 megawatts of energy storage systems, of which 3,500 megawatts shall be mid-duration energy
1750 storage; 750 megawatts shall be long-duration energy storage; and 750 megawatts shall be multi-
1751 day energy storage. Long-term contracts executed pursuant to this section shall be subject to the
1752 approval of the department of public utilities and shall be apportioned among the distribution
1753 companies pursuant to this section.

1754 (b) The timetable and method for solicitation of long-term contracts shall be proposed by
1755 the department of energy resources in coordination with the distribution companies using a
1756 competitive bidding process and shall be subject to review and approval by the department of
1757 public utilities. The department of energy resources shall consult with the distribution companies
1758 and the office of the attorney general regarding the choice of solicitation methods. A solicitation
1759 may be coordinated and issued jointly with other New England states or entities designated by
1760 those states. The distribution companies, in coordination with the department of energy
1761 resources, may conduct 1 or more competitive solicitations through a staggered procurement
1762 schedule developed by the department of energy resources; provided, however, that
1763 approximately 1,500 megawatts shall be procured not later than July 31, 2025, of which
1764 approximately 250 megawatts shall be multi-day storage; approximately 1,000 megawatts not
1765 later than July 31, 2026, of which approximately 250 megawatts shall be multi-day storage; and
1766 approximately 1,000 megawatts not later than July 31, 2027, of which approximately 250
1767 megawatts shall be multi-day storage; provided further, that the schedule shall ensure that the
1768 distribution companies enter into cost-effective long-term contracts for the delivery of energy
1769 storage systems up to approximately 5,000 megawatts not later than July 31, 2028. Proposals
1770 received pursuant to a solicitation pursuant to this section shall be subject to review by the
1771 department of energy resources and the executive office of economic development in

1772 consultation with the independent evaluator. The electric distribution companies shall offer
1773 technical advice. If the department of energy resources, in consultation with the independent
1774 evaluator, determines that reasonable proposals were not received pursuant to a solicitation, the
1775 department may terminate the solicitation and may require additional solicitations to fulfill the
1776 requirements of this section.

1777 (c) The department may give preference to proposals for environmental attributes or
1778 energy services from energy storage systems that provide additional benefits or value to the
1779 electric power grid or communities, including, but not limited to: (i) supporting grid resiliency
1780 and transmission needs in specific geographic locations; (ii) providing economic opportunities or
1781 public health benefits to environmental justice or disadvantaged communities; or (iii) creating
1782 economic opportunities in transitioning fossil fuel communities.

1783 (d) In developing proposed long-term contracts, the distribution companies shall consider
1784 long-term contracts for energy services, for environmental attributes and for a combination of
1785 both energy services and environmental attributes. A distribution company may decline to pursue
1786 a contract if the contract's terms and conditions would require the contract obligation to place an
1787 unreasonable burden on the distribution company's balance sheet after consultation with the
1788 department of energy resources; provided, however, that the distribution company shall take all
1789 reasonable actions to structure the contracts, pricing or administration of the products purchased
1790 under this section to prevent or mitigate an impact on the balance sheet or income statement of
1791 the distribution company or its parent company, subject to the approval of the department of
1792 public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a
1793 distribution company deems all contracts to be unreasonable, the distribution company shall
1794 consult with the department of energy resources and, not later than 20 days of the date of its

1795 decision, submit a filing to the department of public utilities. The filing shall include, in the form
1796 and detail prescribed by the department of public utilities, documentation supporting the
1797 distribution company's decision to decline the contract. Following a distribution company's
1798 filing, and not later than 4 months of the date of filing, the department of public utilities shall
1799 approve or reject the distribution company's decision and may order the distribution company to
1800 reconsider any contract. The department of public utilities shall take into consideration the
1801 department of energy resources' recommendations on the distribution company's decision. The
1802 department of energy resources may require additional solicitations to fulfill the requirements of
1803 this section.

1804 (e) The department of public utilities shall promulgate regulations consistent with this
1805 section. The regulations shall: (i) allow developers or owners of energy storage systems to
1806 submit proposals for long-term contracts; (ii) require that contracts executed by the distribution
1807 companies under such proposals are filed with, and approved by, the department of public
1808 utilities before they become effective; (iii) provide for an annual remuneration for the contracting
1809 distribution company equal to 2.25 per cent of the annual payments under the contract to
1810 compensate the company for accepting the financial obligation of the long-term contract;
1811 provided, however, that such provision shall be acted upon by the department of public utilities
1812 at the time of contract approval; (iv) require associated transmission costs to be incorporated into
1813 a proposal; provided, however, that to the extent there are regional or project-specific
1814 transmission costs included in a bid, the department of public utilities may, if it finds such
1815 recovery to be in the public interest, authorize or require the contracting parties to seek recovery
1816 of such transmission costs from other states or from benefitted entities or populations in other
1817 states through federal transmission rates, consistent with policies and tariffs of the Federal

1818 Energy Regulatory Commission; and (v) require that the energy storage systems used by a
1819 developer or owner under the proposal meet the following criteria: (A) are cost effective to
1820 electric ratepayers in the commonwealth over the term of the contract taking into consideration
1821 costs and benefits to the ratepayers, including economic and environmental benefits and the
1822 equitable allocation of costs to, and the equitable sharing of costs with other states and
1823 populations within other states that may benefit from energy storage systems procured by the
1824 commonwealth; (B) if applicable, adequately demonstrate project viability in a commercially
1825 reasonable timeframe; (C) include benefits to environmental justice populations and low-income
1826 ratepayers in the commonwealth; and (D) include opportunities for diversity, equity and
1827 inclusion, including, at a minimum, a workforce diversity plan and supplier diversity program
1828 plan.

1829 (f) A proposed long-term contract shall be subject to the review and approval of the
1830 department of public utilities and shall be apportioned among the distribution companies. As part
1831 of its approval process, the department of public utilities shall consider recommendations by the
1832 attorney general, which shall be submitted to the department not later than 45 days following the
1833 filing of a proposed long-term contract with the department. The department of public utilities
1834 shall take into consideration the department of energy resources' recommendations on the costs
1835 and benefits to the rate payers the equitable allocation and sharing of costs to and with other
1836 states and populations within other states that may benefit from energy storage systems procured
1837 by the commonwealth and the requirements of chapter 298 of the acts of 2008 and statewide
1838 greenhouse gas emissions limits under chapter 21N of the General Laws. The department of
1839 public utilities shall consider the costs and benefits of the proposed long-term contract and shall
1840 approve a proposed long-term contract if the department finds that the proposed contract is in the

1841 public interest and is a cost-effective mechanism for procuring beneficial, reliable energy storage
1842 systems on a long-term basis, taking into account the factors outlined in this section. A
1843 distribution company shall be entitled to cost recovery of payments made under a long-term
1844 contract approved under this section.

1845 (g) The department of energy resources and the attorney general shall jointly select, and
1846 the department of energy resources shall contract with, an independent evaluator to monitor and
1847 report on the solicitation and bid selection process in order to assist the department of energy
1848 resources in determining whether a proposal received pursuant to subsection (b) is reasonable
1849 and to assist the department of public utilities in its consideration of long-term contracts or filed
1850 for approval. To ensure an open, fair and transparent solicitation and bid selection process is not
1851 unduly influenced by an affiliated company, the independent evaluator shall: (i) issue a report to
1852 the department of public utilities analyzing the timetable and method of solicitation and the
1853 solicitation process implemented by the distribution companies and the department of energy
1854 resources under subsection (b) and include recommendations, if any, for improving the process;
1855 and (ii) upon the opening of an investigation by the department of public utilities into a proposed
1856 long-term contract for a winning bid proposal, file a report with the department of public utilities
1857 summarizing and analyzing the solicitation and the bid selection process and providing its
1858 independent assessment of whether all bids were evaluated in a fair and non-discriminatory
1859 manner. The independent evaluator shall have access to all information and data related to the
1860 competitive solicitation and bid selection process necessary to fulfill the purposes of this
1861 subsection but shall ensure all proprietary information remains confidential. The department of
1862 public utilities shall consider the findings of the independent evaluator and may adopt
1863 recommendations made by the independent evaluator as a condition for approval. If the

1864 independent evaluator concludes in the findings that the solicitation and bid selection of a long-
1865 term contract was not fair and objective and that the process was substantially prejudiced as a
1866 result, the department of public utilities shall reject the contract.

1867 (h) The distribution companies shall each enter into a contract with the winning bidders
1868 for their apportioned share of the market products being purchased from the project. The
1869 apportioned share shall be calculated and based upon the total energy demand from all
1870 distribution customers in each service territory of the distribution companies.

1871 (i) An electric distribution company may elect to use any energy services purchased
1872 under such contracts for resale to its customers and may elect to retain environmental attributes
1873 to meet any applicable annual portfolio standard requirements, including section 11F of chapter
1874 25A of the General Laws, and other clean energy compliance standards as applicable. If the
1875 energy services and environmental attributes are not so used, such companies shall sell such
1876 purchased energy services into the wholesale market and shall sell such purchased environmental
1877 attributes attributed to any applicable portfolio standard eligible resources to minimize the costs
1878 to ratepayers under the contract. The department of energy resources shall conduct periodic
1879 reviews to determine the impact on the energy services and environmental attributes markets of
1880 the disposition of energy services and environmental attributes under this section and may issue
1881 reports recommending legislative changes if it determines that actions are being taken that will
1882 adversely affect the energy services and environmental attributes markets.

1883 (j) If a distribution company sells the purchased energy services into the wholesale spot
1884 market and auctions the environmental attributes as described in this section, the distribution
1885 company shall net the cost of payments made to projects under the long-term contracts against

1886 the net proceeds obtained from the sale of energy services and environmental attributes, and the
1887 difference shall be credited or charged to all distribution customers through a uniform, fully
1888 reconciling annual factor in distribution rates, subject to review and approval of the department
1889 of public utilities.

1890 (k) A long-term contract procured under this section for energy storage systems shall
1891 utilize an appropriate tracking system to ensure a unit specific accounting of the delivery of
1892 energy storage, to enable the department of environmental protection, in consultation with the
1893 department of energy resources, to accurately measure progress in achieving the
1894 commonwealth's goals under chapter 298 of the acts of 2008 or the statewide greenhouse gas
1895 emissions limits under chapter 21N of the General Laws.

1896 (l) The department of energy resources and the department of public utilities may jointly
1897 develop requirements for a bond or other security to ensure performance with requirements
1898 under this section.

1899 (m) The department of energy resources may promulgate regulations necessary to
1900 implement this section.

1901 (n) If this section is subjected to a legal challenge, the department of public utilities may
1902 suspend the applicability of the challenged provision during the pendency of the action until a
1903 final resolution, including any appeals, is obtained and shall issue an order and take other actions
1904 as are necessary to ensure that the provisions not subject to the challenge are implemented
1905 expeditiously to achieve the public purposes of this section.

1906 SECTION 67. Subsection (a) of section 81 of chapter 179 of the acts of 2022 is hereby
1907 amended by striking out the figure "11" and inserting in place thereof the following figure:- 13.

1908 SECTION 68. Said subsection (a) of said section 81 of said chapter 179 is hereby further
1909 amended by inserting after the words "commissioner of public utilities or designee" the
1910 following words:- ; the executive director of the Massachusetts clean energy technology center
1911 or designee; the attorney general or designee.

1912 SECTION 69. Section 82 of said chapter 179 is hereby amended by striking out the
1913 words "December 31, 2022" and inserting in place thereof the following words:- December 31,
1914 2025.

1915 SECTION 70. Subsection (b) of section 85 of said chapter 179 is hereby amended by
1916 striking out the last sentence and inserting in place thereof the following sentence:- If the
1917 secretary finds that use of such a market-based mechanism, structure, system or competitive
1918 solicitation would be beneficial to the commonwealth, the secretary shall direct the department
1919 of energy resources to promulgate regulations pursuant to subsection (c).

1920 SECTION 71. Said section 85 of said chapter 179 is hereby further amended by striking
1921 out subsection (c) and inserting in place thereof the following subsection:-

1922 (c) Pursuant to subsections (a) and (b), the department of energy resources shall adopt
1923 regulations establishing or governing such market-based mechanisms, structures, systems or
1924 competitive solicitations that may include long-term contracts, ISO New England Inc.
1925 administered markets or any other exchanges, banking, credits, charges, exactions or electricity
1926 transactions consistent with rules and protocols established by state regulation, including in
1927 cooperation with other states in the ISO New England Inc. service area, to reduce greenhouse
1928 gas emissions from sources or categories of sources and comply with the statewide greenhouse
1929 gas emission limits and sublimits established pursuant to chapter 21N of the General Laws.

1930 SECTION 72. (a) The department of energy resources and the Massachusetts Department
1931 of Transportation, in consultation with each electric distribution company, shall forecast electric
1932 vehicle charging demand through the year 2045 and identify sites to create a statewide network
1933 of fast-charging hubs along the highways and major roadways of the commonwealth at service
1934 plazas and other locations and charging capacity for fleet depots. In conducting its forecast, the
1935 departments shall consult with key stakeholders, including, but not limited to, electric vehicle
1936 supply equipment companies, electric vehicle original equipment manufacturers and fleet
1937 operators. The forecast shall consider current traffic patterns and expected adoption of electric
1938 vehicles and the associated demand from light, medium and heavy-duty electric vehicles. The
1939 departments shall complete their forecast not later than 6 months following the effective date of
1940 this act.

1941 (b) Not later than 6 months of the completion of the demand forecast, the department of
1942 energy resources, the Massachusetts Department of Transportation and the electric distribution
1943 companies shall identify optimal sites along or near commonwealth highways and major
1944 roadways in each electric distribution company service territory, which are suitable to host
1945 electric vehicle fast charging hubs and fleet depots to meet the anticipated demand in 2045.
1946 Identification of such priority sites for electric vehicle fast charging stations and fleet depots
1947 shall include, but not be limited to, consideration of the following: (i) ease of access for both
1948 consumer and commercial electric vehicles; (ii) cost-effective and efficient use of existing
1949 electric company infrastructure and rights-of-way; (iii) land use feasibility; (iv) potential ability
1950 to qualify for public funds, including, but not limited to, those funds made available under the
1951 federal Infrastructure Investment and Jobs Act, Public Law 117-58; and (v) impact on
1952 environmental justice communities.

1953 (c) Not later than 6 months of identification of such electric vehicle fast charging hubs
1954 and fleet depots, each electric distribution company shall develop and submit to the department
1955 of public utilities a plan to design and build the additional distribution infrastructure investments
1956 necessary on its system to satisfy, at a minimum, the year 2045 projected charging demand at the
1957 applicable sites. The associated infrastructure investments shall be designed to accommodate any
1958 additional projected future needs for the area identified by the electric distribution company.

1959 (d) The department of public utilities shall approve plans submitted pursuant to
1960 subsection (c) that the department finds reasonable not later than 6 months of each electric
1961 distribution company submitting its plan. Each electric distribution company shall be entitled to
1962 full cost recovery of all charges for the infrastructure investments resulting from the plan.

1963 SECTION 73. The department of public utilities shall, in consultation with the
1964 distribution companies, conduct a process to investigate establishing and refining standards that
1965 expand the use of distributed grid edge software on AMI meters already approved by the
1966 department, which supports efficiency, load flexibility and distribution system intelligence to
1967 improve system utilization, reduce costs and improve reliability to customers. Standards shall
1968 include, but shall not be limited to, methods for increasing capacity for managing loads and
1969 resources in the grid by electric utilities and third parties. The distribution companies shall
1970 design at least 1 metric for improved monitoring and controlling the grid using high-resolution
1971 data in utility meters that will allow such distribution companies to earn an incentive for positive
1972 performance. The department of public utilities shall complete its investigation and submit a
1973 report detailing its conclusions to the joint committee on telecommunications, utilities and
1974 energy not later than April 1, 2025.

1975 SECTION 74. (a) Notwithstanding any general or special law to the contrary, the
1976 department of energy resources shall conduct a review to determine the effectiveness of the
1977 commonwealth's existing solicitations and procurements required by section 83C of chapter 169
1978 of the acts of 2008, as inserted by chapter 188 of the acts of 2016, for the purposes of ensuring
1979 compliance with statewide greenhouse gas emissions limits and sublimits under chapter 21N of
1980 the General Laws.

1981 (b) The department's recommendations shall include a review of: (i) prior clean energy
1982 solicitations; (ii) best practices and models utilized by other states to procure clean energy; (iii)
1983 authorizing surplus interconnection service as an available transmission option in future
1984 solicitations and procurements required by section 83C of chapter 169 of the acts of 2008; and
1985 (iv) strategies to minimize total carbon emissions generated by vessels during both the
1986 construction phase and the operation and maintenance phase of a project and any legislative
1987 recommendations needed to amend or replace existing statutory authority. The department shall
1988 consult with the clean energy industry, the office of the attorney general, the Massachusetts clean
1989 energy technology center, environmental justice organizations and other impacted stakeholders
1990 as part of this review process. Such review and recommendations shall be submitted to the joint
1991 committee on telecommunications, utilities and energy not later than December 1, 2024.

1992 SECTION 75. (a) The department of public utilities, in coordination with the department
1993 of energy resources, shall conduct an independent investigation that examines the use of
1994 advanced conductors and grid-enhancing technologies to enhance the performance of the
1995 commonwealth's transmission system in applications that are subject to federal jurisdiction. Such
1996 advanced conductors and grid-enhancing technologies may include, but shall not be limited to,

1997 reconductoring of transmission and distribution lines and the use of dynamic line ratings,

1998 advanced power flow control and topology optimization software.

1999 (b) In conducting its investigation, the department shall: (i) review industry trends for the

2000 implementation and use of advanced conductors and grid-enhancing technologies and determine

2001 which technologies are cost-effective and in the public interest and under what conditions those

2002 technologies could be utilized for transmission and distribution infrastructure within the state;

2003 and (ii) for any technologies determined to be cost effective and in the public interest, identify

2004 any jurisdictional and cost-sharing issues related to requiring a transmission and distribution

2005 utility to implement the grid-enhancing technologies. The investigation shall consider the costs

2006 of advanced conductors and grid-enhancing technology and shall consider their benefits

2007 including, but not limited to: (A) access to lower cost and zero carbon electricity; (B) accelerated

2008 distributed energy resource interconnection; (C) reduced generator curtailment or congestion;

2009 (D) reduced environmental impacts; (E) maximizing the value of planned investments; (F)

2010 improved resilience; and (G) improved outage coordination and mitigation.

2011 (c) The department of public utilities shall submit is report to the joint committee on

2012 telecommunications, utilities and energy not later than September 1, 2025.

2013 SECTION 76. (a) Notwithstanding any general or special law to the contrary, an energy

2014 storage system, as defined in section 1 of chapter 164 of the General Laws, that is not less than

2015 100 megawatt hours and has received a comprehensive exemption from local zoning by-laws

2016 from the department of public utilities pursuant to section 3 of chapter 40A of the General Laws,

2017 may petition the energy facilities siting board to obtain a certificate of environmental impact and

2018 public interest if the petition is filed prior to the date when regulations are promulgated pursuant
2019 to section 89.

2020 (b) The energy facilities siting board shall consider a petition pursuant to subsection (a) if
2021 the applicant is prevented from building the energy storage system because: (i) the applicant is
2022 unable to meet standards imposed by a state or local agency with reasonable and commercially
2023 available equipment; (ii) the processing or granting by a state or local agency of any approval,
2024 consent, permit or certificate has been unduly delayed for any reason; (iii) the applicant believes
2025 there are inconsistencies among resource use permits issued by such state or local agencies; (iv)
2026 the applicant believes that a nonregulatory issue or condition has been raised or imposed by such
2027 state or local agencies, including, but not limited to, aesthetics and recreation; (v) the generating
2028 facility cannot be constructed due to any disapprovals, conditions or denials by a state or local
2029 agency or body, except with respect to any lands or interests therein, excluding public ways,
2030 owned or managed by any state agency or local government; or (vi) the facility cannot be
2031 constructed because of delays caused by the appeal of any approval, consent, permit or
2032 certificate.

2033 (c) The energy facilities siting board shall, upon petition, consider an application for a
2034 certificate of environmental impact and public interest if it finds that any state or local agency
2035 has imposed a burdensome condition or limitation on any license or permit. An energy storage
2036 system, with respect to which a certificate is issued by the energy facilities siting board, shall
2037 thereafter be constructed, maintained and operated in conformity with such certificate and any
2038 terms and conditions contained therein.

2039 (d) Notwithstanding any general or special law to the contrary, such certificate may be so
2040 issued; provided, however, that when so issued no state agency or local government shall require
2041 any approval, consent, permit, certificate or condition for the construction, operation or
2042 maintenance of the energy storage system with respect to which the certificate is issued and no
2043 state agency or local government shall impose or enforce any law, ordinance, by-law, rule or
2044 regulation nor take any action nor fail to take any action that would delay or prevent the
2045 construction, operation or maintenance of such energy storage system except as required by
2046 federal law; and provided further, that the energy facilities siting board shall not issue a
2047 certificate, the effect of which would be to grant or modify a permit, approval or authorization,
2048 which, if so granted or modified by the appropriate state or local agency, would be invalid
2049 because of a conflict with applicable federal water or air standards or requirements. A certificate,
2050 if issued, shall be in the form of a composite of all individual permits, approvals or
2051 authorizations that would otherwise be necessary for the construction and operation of the energy
2052 storage system and that portion of the certificate that relates to subject matters within the
2053 jurisdiction of a state or local agency shall be enforced by said agency under the other applicable
2054 laws of the commonwealth as if it had been directly granted by the said agency.

2055 (e) Energy storage systems that have not petitioned the department of public utilities for a
2056 comprehensive exemption from local zoning by-laws pursuant to section 3 of chapter 40A of the
2057 General Laws prior to March 1, 2026 shall not be eligible to petition the energy facilities siting
2058 board to obtain a certificate of environmental impact and public interest under this section.

2059 (f) Notwithstanding any general or special law to the contrary, large clean energy storage
2060 facilities that have: (i) submitted a petition under section 72 of chapter 164 of the General Laws;
2061 (ii) submitted a petition under section 3 of chapter 40A of the General Laws; or (iii) requested

2062 local permits or a grant of location prior to the date when regulations are promulgated pursuant
2063 to section 89 shall not be required to submit an application or petition to the energy facility siting
2064 board pursuant to section 69T of chapter 164 of the General Laws.

2065 SECTION 77. (a) For purposes of this section, the following words shall, unless the
2066 context clearly requires otherwise, have the following meanings:

2067 "Approval", except as otherwise provided in subsection (b), any permit, certificate, order,
2068 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,
2069 building permit or other approval or determination of rights from any municipal, regional or state
2070 governmental entity, including any agency, department, commission or other instrumentality of
2071 the municipal, regional or state governmental entity, concerning the use or development of real
2072 property, including certificates, licenses, certifications, determinations, exemptions, variances,
2073 waivers, building permits or other approvals or determination of rights issued or made under
2074 chapter 21 of the General Laws or chapter 21A of the General Laws; provided, however
2075 "approval" shall not mean any permit, certificate, order, excluding enforcement orders, license,
2076 certification, determination, exemption, variance, waiver, building permit or other approval or
2077 determination of rights issued or made under section 16 of chapter 21D of the General Laws,
2078 sections 61 to 62H, inclusive, of chapter 30 of the General Laws, chapters 30A, 40 and 40A to
2079 40C, inclusive, of the General Laws, chapters 40R, 41 and 43D of the General Laws, section 21
2080 of chapter 81 of the General Laws, chapters 91, 131, 131A and 143 of the General Laws,
2081 sections 4 and 5 of chapter 249 of the General Laws or chapter 258 of the General Laws or
2082 chapter 665 of the acts of 1956 or any local by-law or ordinance.

2083 “Clean energy infrastructure project”, a project involving the construction,
2084 reconstruction, conversion, relocation or enlargement of any renewable energy generating
2085 source, as defined in subsection (c) of section 11F of chapter 25A of the General Laws, any
2086 energy storage system, as defined in section 1 of chapter 164 of the General Laws, any
2087 transmission facility or distribution facility, as defined in said section 1 of said chapter 164, or
2088 related infrastructure, including substations and any other project that may be so designated as a
2089 clean energy infrastructure project by the department of energy resources.

2090 (b)(1) Notwithstanding any general or special law to the contrary, any approval granted
2091 for a clean energy generation or storage project that was in effect from October 22, 2020 to
2092 August 1, 2024, inclusive, shall be extended to August 1, 2029.

2093 (2) A clean energy infrastructure project shall be governed by the applicable provisions
2094 of any state, regional or local statute, regulation, ordinance or by-law, if any, in effect at the time
2095 of the initial approval granted for such project, unless the owner or petitioner of such project
2096 elects to waive this section.

2097 (3) Nothing in this section shall extend or purport to extend: (i) a permit or approval
2098 issued by the government of the United States or an agency or instrumentality of the government
2099 of the United States or to a permit or approval of which the duration of effect or the date or terms
2100 of its expiration are specified or determined by or under law or regulation of the federal
2101 government or any of its agencies or instrumentalities; or (ii) a permit, license, privilege or
2102 approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws
2103 for hunting, fishing or aquaculture.

2104 (4) If an owner or petitioner sells or otherwise transfers a property or project to receive
2105 approval for an extension, the new owner or petitioner shall agree to assume all commitments
2106 made by the original owner or petitioner under the terms of the approval, otherwise the approval
2107 shall not be extended under this section.

2108 SECTION 78. The department of public utilities shall commission a management study
2109 to assess: (i) the likely workload of the energy facilities siting board based on the new
2110 requirements of this act and the commonwealth's clean energy and climate plans; (ii) the
2111 workforce qualifications needed to implement this act; (iii) the cost associated with the hiring
2112 and retention of qualified professionals and consultants to successfully complete that work
2113 required pursuant to this act; and (iv) the design, population and maintenance of a real-time,
2114 online clean energy infrastructure dashboard, as required to be maintained by the facility siting
2115 division pursuant to section 12N of chapter 25 of the General Laws. The funding and staffing
2116 resource requirements identified in the management study shall be reported to the joint
2117 committee on ways and means, the joint committee on telecommunications, utilities and energy,
2118 the secretary of energy and environmental affairs and the secretary of administration and finance
2119 not later than December 1, 2024. The secretary of energy and environmental affairs and the
2120 secretary of administration and finance shall not later than 60 days of their receipt of the study
2121 provide recommendations to the chairs of the house and senate committees on ways and means
2122 and the joint committee on telecommunications, utilities and energy on options to implement any
2123 proposed recommendations of the study.

2124 SECTION 79. The department of environmental protection, in consultation with the
2125 board of fire prevention and regulations and the department of energy resources, shall issue

2126 guidance on the public health, safety and environmental impacts of electric battery storage and
2127 electric vehicle chargers not more than 6 months after the effective date of this act.

2128 SECTION 80. The Massachusetts clean energy technology center shall issue technical
2129 guidance pursuant to section 9A of chapter 23J of the General Laws, as amended by section 2, on
2130 how a municipality, or group of municipalities with an approved municipal load aggregation plan
2131 authorized pursuant to section 134 of chapter 164 of the General Laws, or with approved
2132 aggregations authorized pursuant to section 137 of said chapter 164, may enter into a long-term
2133 contract to purchase electricity from an offshore wind developer. The guidance shall be publicly
2134 posted on the center's website not later than December 31, 2024.

2135 SECTION 81. The department of public utilities shall promulgate regulations to
2136 implement section 26, including the establishment of a moderate-income discount eligibility rate
2137 not later than 180 days after the effective date of this act.

2138 SECTION 82. Subsection (a) of section 116C of chapter 164 of the General Laws,
2139 inserted by section 55, shall be implemented not later than 1 year after the effective date of this
2140 act.

2141 SECTION 83. All distribution companies operating within the commonwealth shall
2142 submit a plan for the implementation of advanced metering data access protocols pursuant to
2143 section 116C of chapter 164 of the General Laws, as inserted by section 55, to the department of
2144 public utilities for approval not later than 180 days after the effective date of this act.

2145 SECTION 84. The rules required by subsection (b) of section 92E of chapter 164 of the
2146 General Laws, inserted by section 54, shall be promulgated by the department of public utilities
2147 not later than 270 days after the effective date of this act.

2148 SECTION 85. The office of the ombudsperson required by section 92F of chapter 164 of
2149 the General Laws, inserted by section 54, shall be established by the department of public
2150 utilities not later than 180 days after the effective date of this act.

2151 SECTION 86. The office of environmental justice and equity established pursuant to
2152 section 29 of chapter 21A of the General Laws, established in section 1, shall establish standards
2153 and guidelines for community benefit plans and agreements as required by said section 29 of said
2154 chapter 21A not later than March 1, 2026 and shall establish the cumulative impacts analysis
2155 guidance pursuant to said section 29 of said chapter 21A before the energy facilities siting board
2156 regulations pursuant to section 89 are promulgated.

2157 SECTION 87. The executive office of energy and environmental affairs shall coordinate
2158 and convene a stakeholder process with the agencies and offices under its jurisdiction and any
2159 other relevant local, regional and state agencies with a permitting role in energy related
2160 infrastructure to establish the methodology for determining the suitability of sites and associated
2161 guidance pursuant to section 30 of chapter 21A of the General Laws, inserted by section 1, not
2162 later than March 1, 2026.

2163 SECTION 88. The department of energy resources shall promulgate regulations to
2164 implement section 21 of chapter 25A of the General Laws, inserted by section 14, not later than
2165 March 1, 2026.

2166 SECTION 89. The energy facilities siting board shall promulgate regulations to
2167 implement the changes to sections 69G to 69J1/4, inclusive, sections 69O and 69P, sections 69R
2168 and 69S of chapter 164 of the General Laws and sections 69T to 69W, inclusive, of said chapter
2169 164, as inserted by section 51, not later than March 1, 2026. In promulgating said regulations, the

2170 board shall consult with the department of public utilities, the department of energy resources,
2171 the department of environmental protection, the department of fish and game, the department of
2172 conservation and recreation, the department of agricultural resources, the Massachusetts
2173 environmental policy act office, the Massachusetts Department of Transportation, the executive
2174 office of public safety and security and all other agencies, authorities and departments whose
2175 approval, order, order of conditions, permit, license, certificate or permission in any form is
2176 required prior to or for construction of a facility, small clean energy infrastructure facility or
2177 large clean energy infrastructure facility.

2178 SECTION 90. The department of public utilities and the energy facilities siting board, in
2179 consultation with the office of environmental justice and equity established by section 29 of
2180 chapter 21A of the General Laws, inserted by section 1, and the office of the attorney general,
2181 shall promulgate regulations to implement section 149 of chapter 164 of the General Laws,
2182 inserted by section 57, not later than March 1, 2026.

2183 SECTION 91. Not later than June 1, 2029, the director of the division of public
2184 participation, as established by section 12T of chapter 25 of the General Laws, as inserted by
2185 section 5, shall complete a review of the intervenor support grant program established pursuant
2186 to section 149 of chapter 164 of the General Laws, as inserted by section 57, and provide an
2187 opportunity for public comment to determine whether the program and corresponding
2188 regulations should be amended.

2189 SECTION 92. Section 59 of this act is hereby repealed.

2190 SECTION 93. Section 92 shall take effect on March 1, 2027.

2191 SECTION 94. Sections 19, 27 to 31, inclusive, 33 to 53, inclusive, and 58 shall take

2192 effect on March 1, 2026."; and

2193 by striking out the title and inserting in place thereof the following title: "An Act

2194 accelerating a responsible, innovative and equitable clean energy transition.".