

HOUSE No. 4884

Text of amendments, recommended by the committee on Ways and Means, see House document numbered 4876, to the Senate Bill upgrading the grid and protecting ratepayers (Senate, No. 2838), as amended and adopted by the House. July 17, 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 1A. Section 3 of chapter 23J of the General Laws, as appearing in the 2022
27 Official Edition, is hereby amended by inserting after the words “clean energy industry”, in line
28 141, the following words:- , including, but not limited to, collaboration with state and federally
29 licensed labor apprenticeship and pre-apprenticeship programs providing training in the
30 commonwealth;

31 SECTION 2. Section 9A of said chapter 23J, as so appearing, is hereby amended by
32 inserting after the word “support”, in line 78, the following words:- and to issue and maintain
33 technical guidance on the center’s website.

34 SECTION 3. Chapter 25 of the General Laws is hereby amended by striking out section
35 12N, as so appearing, and inserting in place thereof the following section:-

36 Section 12N. There is hereby established within the department, and under the general
37 supervision and control of the commission, a facility siting division, which shall be under the
38 charge of a director appointed by the commission. The facility siting division, hereinafter
39 referred to as the division, shall perform such functions as the commission deems necessary for
40 the administration, implementation and enforcement of sections 69G to 69W, inclusive, of
41 chapter 164 imposed upon the department and the energy facilities siting board by said sections.

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

58 outcomes of clean energy deployment. The division shall convene a stakeholder process for the
59 purpose of developing and informing the design and content of the dashboard.

60 SECTION 4. The first paragraph of section 12Q of said chapter 25, as so appearing, is
61 hereby amended by striking out the second sentence and inserting in place thereof the following
62 sentence:- The department shall credit to the fund: (i) appropriations or other money authorized
63 or transferred by the general court and specifically designated to be credited to the fund; (ii) a
64 portion of assessments collected pursuant to section 18, as determined by the department; (iii) a
65 portion of application fees, as determined by the department, collected pursuant to section 69J1/2
66 of chapter 164; and (iv) income derived from the investment of amounts credited to the fund.

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

69 Section 12S. There shall be a Department of Public Utilities and Energy Facilities Siting
70 Board Intervenor Support Fund. The department shall credit to the fund: (i) appropriations or
71 other money authorized or transferred by the general court and specifically designated to be
72 credited to the fund; (ii) a portion of assessments collected pursuant to section 18, as determined
73 by the department; (iii) a portion of application fees, as determined by the department, collected
74 pursuant to sections 69J1/2, 69T, 69U, 69V and 69W of chapter 164; (iv) any non-ratepayer
75 funded sources obtained through gifts, grants, contributions and bequests of funds from any
76 department, agency or subdivision of federal, state or municipal government or any individual,
77 foundation, corporation, association or public authority; and (v) income derived from the
78 investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust
79 and shall be expended solely, without further appropriation, for the purposes set forth in section

80 149 of chapter 164, consistent with the requirements set forth in said section 149 of said chapter
81 164 and any regulations promulgated thereunder. Any unexpended balance in the fund at the
82 close of a fiscal year shall remain in the fund and shall not revert and shall be available for
83 expenditure in subsequent fiscal years.

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

103 energy facilities siting board. The director shall be responsible for making final determinations
104 with respect to intervenor funding support requests made pursuant to section 149 of chapter 164
105 and administering all aspects of the intervenor support grant program established pursuant to said
106 section 149 of said chapter 164.

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

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

126 facilities siting board trust fund established by section 12Q and the Department of Public
127 Utilities and Energy Facilities Siting Board Intervenor Support Fund established by section 12S.
128 Any funds unexpended in any fiscal year for the purposes for which such assessments were made
129 shall be credited against the assessment to be made in the following fiscal year and the
130 assessment in the following fiscal year shall be reduced by any such unexpended amount.

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

149 following fiscal year and the assessment in the following fiscal year shall be reduced by any such
150 unexpended amount.

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

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

172 planning, respectively. The directors shall be the executive and administrative heads of their
173 respective divisions and shall be responsible for administering and enforcing the law relative to
174 their division and to each administrative unit thereof under the supervision, direction and control
175 of the commissioner. The directors shall serve at the pleasure of the commissioner, shall receive
176 such salary as may be determined by law and shall devote full time during regular business hours
177 to the duties of the office. In the case of an absence or vacancy in the office of any director, or in
178 the case of disability as determined by the commissioner, the commissioner may designate an
179 acting director to serve as director until the vacancy is filled or the absence or disability ceases.
180 The acting director shall have all the powers and duties of the director and shall have similar
181 qualifications as the director.

182 SECTION 8. Section 3 of said chapter 25A, as so appearing, is hereby amended by
183 striking out the definition of “Qualified RPS resource” and inserting in place thereof the
184 following definition:-

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

195 SECTION 9. Section 6 of said chapter 25A, as so appearing, is hereby amended by
196 striking out, in line 56, the word “and”.

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

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

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

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

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

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

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

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

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

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

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

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

240 “Local government”, a municipality or regional agency, inclusive of the Cape Cod
241 Commission, established by chapter 716 of the acts of 1989, and the Martha’s Vineyard
242 Commission, established by chapter 831 of the acts of 1977, that has permitting authority over
243 small clean energy infrastructure facilities.

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

253 “Small clean energy infrastructure facility”, a small clean energy generation facility,
254 small clean energy storage facility or small clean transmission and distribution infrastructure
255 facility.

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

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

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

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

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

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

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

325 cure any deficiencies before the application is rejected. In the event of a rejection of the
326 application, the local government shall provide a detailed reasoning for the rejection.

327 (d)(1) Local governments shall issue a single, final decision on a consolidated small clean
328 energy infrastructure facility permit application submitted pursuant to subsection (c), including
329 all decisions necessary for a project to proceed with construction within 12 months of the receipt
330 of a complete permit application; provided, however, that the permit shall not include any state
331 permits that may be required to proceed with construction and operation of said facility. All local
332 government authorities, boards, commissions, offices or other entities that may be required to
333 issue a decision on 1 or more permits in response to the application for the small clean energy
334 infrastructure facility may conduct reviews separately and concurrently. Such permits shall
335 adhere to any requirements established by the department pursuant to subsection (b).

336 (2) If a final decision is not issued within 12 months of the receipt of a complete permit
337 application, a constructive approval permit shall be issued by the local government that includes
338 the common conditions and requirements established by the department for the type of small
339 clean energy infrastructure facility under review.

340 (e) Individual decisions of local government authorities, boards, commissions, offices or
341 other entities that would otherwise be required to issue 1 or more permits to the small clean
342 energy infrastructure facility may not be appealed or reviewed independently. The only decision
343 of a local government that is subject to further review is the single, final decision issued by the
344 local government that is inclusive of all individual decisions necessary for a project to proceed
345 with construction, which shall be reviewable via a de novo adjudication of the permit application

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

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

355 (g) If a local government lacks the resources, capacity or staffing to review a small clean
356 energy infrastructure facility permit application within 12 months, it may, not later than 60 days
357 after receipt of such application or at any time thereafter with the consent of the applicant,
358 request in writing a de novo adjudication of such application by the director pursuant to section
359 69W of chapter 164.

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

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

373 (j) A request for proposal or solicitation under this section shall include the following
374 certification and disclosure requirements:-

375 (i) documentation reflecting the applicant's demonstrated commitment to workforce or
376 economic development within the commonwealth;

377 (ii) a statement of intent concerning efforts that the applicant and its contractors and
378 subcontractors will make to promote workforce or economic development through the project;

379 (iii) documentation reflecting the applicant's demonstrated commitment to expand
380 workforce diversity, equity and inclusion in its past projects within the commonwealth;

381 (iv) documentation as to whether the applicant and its contractors and subcontractors
382 participate in a state or federally certified apprenticeship program and the number of apprentices
383 the apprenticeship program has trained to completion for each of the last 5 years;

384 (v) a statement of intent concerning how or if the applicant and its contractors and
385 subcontractors intend to utilize apprentices on the project, including whether each of its
386 contractors and subcontractors on the project participates in a state or federally certified
387 apprenticeship program;

388 (vi) documentation relative to the applicant and its contractors and subcontractors
389 regarding their history of compliance with chapters 149, 151, 151A, 151B and 152, 29 U.S.C.
390 section 201, et seq. and applicable federal anti-discrimination laws;

391 (vii) documentation that the applicant and its contractors and subcontractors are currently,
392 and will remain, in compliance with chapters 149, 151, 151A, 151B, and 152, 29 U.S.C. section
393 201, et seq. and applicable federal anti-discrimination laws for the duration of the project;

394 (viii) detailed plans for assuring labor harmony during all phases of the construction,
395 reconstruction, renovation, development, and operation of the project, including documentation
396 of the applicant's history with picketing, work stoppages, boycotts or other economic actions
397 against the applicant and a description or plan of how the applicant intends to prevent or address
398 such actions;

399 (ix) documentation relative to whether the applicant and its contractors have been found
400 in violation of State or Federal safety regulations in the previous 10 years.

401 (k) The department may require a wage bond or other comparable form of insurance in an
402 amount to be set by the department to ensure compliance with law, certifications or department
403 obligations.

404 (l) A proposal or solicitation issued by the department shall notify applicants that
405 applicants shall be disqualified from the project if the applicant has been debarred by the federal
406 government or commonwealth for the entire term of the debarment.

407 (m) An applicant shall, in a timely manner, provide documentation and certifications as
408 required by law or otherwise directed by the department. Incomplete or inaccurate information

409 may be grounds for disqualification, dismissal or other action deemed appropriate by the
410 department.

411 (n) The department shall give added weight to applicants that demonstrate compliance
412 with the provisions of sections 26 to 27F, inclusive, of chapter 149, and have a history of
413 participation with state or federally certified apprenticeship programs.

414 SECTION 15. Section 2 of chapter 25B of the General Laws, as appearing in the 2022
415 Official Edition, is hereby amended by inserting after the definition of “Faucet” the following
416 definition:-

417 “Flexible demand”, the capability to schedule, shift or curtail the electrical demand of a
418 load-serving entity’s customer through direct action by the customer or through action by a third
419 party, the load-serving entity or a grid balancing authority, with the customer’s consent.

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

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

428 SECTION 17. The second paragraph of section 62A of chapter 30 of the General Laws,
429 as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof

430 the following sentence:- This section and sections 62B to 62L, inclusive, shall not apply to the
431 energy facilities siting board established under section 69H of chapter 164 or to any proponent or
432 owner of a large clean energy infrastructure facility, as defined in section 69G of chapter 164, or
433 small clean energy infrastructure facility, as defined in section 21 of chapter 25A, in relation to
434 an application for a consolidated permit or petition for a de novo adjudication filed under
435 sections 69T to 69W, inclusive, of chapter 164.

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

438 “Public service corporation”, (i) a corporation or other entity duly qualified to conduct
439 business in the commonwealth that owns or operates or proposes to own or operate assets or
440 facilities to provide electricity, gas, telecommunications, cable, water or other similar services of
441 public need or convenience to the public directly or indirectly, including, but not limited to, an
442 entity that owns or operates or proposes to own or operate electricity generation, storage,
443 transmission or distribution facilities, or natural gas facilities including pipelines, manufacturing,
444 and storage facilities; (ii) any transportation company that owns or operates or proposes to own
445 or operate railways and related common carrier facilities; (iii) any communications company,
446 including a wireless communications company or cable company that owns or operates or
447 proposes to own or operate communications or cable facilities; and (iv) any water company that
448 owns or operates or proposes to own or operate facilities necessary for its operations.

449 SECTION 19. Section 3 of said chapter 40A, as so appearing, is hereby amended by
450 striking out, in line 65, and lines 74 and 82, the words “department of public utilities”, each time

451 they appear, and inserting in place thereof, in each instance, the following words:- energy
452 facilities siting board.

453 SECTION 19A. Chapter 30B of the General Laws is hereby amended by striking out
454 section 23, as so appearing, and inserting in place thereof the following section:-

455 Section 23. Notwithstanding section 39M of chapter 30 or any other general or special
456 law to the contrary, a governmental body may, pursuant to this chapter, procure electric school
457 buses and the installation of electric vehicle supply equipment, as defined in section 2 of chapter
458 25B, for said school buses. Electric school buses and the installation of related electric vehicle
459 supply equipment may be procured separately or in 1 procurement. For the purposes of this
460 section, electric school buses shall be considered supplies and electric vehicle supply equipment
461 and its installation shall be considered services; provided, however, that if electric school buses
462 and electric vehicle supply equipment and its installation are procured in a single procurement
463 both shall be considered supplies.

464 A contract under this section shall only be awarded to a bidder who shall: (i) possess the
465 skill, ability and integrity necessary for the faithful performance of the work; (ii) certify that it is
466 able to furnish labor that can work in harmony with all other elements of labor employed or to be
467 employed in the work; (iii) certify that all employees to be employed at the worksite will have
468 successfully completed a course in construction safety and health approved by the United States
469 Occupational Safety and Health Administration that is not less than 10 hours in duration at the
470 time the employee begins work and furnish documentation of successful completion of said
471 course with the first certified payroll report for each employee; and (iv) obtain within 10 days of
472 the notification of contract award the security by bond required under section 29 of chapter 149;

473 provided, however, that for the purposes of this section, “security by bond” shall mean the bond
474 of a surety company qualified to do business under the laws of the commonwealth and
475 satisfactory to the awarding authority; and provided further, that if there is more than 1 surety
476 company, the surety companies shall be jointly and severally liable.

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

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

485 SECTION 22. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby
486 amended by inserting before the definition of “Aggregator” the following definition:-

487 “Advanced metering infrastructure,” a meter and network communications technology
488 that measures, records and transmits electricity usage by the end user at a minimum of hourly
489 intervals and is capable of providing data to the end user and authorized third parties in real time
490 or near real time.

491 SECTION 23. Said section 1 of said chapter 164, as so appearing, is hereby further
492 amended by inserting after the definition of “FERC” the following definition:-

493 “Fusion energy”, energy generated when nuclei from light atoms, such as hydrogen,
494 combine to form a single heavier atom, such as helium.

495 SECTION 24. Said section 1 of said chapter 164, as so appearing, is hereby further
496 amended by striking out the definition of “Gas company” and inserting in place thereof the
497 following definition:-

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

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

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

507 (4)(i) The department shall require that distribution companies provide discounted rates
508 for: (A) low-income customers comparable to the low-income discount rate in effect prior to
509 March 1, 1998; and (B) eligible moderate-income customers. Said discounts shall be in addition
510 to any reduction in rates that becomes effective pursuant to subsection (b) of section 1B on
511 March 1, 1998, and to any subsequent rate reductions provided by a distribution company after
512 said date pursuant to said subsection (b). The cost of such discounts shall be included in the rates
513 charged to all other customers of a distribution company upon approval by the department. Each
514 distribution company shall guarantee payment to the generation supplier for all power sold to

515 low-income and eligible moderate-income customers at said discounted rates. Eligibility for the
516 discount rates established herein shall be established upon verification of a low-income
517 customer's receipt of any means tested public benefit or verification of eligibility for the low-
518 income home energy assistance program, or its successor program, for which eligibility does not
519 exceed 200 per cent of the federal poverty level based on a household's gross income, and by
520 criteria determined by the department for verification of an eligible moderate-income customer.
521 Said public benefits may include, but shall not be limited to, assistance that provides cash,
522 housing, food or medical care, including, but not limited to, transitional assistance for needy
523 families, supplemental security income, emergency assistance to elders, disabled and children,
524 food stamps, public housing, federally-subsidized or state-subsidized housing, the low-income
525 home energy assistance program, veterans' benefits and similar benefits. The department of
526 energy resources shall make available to distribution companies the eligibility guidelines for said
527 public benefit programs. Each distribution company shall conduct substantial outreach efforts to
528 make said low-income or moderate-income discount available to eligible customers and shall
529 annually report to the department of energy resources on its outreach activities and results.
530 Outreach may include establishing an automated program of matching customer accounts with:
531 (i) lists of recipients of said means tested public benefit programs and based on the results of said
532 matching program, to presumptively offer a low-income discount rate to eligible customers so
533 identified; and (ii) criteria established by the department for verification of a moderate-income
534 customer to presumptively offer a moderate-income discount rate to eligible customers so
535 identified; provided, however, that the distribution company, within 60 days of said presumptive
536 enrollment, shall inform any such low-income customer or eligible moderate-income customer of

537 said presumptive enrollment and all rights and obligations of a customer under said program,
538 including the right to withdraw from said program without penalty.

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

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

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

554 (iii) There shall be no charge to any residential customer for initiating or terminating low-
555 income or moderate-income discount rates, default service or standard offer service when said
556 initiation or termination request is made after a regular meter reading has occurred and the
557 customer is in receipt of the results of said reading. A distribution company may impose a
558 reasonable charge, as set by the department through regulation, for initiating or terminating low-

559 income or moderate-income discount rates, default service or standard offer service when a
560 customer does not make such an initiation or termination request upon the receipt of said results
561 and prior to the receipt of the next regularly scheduled meter reading. For purposes of this
562 subsection, there shall be a regular meter reading conducted of every residential account not less
563 than once every 2 months. Notwithstanding the foregoing, there shall be no charge when the
564 initiation or termination is involuntary on the part of the customer.

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

568 SECTION 28. Said section 69G of said chapter 164, as so appearing, is hereby further
569 amended by striking out the definition of “Applicant” and inserting in place thereof the following
570 2 definitions:-

571 “Anaerobic digestion facility”, a facility that: (i) generates electricity from a biogas
572 produced by the accelerated biodegradation of organic materials under controlled anaerobic
573 conditions; and (ii) has been determined by the department of energy resources, in coordination
574 with the department of environmental protection, to qualify under the department of energy
575 resources regulations as a Class I renewable energy generating source under section 11F of
576 chapter 25A.

577 “Applicant”, a person or group of persons who submits to the department or board a long-
578 range plan, a petition to construct a facility, a petition for a consolidated permit for a large clean
579 energy infrastructure facility or small clean energy infrastructure facility, a petition for a
580 certificate of environmental impact and public need, a notice of intent to construct an oil facility

581 or any application, petition or matter referred by the chair of the department to the board
582 pursuant to section 69H.

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

585 “Consolidated permit”, a permit issued by the board to a large clean energy infrastructure
586 facility or a small clean energy infrastructure facility that includes all municipal, regional and
587 state permits that the large or small clean energy infrastructure facility would otherwise need to
588 obtain individually, with the exception of certain federal permits that are delegated to specific
589 state agencies, as determined by the board.

590 SECTION 30. Said section 69G of said chapter 164, as so appearing, is hereby further
591 amended by striking out the definition of “Department” and inserting in place thereof the
592 following 3 definitions:-

593 “Cumulative impact analysis”, a written report produced by the applicant assessing any
594 existing unfair or inequitable environmental burden and related public health consequences
595 impacting a specific geographical area in which a facility, large clean energy infrastructure
596 facility or small clean energy infrastructure facility is proposed from any prior or current private,
597 industrial, commercial, state or municipal operation or project that has damaged the environment
598 or impacted public health; provided, that if the analysis indicates that such a geographical area is
599 subject to an existing unfair or inequitable environmental burden or related health consequence,
600 the analysis shall identify any: (i) environmental and public health impact from the proposed
601 project that would likely result in a disproportionate adverse effect on such geographical area;
602 (ii) potential impact or consequence from the proposed project that would increase or reduce the

603 effects of climate change on such geographical area; and (iii) proposed potential remedial actions
604 to address any disproportionate adverse impacts to the environment, public health and climate
605 resilience of such geographical area that may be attributable to the proposed project. Said
606 cumulative impact analysis shall be developed in accordance with guidance established by the
607 office of environmental justice and equity established pursuant to section 29 of chapter 21A and
608 regulations promulgated by the board.

609 “Department”, the department of public utilities.

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

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

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

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

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

624 “Large clean energy generation facility”, energy generation infrastructure with a
625 nameplate capacity of not less than 25 megawatts that is an anaerobic digestion facility, solar
626 facility or wind facility, including any ancillary structure that is an integral part of the operation
627 of the large clean energy generation facility, or, following a rulemaking by the board in
628 consultation with the department of energy resources that includes the facility within the
629 regulatory definition of a large clean energy generation facility, any other type of generation
630 facility that does not emit greenhouse gas; provided, however, that the nameplate capacity for
631 solar facilities shall be calculated in direct current.

632 “Large clean energy infrastructure facility”, a large clean energy generation facility, large
633 clean energy storage facility or large clean transmission and distribution infrastructure facility.

634 “Large clean energy storage facility”, an energy storage system as defined under section
635 1 with a rated capacity of not less than 100 megawatt hours, including any ancillary structure that
636 is an integral part of the operation of the large clean energy storage facility.

637 “Large clean transmission and distribution infrastructure facility”, electric transmission
638 and distribution infrastructure and related ancillary infrastructure that is: (i) an electric
639 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1
640 mile in length on a new transmission corridor, including any ancillary structure that is an integral
641 part of the operation of the transmission line; (ii) an electric transmission line having a design
642 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing
643 transmission corridor except restructured or rebuilt transmission lines at the same voltage,
644 including any ancillary structure that is an integral part of the operation of the transmission line;
645 (iii) any other electric transmission infrastructure requiring zoning exemptions, including

646 standalone transmission substations and upgrades and any ancillary structure that is an integral
647 part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore
648 wind to the grid; provided, however, that the large clean transmission and distribution facility:
649 (A) is designed, fully or in part, to directly interconnect or otherwise facilitate the
650 interconnection of clean energy infrastructure to the electric grid; (B) is approved by the regional
651 transmission operator in relation to interconnecting clean energy infrastructure; (C) is proposed
652 to ensure electric grid reliability and stability; or (D) will help facilitate the electrification of the
653 building and transportation sectors; and provided further, that a “large clean transmission and
654 distribution infrastructure facility” shall not include new transmission and distribution
655 infrastructure that solely interconnects new and existing energy generation powered by fossil
656 fuels on or after January 1, 2026.

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

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

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

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

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

670 “Small clean transmission and distribution infrastructure facility”, as defined in section
671 21 of chapter 25A.

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

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

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

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

679 There shall be an energy facilities siting board within the department, but not under the
680 supervision or control of the department. The board shall implement the provisions contained in
681 sections 69H to 69Q, inclusive, and sections 69S to 69W, inclusive, to: (i) provide a reliable,
682 resilient and clean supply of energy consistent with the commonwealth’s climate change and
683 greenhouse gas reduction policies and requirements; (ii) ensure that large clean energy
684 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities
685 avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental
686 impacts and negative health impacts to the extent practicable; (iii) ensure that large clean energy
687 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are,
688 to the extent practicable, in compliance with energy, environmental, land use, labor, economic

689 justice, environmental justice and equity and public health and safety policies of the
690 commonwealth, its subdivisions and its municipalities; and (iv) ensure large clean energy
691 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are
692 constructed in a manner that avoids or minimizes costs. The board shall review: (A) the need for,
693 cost of and environmental and public health impacts of transmission lines, natural gas pipelines,
694 facilities for the manufacture and storage of gas, oil facilities, large clean transmission and
695 distribution infrastructure facilities and small clean transmission and distribution infrastructure
696 facilities; and (B) the environmental and public health impacts of generating facilities, large
697 clean energy generation facilities, small clean energy generation facilities, large clean energy
698 storage facilities and small clean energy storage facilities.

699 Any determination made by the board shall describe the environmental and public health
700 impacts, if any, of the large clean energy infrastructure facility, small clean energy infrastructure
701 facility, facility or oil facility and shall include findings, including, but not be limited to, findings
702 that: (i) efforts have been made to avoid or minimize or, if impacts cannot be avoided or
703 minimized, mitigate environmental impacts; (ii) due consideration has been given to the findings
704 and recommendations of local governments; (iii) in the case of large clean transmission and
705 distribution infrastructure facilities, small clean transmission and distribution infrastructure
706 facilities and natural gas pipelines, due consideration has been given to advanced transmission
707 technologies, grid enhancement technologies, non-wires or non-pipeline alternatives, the repair
708 or retirement of pipelines and other alternatives in an effort to avoid or minimize costs; (iv) in
709 the case of large clean transmission and distribution infrastructure facilities and small clean
710 transmission and distribution infrastructure facilities, the infrastructure or project will increase
711 the capacity of the system to interconnect large electricity customers, electric vehicle supply

712 equipment, clean energy generation, clean energy storage or other clean energy generation
713 sources that qualify under any clean energy standard regulation established by the department of
714 environmental protection pursuant to subsection (d) of section 3 of chapter 21N or will facilitate
715 the electrification of the building and transportation sectors; and (v) due consideration has been
716 given to any cumulative burdens on host communities and efforts that must be taken to avoid or
717 minimize or, if impacts cannot be avoided or minimized, efforts to mitigate such burdens. In
718 considering and issuing a decision, the board shall also consider reasonably foreseeable climate
719 change impacts, including additional greenhouse gas or other pollutant emissions known to have
720 negative health impacts, predicted sea level rise, flooding and any other disproportionate adverse
721 effects on a specific geographical area. Such reviews shall be conducted consistent with section
722 69J1/4 for generating facilities, section 69T for large clean energy infrastructure facilities,
723 sections 69U to 69W, inclusive, for small clean energy infrastructure facilities and section 69J
724 for all other types of facilities.

725 The board shall be composed of: the secretary of energy and environmental affairs or a
726 designee, who shall serve as chair; the secretary of economic development or a designee; the
727 commissioner of environmental protection or a designee; the commissioner of energy resources
728 or a designee; the commissioner of public utilities or a designee; the commissioner of fish and
729 game or a designee; the commissioner of public health or a designee; and 4 public members to be
730 appointed by the governor for a term coterminous with that of the governor, 1 of whom shall be a
731 representative of the Massachusetts Association of Regional Planning Agencies, 1 of whom shall
732 be a representative of the Massachusetts Municipal Association, Inc. with expertise in municipal
733 permitting matters, 1 of whom shall be experienced in environmental justice issues or indigenous
734 sovereignty and 1 of whom shall be experienced in labor issues; provided, however, that the

735 public members shall not have received, within the 2 years immediately preceding appointment,
736 a significant portion of their income directly or indirectly from the developer of an energy
737 facility or an electric, gas or oil company. The public members shall serve on a part-time basis,
738 receive \$100 per diem of board service and be reimbursed by the commonwealth for all
739 reasonable expenses actually and necessarily incurred in the performance of official board duties.
740 Upon the resignation of any public member, a successor shall be appointed in a like manner for
741 the unexpired portion of the term. Appointees shall serve for not more than 2 consecutive full
742 terms.

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

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

751 (1) To adopt and publish rules and regulations consistent with the purposes of sections
752 69H to 69S, inclusive, and to amend the same from time to time, including, but not limited to,
753 rules and regulations for the conduct of the board's public hearings under sections 69H1/2, 69J,
754 69J1/4, 69M and 69T to 69W, inclusive.

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

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

762 The board and any proponent or owner of a large clean energy infrastructure facility or
763 small clean energy infrastructure facility shall not be subject to any provisions of sections 61 to
764 62L, inclusive, of chapter 30 in relation to an application or petition for a comprehensive permit
765 or de novo adjudication filed under sections 69T to 69W, inclusive. This section shall apply to
766 any state agency issuing, in relation to an application or petition under said sections 69T to 69V,
767 inclusive, a federal permit that is delegated to that agency and determined by the board to be
768 excluded from the definition of consolidated permit in section 69G.

769 SECTION 40. The third paragraph of section 69I of said chapter 164, as appearing in the
770 2022 Official Edition, is hereby amended by striking out the last sentence and inserting in place
771 thereof the following sentence:- Neither the board nor any other person, in taking any action
772 pursuant to sections 69I to 69J1/4, inclusive, or sections 69T to 69W, inclusive, shall be subject
773 to sections 61 to 62H, inclusive, of chapter 30.

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

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

780 A petition to construct a facility shall include, in such form and detail as the board shall
781 from time to time prescribe: (i) a description of the facility, site and surrounding areas; (ii) an
782 analysis of the need for the facility, either within or outside, or both within and outside the
783 commonwealth, including a description of the energy benefits of the facility; (iii) a description of
784 the alternatives to the facility, such as other methods of transmitting or storing energy, other site
785 locations, other sources of electrical power or gas or a reduction of requirements through load
786 management; (iv) a description of the environmental impacts of the facility, including both
787 environmental benefits and burdens, that includes a description of efforts to avoid, minimize and
788 mitigate burdens and efforts to enhance benefits, such as shared use, recreational paths or access
789 to nature; (v) evidence that all pre-filing consultation and community engagement requirements
790 established by the board have been satisfied and, if not, the applicant shall demonstrate good
791 cause for a waiver of the requirements that could not be satisfied by the applicant; and (vi) a
792 cumulative impact analysis. The board may issue and revise filing guidelines after public notice
793 and a period for comment. Said filing guidelines shall require the applicant to provide minimum
794 data for review related to climate change impact, land use impact, water resource impact, air
795 quality impact, fire and other public safety risks, solid waste impact, radiation impact, noise
796 impact and other public health impacts as determined by the board.

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

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

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

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

809 A petition to construct a generating facility shall include, in such form and detail as the
810 board shall from time to time prescribe, the following information: (i) a description of the
811 proposed generating facility and any ancillary structures and related facilities, including a
812 description of the energy benefits of the generating facility; (ii) a description of the
813 environmental and public health impacts of the facility, including both environmental and public
814 health benefits and burdens that includes a description of efforts to avoid or minimize or, if
815 impacts cannot be avoided or minimized, efforts to mitigate the burdens and enhance the
816 benefits, and the costs associated with the mitigation, control or reduction of the environmental
817 and public health impacts of the proposed generating facility; (iii) a description of the project
818 development and site selection process used in choosing the design and location of the proposed
819 generating facility; (iv) either: (A) evidence that the expected emissions from the facility meet
820 the technology performance standard in effect at the time of filing; or (B) a description of the
821 environmental impacts, costs and reliability of other fossil fuel generating technologies and an

822 explanation of why the proposed technology was chosen; (v) evidence that all pre-filing
823 consultation and community engagement requirements established by the board have been
824 satisfied and, if not, the applicant shall demonstrate good cause for a waiver of the requirements
825 that could not be satisfied by the applicant; (vi) a cumulative impact analysis; and (vii) any other
826 information necessary to demonstrate that the generating facility meets the requirements for
827 approval specified in this section.

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

830 Section 69J1/2. Notwithstanding any general or special law to the contrary, the
831 department may charge a fee as specified by its regulations for each application to construct a
832 facility that generates electricity, a large clean energy generation facility, a small clean energy
833 generation facility, a large clean energy storage facility, a small clean energy storage facility, a
834 non-utility owned large clean transmission and distribution infrastructure facility or a small clean
835 transmission and distribution infrastructure facility. If the application to construct any such
836 facility is accompanied by an application to construct 1 additional facility that does not generate
837 electricity, the department may charge a fee as specified by its regulations for the combined
838 application. If an application to construct a facility that generates electricity is accompanied by
839 applications to construct 2 additional facilities that do not generate electricity, the department
840 may charge a fee as specified by its regulations for the combined application. If an application to
841 construct a facility that does not generate electricity is filed separately, the department may
842 charge a fee as specified by its regulations for each such application; provided, however, that, the
843 department may charge a lower fee for applications to construct facilities that do not generate

844 electricity and that are below a size to be determined by the department. Said fees shall be
845 payable upon issuance of the notice of adjudication and public hearing.

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

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

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

863 Nothing contained in this section shall be interpreted as changing the statutory mandates
864 of the department or board or the type of facilities that may be constructed by applicants that are
865 not utilities. Nothing contained in this section shall be interpreted as changing the regulations or

866 body of precedent of the department or board or interpreted as changing the rights of intervenors
867 before the department or board.

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

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

873 Section 69P. Any party in interest aggrieved by a final decision of the board or the
874 director shall have a right to judicial review in the manner provided by section 5 of chapter 25.
875 The scope of such judicial review shall be limited to whether the decision of the board or the
876 director: (i) is in conformity with the constitution of the commonwealth and the constitution of
877 the United States; (ii) was made in accordance with the procedures established under sections
878 69H to 69O, inclusive, and sections 69T to 69W, inclusive, and the rules and regulations of the
879 board with respect to such sections; (iii) was supported by substantial evidence of record in the
880 board’s proceedings; and (iv) was arbitrary, capricious or an abuse of the board’s discretion
881 under said sections 69H to 69O, inclusive, and said sections 69T to 69W, inclusive.

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

884 Section 69R. An electric or gas company, generation company or wholesale generation
885 company may petition the board for the right to exercise the power of eminent domain with
886 respect to a facility, large clean transmission and distribution infrastructure facility or small clean
887 transmission and distribution infrastructure facility, specified and contained in a petition or

888 application submitted in accordance with sections 69J, 69T or 69U, or a bulk power supply
889 substation if such company is unable to reach an agreement with the owners of land for the
890 acquisition of any necessary estate or interest in land. The applicant shall forward, at the time of
891 filing such petition, a copy thereof to each city, town and property owner affected.

892 The company shall file with such petition or have annexed thereto: (i) a statement of the
893 use for which such land is to be taken; (ii) a description of land to be taken sufficient for the
894 identification thereof; (iii) a statement of the estate or interest in the land to be taken for such
895 use; (iv) a plan showing the land to be taken; (v) a statement of the sum of money established by
896 such utility to be just compensation for the land to be taken; and (vi) such additional maps and
897 information as the board requires.

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

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

908 Following a taking under this section, the electric or gas company may forthwith proceed
909 to utilize such land. If the electric or gas company shall not utilize the lands so taken for the

910 purpose or purposes authorized in the department's order within such time as the board shall
911 determine, its rights under such taking shall cease and terminate.

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

916 This section shall not be construed as abrogating the board's jurisdiction described in
917 section 72 in respect to transmission lines or the board's jurisdiction described in sections 75B to
918 75G, inclusive, in respect to natural gas transmission lines.

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

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

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

932 (b) The board shall establish the following criteria governing the siting and permitting of
933 large clean energy infrastructure facilities: (i) a uniform set of baseline health, safety,
934 environmental and other standards that apply to the issuance of a consolidated permit; (ii) a
935 common standard application to be used when submitting an application to the board; (iii) pre-
936 filing requirements commensurate with the scope and scale of the proposed large clean energy
937 infrastructure facility, which shall include specific requirements for pre-filing consultations with
938 permitting agencies and the Massachusetts environmental policy act office, public meetings and
939 other forms of outreach that must occur in advance of an applicant submitting an application; (iv)
940 standards for applying site suitability criteria developed by the executive office of energy and
941 environmental affairs pursuant to section 30 of chapter 21A to evaluate the social and
942 environmental impacts of proposed large clean energy infrastructure project sites and which shall
943 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize
944 or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment,
945 people and goals and objectives of the commonwealth for climate mitigation, carbon storage and
946 sequestration, resilience, biodiversity and protection of natural and working lands to the extent
947 practicable; (v) standards for applying the cumulative impacts analysis standards and guidelines
948 developed by the office of environmental justice and equity pursuant to section 29 of chapter
949 21A to evaluate and minimize the impacts of large clean energy infrastructure facilities in the
950 context of existing infrastructure and conditions; (vi) standard permit conditions and
951 requirements for a single permit consolidating all necessary local, regional and state approvals to
952 be issued to different types of large clean energy infrastructure facilities in the event that
953 constructive approval is triggered through the non-issuance of a permit by the board pursuant to
954 subsection (i); and (vii) entities responsible for compliance and enforcement of permit

955 conditions, including in the event of sale of large clean energy infrastructure facilities after
956 permitting.

957 (c) An application for a consolidated permit for a large clean transmission and
958 distribution infrastructure facility shall include, in such form and detail as the board shall from
959 time to time prescribe: (i) a description of the large clean transmission and distribution
960 infrastructure facility, site and surrounding areas; (ii) an analysis of the need for the large clean
961 transmission and distribution infrastructure facility, either within or outside or both within and
962 outside the commonwealth, including a description of energy benefits; (iii) a description of the
963 alternatives to the large clean transmission and distribution infrastructure facility including siting
964 and project alternatives to avoid or minimize or, if impacts cannot be avoided or minimized,
965 mitigate impacts; (iv) a description of the environmental impacts of the large clean transmission
966 and distribution infrastructure facility, including both environmental benefits and burdens, such
967 as shared use, recreational paths or access to nature; (v) evidence that all pre-filing consultation
968 and community engagement requirements established by the board have been satisfied and, if
969 not, demonstrate good cause for a waiver of the requirements that could not be satisfied by the
970 applicant; and (vi) a cumulative impact analysis. The board may issue and revise filing
971 guidelines after public notice and a period for comment.

972 (d) An application for a consolidated permit for a large clean energy generation facility or
973 large clean energy storage facility shall include, in such form and detail as the board shall from
974 time to time prescribe: (i) a description of the large clean energy generation facility's or large
975 clean energy storage facility's site and surrounding areas, including any ancillary structures and
976 related facilities and a description of the energy benefits of the large clean energy generation
977 facility or large clean energy storage facility; (ii) a description of the environmental impacts of

978 the large clean energy generation facility or large clean energy storage facility, including both
979 environmental benefits and burdens; (iii) a description of the project site selection process and
980 alternatives analysis used in choosing the location of the proposed large clean energy generation
981 facility or large clean energy storage facility to avoid or minimize or, if impacts cannot be
982 avoided or minimized, mitigate impacts; (iv) evidence that all pre-filing consultation and
983 community requirements established by the board have been satisfied and, if not, demonstrate
984 good cause for a waiver of the requirements that could not be satisfied by the applicant; and (v) a
985 cumulative impact analysis. The board may issue and revise filing guidelines after public notice
986 and a period for comment.

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

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

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

999 (h) Following a determination by the board that an application for a large clean energy
1000 infrastructure facility is complete, all municipal, regional and state agencies, authorities, boards,
1001 commissions, offices or other entities that would otherwise be required to issue at least 1 permit
1002 to the facility shall be deemed to be substantially and specifically affected by the proceeding and
1003 upon notification to the board shall have intervenor status in the proceeding to review the
1004 facility's application. All municipal, regional and state agencies, authorities, boards,
1005 commissions, offices or other entities that would otherwise be required to issue at least 1 permit
1006 to the facility shall be afforded an opportunity to submit statements of recommended permit
1007 conditions to the board relative to the respective permits that each agency, authority, board,
1008 commission, office or other entity would otherwise be responsible for issuing.

1009 (i) The board shall establish timeframes for reviewing different types of large clean
1010 energy infrastructure facilities based on the complexity of the facility, the need for an exemption
1011 from local zoning requirements and community impacts, but in no instance shall the board take
1012 more than 15 months from the determination of application completeness to render a final
1013 decision on an application. The board shall have the authority to approve, approve with
1014 conditions or reject a consolidated permit application. If no final decision is issued within the
1015 deadline established by the board for the type of large clean energy infrastructure facility, the
1016 board shall issue a permit granting approval to construct that includes the common conditions
1017 and requirements established by the board through regulations for the type of large clean energy
1018 infrastructure facility under review, which shall be deemed a final decision of the board. A
1019 consolidated permit, if issued, shall be in the form of a composite of all individual permits,
1020 approvals or authorizations that would otherwise be necessary for the construction and operation
1021 of the large clean energy infrastructure facility and that portion of the consolidated permit that

1022 relates to subject matters within the jurisdiction of a municipal, regional or state agency,
1023 authority, board, commission, office or other entity shall be enforced by said agency, authority,
1024 board, commission, office or other entity under other applicable laws of the commonwealth as if
1025 the consolidated permit had been directly granted by the said agency, authority, board,
1026 commission, office or other entity.

1027 Section 69U. (a)The board may issue a consolidated permit for a small clean transmission
1028 and distribution infrastructure facility that is not automatically subject to the jurisdiction of the
1029 board pursuant to section 69G, if the applicant petitions the board to be granted a consolidated
1030 permit for such facility. The board shall review such petition in accordance with subsections (b)
1031 and (c). The board may issue such consolidated permit upon finding that the small clean
1032 transmission and distribution infrastructure facility will serve the public convenience and is
1033 consistent with the public interest. Upon application for a consolidated permit under this section,
1034 no applicant shall commence construction of a small clean transmission and distribution
1035 infrastructure facility at a site unless a consolidated permit for construction of that small clean
1036 transmission and distribution infrastructure facility pursuant to this section has been approved by
1037 the board. For purposes of this section, construction shall not include contractual obligations to
1038 purchase such facilities or equipment.

1039 (b) The board shall establish the same criteria governing the siting and permitting of
1040 small clean transmission and distribution infrastructure facilities eligible to submit an application
1041 under this section as it is required to establish for large clean energy infrastructure facilities
1042 pursuant to subsection (b) of section 69T. An application for a consolidated permit for a small
1043 clean transmission and distribution infrastructure facility shall include the same elements as
1044 required for large clean transmission and distribution infrastructure facilities under subsection (c)

1045 of section 69T. Subject to subsection (c), subsections (d) to (i), inclusive, of section 69T shall
1046 apply to the process followed by the board regarding the issuance of a consolidated permit to any
1047 small clean transmission and distribution infrastructure facility under this section.

1048 (c) The board shall establish timeframes and procedures for reviewing different types of
1049 small clean transmission and distribution infrastructure facilities based on the complexity of the
1050 facility and the need for an exemption from local zoning requirements, but in no instance shall
1051 the board take more than 12 months from the determination of application completeness to
1052 render a final decision on an application. The board shall have the authority to approve, approve
1053 with conditions or reject a permit application. If no final decision is issued within the deadline
1054 for the type of small clean transmission and distribution infrastructure facility established by the
1055 board, the board shall issue a permit granting approval to construct that adopts the common
1056 conditions and requirements established by the board in regulation for the type of small clean
1057 transmission and distribution infrastructure facility under review, which shall be deemed a final
1058 decision of the board. A consolidated permit, if issued, shall be in the form of a composite of all
1059 individual permits, approvals or authorizations that would otherwise be necessary for the
1060 construction and operation of the small clean transmission and distribution infrastructure facility
1061 and the portion of the consolidated permit that relates to subject matters within the jurisdiction of
1062 a municipal, regional or state agency, authority, board, commission, office or other entity shall
1063 be enforced by said agency, authority, board, commission, office or other entity under the other
1064 applicable laws of the commonwealth as if the consolidated permit had been directly granted by
1065 said agency, authority, board, commission, office or other entity.

1066 Section 69V. (a) The board may issue a consolidated permit for a small clean energy
1067 generation facility or a small clean energy storage facility. An owner or proponent of a small

1068 clean energy generation facility or a small clean energy storage facility may submit an
1069 application to the board to be granted a consolidated permit that shall include all state permits
1070 necessary to construct the small clean energy generation facility or small clean energy storage
1071 facility. All local government permits and approvals for a small clean energy generation facility
1072 or a small clean energy storage facility shall be issued separately pursuant to section 21 of
1073 chapter 25A.

1074 (b) The board shall establish the same criteria governing the siting and permitting of
1075 small clean energy generation facilities and small clean energy storage facilities eligible to
1076 submit an application under this section as it is required to establish for large clean energy
1077 infrastructure facilities pursuant to subsection (b) of section 69T. An application for a
1078 consolidated permit for a small clean energy generation facility or small clean energy storage
1079 facility eligible to submit an application under this section shall include the same elements as
1080 required for a large clean energy generation facility and a large clean energy storage facility
1081 under subsection (d) of section 69T. Subsections (e) to (g), inclusive, of section 69T shall apply
1082 to the issuance of a consolidated permit to any small clean energy generation facility or small
1083 clean energy storage facility under this section.

1084 (c) The board shall not take more than 12 months from the determination of application
1085 completeness to render a final decision on an application. The board shall have the authority to
1086 approve, approve with conditions or reject a permit application. If no final decision is issued
1087 within the deadline for the type of small clean energy generation facility or small clean energy
1088 storage facility established by the board, the board shall issue a permit granting approval to
1089 construct that adopts the common conditions and requirements established by the board in
1090 regulation for the type of small clean energy generation facility or small clean energy storage

1091 facility under review, which shall be deemed a final decision of the board. A consolidated permit
1092 shall be in the form of a composite of all individual permits, approvals or authorizations that
1093 would otherwise be necessary for the construction and operation of the small clean energy
1094 generation facility or small clean energy storage facility and that portion of the consolidated
1095 permit that relates to subject matters within the jurisdiction of a municipal, regional or state
1096 agency, authority, board, commission, office or other entity shall be enforced by said agency,
1097 authority, board, commission, office or other entity under the other applicable laws of the
1098 commonwealth as if the consolidated permit had been directly granted by said agency, authority,
1099 board, commission, office or other entity.

1100 Section 69W. (a) An owner or proponent of a small clean energy infrastructure facility
1101 that has received a final decision on, or a constructive approval of, a consolidated permit
1102 application from a local government, as defined in section 21 of chapter 25A, or other parties
1103 substantially and specifically affected by the decision of the local government may submit a
1104 request for a de novo adjudication of the local permit application by the director. Subject to
1105 subsection (g) of section 21 of chapter 25A, a local government may also submit a request for a
1106 de novo adjudication if their resources, capacity and staffing do not allow for review of a small
1107 clean energy infrastructure facility's permit application within the required maximum 12-month
1108 timeframe for local government review established in said section 21 of said chapter 25A.
1109 Review by the director of the request for de novo adjudication shall be deemed an adjudicatory
1110 proceeding under chapter 30A.

1111 (b) A request for a de novo adjudication by an owner or proponent of a small clean
1112 energy infrastructure facility or other party substantially and specifically affected by a final
1113 decision of a local government shall be filed within 30 days of such decision.

1114 (c) Upon determination that at least 1 party seeking a de novo adjudication is
1115 substantially and specifically affected, the director of the board shall review the request and the
1116 local government's final decision for consistency with the regulations adopting statewide
1117 permitting standards for such facilities established by the department of energy resources
1118 pursuant to section 21 of chapter 25A. The director shall render a decision on the request within
1119 6 months of receipt of the application and such decision shall be final. If the local government's
1120 decision is found to be inconsistent with the regulatory standards established by the department
1121 of energy resources, the director may issue a final decision that supersedes the local
1122 government's prior decision and imposes new local permit conditions that are consistent with the
1123 laws of the commonwealth.

1124 (d) The board shall establish regulations governing the process the director shall follow to
1125 conduct the review of requests for de novo adjudication under this section.

1126 SECTION 52. Said chapter 164 is hereby further amended by striking out sections 72 and
1127 72A, as appearing in the 2022 Official Edition, and inserting in place thereof the following 2
1128 sections:-

1129 Section 72. An electric company, distribution company, generation company,
1130 transmission company or any other entity providing or seeking to provide transmission service
1131 may petition the energy facilities siting board for authority to construct and use, or to continue to
1132 use as constructed or with altered construction, a line for the transmission of electricity for
1133 distribution in some definite area or for supplying electricity to itself, another electric company
1134 or a municipal lighting plant for distribution and sale or to a railroad, street railway or electric
1135 railroad for the purpose of operating it and shall represent that such line will or does serve the

1136 public convenience and is consistent with the public interest. The company shall forward at the
1137 time of filing such petition a copy thereof to each municipality within such area. The company
1138 shall file with such petition a general description of such transmission line and a map or plan
1139 showing the municipalities through which the line will or does pass and its general location. The
1140 company shall also furnish an estimate showing in reasonable detail the cost of the line and such
1141 additional maps and information as the energy facilities siting board requires. The energy
1142 facilities siting board, after notice and a public hearing in at least 1 of the municipalities affected,
1143 may determine that said line is necessary for the purpose alleged, will serve the public
1144 convenience and is consistent with the public interest. If the electric company, distribution
1145 company, generation company or transmission company or any other entity providing or seeking
1146 to provide transmission service shall file with the energy facilities siting board a map or plan of
1147 the transmission line showing the municipalities through which it will or does pass, the public
1148 ways, railroads, railways, navigable streams and tide waters in the municipality named in said
1149 petition that it will cross and the extent to which it will be located upon private land or upon,
1150 under or along public ways and places, the energy facilities siting board, after such notice as it
1151 may direct, shall hold a public hearing in at least 1 of the municipalities through which the line
1152 passes or is intended to pass. The energy facilities siting board may by order authorize an electric
1153 company, distribution company, generation company, transmission company or any other entity
1154 to take by eminent domain under chapter 79 such lands or such rights of way or widening thereof
1155 or other easements therein necessary for the construction and use or continued use as constructed
1156 or with altered construction of such line along the route prescribed in the order of the energy
1157 facilities siting board. The energy facilities siting board shall transmit a certified copy of its order
1158 to the company and the clerk of each affected municipality. The company may at any time before

1159 such hearing modify the whole or a part of the route of said line, either of its own motion or at
1160 the insistence of the energy facilities siting board or otherwise and, in such case, shall file with
1161 the energy facilities siting board maps, plans and estimates as aforesaid showing such changes. If
1162 the energy facilities siting board dismisses the petition at any stage in said proceedings, no
1163 further action shall be taken thereon and the company may file a new petition not less than 1 year
1164 after the date of such dismissal. When a taking under this section is effected, the company may
1165 forthwith, except as hereinafter provided, proceed to erect, maintain and operate thereon said
1166 line. If the company does not enter upon and construct such line upon the land so taken within 1
1167 year thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1168 other easements therein shall be taken by eminent domain under the provisions of this section in
1169 any public way, public place, park or reservation or within the location of any railroad, electric
1170 railroad or street railway company except with the consent of such company and on such terms
1171 and conditions as it may impose or except as otherwise provided in this chapter and no electricity
1172 shall be transmitted over any land, right of way or other easement taken by eminent domain as
1173 herein provided until the electric company, distribution company, generation company,
1174 transmission company or any other entity shall have acquired from the select board, city council
1175 or such other authority having jurisdiction all necessary rights in the public ways or public places
1176 in the municipality or municipalities, or in any park or reservation, through which the line will or
1177 does pass. No land, rights of way or other easements therein in any public way, public park,
1178 reservation or other land subject to Article 97 of the Amendments to the Constitution of the
1179 Commonwealth shall be taken by eminent domain under this section except in accordance with
1180 said Article 97. No entity shall be authorized under this section or section 69R or section 24 of
1181 chapter 164A to take by eminent domain any lands or rights of way or other easements therein

1182 held by an electric company or transmission company to support an existing or proposed
1183 transmission line without the consent of the electric company or transmission company.

1184 No electric company, distribution company, generation company, transmission company
1185 or any other entity providing or seeking to provide transmission services shall be required to
1186 petition the energy facilities siting board under this section unless it is seeking authorization to
1187 take lands, rights of way or other easements under chapter 79.

1188 Section 72A. The energy facilities siting board may upon petition authorize an electric
1189 company to enter upon lands of any person or corporation for the purpose of making a survey
1190 preliminary to eminent domain proceedings. The energy facilities siting board shall give notice
1191 of the authorization granted, by registered mail, to the landowners involved not less than 5 days
1192 prior to any entry by such electric company. The company entering upon any such lands shall be
1193 subject to liability for any damages occasioned thereby to be recovered under chapter 79.

1194 SECTION 53. Said chapter 164 is hereby further amended by striking out section 75C, as
1195 so appearing, and inserting in place thereof the following section:-

1196 Section 75C. A natural gas pipeline company may petition the energy facilities siting
1197 board for the right to exercise the power of eminent domain under chapter 79. The natural gas
1198 pipeline company shall file with such petition a general description of such pipeline and a map or
1199 plan thereof showing the rights of way, easements and other interests in land or other property
1200 proposed to be taken for such use, the towns through which such pipeline will pass, the public
1201 ways, railroads, railways, navigable streams and tide waters in the town or towns named in the
1202 petition that it will cross and the extent to which it will be located upon private land and upon,
1203 under or along public ways, lands and places. Upon the filing of such petition, the energy

1204 facilities siting board, after such notice as it may direct, shall hold a public hearing in at least 1 of
1205 the towns through which the pipeline is intended to pass and may, by order, authorize the
1206 company to take by eminent domain under said chapter 79 such lands or such rights of way,
1207 easements or other interests in land or other property necessary for the construction, operation,
1208 maintenance, alteration and removal of the pipeline, compressor stations, appliances,
1209 appurtenances and other equipment along the route described in the order of the energy facilities
1210 siting board. The energy facilities siting board shall: (i) provide notice to each municipality
1211 through which the pipeline is intended to pass; and (ii) transmit a certified copy of its order to the
1212 company and the town clerk of each affected town. The company may, at any time before such a
1213 public hearing, modify the whole or a part of the route of said pipeline, either of its own motion
1214 or at the insistence of the energy facilities siting board or otherwise, and, in such case, shall file
1215 with the energy facilities siting board maps, plans and estimates showing such changes. If the
1216 energy facilities siting board dismisses the petition at any stage in the proceedings, no further
1217 action shall be taken thereon and the company may file a new petition not sooner than 1 year
1218 after the date of such dismissal.

1219 When a taking under this section is effected, the company may forthwith, except as
1220 hereinafter provided, proceed to construct, install, maintain and operate thereon said pipeline. If
1221 the company does not enter upon and construct such line upon the land so taken within 1 year
1222 thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1223 easements therein shall be taken by eminent domain under the provisions of this section in any
1224 public way, public place, park or reservation or within the location of any railroad, electric
1225 railroad or street railway company, except that such pipeline may be constructed under any
1226 public way or any way dedicated to the public use; provided, however, that the rights granted

1227 hereunder shall not affect the right or remedy to recover damages for an injury caused to persons
1228 or property by the acts of such company; provided further, that such company shall put all such
1229 streets, lanes and highways in as good repair as they were when opened by such company and
1230 the method of such construction and the plans and specifications therefor have been approved
1231 either generally or in any particular instance by the energy facilities siting board or, in the case of
1232 state highways, by the department of highways; and provided further, that a natural gas pipeline
1233 company may construct such lines under, over or across the location on private land of any
1234 railroad, electric railroad or street railway corporation subject to the provisions of section 73.
1235 Rights of way, buildings, structures or lands to be used in the construction of such pipelines over
1236 or upon the lands referred to therein shall be governed by section 34A of chapter 132.

1237 SECTION 53A. Subsection (c) of section 92B of said chapter 164, as so appearing, is
1238 hereby amended by striking clauses (ii) and (iii) and inserting in place thereof the following 3
1239 clauses:-

1240 (ii) consider and include a summary of all proposed and related investments, alternatives
1241 to these investments and alternative approaches to financing these investments that have been
1242 reviewed, are under consideration or have been approved by the department previously;

1243 (iii) solicit input, such as planning scenarios and modeling, from the Grid Modernization
1244 Advisory Council established in section 92C, respond to information and document requests
1245 from said council and conduct technical conferences and a minimum of 2 stakeholder meetings
1246 to inform the public, appropriate state and federal agencies and companies engaged in the
1247 development and installation of distributed generation, energy storage, vehicle electrification
1248 systems and building electrification systems; and

1249 (iv) prepare and file a climate vulnerability and resilience plan at least once every 5 years
1250 based on best available data, which shall include, at a minimum, the following:

1251 (A) an evaluation of the climate science and projected sea level rise, extreme
1252 temperature, precipitation, humidity and storms, and other climate-related risks for the service
1253 territory;

1254 (B) an evaluation and risk assessment of potential impacts of climate change on existing
1255 operation, planning, and physical assets;

1256 (C) identification, prioritization, and cost-benefit analysis of adaptation options to
1257 increase asset and system-wide resilience over time;

1258 (D) a community engagement plan with targeted engagement for environmental justice
1259 populations in the service territory; and

1260 (E) an implementation timeline for making changes in line with the findings of the study
1261 such as modifying design and construction standards, modifying operations and planning
1262 processes, and relocating or upgrading existing infrastructure to ensure reliability and resilience
1263 of the grid.

1264 SECTION 54. Said chapter 164 is hereby further amended by inserting after section 92C,
1265 as so appearing, the following 4 sections:-

1266 Section 92D. (a) The department shall establish standards to ensure reasonable and timely
1267 access to the distribution grid for all customers and to ensure that distribution companies
1268 undertake investments and process improvements to facilitate the transformation of the
1269 commonwealth's distribution grid to align with the commonwealth's climate, greenhouse gas

1270 reduction and economic development goals. The department shall promulgate rules or
1271 regulations: (i) containing a schedule specifying the maximum length of time that may elapse
1272 from the date of initial interconnection application to the receipt of an interconnection services
1273 agreement for various sizes and types of distributed generation facilities and energy storage
1274 systems; (ii) containing a schedule specifying the maximum length of time that may elapse from
1275 the distribution company's commencement of design of required interconnection-related
1276 upgrades and authorization to interconnect for various sizes and types of distributed generation
1277 facilities and energy storage systems; and (iii) requiring distribution companies to enable the
1278 interconnection of distributed generation facilities and energy storage systems in accordance
1279 with the rules and regulations promulgated by the department.

1280 (b) The rules or regulations adopted by the department shall include rules to measure and
1281 enforce compliance with the rules and schedules adopted by the department, including, but not
1282 limited to: (i) revisions to existing timeline enforcement mechanisms; (ii) mechanisms to enable
1283 customers to seek department review and enforcement of the rules and schedules required by this
1284 section; and (iii) provisions for the timely resolution of disputes between customers and
1285 distribution companies.

1286 Section 92E. (a) The department shall establish a cost allocation framework to implement
1287 the electric-sector modernization plans established by section 92B beginning with the 2030-2034
1288 electric-sector modernization plans. Such electric-sector modernization plans shall identify: (i)
1289 an amount, in megawatts of alternating current, of incremental grid hosting capacity that will be
1290 available to interconnect distributed generation and energy storage systems upon implementation
1291 of the plans; and (ii) a proportional share of the benefits of the electric-sector modernization
1292 plans that is attributable to distributed generation and energy storage systems. The department

1293 shall establish a uniform fee to be assessed to interconnecting customers based on a project's
1294 export capacity under subsections (b) and (c) by applying the proportional share of benefits
1295 attributable to distributed generation and energy storage to the total number of megawatts of
1296 capacity enabled by the plans. Such fee shall be uniform within the sub-region of a distribution
1297 company's service territory regardless of the customer's point of interconnection. The uniform
1298 fee shall result in a dollar amount per kilowatt AC to be assessed to interconnecting customers
1299 based on project export capacity for their use of the grid capacity enabled by the plans. The
1300 electrical boundaries of the sub-region of a distribution company's service territory shall be
1301 proposed by the distribution company and defined within the respective distribution company's
1302 electric-sector modernization plan. Interconnecting customers with proposed facilities above 60
1303 kW may be assessed additional interconnection costs for upgrades identified in the
1304 interconnection studies.

1305 (b) For projects with an export capacity between 60 kW and 500 kW, the following
1306 standardized interconnection cost allocation shall apply to customers for distributed generation
1307 facilities and energy storage systems: (i) no customer shall be charged more than a fixed dollar
1308 per kilowatt AC of export capacity within a sub-region of a distribution company's service
1309 territory to interconnect distributed generation facilities and energy storage systems; and (ii) any
1310 costs incurred by the distribution company for interconnecting a distributed generation facility or
1311 energy storage system that exceeds the applicable fixed dollar per kilowatt AC of export capacity
1312 shall be included in the distribution company's revenue requirement and recovered through fully
1313 reconciling rates approved by the department. The department shall require each distribution
1314 company to propose a fixed sub-regional dollar per kilowatt fee within each electric-sector
1315 modernization plan for approval.

1316 (c) For projects with an export capacity less than 60kW, the following standardized
1317 interconnection cost allocation shall apply to customers for distributed generation facilities and
1318 energy storage systems: (i) no customer shall be charged more than a fixed dollar per kilowatt
1319 AC of export capacity to interconnect distributed generation facilities and energy storage
1320 systems; (ii) such fee shall be inclusive of interconnection costs for upgrades not included in the
1321 approved electric-sector modernization plans including, but not limited to, shared service
1322 distribution system upgrades; and (iii) any costs incurred by the distribution company for
1323 interconnecting a distributed generation facility or energy storage system that exceed the
1324 applicable fixed dollar per kilowatt AC of export capacity shall be included in the distribution
1325 company's revenue requirement and recovered through fully reconciling rates approved by the
1326 department. The department shall require each distribution company to propose a fixed sub-
1327 regional dollar per kilowatt fee within each electric sector modernization plan for approval. The
1328 utilities may include costs of upgrades identified in the interconnection studies in their proposed
1329 fixed sub-regional dollar per kilowatt fee.

1330 Section 92F. The department shall establish an office of a distributed generation and
1331 clean energy ombudsperson to advocate for improvements to distribution company
1332 interconnection processes and practices and to receive complaints and facilitate the resolution of
1333 disputes between distributed generation customers and the distribution companies. The
1334 department shall designate an ombudsperson to serve as the administrative head of said office.
1335 The office shall be staffed with not less than 2 individuals, 1 of whom shall be an expert in the
1336 interconnection tariff and department precedent and 1 of whom shall be an expert in technical
1337 solutions and standards for interconnecting distributed generation customers. The ombudsperson
1338 may recommend that the department impose civil penalties upon a finding that a distribution

1339 company has intentionally or negligently violated 1 or more requirements of the interconnection
1340 tariff, has exhibited a pattern or history of violating such tariff or has failed to provide an
1341 acceptable level of customer service for a distributed generation customer or customers. In
1342 considering penalties under this section, the ombudsperson and the department shall consider the
1343 severity of the violation, the financial impact upon the distribution customer or customers, the
1344 distribution company's history of violations and customer service and other factors that may be
1345 relevant to determining the level of penalty that may be appropriate. The department may direct
1346 that all or a portion of a penalty shall take the form of restitution to be paid to an affected
1347 distribution customer.

1348 Section 92G. (a) There is hereby established within the department an interconnection
1349 working group to consider improvements to interconnection tariffs and interconnection technical
1350 standards and processes. The working group shall be facilitated by the office of the
1351 ombudsperson and shall meet not less than 4 times per year.

1352 (b) The working group shall study and make recommendations on topics, including, but
1353 not limited to: (i) cost and best available technology for interconnecting and metering distributed
1354 generation, energy storage systems and other distributed energy resources; (ii) process
1355 improvements to improve timeliness and efficiency of distributed generation and storage
1356 interconnection; (iii) processes for identifying and achieving distribution system upgrade cost
1357 avoidance through the use of advanced inverter functions and other non-wire solutions under the
1358 distribution company's operational control, along with sharing mechanisms or incentives for
1359 capital investment deferrals; (iv) processes and customer service improvements for
1360 interconnecting customers adopting distributed generation and energy storage; (v) revisions to
1361 distribution company interconnection and metering standards that impact distributed energy

1362 resources or exporting and non-exporting energy storage systems; (vi) implementation of
1363 programs, guidelines and schedules for grid-enabling technologies and platforms such as
1364 distributed energy resource management systems; and (vii) other technical, policy and tariff
1365 issues related to and affecting interconnection performance and customer service for distributed
1366 generation and energy storage customers in the commonwealth, as determined by the working
1367 group. The working group may jointly create subcommittees to focus on specific issues of
1368 importance and may invite technical or policy experts to assist or consult with the working
1369 group.

1370 (c) The office of the ombudsperson shall develop and submit a report detailing consensus
1371 recommendations of the working group and, if applicable, additional recommendations for which
1372 consensus was not reached to the department and the clerks of the house of representatives and
1373 the senate. The department shall within 180 days of filing the report issue an order addressing the
1374 recommendations of the working group. The order shall specify the recommendations adopted
1375 and explain in detail the reasons for rejecting any recommendations not adopted.

1376 SECTION 55. Said chapter 164 is hereby further amended by inserting after section
1377 116B, as so appearing, the following section:-

1378 Section 116C. (a) Distribution companies deploying advanced metering infrastructure in
1379 their territories shall jointly establish a centralized data repository to allow customers and third
1380 parties, including competitive suppliers, access to advanced metering data, including billing,
1381 interval usage and load data, in near-real time for all customer classes. The centralized data
1382 repository shall be developed in a cost-effective manner as approved by the department.

1383 (b) A supplier or other third party shall be entitled to access detailed advanced metering
1384 infrastructure customer data from the centralized data repository, subject to appropriate customer
1385 approval and protections. Advanced metering infrastructure data may include, but shall not be
1386 limited to, customer billing period usage data, peak demand, supplier information and relevant
1387 account information.

1388 (c) Electric customers may opt out of inclusion in the implementation of advanced
1389 metering infrastructure with notice to the distribution company. Upon receiving such notice, the
1390 distribution company shall remove the customer from the implementation plan, notify the
1391 department of the customer's decision to opt out of such implementation plan in a manner
1392 determined by the department and charge such a customer any reasonable and necessary fees for
1393 delivering non-advanced metering service.

1394 (d) Distribution companies shall implement accelerated switching permitting a residential
1395 or small commercial electric customer to change suppliers within 3 business days. Customers
1396 moving within a distribution company's territory shall be permitted to transfer their supplier
1397 directly to their new service location without being required to switch to an interim rate provided
1398 by the distribution company or other supplier. Customers establishing electric service shall be
1399 permitted to take service from their supplier on the first day of service. Customers shall not be
1400 required to take basic service from a distribution company prior to selecting and switching to a
1401 supplier. Notwithstanding the requirements of this subsection, a distribution company shall not
1402 implement accelerated switching until the advanced metering infrastructure, approved by the
1403 department in calendar year 2022 as part of a company's grid modernization plan, is fully
1404 deployed.

1405 (e) Distribution companies shall be entitled to recovery of prudent and necessary
1406 expenses for the implementation of advanced metering data repositories. The department may
1407 implement penalties for failure of distribution companies to meet implementation goals.

1408 SECTION 56. Section 141 of said chapter 164, as so appearing, is hereby amended by
1409 striking out the second sentence and inserting in place thereof the following sentence:- Where the
1410 scale of on-site generation would have an impact on affordability for low-income or moderate-
1411 income customers, a fully compensating adjustment shall be made to the low-income or
1412 moderate-income rate discount.

1413 SECTION 57. Said chapter 164 is hereby further amended by adding the following 4
1414 sections:-

1415 Section 149. (a) For the purposes of this section, the following words shall, unless the
1416 context clearly requires otherwise, have the following meanings:

1417 “Director”, the director of the division of public participation.

1418 “Division of public participation”, established in section 12T of chapter 25.

1419 “Fund”, the Department of Public Utilities and Energy Facilities Siting Board Intervenor
1420 Support Fund established in section 12S of chapter 25.

1421 “Governmental body”, a city, town, district, regional school district, county or agency,
1422 board, commission, authority, department or instrumentality of a city, town, district, regional
1423 school district or county.

1424 “Grantee”, an organization, entity, governmental body, federally recognized tribe, state-
1425 acknowledged tribe or state-recognized tribe that has received a grant award under this section.

1426 “Office of environmental justice and equity”, established in section 29 of chapter 21A.

1427 “Prospective grantee”, an organization, entity, governmental body, federally recognized
1428 tribe, state-acknowledged tribe or state-recognized tribe that has applied or plans to apply for a
1429 grant under this section.

1430 (b) The department may make available as grants funds deposited into the fund to parties
1431 that have been granted intervenor status by the department or the board pursuant to clause (4) of
1432 the second sentence of the first paragraph of section 10 of chapter 30A and corresponding
1433 department and board regulations, and that are: (i) organizations and entities that advocate on
1434 behalf of a relevant subset of residential customers defined geographically or based on specific
1435 shared interests; (ii) organizations and entities that advocate on behalf of low-income or
1436 moderate-income residential populations, residents of historically marginalized or overburdened
1437 and underserved communities; or (iii) governmental bodies, including regional planning
1438 agencies, federally recognized tribes, state-acknowledged tribes or state-recognized tribes.

1439 (c) The director, in consultation with the office of environmental justice and equity, shall
1440 establish criteria to determine whether, and to what extent, a prospective grantee shall be eligible
1441 to receive a grant award pursuant to this section. Such criteria shall include, but shall not be
1442 limited to, whether the prospective grantee: (i) lacks the financial resources that would enable it
1443 to intervene and participate in a department or board proceeding absent a grant award pursuant to
1444 this section; and (ii) previously intervened in department or board proceedings prior to the
1445 establishment of the intervenor support grant program pursuant to this section; provided,
1446 however, that a municipality with a population of less than 7,500 that is a prospective grantee for
1447 a proceeding pertaining to a facility, large clean energy infrastructure facility or small clean

1448 energy infrastructure facility, as those terms are defined in section 69G, within its boundaries
1449 shall not be required to meet the criteria pursuant to this paragraph to receive a grant award.

1450 (d) A prospective grantee seeking funding under this section shall submit a grant
1451 application in a form and manner developed by the director demonstrating that the prospective
1452 grantee meets the criteria established by the director in accordance with subsection (c). Such
1453 grant application shall include: (i) a statement outlining the prospective grantee's anticipated
1454 participation in the department or board proceeding, to the extent it is known at the time of grant
1455 application; (ii) a detailed estimate of costs and fees of anticipated attorneys, consultants and
1456 experts, including community experts, and all other costs related to the preparation for, and
1457 intervention and participation in, the department or board proceeding; and (iii) background
1458 information on the attorneys, consultants and experts, including community experts, that the
1459 prospective grantee plans to retain if awarded grant funding. The director may, at their
1460 discretion, make conditional grant awards to grant applicants that have not yet been granted
1461 intervenor status by the department or board; provided, however, that no grant shall be awarded
1462 until such intervenor status is granted.

1463 (e) A grant awarded pursuant to this section shall not exceed \$150,000 for any single
1464 department or board proceeding. The director shall, in the director's sole discretion, determine
1465 the amount of financial support being granted, considering the demonstrated needs of the
1466 intervenor and the complexity of the proceeding. The director may, in the director's sole
1467 discretion: (i) upon the petition of a prospective grantee, award a grant exceeding \$150,000 only
1468 upon a demonstration of good cause, including the complexity of the proceeding in which the
1469 grantee is intervening; and (ii) upon the petition of a prospective grantee, provide grant funding
1470 in addition to the funding initially requested under section (c) upon a showing that new, novel or

1471 complex issues have arisen in the proceeding since the time the grant application was submitted
1472 pursuant said subsection (c). The director shall consider the potential for intervenors to share
1473 costs through collaborative efforts with other parties to a proceeding as part of determining the
1474 amount of funding awarded to any prospective grantee and such intervenors shall be expected to
1475 reduce duplicative costs to the extent possible in instances where the position or positions of
1476 multiple intervenors align.

1477 (f) The aggregate grant funding for any individual department or board proceeding shall
1478 not exceed \$500,000; provided, however, that where the aggregate amount of funding being
1479 requested exceeds \$500,000, funding shall be allocated to prospective grantees based on their
1480 relative financial hardship. The director may, at the director's discretion and upon a
1481 determination of good cause, provide funding exceeding \$500,000 for any individual department
1482 or board proceeding.

1483 (g) Ten per cent of grant funds awarded to a grantee, or a greater percentage as
1484 determined by the director at the director's sole discretion, may be expended on non-legal, non-
1485 expert and non-consultant administrative costs directly attributable to the intervention and
1486 participation in a proceeding before the department or board. All remaining grant funds may be
1487 expended to retain qualified legal counsel, experts and consultants to assist in proceedings before
1488 the department or board; provided, however, that such funds may be used to retain qualified
1489 community experts, which shall include residential ratepayers and residents with lived
1490 experience that can inform such proceedings. Such funding may be expended for administrative,
1491 legal, consultant and expert costs associated with an intervention petition submitted pursuant to
1492 clause (4) of the first paragraph of section 10 of chapter 30A or section 10A of said chapter 30A
1493 and any department or board regulations, if applicable.

1494 (h) All grant payments to grantees shall be made from the fund. Such grant payments
1495 shall be made only for reasonable costs incurred and upon submission of a grant payment request
1496 by the grantee. Such grant payment requests shall be in a form and manner as prescribed by the
1497 director and grant payments shall be made within 30 days of receipt of such grant payment
1498 requests by the director to the grantee or to the entity designated by the grantee to receive grant
1499 payments. The director, at the director's discretion or as provided for in regulations promulgated
1500 pursuant to this section, may provide grant payments before such costs are incurred by the
1501 grantee upon a showing of financial hardship by the grantee.

1502 (i) All decisions pertaining to the issuance of financial support shall be made solely by
1503 the director. The director shall have sole discretion to deny funding to a prospective grantee that
1504 demonstrates a pattern of repeatedly delaying or obstructing, or attempting to repeatedly delay or
1505 obstruct, proceedings or otherwise misuses or has misused funds.

1506 (j) In the department's annual report required pursuant to section 2 of chapter 25, the
1507 director shall include a report describing all activities of the fund, including, but not limited to:
1508 (i) amounts credited to the fund, amounts expended from the fund and any unexpended balance;
1509 (ii) a summary of the intervenor support grant fund application process; (iii) the number of grant
1510 applications received, the number and amount of awards granted, and the number of grant
1511 applications rejected; (iv) the number of intervenors who participated in proceedings with and
1512 without support from the fund; (v) an itemization of costs incurred by and payments made to
1513 grantees; (vi) an evaluation of the impact and contribution of grantees in department and board
1514 proceedings; (vii) a summary of education and outreach activities conducted by the division of
1515 public participation related to the intervenor support grant program; and (viii) any recommended
1516 changes to the program.

1517 (k) The director shall develop: (i) accessible, multi-lingual and easily comprehensible
1518 web-based educational materials, including forms and templates, to educate prospective grantees
1519 and the public on the intervenor support grant program; and (ii) a robust virtual and in-person
1520 outreach program to educate prospective grantees and the public about the intervenor support
1521 grant program.

1522 (l) The department, in consultation with the board, shall promulgate regulations to
1523 implement this section.

1524 Section 150. (a) For the purposes of this section, the following words shall, unless the
1525 context clearly requires otherwise, have the following meanings:

1526 “Advanced conductors”, any hardware technology that can conduct electricity across
1527 transmission distribution lines and demonstrate enhanced performance over traditional conductor
1528 products.

1529 “Advanced power flow control”, any hardware or software technologies used to push or
1530 pull electric power in a manner that balances overloaded lines and underutilized corridors within
1531 the distribution or transmission system.

1532 “Advanced reconductoring”, the application of advanced conductors to increase the
1533 capacity and efficiency of the existing electric grid.

1534 “Dynamic line rating”, any hardware or software technologies used to appropriately
1535 update the calculated thermal limits of existing distribution or transmission lines based on real-
1536 time and forecasted weather conditions.

1537 “Grid-enhancing technology”, any hardware or software technology that enables
1538 enhanced or more efficient performance from the electric distribution or transmission system,
1539 including, but not limited to, dynamic line rating, advanced power flow control technology,
1540 topology optimization and energy storage when used as a distribution resource.

1541 “Topology optimization”, any hardware or software technology that identifies
1542 reconfigurations of the distribution or transmission grid and can enable the routing of power
1543 flows around congested or overloaded distribution or transmission elements.

1544 (b) To the extent authorized under federal law, for base rate proceedings and other
1545 proceedings in which a distribution or transmission company proposes capital improvements or
1546 additions to the distribution or transmission system, the distribution or transmission company
1547 shall conduct a cost-effectiveness and timetable analysis of multiple strategies, including, but not
1548 limited, to the deployment of grid-enhancing technology, advanced conductors or energy storage
1549 used as a distribution resource. Where grid-enhancing technology, advanced conductors or
1550 energy storage used as a distribution or transmission resource whether in combination with or
1551 instead of capital investments, offer a more cost-effective strategy to achieving distribution or
1552 transmission goals, including, but not limited to, distributed energy resource interconnection,
1553 grid reliability and enhanced cyber and physical security, the department, to the extent permitted
1554 under federal law, may approve the deployment of grid-enhancing technology, advanced
1555 conductors or energy storage used as a distribution or transmission resource.

1556 (c) As part of a base rate filing or other filing in which a distribution or transmission
1557 company proposes capital improvements or additions to the distribution or transmission system,
1558 the distribution or transmission company may propose a performance incentive mechanism that

1559 provides a financial incentive for the cost-effective deployment of grid-enhancing technologies,
1560 advanced reconductoring or energy storage used as a distribution or transmission resource.

1561 (d) Once every 5 years, not later than September 1 of the fifth year, each distribution
1562 company and, to the extent permitted by federal law, each transmission company shall make a
1563 compliance filing with the department and provide a separate report to both ISO-NE and the joint
1564 committee on telecommunications, utilities and energy on the deployment of grid-enhancing
1565 technology, advanced conductors or energy storage used as a distribution or transmission
1566 resource in a format determined by the department.

1567 Section 151. (a) For the purposes of this section, “meter socket adapter” shall mean an
1568 electronic device that is installed between a residential electric meter and the meter socket, for
1569 the purpose of facilitating the deployment of customer-owned or customer-leased technology.

1570 (b) An electric company shall authorize the installation and operation of a meter socket
1571 adapter, whether the meter socket is owned by a residential customer or by a third-party, if the
1572 meter socket adapter:

1573 (i) is qualified to be connected to the supply side of the service disconnect pursuant to the
1574 applicable provisions of the National Electric Code;

1575 (ii) is approved or listed by a nationally recognized testing laboratory and is rated
1576 appropriately for the meter socket into which it is intended to be installed;

1577 (iii) is certified to meet all applicable standards, as determined by a nationally recognized
1578 testing laboratory approved by the department; and

1579 (iv) does not prevent access to the sealed meter socket compartment or the pull section of
1580 the service section of the electric meter or switchboard, as applicable.

1581 (c) A manufacturer of a meter socket adapter, a third-party, a residential customer or an
1582 electric company shall all be allowed to install, maintain or service a meter socket adapter or
1583 associated equipment.

1584 (d) An electric company shall approve or disapprove a request for approval of a specific
1585 model of meter socket adapter for installation in its service area not later than 60 days after a
1586 manufacturer, a third-party or a residential customer submits a request for approval of the
1587 specific model of meter socket adapter. An electric company shall provide public notice of all
1588 decisions approving a meter socket adapter, including by posting the information on the utility's
1589 website. Should an electric company disapprove a specific model of meter socket adapter, the
1590 electric company shall provide an explanation to the requesting vendor providing the reasons the
1591 application was denied.

1592 (e) The department may adopt rules and regulations as necessary to implement the
1593 provisions of this section.

1594 Section 152. (a) For the purposes of this section, "net crediting", shall mean a payment
1595 mechanism that requires a distribution company to, at the request of a host project or eligible
1596 solar tariff generation unit system: (i) include the monthly subscription charge of a host project
1597 or eligible solar tariff generation unit system on the monthly bills rendered by the distribution
1598 company for electric service and supply to subscribers; and (ii) remit payment for those charges
1599 to the host project or eligible solar tariff generation unit system, irrespective of whether
1600 applicable subscribers have paid their electric bill.

1601 (b) A distribution company may require a reasonable fee for a host project or eligible
1602 solar tariff generation unit system that uses net crediting. The fee shall not exceed 1 per cent of
1603 the bill credit value remitted to the system unless the department determines a higher fee is just
1604 and reasonable based on substantial evidence presented by the distribution company. The fee for
1605 net crediting assessed to a host project or solar tariff generation unit system shall not exceed the
1606 fee in effect at the time the host project or eligible solar tariff generation unit system elected for
1607 an associated solar tariff generation unit system to participate in net crediting.

1608 (c) The department, in consultation with the department of energy resources, shall amend
1609 any applicable rules, regulations and tariffs to permit the transfer of credits from an alternative
1610 on-bill credit generation unit, as defined by regulations of the department of energy resources, to
1611 customers of any distribution company located in the commonwealth.

1612 SECTION 58. Chapter 166 of the General Laws is hereby amended by striking out
1613 section 28, as appearing in the 2022 Official Edition, and inserting in place thereof the following
1614 section:-

1615 Section 28. A company subject to this chapter, except a telegraph or telephone company,
1616 desiring to construct a line for the transmission of electricity that will, of necessity, pass through
1617 at least 1 city or town to connect the proposed termini of such line, whose petition for the
1618 location necessary for such line has been refused or has not been granted within 3 months after
1619 the filing thereof by the city council or the select board of the town through which the company
1620 intends to construct such line, may apply to the energy facilities siting board for such location.
1621 The energy facilities siting board shall hold a public hearing thereon after notice to the city
1622 council or select board refusing or neglecting to grant such location and to all persons owning

1623 real estate abutting upon any way in the city or town where such location is sought, as such
1624 ownership is determined by the last assessment for taxation. The energy facilities siting board
1625 shall, if requested by the city council or select board, hold the hearing in the city or town where
1626 the location is sought. If it appears at the hearing that the company has already been granted, and
1627 has accepted, a location for such line in 2 cities or in 2 towns or in a city and town adjoining the
1628 city or town refusing or neglecting to grant a location or if it appears at the hearing that the
1629 company has already been granted, and has accepted, locations for such line in a majority of the
1630 cities or towns through which such line will pass and if the energy facilities siting board deems
1631 the location necessary for public convenience and in the public interest, the board may by order
1632 grant a location for such line in the city or town with respect to which the application is made
1633 and shall have and exercise the powers and authority conferred by section 22 upon the city
1634 council or select board and in addition to the provisions of law governing such company may
1635 impose such other terms, limitations and restrictions as it deems the public interest may require.
1636 The energy facilities siting board shall cause an attested copy of its order, with the certificate of
1637 its clerk endorsed thereon that the order was adopted after due notice and a public hearing, to be
1638 forwarded to the city or town clerk, who shall record the same and furnish attested copies
1639 thereof. The company in whose favor the order is made shall pay for such record and attested
1640 copies the fees provided by clauses 31 and 32, respectively, of section 34 of chapter 262.

1641 SECTION 59. Section 3A of chapter 185 of the General Laws, as so appearing, is hereby
1642 amended by striking out, in lines 35 to 37, inclusive, the words “either 25 or more dwelling units
1643 or the construction or alteration of 25,000 square feet or more of gross floor area or both” and
1644 inserting in place thereof the following words:- at least 1 of the following: (1) not less than 25
1645 dwelling units; (2) the construction or alteration of not less than 25,000 square feet of gross floor

1646 area; (3) the construction or alteration of a Class I renewable energy generating source, as
1647 defined in subsection (c) of section 11F of chapter 25A; or (4) the construction or alteration of an
1648 energy storage system, as defined in section 1 of chapter 164.

1649 SECTION 60. Said section 3A of said chapter 185 is hereby further amended by striking
1650 out the words “at least 1 of the following: (1) not less than 25 dwelling units; (2) the construction
1651 or alteration of not less than 25,000 square feet of gross floor area; (3) the construction or
1652 alteration of a Class I renewable energy generating source, as defined in subsection (c) of section
1653 11F of chapter 25A; or (4) the construction or alteration of an energy storage system, as defined
1654 in section 1 of chapter 164,” inserted by section 59, and inserting in place thereof the following
1655 words:- either 25 or more dwelling units or the construction or alteration of 25,000 square feet or
1656 more of gross floor area or both.

1657 SECTION 61. The first paragraph of section 83B of chapter 169 of the acts of 2008,
1658 inserted by section 12 of chapter 188 of the acts of 2016, and most recently amended by section
1659 60 of chapter 179 of the acts of 2022, is hereby further amended by striking out the words “83C
1660 and 83D” and inserting in place thereof the following words:- 83C, 83D, 83E and 83F.

1661 SECTION 62. Said first paragraph of said section 83B of said chapter 169, as so
1662 amended, is hereby further amended by striking out the definition of “Clean energy generation”
1663 and inserting in place thereof the following definition:-

1664 “Clean energy generation”, (i) firm service hydroelectric generation from hydroelectric
1665 generation alone; (ii) new Class I RPS eligible resources that are firm up with energy storage
1666 or firm service hydroelectric generation; (iii) new Class I renewable portfolio standard eligible

1667 resources; or (iv) nuclear power generation that is located in the ISO-NE control area and
1668 commenced commercial operation before January 1, 2011.

1669 SECTION 63. Said first paragraph of said section 83B of said chapter 169, as so
1670 amended, is hereby further amended by inserting after the definition of “Distribution company”
1671 the following 2 definitions:-

1672 “Energy services”, operation of infrastructure that increases the deliverability or
1673 reliability of clean energy generation or reduces the cost of clean energy generation. Such
1674 infrastructure shall include, but not be limited to, transmission, energy storage systems, as
1675 defined in section 1 of chapter 164 of the General Laws, and demand response technologies.

1676 “Environmental attributes”, all present and future attributes under any and all
1677 international, federal, regional, state or other law or market, including, but not limited to, all
1678 credits or certificates that are associated, either now or by future action, with clean energy
1679 generation, including, but not limited to, those attributes authorized and created by programs
1680 developed under subsection (c) section 3 of chapter 21N of the General Laws, and section 11F
1681 and section 17 of chapter 25A of the General Laws.

1682 SECTION 64. Said first paragraph of said section 83B of said chapter 169, as so
1683 amended, is hereby further amended by striking out the definition of “Long-term contract” and
1684 inserting in place thereof the following definition:-

1685 “Long-term contract”, a contract for a period of 15 to 30 years for offshore wind energy
1686 generation pursuant to section 83C or for clean energy generation pursuant to sections 83D or
1687 83E or for energy storage systems pursuant to section 83F; provided, however, that a contract for
1688 offshore wind energy generation pursuant to said section 83C may include terms and conditions

1689 for renewable energy credits associated with the offshore wind energy generation that exceed the
1690 term of generation under the contract.

1691 SECTION 65. Said first paragraph of said section 83B of said chapter 169, as so
1692 amended, is hereby further amended by striking out the definition of “Mid-duration energy
1693 storage system” and inserting in place thereof the following 2 definitions:-

1694 “Mid-duration energy storage system”, an energy storage system, as defined in section 1
1695 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity
1696 for a period equal to or greater than 4 hours and up to 10 hours.

1697 “Multi-day energy storage,” an energy storage system, as defined in section 1 of chapter
1698 164 of the General Laws, that is capable of dispatching electricity at its full rated capacity for
1699 greater than 24 hours.

1700 SECTION 65A. The first paragraph of section 2 of chapter 465 of the acts of 1956 is
1701 hereby amended by inserting after the first sentence, the following sentence:- In discharging its
1702 responsibilities and exercising its powers under this chapter, the Authority shall, with respect to
1703 itself and the entities with which it contracts or does business, and in a manner consistent with
1704 any act of congress relating to aeronautics or any regulations promulgated or standards
1705 established pursuant thereto, promote commerce, economic prosperity, safety and security, as
1706 well as environmental resiliency and reductions in greenhouse gas emissions, and incorporating
1707 environmental justice principles, as defined in section 62 of chapter 30 of the General Laws.

1708 SECTION 65A. The first paragraph of section 2 of chapter 465 of the acts of 1956 is
1709 hereby amended by inserting after the first sentence, the following sentence:- In discharging its
1710 responsibilities and exercising its powers under this chapter, the Authority shall, with respect to

1711 itself and the entities with which it contracts or does business, and in a manner consistent with
1712 any act of congress relating to aeronautics or any regulations promulgated or standards
1713 established pursuant thereto, promote commerce, economic prosperity, safety and security, as
1714 well as environmental resiliency and reductions in greenhouse gas emissions, and incorporating
1715 environmental justice principles, as defined in section 62 of chapter 30 of the General Laws.

1716 SECTION 65B. Section 3 of said chapter 465, as most recently amended by section 2 of
1717 chapter 660 of the acts of 1977, is hereby further amended by striking subsection (g) and
1718 inserting in place thereof the following subsection:-

1719 (g) To extend, enlarge, improve, rehabilitate, lease as lessor or lessee, maintain, repair,
1720 and operate the projects under its control, and to establish rules and regulations for the use of any
1721 such project; provided, that the Authority shall, with respect to itself and the entities with which
1722 it contracts or does business, and in a manner consistent with any act of congress relating
1723 to aeronautics or to any regulations promulgated or standards established pursuant thereto,
1724 undertake such activities, and promulgate such rules and regulations, in such a manner as to
1725 promote commerce, economic prosperity, safety and security, as well as environmental resiliency
1726 and reductions in greenhouse gas emissions, and incorporating environmental justice principles,
1727 as defined in section 62 of chapter 30 of the General Laws; provided, further, that no such rules
1728 or regulations shall conflict with the rules and regulations of any state or federal regulatory body
1729 having jurisdiction over the operation of aircraft; and provided, further, that in the enforcement
1730 of such rules and regulations the police appointed or employed by the Authority under section
1731 twenty-three shall have within the boundaries of all projects all the powers of police officers and

1732 constables of the towns of the commonwealth except the power of serving and executing civil
1733 process;

1734 SECTION 66. Said chapter 169, as amended by chapter 188 of the acts of 2016, is hereby
1735 further amended by inserting after section 83D the following 2 sections:-

1736 Section 83E. (a) In order to provide a cost-effective mechanism for procuring beneficial,
1737 reliable clean energy generation resources on a long-term basis, taking into account the factors
1738 outlined in this section, not later than August 31, 2025, every distribution company shall, in
1739 coordination with the department of energy resources, jointly and competitively solicit proposals
1740 for clean energy generation and, if reasonable proposals have been received, shall enter into cost-
1741 effective long-term contracts for clean energy generation for an annual amount of electricity up
1742 to approximately 9,450,000 megawatt-hours additional to the amount of clean energy generation
1743 purchased from the seller in the year 2022 through the spot market or other contracts. Long-term
1744 contracts executed pursuant to this section shall be subject to the approval of the department of
1745 public utilities and shall be apportioned among the distribution companies pursuant to this
1746 section.

1747 (b) The timetable and method for solicitation of long-term contracts shall be proposed by
1748 the department of energy resources in coordination with the distribution companies using a
1749 competitive bidding process and shall be subject to review and approval by the department of
1750 public utilities. The department of energy resources shall consult with the distribution companies
1751 and the attorney general's office regarding the choice of solicitation methods. A solicitation may
1752 be coordinated and issued jointly with other New England states or entities designated by those
1753 states. The distribution companies, in coordination with the department of energy resources, may

1754 conduct 1 or more competitive solicitations through a staggered procurement schedule developed
1755 by the department of energy resources; provided, that the schedule shall ensure that the
1756 distribution companies enter into cost-effective long-term contracts for the delivery of an annual
1757 amount of clean energy generation up to approximately 9,450,000 megawatt-hours not later than
1758 December 31, 2030, additional to the amount of clean energy generation purchased from the
1759 seller in the year 2022 through the spot market or other contracts. Proposals received pursuant to
1760 a solicitation pursuant to this section shall be subject to review by the department of energy
1761 resources and the executive office of economic development, in consultation with the
1762 independent evaluator selected pursuant to subsection (f). The electric distribution companies
1763 shall offer technical advice. If the department of energy resources, in consultation with the
1764 independent evaluator, determines that reasonable proposals were not received pursuant to a
1765 solicitation, the department may terminate the solicitation, and may require additional
1766 solicitations to fulfill the requirements of this section.

1767 (c) In developing proposed long-term contracts, the distribution companies shall consider
1768 long-term contracts for clean energy certificates, for energy and for a combination of both clean
1769 energy certificates and energy. A distribution company may decline to pursue a contract if the
1770 contract's terms and conditions would require the contract obligation to place an unreasonable
1771 burden on the distribution company's balance sheet after consultation with the department of
1772 energy resources; provided, however, that the distribution company shall take all reasonable
1773 actions to structure the contracts, pricing or administration of the products purchased under this
1774 section to prevent or mitigate any impact on the balance sheet or income statement of the
1775 distribution company or its parent company, subject to the approval of the department of public
1776 utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a

1777 distribution company deems all contracts to be unreasonable, the distribution company shall
1778 consult with the department of energy resources and, not later than 20 days of the date of its
1779 decision, submit a filing to the department of public utilities. The filing shall include, in the form
1780 and detail prescribed by the department of public utilities, documentation supporting the
1781 distribution company's decision to decline the contract. Following a distribution company's
1782 filing, and not later than 4 months of the date of filing, the department of public utilities shall
1783 approve or reject the distribution company's decision and may order the distribution company to
1784 reconsider any contract. The department of public utilities shall take into consideration the
1785 department of energy resources' recommendations on the distribution company's decision. The
1786 department of energy resources may require additional solicitations to fulfill the requirements of
1787 this section.

1788 (d) The department of public utilities shall promulgate regulations consistent with this
1789 section. The regulations shall: (i) allow developers or owners of clean energy generation
1790 resources to submit proposals for long-term contracts; (ii) require that contracts executed by the
1791 distribution companies under such proposals are filed with, and approved by, the department of
1792 public utilities before they become effective; (iii) provide for an annual remuneration for the
1793 contracting distribution company equal to 2.25 per cent of the annual payments under the
1794 contract to compensate the company for accepting the financial obligation of the long-term
1795 contract; provided, however, that such provision shall be acted upon by the department of public
1796 utilities at the time of contract approval; (iv) require associated transmission costs to be
1797 incorporated into a proposal; provided, however, that to the extent that there are regional or
1798 project-specific transmission costs included in a bid, the department of public utilities may, if it
1799 finds such recovery to be in the public interest, authorize or require the contracting parties to

1800 seek recovery of such transmission costs from other states or from benefitted entities or
1801 populations in other states through federal transmission rates, consistent with policies and tariffs
1802 of the Federal Energy Regulatory Commission; and (v) require that the clean energy resources to
1803 be used by a developer or owner under the proposal: (A) provide enhanced electricity reliability,
1804 system safety and energy security; (B) contribute to reducing winter electricity price spikes; (C)
1805 are cost effective to electric ratepayers in the commonwealth over the term of the contract taking
1806 into consideration costs and benefits to the ratepayers, including economic and environmental
1807 benefits, and the equitable allocation of costs to, and the equitable sharing of costs with, other
1808 states, and populations within other states that may benefit from clean energy generation
1809 procured by the commonwealth; (D) if applicable, avoid line loss and mitigate transmission costs
1810 to the extent possible and ensure that transmission cost overruns, if any, are not borne by
1811 ratepayers; (E) allow long-term contracts for clean energy generation resources to be paired with
1812 energy storage systems, including new and existing mid-duration and long-duration energy
1813 storage systems; (F) if applicable, adequately demonstrate project viability in a commercially
1814 reasonable timeframe; (G) include benefits to environmental justice populations and low-income
1815 ratepayers in the commonwealth; and (H) include opportunities for diversity, equity and
1816 inclusion, including, at a minimum, a workforce diversity plan and supplier diversity program
1817 plan.

1818 (e) A proposed long-term contract shall be subject to the review and approval of the
1819 department of public utilities and shall be apportioned among the distribution companies. As part
1820 of its approval process, the department of public utilities shall consider recommendations by the
1821 attorney general, which shall be submitted to the department not later than 45 days following the
1822 filing of a proposed long-term contract with the department. The department of public utilities

1823 shall take into consideration the department of energy resources' recommendations on the costs
1824 and benefits to the rate payers, the equitable allocation and sharing of costs to and with other
1825 states and populations within other states that may benefit from clean energy generation procured
1826 by the commonwealth and the requirements of chapter 298 of the acts of 2008 and statewide
1827 greenhouse gas emissions limits under chapter 21N of the General Laws. The department of
1828 public utilities shall consider the costs and benefits of the proposed long-term contract and shall
1829 approve a proposed long-term contract if the department finds that the proposed contract is in the
1830 public interest and a cost-effective mechanism for procuring beneficial, reliable clean energy on
1831 a long-term basis, taking into account the factors outlined in this section. A distribution company
1832 shall be entitled to cost recovery of payments made under a long-term contract approved under
1833 this section.

1834 (f) The department of energy resources and the attorney general shall jointly select, and
1835 the department of energy resources shall contract with, an independent evaluator to monitor and
1836 report on the solicitation and bid selection process in order to assist the department of energy
1837 resources in determining whether a proposal received pursuant to subsection (b) is reasonable,
1838 and to assist the department of public utilities in its consideration of long-term contracts or filed
1839 for approval. To ensure an open, fair and transparent solicitation and bid selection process that is
1840 not unduly influenced by an affiliated company, the independent evaluator shall: (i) issue a
1841 report to the department of public utilities analyzing the timetable and method of solicitation and
1842 the solicitation process implemented by the distribution companies and the department of energy
1843 resources under subsection (b) and include recommendations, if any, for improving the process;
1844 and (ii) upon the opening of an investigation by the department of public utilities into a proposed
1845 long-term contract for a winning bid proposal, file a report with the department of public utilities

1846 summarizing and analyzing the solicitation and the bid selection process, and providing its
1847 independent assessment of whether all bids were evaluated in a fair and non-discriminatory
1848 manner. The independent evaluator shall have access to all information and data related to the
1849 competitive solicitation and bid selection process necessary to fulfill the purposes of this
1850 subsection but shall ensure all proprietary information remains confidential. The department of
1851 public utilities shall consider the findings of the independent evaluator and may adopt
1852 recommendations made by the independent evaluator as a condition for approval. If the
1853 independent evaluator concludes in the findings that the solicitation and bid selection of a long-
1854 term contract was not fair and objective and that the process was substantially prejudiced as a
1855 result, the department of public utilities shall reject the contract.

1856 (g) The distribution companies shall each enter into a contract with the winning bidders
1857 for their apportioned share of the market products being purchased from the project. The
1858 apportioned share shall be calculated and based upon the total energy demand from all
1859 distribution customers in each service territory of the distribution companies.

1860 (h) An electric distribution company may elect to use any energy purchased under such
1861 contracts for resale to its customers and may elect to retain clean energy certificates to meet any
1862 applicable annual portfolio standard requirements, including section 11F of chapter 25A of the
1863 General Laws and other clean energy compliance standards as applicable. If the energy and clean
1864 energy certificates are not so used, such companies shall sell such purchased energy into the
1865 wholesale market and shall sell such purchased clean energy certificates attributed to any
1866 applicable portfolio standard eligible resources to minimize the costs to ratepayers under the
1867 contract. The department of energy resources shall conduct periodic reviews to determine the
1868 impact on the energy and clean energy certificate markets of the disposition of energy and clean

1869 energy certificates under this section and may issue reports recommending legislative changes if
1870 it determines that actions are being taken that will adversely affect the energy and clean energy
1871 certificate markets.

1872 (i) If a distribution company sells the purchased energy into the wholesale spot market
1873 and auctions the clean energy certificates as described in this section, the distribution company
1874 shall net the cost of payments made to projects under the long-term contracts against the net
1875 proceeds obtained from the sale of energy and clean energy certificates, and the difference shall
1876 be credited or charged to all distribution customers through a uniform, fully reconciling annual
1877 factor in distribution rates, subject to review and approval of the department of public utilities.

1878 (j) A long-term contract procured under this section shall utilize an appropriate tracking
1879 system to ensure a unit-specific accounting of the delivery of clean energy to enable the
1880 department of environmental protection, in consultation with the department of energy resources,
1881 to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the
1882 acts of 2008 or the statewide greenhouse gas emissions limits under chapter 21N of the General
1883 Laws.

1884 (k) The department of energy resources and the department of public utilities may jointly
1885 develop requirements for a bond or other security to ensure performance with requirements
1886 under this section.

1887 (l) If this section is subjected to a legal challenge, the department of public utilities may
1888 suspend the applicability of the challenged provision during the pendency of the action until a
1889 final resolution, including any appeals, is obtained and shall issue an order and take other actions

1890 as are necessary to ensure that the provisions not subject to the challenge are implemented
1891 expeditiously to achieve the public purposes of this section.

1892 Section 83F. (a) In order to provide a cost-effective mechanism for procuring beneficial,
1893 reliable energy storage systems, as defined in section 1 of chapter 164 of the General Laws, on a
1894 long-term basis, taking into account the factors outlined in this section, every distribution
1895 company shall, in coordination with the department of energy resources, jointly and
1896 competitively solicit proposals for energy storage systems and, provided that reasonable
1897 proposals have been received, shall enter into cost-effective long-term contracts for up to 5,000
1898 megawatts of energy storage systems, of which 3,500 megawatts shall be mid-duration energy
1899 storage; 750 megawatts shall be long-duration energy storage; and 750 megawatts shall be multi-
1900 day energy storage; provided, that existing energy storage systems shall be eligible to participate
1901 in any procurement issued under this section. Long-term contracts executed pursuant to this
1902 section shall be subject to the approval of the department of public utilities and shall be
1903 apportioned among the distribution companies pursuant to this section.

1904 (b) The timetable and method for solicitation of long-term contracts shall be proposed by
1905 the department of energy resources in coordination with the distribution companies using a
1906 competitive bidding process and shall be subject to review and approval by the department of
1907 public utilities. The department of energy resources shall consult with the distribution companies
1908 and the office of the attorney general regarding the choice of solicitation methods. A solicitation
1909 may be coordinated and issued jointly with other New England states or entities designated by
1910 those states. The distribution companies, in coordination with the department of energy
1911 resources, may conduct 1 or more competitive solicitations through a staggered procurement
1912 schedule developed by the department of energy resources; provided, however, that

1913 approximately 1,500 megawatts shall be procured not later than July 31, 2025, of which
1914 approximately 250 megawatts shall be multi-day storage; approximately 1,000 megawatts not
1915 later than July 31, 2026, of which approximately 250 megawatts shall be multi-day storage; and
1916 approximately 1,000 megawatts not later than July 31, 2027, of which approximately 250
1917 megawatts shall be multi-day storage; provided further, that the schedule shall ensure that the
1918 distribution companies enter into cost-effective long-term contracts for the delivery of energy
1919 storage systems up to approximately 5,000 megawatts not later than July 31, 2028. Proposals
1920 received pursuant to a solicitation pursuant to this section shall be subject to review by the
1921 department of energy resources and the executive office of economic development in
1922 consultation with the independent evaluator. The electric distribution companies shall offer
1923 technical advice. If the department of energy resources, in consultation with the independent
1924 evaluator, determines that reasonable proposals were not received pursuant to a solicitation, the
1925 department may terminate the solicitation and may require additional solicitations to fulfill the
1926 requirements of this section.

1927 (c) The department may give preference to proposals for environmental attributes or
1928 energy services from energy storage systems that provide additional benefits or value to the
1929 electric power grid or communities, including, but not limited to: (i) supporting grid resiliency
1930 and transmission needs in specific geographic locations; (ii) providing economic opportunities or
1931 public health benefits to environmental justice or disadvantaged communities; or (iii) creating
1932 economic opportunities in transitioning fossil fuel communities.

1933 (d) In developing proposed long-term contracts, the distribution companies shall consider
1934 long-term contracts for energy services, for environmental attributes and for a combination of
1935 both energy services and environmental attributes. A distribution company may decline to pursue

1936 a contract if the contract's terms and conditions would require the contract obligation to place an
1937 unreasonable burden on the distribution company's balance sheet after consultation with the
1938 department of energy resources; provided, however, that the distribution company shall take all
1939 reasonable actions to structure the contracts, pricing or administration of the products purchased
1940 under this section to prevent or mitigate an impact on the balance sheet or income statement of
1941 the distribution company or its parent company, subject to the approval of the department of
1942 public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a
1943 distribution company deems all contracts to be unreasonable, the distribution company shall
1944 consult with the department of energy resources and, not later than 20 days of the date of its
1945 decision, submit a filing to the department of public utilities. The filing shall include, in the form
1946 and detail prescribed by the department of public utilities, documentation supporting the
1947 distribution company's decision to decline the contract. Following a distribution company's
1948 filing, and not later than 4 months of the date of filing, the department of public utilities shall
1949 approve or reject the distribution company's decision and may order the distribution company to
1950 reconsider any contract. The department of public utilities shall take into consideration the
1951 department of energy resources' recommendations on the distribution company's decision. The
1952 department of energy resources may require additional solicitations to fulfill the requirements of
1953 this section.

1954 (e) The department of public utilities shall promulgate regulations consistent with this
1955 section. The regulations shall: (i) allow developers or owners of energy storage systems to
1956 submit proposals for long-term contracts; (ii) require that contracts executed by the distribution
1957 companies under such proposals are filed with, and approved by, the department of public
1958 utilities before they become effective; (iii) provide for an annual remuneration for the contracting

1959 distribution company equal to 2.25 per cent of the annual payments under the contract to
1960 compensate the company for accepting the financial obligation of the long-term contract;
1961 provided, however, that such provision shall be acted upon by the department of public utilities
1962 at the time of contract approval; (iv) require associated transmission costs to be incorporated into
1963 a proposal; provided, however, that to the extent there are regional or project-specific
1964 transmission costs included in a bid, the department of public utilities may, if it finds such
1965 recovery to be in the public interest, authorize or require the contracting parties to seek recovery
1966 of such transmission costs from other states or from benefitted entities or populations in other
1967 states through federal transmission rates, consistent with policies and tariffs of the Federal
1968 Energy Regulatory Commission; and (v) require that the energy storage systems used by a
1969 developer or owner under the proposal meet the following criteria: (A) are cost effective to
1970 electric ratepayers in the commonwealth over the term of the contract taking into consideration
1971 costs and benefits to the ratepayers, including economic and environmental benefits and the
1972 equitable allocation of costs to, and the equitable sharing of costs with other states and
1973 populations within other states that may benefit from energy storage systems procured by the
1974 commonwealth; (B) if applicable, adequately demonstrate project viability in a commercially
1975 reasonable timeframe; (C) include benefits to environmental justice populations and low-income
1976 ratepayers in the commonwealth; and (D) include opportunities for diversity, equity and
1977 inclusion, including, at a minimum, a workforce diversity plan and supplier diversity program
1978 plan.

1979 (f) A proposed long-term contract shall be subject to the review and approval of the
1980 department of public utilities and shall be apportioned among the distribution companies. As part
1981 of its approval process, the department of public utilities shall consider recommendations by the

1982 attorney general, which shall be submitted to the department not later than 45 days following the
1983 filing of a proposed long-term contract with the department. The department of public utilities
1984 shall take into consideration the department of energy resources' recommendations on the costs
1985 and benefits to the rate payers the equitable allocation and sharing of costs to and with other
1986 states and populations within other states that may benefit from energy storage systems procured
1987 by the commonwealth and the requirements of chapter 298 of the acts of 2008 and statewide
1988 greenhouse gas emissions limits under chapter 21N of the General Laws. The department of
1989 public utilities shall consider the costs and benefits of the proposed long-term contract and shall
1990 approve a proposed long-term contract if the department finds that the proposed contract is in the
1991 public interest and is a cost-effective mechanism for procuring beneficial, reliable energy storage
1992 systems on a long-term basis, taking into account the factors outlined in this section. A
1993 distribution company shall be entitled to cost recovery of payments made under a long-term
1994 contract approved under this section.

1995 (g) The department of energy resources and the attorney general shall jointly select, and
1996 the department of energy resources shall contract with, an independent evaluator to monitor and
1997 report on the solicitation and bid selection process in order to assist the department of energy
1998 resources in determining whether a proposal received pursuant to subsection (b) is reasonable
1999 and to assist the department of public utilities in its consideration of long-term contracts or filed
2000 for approval. To ensure an open, fair and transparent solicitation and bid selection process is not
2001 unduly influenced by an affiliated company, the independent evaluator shall: (i) issue a report to
2002 the department of public utilities analyzing the timetable and method of solicitation and the
2003 solicitation process implemented by the distribution companies and the department of energy
2004 resources under subsection (b) and include recommendations, if any, for improving the process;

2005 and (ii) upon the opening of an investigation by the department of public utilities into a proposed
2006 long-term contract for a winning bid proposal, file a report with the department of public utilities
2007 summarizing and analyzing the solicitation and the bid selection process and providing its
2008 independent assessment of whether all bids were evaluated in a fair and non-discriminatory
2009 manner. The independent evaluator shall have access to all information and data related to the
2010 competitive solicitation and bid selection process necessary to fulfill the purposes of this
2011 subsection but shall ensure all proprietary information remains confidential. The department of
2012 public utilities shall consider the findings of the independent evaluator and may adopt
2013 recommendations made by the independent evaluator as a condition for approval. If the
2014 independent evaluator concludes in the findings that the solicitation and bid selection of a long-
2015 term contract was not fair and objective and that the process was substantially prejudiced as a
2016 result, the department of public utilities shall reject the contract.

2017 (h) The distribution companies shall each enter into a contract with the winning bidders
2018 for their apportioned share of the market products being purchased from the project. The
2019 apportioned share shall be calculated and based upon the total energy demand from all
2020 distribution customers in each service territory of the distribution companies.

2021 (i) An electric distribution company may elect to use any energy services purchased
2022 under such contracts for resale to its customers and may elect to retain environmental attributes
2023 to meet any applicable annual portfolio standard requirements, including section 11F of chapter
2024 25A of the General Laws, and other clean energy compliance standards as applicable. If the
2025 energy services and environmental attributes are not so used, such companies shall sell such
2026 purchased energy services into the wholesale market and shall sell such purchased environmental
2027 attributes attributed to any applicable portfolio standard eligible resources to minimize the costs

2028 to ratepayers under the contract. The department of energy resources shall conduct periodic
2029 reviews to determine the impact on the energy services and environmental attributes markets of
2030 the disposition of energy services and environmental attributes under this section and may issue
2031 reports recommending legislative changes if it determines that actions are being taken that will
2032 adversely affect the energy services and environmental attributes markets.

2033 (j) If a distribution company sells the purchased energy services into the wholesale spot
2034 market and auctions the environmental attributes as described in this section, the distribution
2035 company shall net the cost of payments made to projects under the long-term contracts against
2036 the net proceeds obtained from the sale of energy services and environmental attributes, and the
2037 difference shall be credited or charged to all distribution customers through a uniform, fully
2038 reconciling annual factor in distribution rates, subject to review and approval of the department
2039 of public utilities.

2040 (k) A long-term contract procured under this section for energy storage systems shall
2041 utilize an appropriate tracking system to ensure a unit specific accounting of the delivery of
2042 energy storage, to enable the department of environmental protection, in consultation with the
2043 department of energy resources, to accurately measure progress in achieving the
2044 commonwealth's goals under chapter 298 of the acts of 2008 or the statewide greenhouse gas
2045 emissions limits under chapter 21N of the General Laws.

2046 (l) The department of energy resources and the department of public utilities may jointly
2047 develop requirements for a bond or other security to ensure performance with requirements
2048 under this section.

2049 (m) The department of energy resources may promulgate regulations necessary to
2050 implement this section.

2051 (n) If this section is subjected to a legal challenge, the department of public utilities may
2052 suspend the applicability of the challenged provision during the pendency of the action until a
2053 final resolution, including any appeals, is obtained and shall issue an order and take other actions
2054 as are necessary to ensure that the provisions not subject to the challenge are implemented
2055 expeditiously to achieve the public purposes of this section.

2056 SECTION 67. Subsection (a) of section 81 of chapter 179 of the acts of 2022 is hereby
2057 amended by striking out the figure “11” and inserting in place thereof the following figure:- 13.

2058 SECTION 68. Said subsection (a) of said section 81 of said chapter 179 is hereby further
2059 amended by inserting after the words “commissioner of public utilities or designee” the
2060 following words:- ; the executive director of the Massachusetts clean energy technology center
2061 or designee; the attorney general or designee.

2062 SECTION 69. Section 82 of said chapter 179 is hereby amended by striking out the
2063 words “December 31, 2022” and inserting in place thereof the following words:- December 31,
2064 2025.

2065 SECTION 70. Subsection (b) of section 85 of said chapter 179 is hereby amended by
2066 striking out the last sentence and inserting in place thereof the following sentence:- If the
2067 secretary finds that use of such a market-based mechanism, structure, system or competitive
2068 solicitation would be beneficial to the commonwealth, the secretary shall direct the department
2069 of energy resources to promulgate regulations pursuant to subsection (c).

2070 SECTION 71. Said section 85 of said chapter 179 is hereby further amended by striking
2071 out subsection (c) and inserting in place thereof the following subsection:-

2072 (c) Pursuant to subsections (a) and (b), the department of energy resources shall adopt
2073 regulations establishing or governing such market-based mechanisms, structures, systems or
2074 competitive solicitations that may include long-term contracts, ISO New England Inc.
2075 administered markets or any other exchanges, banking, credits, charges, exactions or electricity
2076 transactions consistent with rules and protocols established by state regulation, including in
2077 cooperation with other states in the ISO New England Inc. service area, to reduce greenhouse
2078 gas emissions from sources or categories of sources and comply with the statewide greenhouse
2079 gas emission limits and sublimits established pursuant to chapter 21N of the General Laws.

2080 SECTION 72. (a) The department of energy resources and the Massachusetts Department
2081 of Transportation, in consultation with each electric distribution company, shall forecast electric
2082 vehicle charging demand through the year 2045 and identify sites to create a statewide network
2083 of fast-charging hubs along the highways and major roadways of the commonwealth at service
2084 plazas and other locations and charging capacity for fleet depots. In conducting its forecast, the
2085 departments shall consult with key stakeholders, including, but not limited to, electric vehicle
2086 supply equipment companies, electric vehicle original equipment manufacturers and fleet
2087 operators. The forecast shall consider current traffic patterns and expected adoption of electric
2088 vehicles and the associated demand from light, medium and heavy-duty electric vehicles. The
2089 departments shall complete their forecast not later than 6 months following the effective date of
2090 this act.

2091 (b) Not later than 6 months of the completion of the demand forecast, the department of
2092 energy resources, the Massachusetts Department of Transportation and the electric distribution
2093 companies shall identify optimal sites along or near commonwealth highways and major
2094 roadways in each electric distribution company service territory, which are suitable to host
2095 electric vehicle fast charging hubs and fleet depots to meet the anticipated demand in 2045.
2096 Identification of such priority sites for electric vehicle fast charging stations and fleet depots
2097 shall include, but not be limited to, consideration of the following: (i) ease of access for both
2098 consumer and commercial electric vehicles; (ii) cost-effective and efficient use of existing
2099 electric company infrastructure and rights-of-way; (iii) land use feasibility; (iv) potential ability
2100 to qualify for public funds, including, but not limited to, those funds made available under the
2101 federal Infrastructure Investment and Jobs Act, Public Law 117-58; and (v) impact on
2102 environmental justice communities.

2103 (c) Not later than 6 months of identification of such electric vehicle fast charging hubs
2104 and fleet depots, each electric distribution company shall develop and submit to the department
2105 of public utilities a plan to design and build the additional distribution infrastructure investments
2106 necessary on its system to satisfy, at a minimum, the year 2045 projected charging demand at the
2107 applicable sites. The associated infrastructure investments shall be designed to accommodate any
2108 additional projected future needs for the area identified by the electric distribution company.

2109 (d) The department of public utilities shall approve plans submitted pursuant to
2110 subsection (c) that the department finds reasonable not later than 6 months of each electric
2111 distribution company submitting its plan. Each electric distribution company shall be entitled to
2112 full cost recovery of all charges for the infrastructure investments resulting from the plan.

2113 SECTION 73. The department of public utilities shall, in consultation with the
2114 distribution companies, conduct a process to investigate establishing and refining standards that
2115 expand the use of distributed grid edge software on AMI meters already approved by the
2116 department, which supports efficiency, load flexibility and distribution system intelligence to
2117 improve system utilization, reduce costs and improve reliability to customers. Standards shall
2118 include, but shall not be limited to, methods for increasing capacity for managing loads and
2119 resources in the grid by electric utilities and third parties. The distribution companies shall
2120 design at least 1 metric for improved monitoring and controlling the grid using high-resolution
2121 data in utility meters that will allow such distribution companies to earn an incentive for positive
2122 performance. The department of public utilities shall complete its investigation and submit a
2123 report detailing its conclusions to the joint committee on telecommunications, utilities and
2124 energy not later than April 1, 2025.

2125 SECTION 74. (a) Notwithstanding any general or special law to the contrary, the
2126 department of energy resources shall conduct a review to determine the effectiveness of the
2127 commonwealth's existing solicitations and procurements required by section 83C of chapter 169
2128 of the acts of 2008, as inserted by chapter 188 of the acts of 2016, for the purposes of ensuring
2129 compliance with statewide greenhouse gas emissions limits and sublimits under chapter 21N of
2130 the General Laws.

2131 (b) The department's recommendations shall include a review of: (i) prior clean energy
2132 solicitations; (ii) best practices and models utilized by other states to procure clean energy; (iii)
2133 authorizing surplus interconnection service as an available transmission option in future
2134 solicitations and procurements required by section 83C of chapter 169 of the acts of 2008; and
2135 (iv) strategies to minimize total carbon emissions generated by vessels during both the

2136 construction phase and the operation and maintenance phase of a project and any legislative
2137 recommendations needed to amend or replace existing statutory authority. The department shall
2138 consult with the clean energy industry, the office of the attorney general, the Massachusetts clean
2139 energy technology center, environmental justice organizations, labor organizations representing
2140 workers in the offshore wind industry and other impacted stakeholders as part of this review
2141 process. Such review and recommendations shall be submitted to the joint committee on
2142 telecommunications, utilities and energy not later than December 1, 2024.

2143 SECTION 74A. The executive office of energy and environmental affairs shall conduct a
2144 study on the feasibility of the electric vehicle only sales mandate which becomes effective in
2145 2035. The study shall include, but not be limited to, an examination of a realistic timeline to
2146 implement the mandate, the infrastructure needed to implement the mandate such as ample
2147 charging stations throughout the state, and where and how enough electricity will be needed and
2148 generated into the power grid to sustain such a mandate by 2035. The study shall also seek input
2149 on the impacts of the mandate from relevant industries, including but not limited to, the
2150 automobile industry, auto sales industry, auto repair industry, transportation industry, travel and
2151 tourism, shipping and construction industries. The executive office shall collect information on
2152 the feasibility of installing and providing access to charging stations in rural, suburban and urban
2153 areas. The executive office shall also collect and study information on the costs associated with
2154 the repair and general maintenance of electric vehicles compared to gas fueled vehicles.

2155 The executive office shall report its findings to the joint committee on
2156 telecommunications, utilities and energy, the chairs of the house and senate committees on
2157 global warming and climate change, and the chairs of the house and senate committees on ways
2158 and means by July 31, 2025.

2159 SECTION 75. (a) The department of public utilities, in coordination with the department
2160 of energy resources, shall conduct an independent investigation that examines the use of
2161 advanced conductors and grid-enhancing technologies to enhance the performance of the
2162 commonwealth's transmission system in applications that are subject to federal jurisdiction. Such
2163 advanced conductors and grid-enhancing technologies may include, but shall not be limited to,
2164 reconductoring of transmission and distribution lines and the use of dynamic line ratings,
2165 advanced power flow control and topology optimization software.

2166 (b) In conducting its investigation, the department shall: (i) review industry trends for the
2167 implementation and use of advanced conductors and grid-enhancing technologies and determine
2168 which technologies are cost-effective and in the public interest and under what conditions those
2169 technologies could be utilized for transmission and distribution infrastructure within the state;
2170 and (ii) for any technologies determined to be cost effective and in the public interest, identify
2171 any jurisdictional and cost-sharing issues related to requiring a transmission and distribution
2172 utility to implement the grid-enhancing technologies. The investigation shall consider the costs
2173 of advanced conductors and grid-enhancing technology and shall consider their benefits
2174 including, but not limited to: (A) access to lower cost and zero carbon electricity; (B) accelerated
2175 distributed energy resource interconnection; (C) reduced generator curtailment or congestion;
2176 (D) reduced environmental impacts; (E) maximizing the value of planned investments; (F)
2177 improved resilience; and (G) improved outage coordination and mitigation.

2178 (c) The department of public utilities shall submit its report to the joint committee on
2179 telecommunications, utilities and energy not later than September 1, 2025.

2180 SECTION 76. (a) Notwithstanding any general or special law to the contrary, an energy
2181 storage system, as defined in section 1 of chapter 164 of the General Laws, that is not less than
2182 100 megawatt hours and has received a comprehensive exemption from local zoning by-laws
2183 from the department of public utilities pursuant to section 3 of chapter 40A of the General Laws,
2184 may petition the energy facilities siting board to obtain a certificate of environmental impact and
2185 public interest if the petition is filed prior to the date when regulations are promulgated pursuant
2186 to section 89.

2187 (b) The energy facilities siting board shall consider a petition pursuant to subsection (a) if
2188 the applicant is prevented from building the energy storage system because: (i) the applicant is
2189 unable to meet standards imposed by a state or local agency with reasonable and commercially
2190 available equipment; (ii) the processing or granting by a state or local agency of any approval,
2191 consent, permit or certificate has been unduly delayed for any reason; (iii) the applicant believes
2192 there are inconsistencies among resource use permits issued by such state or local agencies; (iv)
2193 the applicant believes that a nonregulatory issue or condition has been raised or imposed by such
2194 state or local agencies, including, but not limited to, aesthetics and recreation; (v) the generating
2195 facility cannot be constructed due to any disapprovals, conditions or denials by a state or local
2196 agency or body, except with respect to any lands or interests therein, excluding public ways,
2197 owned or managed by any state agency or local government; or (vi) the facility cannot be
2198 constructed because of delays caused by the appeal of any approval, consent, permit or
2199 certificate.

2200 (c) The energy facilities siting board shall, upon petition, consider an application for a
2201 certificate of environmental impact and public interest if it finds that any state or local agency
2202 has imposed a burdensome condition or limitation on any license or permit. An energy storage

2203 system, with respect to which a certificate is issued by the energy facilities siting board, shall
2204 thereafter be constructed, maintained and operated in conformity with such certificate and any
2205 terms and conditions contained therein.

2206 (d) Notwithstanding any general or special law to the contrary, such certificate may be so
2207 issued; provided, however, that when so issued no state agency or local government shall require
2208 any approval, consent, permit, certificate or condition for the construction, operation or
2209 maintenance of the energy storage system with respect to which the certificate is issued and no
2210 state agency or local government shall impose or enforce any law, ordinance, by-law, rule or
2211 regulation nor take any action nor fail to take any action that would delay or prevent the
2212 construction, operation or maintenance of such energy storage system except as required by
2213 federal law; and provided further, that the energy facilities siting board shall not issue a
2214 certificate, the effect of which would be to grant or modify a permit, approval or authorization,
2215 which, if so granted or modified by the appropriate state or local agency, would be invalid
2216 because of a conflict with applicable federal water or air standards or requirements. A certificate,
2217 if issued, shall be in the form of a composite of all individual permits, approvals or
2218 authorizations that would otherwise be necessary for the construction and operation of the energy
2219 storage system and that portion of the certificate that relates to subject matters within the
2220 jurisdiction of a state or local agency shall be enforced by said agency under the other applicable
2221 laws of the commonwealth as if it had been directly granted by the said agency.

2222 (e) Energy storage systems that have not petitioned the department of public utilities for a
2223 comprehensive exemption from local zoning by-laws pursuant to section 3 of chapter 40A of the
2224 General Laws prior to March 1, 2026 shall not be eligible to petition the energy facilities siting
2225 board to obtain a certificate of environmental impact and public interest under this section.

2226 (f) Notwithstanding any general or special law to the contrary, large clean energy storage
2227 facilities that have: (i) submitted a petition under section 72 of chapter 164 of the General Laws;
2228 (ii) submitted a petition under section 3 of chapter 40A of the General Laws; or (iii) requested
2229 local permits or a grant of location prior to the date when regulations are promulgated pursuant
2230 to section 89 shall not be required to submit an application or petition to the energy facility siting
2231 board pursuant to section 69T of chapter 164 of the General Laws.

2232 SECTION 77. (a) For purposes of this section, the following words shall, unless the
2233 context clearly requires otherwise, have the following meanings:

2234 “Approval”, except as otherwise provided in subsection (b), any permit, certificate, order,
2235 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,
2236 building permit or other approval or determination of rights from any municipal, regional or state
2237 governmental entity, including any agency, department, commission or other instrumentality of
2238 the municipal, regional or state governmental entity, concerning the use or development of real
2239 property, including certificates, licenses, certifications, determinations, exemptions, variances,
2240 waivers, building permits or other approvals or determination of rights issued or made under
2241 chapter 21 of the General Laws or chapter 21A of the General Laws; provided, however
2242 “approval” shall not mean any permit, certificate, order, excluding enforcement orders, license,
2243 certification, determination, exemption, variance, waiver, building permit or other approval or
2244 determination of rights issued or made under section 16 of chapter 21D of the General Laws,
2245 sections 61 to 62H, inclusive, of chapter 30 of the General Laws, chapters 30A, 40 and 40A to
2246 40C, inclusive, of the General Laws, chapters 40R, 41 and 43D of the General Laws, section 21
2247 of chapter 81 of the General Laws, chapters 91, 131, 131A and 143 of the General Laws,

2248 sections 4 and 5 of chapter 249 of the General Laws or chapter 258 of the General Laws or
2249 chapter 665 of the acts of 1956 or any local by-law or ordinance.

2250 “Clean energy infrastructure project”, a project involving the construction,
2251 reconstruction, conversion, relocation or enlargement of any renewable energy generating
2252 source, as defined in subsection (c) of section 11F of chapter 25A of the General Laws, any
2253 energy storage system, as defined in section 1 of chapter 164 of the General Laws, any
2254 transmission facility or distribution facility, as defined in said section 1 of said chapter 164, or
2255 related infrastructure, including substations and any other project that may be so designated as a
2256 clean energy infrastructure project by the department of energy resources.

2257 (b)(1) Notwithstanding any general or special law to the contrary, any approval granted
2258 for a clean energy generation or storage project that was in effect from October 22, 2020 to
2259 August 1, 2024, inclusive, shall be extended to August 1, 2029.

2260 (2) A clean energy infrastructure project shall be governed by the applicable provisions
2261 of any state, regional or local statute, regulation, ordinance or by-law, if any, in effect at the time
2262 of the initial approval granted for such project, unless the owner or petitioner of such project
2263 elects to waive this section.

2264 (3) Nothing in this section shall extend or purport to extend: (i) a permit or approval
2265 issued by the government of the United States or an agency or instrumentality of the government
2266 of the United States or to a permit or approval of which the duration of effect or the date or terms
2267 of its expiration are specified or determined by or under law or regulation of the federal
2268 government or any of its agencies or instrumentalities; or (ii) a permit, license, privilege or

2269 approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws
2270 for hunting, fishing or aquaculture.

2271 (4) If an owner or petitioner sells or otherwise transfers a property or project to receive
2272 approval for an extension, the new owner or petitioner shall agree to assume all commitments
2273 made by the original owner or petitioner under the terms of the approval, otherwise the approval
2274 shall not be extended under this section.

2275 SECTION 78. The department of public utilities shall commission a management study
2276 to assess: (i) the likely workload of the energy facilities siting board based on the new
2277 requirements of this act and the commonwealth's clean energy and climate plans; (ii) the
2278 workforce qualifications needed to implement this act; (iii) the cost associated with the hiring
2279 and retention of qualified professionals and consultants to successfully complete that work
2280 required pursuant to this act; and (iv) the design, population and maintenance of a real-time,
2281 online clean energy infrastructure dashboard, as required to be maintained by the facility siting
2282 division pursuant to section 12N of chapter 25 of the General Laws. The funding and staffing
2283 resource requirements identified in the management study shall be reported to the joint
2284 committee on ways and means, the joint committee on telecommunications, utilities and energy,
2285 the secretary of energy and environmental affairs and the secretary of administration and finance
2286 not later than December 1, 2024. The secretary of energy and environmental affairs and the
2287 secretary of administration and finance shall not later than 60 days of their receipt of the study
2288 provide recommendations to the chairs of the house and senate committees on ways and means
2289 and the joint committee on telecommunications, utilities and energy on options to implement any
2290 proposed recommendations of the study.

2291 SECTION 79. The department of environmental protection, in consultation with the
2292 board of fire prevention and regulations and the department of energy resources, shall issue
2293 guidance on the public health, safety and environmental impacts of electric battery storage and
2294 electric vehicle chargers not more than 6 months after the effective date of this act.

2295 SECTION 79A. (a) Notwithstanding 225 CMR 15.07(2) or any general or special law,
2296 rule or regulation to the contrary, the RPS Class II Waste Energy Minimum Standard in the year
2297 2026 and all subsequent compliance years shall be equal to 3.7 per cent of total annual electrical
2298 energy sales.

2299 (b) Notwithstanding 225 CMR 15.08(4)(a)(2) or any general or special law, rule or
2300 regulation to the contrary, the alternative compliance payment rate for the RPS Class II Waste
2301 Energy Minimum Standard in the year 2026 and all subsequent compliance years shall be equal
2302 to the alternative compliance payment rate for the RPS Class II Renewable Energy Minimum
2303 Standard set pursuant to 225 CMR 15.08(3)(a)(2).

2304 SECTION 80. The Massachusetts clean energy technology center shall issue technical
2305 guidance pursuant to section 9A of chapter 23J of the General Laws, as amended by section 2, on
2306 how a municipality, or group of municipalities with an approved municipal load aggregation plan
2307 authorized pursuant to section 134 of chapter 164 of the General Laws, or with approved
2308 aggregations authorized pursuant to section 137 of said chapter 164, may enter into a long-term
2309 contract to purchase electricity from an offshore wind developer. The guidance shall be publicly
2310 posted on the center's website not later than December 31, 2024.

2311 SECTION 81. The department of public utilities shall promulgate regulations to
2312 implement section 26, including the establishment of a moderate-income discount eligibility rate
2313 not later than 180 days after the effective date of this act.

2314 SECTION 82. Subsection (a) of section 116C of chapter 164 of the General Laws,
2315 inserted by section 55, shall be implemented not later than 1 year after the effective date of this
2316 act.

2317 SECTION 83. All distribution companies operating within the commonwealth shall
2318 submit a plan for the implementation of advanced metering data access protocols pursuant to
2319 section 116C of chapter 164 of the General Laws, as inserted by section 55, to the department of
2320 public utilities for approval not later than 180 days after the effective date of this act.

2321 SECTION 84. The rules required by subsection (b) of section 92E of chapter 164 of the
2322 General Laws, inserted by section 54, shall be promulgated by the department of public utilities
2323 not later than 270 days after the effective date of this act.

2324 SECTION 85. The office of the ombudsperson required by section 92F of chapter 164 of
2325 the General Laws, inserted by section 54, shall be established by the department of public
2326 utilities not later than 180 days after the effective date of this act.

2327 SECTION 86. The office of environmental justice and equity established pursuant to
2328 section 29 of chapter 21A of the General Laws, established in section 1, shall establish standards
2329 and guidelines for community benefit plans and agreements as required by said section 29 of said
2330 chapter 21A not later than March 1, 2026 and shall establish the cumulative impacts analysis
2331 guidance pursuant to said section 29 of said chapter 21A before the energy facilities siting board
2332 regulations pursuant to section 89 are promulgated.

2333 SECTION 87. The executive office of energy and environmental affairs shall coordinate
2334 and convene a stakeholder process with the agencies and offices under its jurisdiction and any
2335 other relevant local, regional and state agencies with a permitting role in energy related
2336 infrastructure to establish the methodology for determining the suitability of sites and associated
2337 guidance pursuant to section 30 of chapter 21A of the General Laws, inserted by section 1, not
2338 later than March 1, 2026.

2339 SECTION 88. The department of energy resources shall promulgate regulations to
2340 implement section 21 of chapter 25A of the General Laws, inserted by section 14, not later than
2341 March 1, 2026.

2342 SECTION 89. The energy facilities siting board shall promulgate regulations to
2343 implement the changes to sections 69G to 69J1/4, inclusive, sections 69O and 69P, sections 69R
2344 and 69S of chapter 164 of the General Laws and sections 69T to 69W, inclusive, of said chapter
2345 164, as inserted by section 51, not later than March 1, 2026. In promulgating said regulations, the
2346 board shall consult with the department of public utilities, the department of energy resources,
2347 the department of environmental protection, the department of fish and game, the department of
2348 conservation and recreation, the department of agricultural resources, the Massachusetts
2349 environmental policy act office, the Massachusetts Department of Transportation, the executive
2350 office of public safety and security and all other agencies, authorities and departments whose
2351 approval, order, order of conditions, permit, license, certificate or permission in any form is
2352 required prior to or for construction of a facility, small clean energy infrastructure facility or
2353 large clean energy infrastructure facility.

2354 SECTION 90. The department of public utilities and the energy facilities siting board, in
2355 consultation with the office of environmental justice and equity established by section 29 of
2356 chapter 21A of the General Laws, inserted by section 1, and the office of the attorney general,
2357 shall promulgate regulations to implement section 149 of chapter 164 of the General Laws,
2358 inserted by section 57, not later than March 1, 2026.

2359 SECTION 91. Not later than June 1, 2029, the director of the division of public
2360 participation, as established by section 12T of chapter 25 of the General Laws, as inserted by
2361 section 5, shall complete a review of the intervenor support grant program established pursuant
2362 to section 149 of chapter 164 of the General Laws, as inserted by section 57, and provide an
2363 opportunity for public comment to determine whether the program and corresponding
2364 regulations should be amended.

2365 SECTION 92. Section 59 of this act is hereby repealed.

2366 SECTION 93. Section 92 shall take effect on March 1, 2027.

2367 SECTION 94. Sections 19, 27 to 31, inclusive, 33 to 53, inclusive, and 58 shall take
2368 effect on March 1, 2026.”; and

2369 by striking out the title and inserting in place thereof the following title: “An Act
2370 accelerating a responsible, innovative and equitable clean energy transition.”.