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:–

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

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

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

SECTION 1A. Section 3 of chapter 23J of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the words “clean energy industry”, in line 141, the following words:- , including, but not limited to, collaboration with state and federally licensed labor apprenticeship and pre-apprenticeship programs providing training in the commonwealth;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Solar facility", a ground mounted facility that uses sunlight to generate electricity.

"Wind facility", an onshore or offshore facility that uses wind to generate electricity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Department", the department of public utilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Small clean transmission and distribution infrastructure facility", as defined in section 21 of chapter 25A.

"Solar facility", a ground mounted facility that uses sunlight to generate electricity.

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

"Wind facility", an onshore or offshore facility that uses wind to generate electricity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Governmental body", a city, town, district, regional school district, county or agency, board, commission, authority, department or instrumentality of a city, town, district, regional school district or county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) To extend, enlarge, improve, rehabilitate, lease as lessor or lessee, maintain, repair, and operate the projects under its control, and to establish rules and regulations for the use of any such project; provided, that the Authority shall, with respect to itself and the entities with which

it contracts or does business, and in a manner consistent with any act of congress relating to aeronautics or to any regulations promulgated or standards established pursuant thereto, undertake such activities, and promulgate such rules and regulations, in such a manner as to promote commerce, economic prosperity, safety and security, as well as environmental resiliency and reductions in greenhouse gas emissions, and incorporating environmental justice principles, as defined in section 62 of chapter 30 of the General Laws; provided, further, that no such rules or regulations shall conflict with the rules and regulations of any state or federal regulatory body having jurisdiction over the operation of aircraft; and provided, further, that in the enforcement of such rules and regulations the police appointed or employed by the Authority under section twenty-three shall have within the boundaries of all projects all the powers of police officers and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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