

SENATE No. 2100

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electric utility climate resilience and microgrids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>3/30/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/10/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>4/12/2023</i>
<i>Pavel Payano</i>	<i>First Essex</i>	<i>11/8/2023</i>

SENATE No. 2100

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2100) of Cynthia Stone Creem for legislation relative to electric utility climate resilience and microgrids. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to electric utility climate resilience and microgrids.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 25 of the General Laws is hereby amended by inserting after
2 Section 23 the following section:

3 Section 24. (a) The department of public utilities shall require electric distribution and
4 transmission companies to prepare and file a climate vulnerability and resilience plan by
5 December 31, 2024, and at least once every 5 years thereafter based on best available data.
6 Climate vulnerability and resilience plans shall both identify existing vulnerabilities in the
7 system that must be adapted to climate change-induced threats as well as plan proactively for
8 future climate conditions to ensure the system can absorb and withstand impacts. Climate
9 vulnerability and resilience plans shall prioritize, to the maximum extent practicable, adaptation
10 measures that: (i) promote the preservation, protection, restoration, and enhancement of the
11 commonwealth’s natural infrastructure through nature-based solutions, as defined in section 1 of
12 chapter 21N; and (ii) account for the existing natural, built and economic characteristics of the

13 commonwealth's most vulnerable areas and human populations. Adaptation measures that
14 include the use of hard-engineered, hardscape, or gray infrastructure features shall be supported
15 by evidence that the measures will not cause or exacerbate negative environmental impacts and
16 that alternative green or green and gray hybrid solutions are not feasible.

17 (b) Climate vulnerability and resilience plans shall include, at a minimum: (i) an
18 evaluation of the climate science and projected extreme weather and other climate-related risks
19 for the service territory including changes in temperature extremes, humidity, precipitation, sea
20 level rise, and extreme storms; (ii) an evaluation and risk assessment of potential impacts of
21 climate change on existing operation, planning, and physical assets, including any design and
22 construction standards or maintenance and operations practices that require changes to address
23 current and future climate conditions as it relates to reliability and resilience of the grid; (iii) an
24 evaluation of the vulnerability of existing infrastructure based on location and whether and when
25 certain facilities may require retrofitting or relocation; (iv) identification and prioritization of
26 adaptation options to increase asset and system-wide resilience over time; (v) an evaluation of
27 costs and benefits against a range of possible future scenarios and adaptation options; and (vi) an
28 implementation timeline, including benchmarks over time, for making changes in line with the
29 findings of the study such as modifying design and construction standards, modifying operations
30 and planning processes, and upgrades to existing infrastructure to ensure reliability and resilience
31 of the grid.

32 (c) Climate vulnerability and resilience plans shall be prepared in collaboration with
33 communities most impacted by the effects of climate change within the company's service area,
34 including environmental justice populations, as defined in section 30 of chapter 62, and shall
35 include a community engagement plan that includes, at a minimum: (i) identification and

36 description of any environmental justice populations in the service area, and any community
37 based environmental justice organizations in the service area; (ii) outreach goals and targets,
38 including at least two public meetings planned in collaboration with representatives from
39 identified environmental justice populations and community based organizations; (iii)
40 assessment of past engagement goals shortfalls or deficiencies; and (iv) updates and remedies to
41 ensure shortfalls or deficiencies are not repeated.

42 (d) The department of public utilities shall require, in any ratemaking proceeding
43 pursuant to sections 76, 93, and 94 of chapter 164, that electric companies identify in priority
44 order the climate risks to its facilities that will arise over the projected useful life of such
45 facilities or thirty years, whichever is greater, in accordance with climate vulnerability and
46 resilience plans as required by subsection (a). The companies shall present evidence
47 documenting their evaluation of climate risks and measures addressing such climate risks based
48 on the best available climate science, data and other evidence in the record before the agency and
49 shall identify how their operating and capital budgets address such climate risks. The companies
50 shall also: (i) consider and present evidence addressing likely climate change risks scenarios for
51 its utility infrastructure in relation to the infrastructure's criticality and risk tolerance; and (ii)
52 disclose in all design engineering, architectural, or other drawings and analyses the climate
53 assumptions used in evaluating and addressing climate risks.

54 (e) In adjudicating ratemaking proceedings pursuant to sections 76, 93, and 94 of chapter
55 164, the department of public utilities shall determine whether the applicant's costs proposed or
56 incurred for capital investment projects include consideration and minimization of climate risks
57 for the useful life of the proposed investment or 30 years, whichever is greater. In considering
58 climate risks, the department of public utilities shall consult the most recent climate vulnerability

59 and resilience plan on file for the applicant and projected climate change risk based on best
60 available data. The department of public utilities may take into consideration whether the
61 applicant has made progress in implementing its climate vulnerability and resilience plan and
62 whether the applicant's costs proposed or incurred for capital investment projects are consistent
63 with the plan. The department of public utilities shall conclude in writing that the applicant's
64 costs are appropriate based on the risk tolerance of the project or facility. Any electric company
65 failing to file its climate vulnerability and resilience plan may be fined \$500 for each day during
66 which such failure continues. The fines levied by the department shall be returned to ratepayers
67 through distribution rates.

68 (f) The department of public utilities shall promulgate such rules and regulations as are
69 necessary to promptly and effectively enforce the provisions of this section.

70 SECTION 2. Subsection (a) of section 85B of chapter 164 of the General Laws is hereby
71 amended by striking out paragraphs (7) and (8) and inserting in place thereof the following:

72 (7) identification of additional supplies and equipment needed during an emergency and
73 the means of obtaining additional supplies and equipment;

74 (8) designation of a call center in the commonwealth for service assistance for the
75 duration of an emergency or until full service is restored, whichever occurs first. The call center
76 shall be staffed continuously for the duration of the emergency and to ensure sufficient staffing
77 levels to handle all customer calls; and

78 (9) a description of how the company is implementing its climate vulnerability and
79 resilience plan in its response to emergency events and in its efforts to minimize the effects of

80 extreme weather on the company's infrastructure and operations, including disruptions to
81 service.

82 SECTION 3. Chapter 164 of the General Laws is hereby amended by inserting after
83 section 1K the following section:

84 Section 1L. For the purposes of climate resiliency and mitigation, reliability, and
85 encouragement of installation of distributed electricity generation and storage capacity, no right
86 to exclusive service or franchise established within Section 1B or elsewhere in this chapter shall
87 prevent a municipality, or agencies of the commonwealth or private electric customers in
88 coordination with a municipality, within an electric or gas company's service territory, from: (a)
89 establishing an energy microgrid or district energy system; (b) sharing electric generation or
90 storage resources among facilities that are contiguous and owned by the same utility customer,
91 irrespective of the number of electric meters installed at such facilities; or (c) using public rights
92 of way to conduct electrical conduit or other energy resources point to point where the
93 municipality deems there is benefit from sharing energy resources.