

SENATE No. 2829

The Commonwealth of Massachusetts

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

SENATE, June 17, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill advancing grid enhancement technologies (Senate, No. 2531) (also based on Senate, Nos. 2079, 2082, 2090, 2096, 2097, 2100, 2105, 2110, 2140, 2157, 2170, 2172 and 2529), - reports, recommending that the same ought to pass with an amendment substituting a new draft entitled “An Act upgrading the grid and protecting ratepayers (Senate, No. 2829). (Senator Fattman dissenting).

For the committee,
Michael J. Rodrigues

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An Act upgrading the grid and protecting ratepayers.

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. Section 30 of chapter 7C of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the word “of”, in line 4, the second time it
3 appears, the following words:- , energy efficiency of and greenhouse gas emissions directly
4 attributable to.

5 SECTION 2. Said section 30 of said chapter 7C, as so appearing, is hereby further
6 amended by striking out, in lines 10 and 11, the words “energy conservation maintenance and
7 operating procedures” and inserting in place thereof the following words:- maintenance and
8 operating procedures for energy conservation, energy efficiency and greenhouse gas emissions
9 reductions.

10 SECTION 3. Said section 30 of said chapter 7C, as so appearing, is hereby further
11 amended by striking out, in line 13, the words “energy efficiency standards” and inserting in
12 place thereof the following words:- standards for energy efficiency and greenhouse gas
13 emissions reductions.

14 SECTION 4. Section 31 of said chapter 7C, as so appearing, is hereby amended by
15 striking out the first paragraph and inserting in place thereof the following paragraph:-

16 The division of capital asset management and maintenance shall evaluate the potential for
17 increasing energy efficiency and reducing greenhouse gas emissions, including, but not limited
18 to, by installing and maintaining electric vehicle supply equipment, as defined in section 2 of
19 chapter 25B, in each building owned by an authority or state agency or leased by such authority
20 or agency for not less than a 10-year period.

21 SECTION 5. Chapter 21A of the General Laws is hereby amended by adding the
22 following 2 sections:-

23 Section 29. There shall be an office of environmental justice and equity within the
24 executive office of energy and environmental affairs, which shall be administered by an
25 undersecretary of environmental justice and equity who shall be appointed and may be removed
26 by the secretary. The office shall be responsible for implementing environmental justice
27 principles as defined in section 62 of chapter 30 in the operation of each office and agency under
28 the executive office. The office shall develop standards and guidelines governing the potential
29 use and applicability of community benefit plans and agreements and cumulative impact
30 analyses in developing energy infrastructure with input from representatives from utilities, the
31 renewable energy industry, local governments, low and moderate income community
32 organizations, environmental sectors and other representatives as deemed appropriate by the
33 office.

34 Section 30. The executive office of energy and environmental affairs shall establish and
35 periodically update a methodology for determining the suitability of sites for clean energy

36 generation facilities, clean energy storage facilities and clean transmission and distribution
37 infrastructure facilities in newly established public rights of way. The methodology shall include
38 multiple geospatial screening criteria to evaluate sites for development potential, climate change
39 resilience, carbon storage and sequestration, biodiversity and social and environmental benefits
40 and burdens. The office shall require facility development project proponents to avoid or
41 minimize or, if avoidance or minimization is impossible, mitigate siting impacts and
42 environmental and land use concerns. The executive office shall develop and periodically update
43 guidance to inform state, regional and local regulations, ordinances, by-laws and permitting
44 processes on ways to avoid, minimize or mitigate impacts on the environment and people to the
45 greatest extent practicable.

46 SECTION 6. Section 1 of chapter 23J of the General Laws, as so appearing, is hereby
47 amended by striking out the definitions of “Clean energy” and “Clean energy research” and
48 inserting in place thereof the following 2 definitions:-

49 “Clean energy”, advanced and applied technologies that significantly reduce or eliminate
50 the use of energy from non-renewable sources including, but not limited to: (i) energy efficiency;
51 (ii) demand response; (iii) energy conservation; (iv) carbon dioxide removal; (v) embodied
52 carbon reduction; or (vi) technologies powered, in whole or in part, by the sun, wind, water,
53 geothermal energy, including networked geothermal and deep geothermal energy, hydrogen
54 produced by non-fossil fuel sources and methods, alcohol, fuel cells, fusion energy, any other
55 renewable, non-depletable or recyclable fuel and nuclear fission; provided, however, that “clean
56 energy” shall include an alternative energy generating source as defined in clauses (i) to (vi),
57 inclusive, of subsection (a) of section 11F½ of chapter 25A.

58 “Clean energy research”, advanced and applied research in new clean energy
59 technologies including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal
60 energy, including networked geothermal and deep geothermal energy; (v) wave and tidal energy;
61 (vi) advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix)
62 renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable,
63 biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) fusion energy; (xiii)
64 hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture and
65 sequestration; (xv) carbon dioxide removal; (xvi) energy monitoring; (xvii) green building
66 materials and embodied carbon reduction; (xviii) energy efficiency; (xix) energy-efficient
67 lighting; (xx) gasification and conversion of gas to liquid fuels; (xxi) industrial energy
68 efficiency; (xxii) demand-side management; (xxiii) fuel cells; and (xxiv) nuclear fission;
69 provided, however, that “clean energy research” shall not include advanced and applied research
70 in coal, oil or natural gas.

71 SECTION 7. Chapter 25 of the General Laws is hereby amended by striking out section
72 12N, as so appearing, and inserting in place thereof the following section:-

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

79 The division shall maintain a clean energy infrastructure dashboard. The division shall, in
80 cooperation with the executive office of energy and environmental affairs and its affiliated
81 departments and offices, create, maintain and update the dashboard by collecting, facilitating the
82 collection of and reporting comprehensive data and information related to: (i) accelerating the
83 responsible deployment of clean energy infrastructure through siting and permitting reform in a
84 manner consistent with applicable legal requirements including, but not limited to, emissions
85 limits and sublimits set under chapter 21N; (ii) facilitating community input into the siting and
86 permitting of clean energy infrastructure; and (iii) ensuring that the benefits of clean energy
87 deployment are shared equitably among all residents of the commonwealth; provided, however,
88 that the dashboard shall, at a minimum, report for the most recent reporting period and in the
89 aggregate the number of facility applications filed, decided or pending information including, but
90 not limited to: (a) the number of applications deemed incomplete and the number of applications
91 constructively approved; (b) the average duration of application review; and (c) average staffing
92 levels delineated by job classification. The dashboard shall make use of bar charts, line charts
93 and other visual representations in order to facilitate public understanding of both recent
94 performance and long-term and cumulative trends and outcomes of clean energy deployment.
95 The division shall convene a stakeholder process for the purpose of developing and informing
96 the design and content of the dashboard.

97 SECTION 8. The first paragraph of section 12Q of said chapter 25, as so appearing, is
98 hereby amended by striking out the second sentence and inserting in place thereof the following
99 sentence:- The department shall credit to the fund: (i) appropriations or other money authorized
100 or transferred by the general court and specifically designated to be credited to the fund; (ii)

101 application fees collected pursuant to section 69J1/2 of chapter 164; and (iii) income derived
102 from the investment of amounts credited to the fund.

103 SECTION 9. Said chapter 25 is hereby further amended by inserting after section 12R the
104 following 2 sections:-

105 Section 12S. There shall be a Department of Public Utilities and Energy Facilities Siting
106 Board Intervenor Support Fund. The department shall credit to the fund: (i) appropriations or
107 other money authorized or transferred by the general court and specifically designated to be
108 credited to the fund; (ii) a portion of application fees, as determined by the department, collected
109 pursuant to sections 69J1/2, 69T, 69U, 69V and 69W of chapter 164; (iii) any non-ratepayer
110 funded sources obtained through gifts, grants, contributions and bequests of funds from any
111 department, agency or subdivision of federal, state or municipal government or any individual,
112 foundation, corporation, association or public authority; and (iv) income derived from the
113 investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust
114 and shall be expended solely, without further appropriation, for the purposes set forth in section
115 149 of chapter 164, consistent with the requirements set forth in said section 149 of said chapter
116 164 and any regulations promulgated thereunder. Any unexpended balance in the fund at the
117 close of a fiscal year shall remain in the fund and shall not revert and shall be available for
118 expenditure in subsequent fiscal years.

119 Section 12T. There shall be a division of public participation within the department and
120 under the general supervision and control of the commission, which shall be under the charge of
121 a director appointed by the commission. The division, subject to such supervision and control,
122 shall perform such functions as the commission may determine and shall be responsible for

123 assisting individuals, local governments, community organizations and other entities with
124 business before the department or the energy facilities siting board. With respect to matters
125 before the department, the division shall assist such parties with navigating filing requirements,
126 opportunities to provide comment and intervene and facilitating dialogue among parties to
127 proceedings. With respect to siting and permitting matters under the jurisdiction of the energy
128 facilities siting board, the division shall assist individuals, local governments, community
129 organizations, project applicants, and other entities with navigating pre-filing consultation and
130 engagement requirements, clarifying filing requirements, identifying opportunities to intervene
131 and facilitating dialogue among stakeholders involved in the permitting process and shall assist
132 with coordinating with other state, regional and local officials, including the office of
133 environmental justice and equity established by section 29 of chapter 21A, involved in pre-filing
134 consultation and engagement processes and permitting processes generally. The director and
135 staff of the division shall not participate as adjudicatory staff in matters before the department or
136 in reviewing applications submitted to the energy facilities siting board, nor shall they serve as
137 legal counsel to or otherwise represent any party before the department or the energy facilities
138 siting board. The director shall be responsible for making final determinations with respect to
139 intervenor funding support requests made pursuant to section 149 of chapter 164 and
140 administering all aspects of the intervenor support grant program established pursuant to said
141 section 149 of said chapter 164.

142 SECTION 10. Section 22 of chapter 25 of the General Laws, as most recently amended
143 by section 140 of chapter 7 of the acts of 2023, is hereby further amended by striking out, in line
144 6, the words “the manufacturing industry” and inserting in place thereof the following words:-
145 low and moderate income interests.

146 SECTION 11. Said section 22 of said chapter 25, as so amended, is hereby further
147 amended by striking out, in line 7, the words “organized labor” and inserting in place thereof the
148 following words:- workforce development and organized labor.

149 SECTION 12. Said section 22 of said chapter 25, as so amended, is hereby further
150 amended by striking out, in lines 11 and 12, the words “employing fewer than 10 persons”.

151 SECTION 13. Said section 22 of said chapter 25, as so amended, is hereby further
152 amended by striking out, in lines 24 and 25, the words “energy efficiency businesses” and
153 inserting in place thereof the following words:- the Massachusetts clean energy center.

154 SECTION 14. Said section 22 of said chapter 25 is hereby further amended by striking
155 out subsection (b), as appearing in the 2022 Official Edition, and inserting in place thereof the
156 following subsection:-

157 (b) The council shall, as part of the approval process by the department, seek to: (i)
158 maximize net economic benefits through energy efficiency, demand management and beneficial
159 electrification resources; and (ii) achieve energy, capacity, climate and environmental goals
160 through a sustained and integrated statewide energy efficiency and decarbonization effort.

161 The council shall: (i) review and approve plans and budgets; (ii) work with program
162 administrators in preparing energy resource assessments; (iii) determine the economic, system
163 reliability, climate and air quality benefits of energy efficiency, demand management and
164 beneficial electrification resources; (iv) conduct and recommend relevant research; and (v)
165 recommend long-term energy efficiency, demand management and beneficial electrification
166 goals consistent with meeting greenhouse gas emissions limits and sublimits imposed by law or
167 regulation and with mitigating ratepayer impacts. Approval of energy efficiency, demand

168 management and beneficial electrification plans and budgets shall require a 2/3 vote. The
169 council shall, as part of its review of plans, examine opportunities to offer joint programs. Any
170 costs for such joint programs shall be allocated equitably among the efficiency programs.

171 SECTION 15. Section 2 of chapter 25A of the General Laws, as so appearing, is hereby
172 amended by striking the second paragraph and inserting in place thereof the following
173 paragraph:-

174 There shall be within the department 5 divisions: (i) a division of energy efficiency,
175 which shall work with the department of public utilities regarding energy efficiency programs;
176 (ii) a division of renewable and alternative energy development, which shall oversee and
177 coordinate activities that seek to maximize the installation of renewable and alternative energy
178 generating sources that will provide benefits to ratepayers, advance the production and use of
179 biofuels and other alternative fuels as the division may define by regulation and administer the
180 renewable portfolio standard and the alternative portfolio standard; (iii) a division of green
181 communities, which shall serve as the principal point of contact for local governments and other
182 governmental bodies concerning all matters under the jurisdiction of the department of energy
183 resources, with the exception of matters involving the siting and permitting of small clean energy
184 infrastructure facilities; (iv) a division of clean energy procurement, which shall develop
185 resource solicitation plans, administer procurements for clean energy generation and energy
186 services and negotiate and manage contracts with clean energy generation and energy service
187 facilities as required by section 21; and (v) a division of clean energy siting and permitting,
188 which shall establish standard conditions, criteria and requirements for the siting and permitting
189 of small clean energy infrastructure facilities by local governments and provide technical support
190 and assistance to local governments, small clean energy infrastructure facility project proponents

191 and other stakeholders impacted by the siting and permitting of small clean energy infrastructure
192 facilities at the local government level. Each division shall be headed by a director appointed by
193 the commissioner and who shall be a person of skill and experience in the field of energy
194 efficiency, renewable energy or alternative energy, energy regulation or policy and land use and
195 planning, respectively. The directors shall be the executive and administrative heads of their
196 respective divisions and shall be responsible for administering and enforcing the law relative to
197 their division and to each administrative unit thereof under the supervision, direction and control
198 of the commissioner. The directors shall serve at the pleasure of the commissioner, shall receive
199 such salary as may be determined by law and shall devote full time during regular business hours
200 to the duties of the office. In the case of an absence or vacancy in the office of any director, or in
201 the case of disability as determined by the commissioner, the commissioner may designate an
202 acting director to serve as director until the vacancy is filled or the absence or disability ceases.
203 The acting director shall have all the powers and duties of the director and shall have similar
204 qualifications as the director.

205 SECTION 16. Section 6 of said chapter 25A, as so appearing, is hereby amended by
206 striking out, in lines 56 and 57, the words “and (14)” and inserting in place thereof the following
207 words:-

208 (14) develop resource solicitation plans, conduct procurements pursuant to said plans as
209 approved by the department of public utilities and negotiate and execute contracts with clean
210 energy generation and energy services providers pursuant to section 21; and

211 (15) develop and promulgate regulations, criteria, guidelines, standard conditions and
212 requirements that establish parameters for the siting, zoning, review and permitting of small
213 clean energy infrastructure facilities by local governments pursuant to section 22; and

214 (16).

215 SECTION 17. Section 7 of said chapter 25A, as so appearing, is hereby amended by
216 striking out, in lines 21 and 22, the words “with total storage capacity of fifty thousand gallons”.

217 SECTION 18. Said Section 7 of said chapter 25A, as so appearing, is hereby further
218 amended by striking out the third paragraph and inserting in place thereof the following 2
219 paragraphs:-

220 All electric and gas companies, transmission companies, distribution companies,
221 suppliers and aggregators, as defined in section 1 of chapter 164, and suppliers of natural gas,
222 including aggregators, marketers, brokers and marketing affiliates of gas companies, excluding
223 gas companies, as defined in said section 1 of said chapter 164, engaged in distributing or selling
224 electricity or natural gas in the commonwealth shall make accurate reports to the department in
225 such form and at such times, which shall be at least quarterly, as the department shall require
226 pursuant to this section. Each such company, supplier and aggregator shall report semi-annually
227 to the department the average of all rates charged for default, low-income and standard offer
228 service to each customer class and for each subclass within the residential class, respectively;
229 provided, however, that all such rate information so reported pursuant to this paragraph shall be
230 deemed public information and no such rate information shall be protected as a trade secret,
231 confidential, competitively sensitive or other proprietary information pursuant to section 5D of
232 chapter 25. Each such company, supplier and aggregator shall report to the department, in such

233 form and at such times as the department shall require, detailed and accurate information
234 including, but not limited to, data regarding number of customers, load served, amounts, in
235 dollars, billed to customers, renewable and clean energy attribute certificate purchases and
236 supply product offerings. The department shall make such information, or aggregates of such
237 information, available to the public on its website.

238 All resellers of petroleum products, including retail heating oil and propane suppliers,
239 doing business in the commonwealth shall make accurate reports of price, inventory and product
240 delivery data to the department in such form and at such time as the department shall require. A
241 retail heating oil or propane supplier who operates in the commonwealth shall make the daily
242 delivery price of heating oil or propane for residential heating customers available in a clear and
243 conspicuous manner. If the retail heating oil or propane supplier operates a website for
244 commonwealth customers, the daily delivery price shall be clearly and conspicuously displayed
245 on the dealer's website.

246 SECTION 19. Section 11F1/2 of said chapter 25A, as so appearing, is hereby amended
247 by striking out, in line 18, the words "naturally occurring".

248 SECTION 20. Section 12 of said chapter 25A is hereby repealed.

249 SECTION 21. Said chapter 25A is hereby further amended by inserting after section 20
250 the following 2 sections:-

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

253 “Clean energy generation”, electrical energy output, or that portion of the electrical
254 energy output, excluding any electrical energy utilized for parasitic load of a clean existing
255 generation unit, that qualifies under clean energy standard regulations established pursuant to
256 subsection (c) of section 3 of chapter 21N.

257 “Clean energy solicitation”, a competitive solicitation for clean energy associated
258 environmental attributes or energy services completed by the department conducted pursuant to
259 this section.

260 “Distribution company”, a distribution company as defined in section 1 of chapter 164.

261 “Energy services”, operation of infrastructure that increases the deliverability or
262 reliability of clean energy generation or reduces the cost of clean energy generation, including,
263 but not limited to, transmission, energy storage and demand response technologies.

264 “Environmental attributes”, all present and future attributes under any and all
265 international, federal, regional, state or other law or market, including, but not limited to, all
266 credits or certificates that are associated, either now or by future action, with unit specific clean
267 energy generation, including, but not limited to, those provided for in regulations promulgated
268 pursuant to subsection (c) of section 3 of chapter 21N and sections 11F and 17.

269 “Long-term contract” a contract for a period of not more than 20 years.

270 (b) Notwithstanding any general or special law to the contrary, in order to maximize the
271 commonwealth’s ability to achieve compliance with limits and sublimits established pursuant to
272 sections 3 and 3A of chapter 21N, the department shall investigate the necessity, benefits and
273 risks of solicitations for energy services, competitively solicit for environmental attributes or

274 energy services established pursuant to said sections 3 and 3A of said chapter 21N and may
275 negotiate and enter into long-term contracts for such environmental attributes or energy services.

276 (c) Not less than every 3 years, the department shall publish a resource solicitation plan,
277 which shall include, but not be limited to, the following elements: (i) a description of the clean
278 energy generation needs sufficient to maximize the commonwealth's ability to achieve
279 compliance with limits and sublimits established pursuant to sections 3 and 3A of chapter 21N,
280 including resource generation type, nameplate capacity amounts and commercial operation dates
281 for new resources; (ii) a schedule recommendation for clean energy solicitations that the
282 department will conduct within the next 3 years; (iii) economic development objectives and
283 requirements for the clean energy solicitations; (iv) a mechanism for the distribution companies
284 to recover the costs associated with long-term contracts for clean energy associated
285 environmental attributes or energy services entered into by the department under this section,
286 including any administrative costs to support the department's requirements under this section;
287 and (v) a review of the previous clean energy solicitations, if applicable. The department shall
288 consult with the department of public utilities and attorney general's office in the development of
289 this resource plan in advance of publishing it. Any ex parte rules established by the department
290 of public utilities shall not apply to this consultation process.

291 (d) The department shall file the resource solicitation plan and its recommendations with
292 the department of public utilities. The department of public utilities shall review the resource
293 solicitation plan and recommendations to determine whether the resource solicitation plan is a
294 reasonable, appropriate and cost-effective mechanism to achieve the goals of this section. The
295 department of public utilities shall approve, approve with modifications or reject the plan within
296 7 months of submission. Upon approval of the resource solicitation plan, the department of

297 public utilities shall require the distribution companies to jointly propose tariffs consistent with
298 the approved resource solicitation plan to recover costs associated with all contracts pursuant to
299 this section not later than 3 months following the approval; provided, however, that the
300 distribution companies shall not receive any remuneration, benefit or fee to compensate for costs
301 associated with said contracts. The tariffs shall apportion costs associated with the contracts to be
302 recovered from ratepayers among the distribution companies.

303 (e) The method for the clean energy solicitations shall be proposed by the department and
304 shall utilize a competitive bidding process. The department shall consult with the attorney
305 general regarding the choice of solicitation methods. The department may coordinate any
306 solicitation under this section with other states, municipal light plants or other governmental and
307 non-governmental organizations; provided, however, that the department shall describe any
308 impacts coordination may have on the solicitation, including any impacts to nameplate capacity
309 amounts or quantities of clean energy generation attributes sought in its solicitation. After notice
310 and the opportunity for public comment, the department shall proceed with the clean energy
311 solicitation. The department may competitively solicit proposals for long-term contracts for: (i)
312 environmental attributes from clean energy generation; or (ii) energy services contracts. The
313 department may consult with other states, federal agencies and regional organizations, including,
314 but not limited to, ISO New England Inc. or its successor; provided, however, that reasonable
315 proposals have been received, the department shall make or cause to be made filings as necessary
316 through the appropriate jurisdictional mechanism and enter into long-term contracts that are
317 consistent with the roadmap plans published pursuant to chapter 21N.

318 (f) The department shall propose draft contracts and take all reasonable actions to
319 structure the contracts, pricing or administration of the products purchased under this section to

320 contribute towards achieving compliance with limits and sublimits established pursuant to
321 sections 3 and 3A of chapter 21N in a cost-effective manner that minimizes rate-payer impacts.

322 (g) Long-term contracts executed pursuant to this section shall be subject to the approval
323 of the department of public utilities. The department of public utilities shall consider the
324 potential costs and benefits of the proposed long-term contract and shall approve a long-term
325 contract if the department finds that the contract is cost-effective and consistent with the
326 roadmap plans published pursuant to chapter 21N, taking into account the factors outlined in this
327 section, consistency with the approved resource solicitation plan and the department's
328 recommendations. The department of public utilities shall complete its review of long-term
329 contracts submitted for its approval not later than 90 days after the contracts are filed by the
330 department of energy resources.

331 (h) The department may retire any environmental attributes purchased pursuant to
332 approved long-term contracts under this section on behalf of the commonwealth to be used
333 toward satisfying compliance with the limits and sublimits established pursuant to sections 3 and
334 3A of chapter 21N and any regulations or programs established pursuant to sections 3 and 6 of
335 said chapter 21N or sections 11F and 17. If any retired environmental attributes are eligible
336 under a clean, renewable, clean peak or other energy portfolio standard established by the
337 department or the department of environmental protection, the portfolio standard minimum
338 obligations of suppliers subject to such standards may be reduced in proportion to any eligible
339 environmental attributes retired pursuant to this section, subject to the discretion of the
340 department and the department of environmental protection.

341 (i) There shall be a separate, non-budgeted special revenue fund known as the central
342 procurement fund, which shall be administered by the department, without further appropriation,
343 for funding long-term contracts consistent with this section. The fund shall be credited with: (i)
344 funds or revenue collected by distribution companies pursuant to a tariff approved by the
345 department of public utilities in furtherance of the objectives and requirements of this section;
346 (ii) revenue from appropriations or other money authorized by the general court and specifically
347 designated to be credited to the fund; (iii) interest earned on such funds or revenues; (iv) bid fees
348 collected by the department from participants in clean energy solicitations conducted pursuant to
349 this section; (v) other revenue from public and private sources, including gifts, grants and
350 donations; and (vi) any funds provided from other sources. All amounts credited to the fund shall
351 be used solely for activities and expenditures consistent with the public purposes of this section,
352 including the ordinary and necessary administrative and personnel expenses of the department
353 related to the administration and operation of the fund and performance of the duties established
354 by this section. Revenues deposited in the fund that are unexpended at the end of a fiscal year
355 shall not revert to the General Fund and shall be available for expenditure in the following fiscal
356 year. No expenditure made from the fund shall cause the fund to be in deficit at any point.

357 Section 22. (a) For the purposes of this section, the following words shall, have the
358 following meanings unless the context clearly requires otherwise:

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

364 “Local government”, a municipality or regional agency, including the Cape Cod
365 commission and the Martha’s Vineyard commission, that has permitting authority over small
366 clean energy infrastructure facilities.

367 “Small clean energy generation facility”, energy generation infrastructure with a
368 nameplate capacity of not more than 24 megawatts that is an anaerobic digestion facility, solar
369 facility or wind facility, including any ancillary structure that is an integral part of the operation
370 of the small clean energy generation facility or, following a rulemaking by the department in
371 consultation with the energy facilities siting board in which the facility type is added to the
372 regulatory definition of a small clean energy generation facility, any other type of generation
373 facility that produces no greenhouse gas emissions or other pollutant emissions known to have
374 negative health impacts; provided, however, that the nameplate capacity for solar facilities shall
375 be calculated in direct current.

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

379 “Small clean energy storage facility”, an energy storage system as defined under section
380 1 of chapter 164 with a rated capacity of less than 100 megawatt hours, including any ancillary
381 structure that is an integral part of the operation of the small clean energy storage facility.

382 “Small clean transmission and distribution infrastructure facility”, electric transmission
383 and distribution infrastructure and related ancillary infrastructure including: (i) electric
384 transmission line reconductoring or rebuilding projects; (ii) new or substantially altered electric
385 transmission lines located in an existing transmission corridor that are not more than 10 miles

386 long, including any ancillary structure that is an integral part of the operation of the transmission
387 line; (iii) new or substantially altered electric transmission lines located in a new transmission
388 corridor that are not more than 1 mile long, including any ancillary structure that is an integral
389 part of the operation of the transmission line; and (iv) electric distribution-level projects that
390 meet a certain threshold, as determined by the department; provided, however, that the “small
391 clean transmission and distribution infrastructure facility” shall be: (A) designed, fully or in part,
392 to directly interconnect or otherwise facilitate the interconnection of clean energy infrastructure
393 to the electric grid; (B) designed to ensure electric grid reliability and stability; or (C) designed to
394 help facilitate the electrification of the building and transportation sectors; provided further, that
395 on or after January 1, 2026, a “small clean transmission and distribution infrastructure facility”
396 shall not include new transmission and distribution infrastructure facilities that solely
397 interconnect new or existing infrastructure that does not meet the definition of a small clean
398 energy infrastructure facility or large clean energy infrastructure facility as defined in section
399 69G of chapter 164.

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

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

402 (b) The department shall establish standards, requirements and procedures governing the
403 siting and permitting of small clean energy infrastructure facilities by local governments that
404 include: (i) uniform sets of public health, safety, environmental and other standards, including
405 zoning criteria, that local governments shall require for the issuance of permits for small clean
406 energy infrastructure facilities; (ii) a common standard application for small clean energy
407 infrastructure facility project applicants submitting a permit application to local governments;

408 (iii) uniform pre-filing requirements for small clean energy infrastructure facilities, which shall
409 include specific requirements for public meetings and other forms of outreach that must occur in
410 advance of an applicant submitting an application; (iv) standards for applying site suitability
411 guidance developed by the executive office of energy and environmental affairs pursuant to
412 section 30 of chapter 21A to evaluate the social and environmental impacts of proposed small
413 clean energy generation facilities, small clean energy storage facilities and small clean
414 transmission and distribution infrastructure facilities in new rights of way, which shall include a
415 mitigation hierarchy to be applied during the permitting process to avoid, minimize or, if
416 avoidance or minimization is impossible, mitigate negative impacts of siting on the environment,
417 people and the commonwealth's goals and objectives for climate mitigation, resilience,
418 biodiversity and protection of natural and working lands, to the extent practicable; (v) common
419 conditions and requirements for a single permit consolidating all necessary local approvals to be
420 issued for different types of small clean energy infrastructure facilities in the event that
421 constructive approval is triggered through the non-issuance of a final decision by a local
422 government pursuant to subsection (d); and (vi) responsible parties subject to enforcement
423 actions, including in the event of sale of small clean energy infrastructure facilities after
424 permitting. The department of energy resources may promulgate rules and regulations allowing
425 local governments to set fees for compensatory environmental mitigation for the restoration,
426 establishment, enhancement or preservation of comparable environmental resources through
427 funds paid to the local government or a non-profit entity to be used at the election of an applicant
428 to satisfy the standard of mitigation to the maximum extent practicable. Local governments
429 acting in accordance with the standards established by the department for small clean energy
430 generation facilities and small clean energy storage facilities pursuant to this subsection shall be

431 considered to have acted consistent with the limitations on solar facility and small clean energy
432 storage facility zoning under section 3 of chapter 40A. The department shall establish a transition
433 or concurrency period for the effective date of any standards that it establishes.

434 (c) The proponent of a small clean energy infrastructure facility may submit a
435 consolidated small clean energy infrastructure facility permit application seeking a single permit
436 consolidating all necessary local permits and approvals. To initiate the permitting of a small
437 clean energy infrastructure facility, an applicant may elect to submit an application, with
438 supporting information in the form developed by the department pursuant to subsection (b), for
439 the local government to conduct a consolidated review pursuant to the criteria and standards set
440 forth in subsection (b) and using the process set forth in subsection (d). Local governments shall
441 determine whether such consolidated small clean energy infrastructure facility permit application
442 is complete within 30 days of receipt. If an application is deemed incomplete, the applicant shall
443 have 30 days, and any additional time as determined by the local government, to cure any
444 deficiencies before the application is rejected. In the event of a rejection of the application, the
445 local government shall provide a detailed reasoning for the rejection.

446 (d) Local governments shall issue a single, final decision on a consolidated small clean
447 energy infrastructure facility permit application submitted pursuant to subsection (c), including
448 all decisions necessary for a project to proceed with construction, but not including any state
449 permits that may be required to proceed with construction and operation of said facility, within
450 12 months of the receipt of a complete permit application. All local government authorities,
451 boards, commissions, offices or other entities that may be required to issue a decision on 1 or
452 more permits in response to the application for the small clean energy infrastructure facility may
453 conduct reviews separately and concurrently. Such permits shall adhere to any requirements

454 established by the department pursuant to subsection (b). If a final decision is not issued within
455 12 months of the receipt of a complete permit application, a constructive approval permit shall be
456 issued by the local government that adopts the common conditions and requirements established
457 by the department for the type of small clean energy infrastructure facility under review.

458 (e) An appeal or review may be made only of the single, final decision of a local
459 government on an application for a small clean energy infrastructure facility, including all
460 decisions necessary to complete the application and permitting process, but not including
461 decisions on any state permits that may be required to proceed with construction and operation of
462 said facility. Decisions of local government authorities, boards, commissions, offices or other
463 entities on the issuance of 1 or more permits to the applicant for the small clean energy
464 infrastructure facility shall not be subject to independent appeal or review. Decisions on any state
465 permits that may be required shall be subject to de novo adjudication of the permit application by
466 the director of the energy facilities siting division, as provided in subsection (f).

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

473 (g) If a local government lacks the resources, capacity or staffing to review a small clean
474 energy infrastructure facility permit application within 12 months, it may, not later than 60 days
475 after receipt of such application or at any time thereafter with the consent of the applicant,

476 request in writing a de novo adjudication of the such application by the director pursuant to
477 section 69W of chapter 164.

478 (h) The department shall promulgate regulations to implement this section in consultation
479 with local governments, Massachusetts Municipal Association, Inc., the department of public
480 utilities, the department of environmental protection, the department of fish and game, the
481 department of conservation and recreation, the department of agricultural resources, the
482 Massachusetts environmental policy act office, the office of environmental justice and equity, the
483 executive office of health and human services, the executive office of housing and livable
484 communities and the executive office of public safety and security.

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

490 SECTION 22. Section 2 of chapter 25B of the General Laws, as appearing in the 2022
491 Official Edition, is hereby amended by inserting after the definition of “Compensation” the
492 following definition:-

493 “Connector”, a device that attaches an electric vehicle to a charging port to transfer
494 electricity; provided, however, that “connector” may also be referred to as a plug.

495 SECTION 23. Said section 2 of chapter 25B, as so appearing, is hereby further amended
496 by striking out the definition of “Electric vehicle supply equipment” and inserting in place
497 thereof the following definition:-

498 “Electric vehicle supply equipment” or “EVSE”, a device, including at least 1 charging
499 port and connector, for charging electric vehicles; provided, however, that “electric vehicle
500 supply equipment” may also be referred to as a charger.

501 SECTION 24. Said section 2 of said chapter 25B, as so appearing, is hereby further
502 amended by inserting after the definition of “Electricity Ratio (ER)” the following definition:-

503 “Fast DC”, galvanically-connected electric vehicle supply equipment that includes an off-
504 board charger and provides DC current of not less than 80 amperes.

505 SECTION 25. Said section 2 of said chapter 25B, as so appearing, is hereby further
506 amended by inserting after the definition of “Faucet” the following definition:-

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

510 SECTION 26. Said section 2 of said chapter 25B, as so appearing, is hereby further
511 amended by inserting after the definition of “Lamp” the following 2 definitions:-

512 “Level 1”, galvanically-connected electric vehicle supply equipment with a single-phase
513 input voltage nominally 120 volts AC and maximum output current of not more than 16 amperes
514 AC.

515 “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-
516 phase input voltage range from 208 to 240 volts AC and maximum output current of not more
517 than 80 amperes AC.

518 SECTION 27. Said section 2 of said chapter 25B, as so appearing, is hereby further
519 amended by inserting after the definition of “Plumbing fixture” the following definition:-

520 “Port”, a system or connecting outlet on a charger that provides power to charge an
521 electric vehicle; provided, however, that a port may be equipped with multiple connectors but
522 use only 1 connector at a time to provide such power.

523 SECTION 28. Section 5 of said chapter 25B, as so appearing, is hereby amended by
524 striking out the first and second paragraphs and inserting in place thereof the following
525 paragraph:-

526 The commissioner may, by regulation, update energy efficiency standards for the types of
527 new products set forth in clauses (f) to (y), inclusive, of section 3. Any revision of such
528 efficiency standards shall be based upon the determination of the commissioner; provided,
529 however, that a revision of said efficiency standards for electric vehicle supply equipment may
530 allow the use of equipment that consumes additional kilowatts per hour. Any standard revised
531 pursuant to this section which conflicts with a corresponding standard in the state plumbing code
532 shall take precedence over the standard in said state plumbing code. Any standard revised
533 pursuant to this section shall not take effect for at least 1 year after its adoption.

534 SECTION 29. Said section 5 of said chapter 25B, as so appearing, is hereby further
535 amended by striking out clause (20) and inserting in place thereof the following clause:-

536 (20) Electric vehicle supply equipment included in the scope of the ENERGY STAR
537 Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version
538 1.2 (Rev. June 2023), shall meet the qualification criteria of that specification.

539 SECTION 30. Said section 5 of said chapter 25B, as so appearing, is hereby further
540 amended by striking out, in line 198, the words “, electric vehicle supply equipment”.

541 SECTION 31. Said section 5 of said chapter 25B, as so appearing, is hereby further
542 amended by inserting after the fifth paragraph the following paragraph:-

543 The commissioner may adopt and update regulations for the standards for any appliances
544 to facilitate the deployment of flexible demand technologies. The regulations may include
545 labeling provisions to promote the use of appliances with flexible demand capabilities. The
546 flexible demand appliance standards shall be based on feasible and attainable efficiencies or
547 feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed
548 to reduce emissions of greenhouse gases associated with electricity generation. The standards
549 shall become effective not earlier than 1 year after the date of their adoption or updating.

550 SECTION 32. The second paragraph of section 62A of chapter 30, as so appearing, is
551 hereby amended by striking out the last sentence and inserting in place thereof the following
552 sentence:- This section and sections 62B to 62L, inclusive, shall not apply to the energy facilities
553 siting board established under section 69H of chapter 164 or to any proponent or owner of a
554 large clean energy infrastructure facility as defined in section 69G of chapter 164 or small clean
555 energy infrastructure facility as defined in section 21 of chapter 25A in relation to an application
556 or petition for a consolidated permit or de novo adjudication filed under sections 69T to 69W,
557 inclusive, of chapter 164.

558 SECTION 33. Chapter 30B of the General Laws is hereby amended by striking out
559 section 23, as so appearing, and inserting in place thereof the following section:-

560 Section 23. Notwithstanding section 39M of chapter 30 or any other general or special
561 law to the contrary, a governmental body may, pursuant to this chapter, procure electric school
562 buses and the installation of electric vehicle supply equipment, as defined in section 2 of chapter
563 25B, for said school buses. Electric school buses and the installation of related electric vehicle
564 supply equipment may be procured separately or in 1 procurement. For the purposes of this
565 section, electric school buses shall be considered supplies and electric vehicle supply equipment
566 and its installation shall be considered services; provided, however, that if electric school buses
567 and electric vehicle supply equipment and its installation are procured in a single procurement
568 both shall be considered supplies.

569 A contract under this section shall only be awarded to a bidder who shall: (i) possess the
570 skill, ability and integrity necessary for the faithful performance of the work; (ii) certify that it is
571 able to furnish labor that can work in harmony with all other elements of labor employed or to be
572 employed in the work; (iii) certify that all employees to be employed at the worksite will have
573 successfully completed a course in construction safety and health approved by the United States
574 Occupational Safety and Health Administration that is not less than 10 hours in duration at the
575 time the employee begins work and furnish documentation of successful completion of said
576 course with the first certified payroll report for each employee; and (iv) obtain within 10 days of
577 the notification of contract award the security by bond required under section 29 of chapter 149;
578 provided, however, that for the purposes of this section, “security by bond” shall mean the bond
579 of a surety company qualified to do business under the laws of the commonwealth and
580 satisfactory to the awarding authority; and provided further, that if there is more than 1 surety
581 company, the surety companies shall be jointly and severally liable.

582 SECTION 34. Section 23 of said chapter 30B is hereby repealed.

583 SECTION 35. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
584 amended by inserting after the definition of “Permit granting authority” the following definition:-

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

597 SECTION 36. Section 3 of said chapter 40A, as so appearing, is hereby amended by
598 striking out, in lines 64 to 65, 74 and 82, the words “department of public utilities” and inserting
599 in place thereof, in each instance, the following words:- energy facilities siting board.

600 SECTION 37. Section 13 of chapter 142 of the General Laws, as so appearing, is hereby
601 amended by inserting after the word “thereof”, in line 9, the following words:- ; and provided
602 further, that, notwithstanding any general or special law or rule or regulation to the contrary,
603 grounds for such variances by examiners may include the advancement of reductions in
604 greenhouse gas emissions needed to advance the health of building occupants and reductions in

605 greenhouse gas emissions needed to meet the statewide greenhouse gas emissions limits and
606 sublimits established pursuant to chapter 21N.

607 SECTION 38. Said section 13 of said chapter 142, as so appearing, is hereby further
608 amended by inserting after the word “thereof”, in line 24, the following words:- ; provided,
609 however, that, notwithstanding any general or special law or rule or regulation to the contrary,
610 grounds for making, altering, amending and repealing such rules and regulations may include the
611 advancement of the health of building occupants and reductions in greenhouse gas emissions
612 needed to meet the statewide greenhouse gas emissions limits and sublimits established pursuant
613 to chapter 21N.

614 SECTION 39. Section 95 of chapter 143 of the General Laws, as so appearing, is hereby
615 amended by inserting after the word “conservation”, in line 6, the following words:- energy
616 efficiency, reductions in greenhouse gas emissions, reductions in embodied carbon.

617 SECTION 40. Said section 95 of said chapter 143, as so appearing, is hereby further
618 amended by inserting after the word “buildings”, in line 21, the following words:- ; provided
619 however, that, notwithstanding any general or special law or regulation to the contrary, the
620 board may vary such standards, regulations and requirements and prefer the treatment of certain
621 types of classes of materials, products and methods of construction, in order to advance
622 reductions in greenhouse gas emissions needed to meet the statewide greenhouse gas emissions
623 limits and sublimits established pursuant to chapter 21N; and provided further, that any such
624 variation in standards, regulations and requirements and any such preferential treatment does not
625 affect the health, safety and security of the occupants or users of buildings.

626 SECTION 41. Said chapter 143 is hereby further amended by inserting after section 100
627 the following section:-

628 Section 101. Notwithstanding any provision of the state building code, specialized code
629 or any other general or special law or municipal ordinance to the contrary, refrigerants identified
630 as an alternative for use pursuant to, and in accordance with, 42 U.S.C. 7671k shall be acceptable
631 for use in the commonwealth.

632 SECTION 42. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby
633 amended by striking out, in lines 213 and 214, the words “gas company shall not mean an
634 alternative energy producer” and inserting in place thereof the following words:- a gas company
635 may make, sell or distribute geothermal energy, including networked geothermal and deep
636 geothermal energy.

637 SECTION 43. Section 1B of said chapter 164, as so appearing, is hereby amended by
638 striking out, in line 83, the words “periods of up to six months” and inserting in place thereof the
639 following words:- the period of time resulting from the competitive bidding process.

640 SECTION 44. Section 1F of said chapter 164, as so appearing, is hereby amended by
641 striking out paragraph (4) and inserting in place thereof the following paragraph:-

642 (4)(i) The department shall require that distribution companies provide discounted rates
643 for low-income customers and eligible moderate-income customers comparable to the low-
644 income discount rate in effect prior to March 1, 1998. Said discounts shall be in addition to any
645 reduction in rates that becomes effective pursuant to subsection (b) of section 1B on March 1,
646 1998 and to any subsequent rate reductions provided by a distribution company pursuant to said
647 subsection. The cost of such discounts shall be included in the rates charged to all other

648 customers of a distribution company upon approval by the department. Each distribution
649 company shall guarantee payment to the generation supplier for all power sold to low-income
650 and eligible moderate-income customers at said discounted rates. Eligibility for the discount
651 rates established herein shall be established upon verification of a low-income customer's receipt
652 of any means-tested public benefit or verification of eligibility for the low-income home energy
653 assistance program, or its successor program, for which eligibility does not exceed 200 per cent
654 of the federal poverty level based on a household's gross income and by criteria determined by
655 the department for verification of an eligible moderate-income customer. Said public benefits
656 may include, but are not limited to, assistance which provides cash, housing, food or medical
657 care, including, but not limited to, transitional assistance for needy families, supplemental
658 security income, emergency assistance to elders, disabled and children, food stamps, public
659 housing, federally-subsidized or state-subsidized housing, the low-income home energy
660 assistance program, veterans' benefits and similar benefits. The department of energy resources
661 shall make available to distribution companies the eligibility guidelines for said public benefit
662 programs. Each distribution company shall conduct substantial outreach efforts to make the low-
663 income or moderate-income discount available to eligible customers and shall report to the
664 department of energy resources, at least annually, as to its outreach activities and results.
665 Outreach may include establishing an automated program of matching customer accounts with:
666 (A) lists of recipients of said means-tested public benefit programs and, based on the results of
667 said matching program, to presumptively offer a low-income discount rate to eligible customers
668 so identified; and (B) criteria established by the department for verification of a moderate-
669 income customer to presumptively offer a moderate-income discount rate to eligible customers
670 so identified; provided, however, that the distribution company, within 60 days of said

671 presumptive enrollment, informs any such low-income customer or eligible moderate-income
672 customer of said presumptive enrollment and all rights and obligations of a customer under said
673 program, including the right to withdraw from said program without penalty.

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

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

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

690 (iii) There shall be no charge to any residential customer for initiating or terminating low-
691 income or moderate-income discount rates, default service or standard offer service when said
692 initiation or termination request is made after a regular meter reading has occurred and the

693 customer is in receipt of the results of said reading. A distribution company may impose a
694 reasonable charge, as set by the department through regulation, for initiating or terminating low-
695 income or moderate-income discount rates, default service or standard offer service when a
696 customer does not make such an initiation or termination request upon the receipt of said results
697 and prior to the receipt of the next regularly scheduled meter reading. For purposes of this
698 subsection, there shall be a regular meter reading conducted of every residential account not less
699 often than once every 2 months. Notwithstanding the foregoing, there shall be no charge when
700 the initiation or termination is involuntary on the part of the customer.

701 SECTION 45. Said chapter 164 is hereby further amended by inserting after section 1K
702 the following section:-

703 Section 1L. On or after January 1, 2026, no supplier, energy marketer or energy broker
704 shall execute a new contract or renew an existing contract for generation services with any
705 individual residential retail customer. This section shall not apply to, or otherwise affect, any
706 government body that aggregates the load of residential retail customers as part of a municipal
707 load aggregation program pursuant to section 134. A violation of this section shall be deemed an
708 unfair and deceptive act pursuant to chapter 93A. The attorney general may bring an action under
709 section 4 of said chapter 93A to enforce this section and to obtain restitution, civil penalties,
710 injunctive relief or any other relief available under said chapter 93A.

711 SECTION 46. Section 30 of said chapter 164, as appearing in the 2022 Official Edition,
712 is hereby amended by adding the following paragraph:-

713 Notwithstanding any general or special law to the contrary, the department, in deciding
714 whether to exercise its authority pursuant to this section, shall consider whether a request to the

715 department to authorize gas distribution service is reasonable and in the public interest; provided,
716 however, that in determining reasonableness and the public interest, the department shall
717 consider factors including, but not limited to: (i) the commonwealth’s interest in complying with
718 the greenhouse gas emissions limits and sublimits established pursuant to chapter 21N, including
719 the statewide emissions limit set for 2050; (ii) the commonwealth’s interest in avoiding the
720 stranding of assets and the likelihood of its costs being borne by ratepayers; and (iii) whether an
721 alternative to gas service is available and likely to provide substantially similar service.

722 SECTION 47. Section 69G of chapter 164 of the General Laws, as so appearing, is
723 hereby amended by striking out, in line 1, the words “sixty-nine H to sixty-nine R” and inserting
724 in place thereof the following words:- 69H to 69W.

725 SECTION 48. Said section 69G of said chapter 164, as so appearing, is hereby further
726 amended by striking out the definition of “Applicant” and inserting in place thereof the following
727 2 definitions:-

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

734 “Applicant”, a person or group of persons who submits to the department or board a long-
735 range plan, a petition to construct a facility, a petition for a consolidated permit for a large clean
736 energy infrastructure facility or small clean energy infrastructure facility, a petition for a

737 certificate of environmental impact and public need, a notice of intent to construct an oil facility
738 or any application, petition or matter referred by the chair of the department to the board
739 pursuant to section 69H.

740 SECTION 49. Said section 69G of said chapter 164, as so appearing, is hereby further
741 amended by inserting after the definition of “Certificate”, the following definition:-

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

746 SECTION 50. Said section 69G of said chapter 164, as so appearing, is hereby further
747 amended by striking out the definition of “Department” and inserting in place thereof the
748 following 3 definitions:-

749 “Cumulative impact analysis”, a written report produced by the applicant assessing any
750 existing inequitable environmental burden and related public health consequences impacting a
751 specific geographical area in which a facility, large clean energy infrastructure facility or small
752 clean energy infrastructure facility is proposed from any prior or current private, industrial,
753 commercial, state or municipal operation or project that has damaged the environment; provided,
754 however, that the analysis shall be limited to the types of exposures and risks that are attributable
755 to the type of proposed project; provided further, that if the analysis indicates that such a
756 geographical area is subject to an existing inequitable environmental burden or related health
757 consequence, the analysis shall identify any: (i) environmental and public health impact from the
758 proposed project that would likely result in a disproportionate adverse effect on such

759 geographical area; (ii) potential impact or consequence from the proposed project that would
760 increase or reduce the effects of climate change on such geographical area; and (iii) proposed
761 potential remedial actions to address any disproportionate adverse impacts to the environment,
762 public health and climate resilience of such geographical area; and provided further, that the
763 analysis shall be developed in accordance with guidance established by the office of
764 environmental justice and equity established pursuant to section 29 of chapter 21A and
765 regulations promulgated by the board.

766 “Department”, the department of public utilities.

767 “Director”, the director of the facilities siting division appointed pursuant to section 12N
768 of chapter 25, who shall serve as the director of the board; provided, however, that the director
769 shall have authority to issue decisions on de novo adjudications of local permit applications
770 pursuant to section 69W of chapter 164.

771 SECTION 51. Said section 69G of said chapter 164, as so appearing, is hereby further
772 amended by inserting after the word “capacity”, in line 46, the following words:- ; provided,
773 however, that “facility” shall not include a large clean energy infrastructure facility or small
774 clean energy infrastructure facility.

775 SECTION 52. Said section 69G of said chapter 164, as so appearing, is hereby further
776 amended by striking out, in line 48, the words “and liquified natural gas”, and inserting in place
777 thereof the following words:- liquified natural gas, renewable natural gas and hydrogen.

778 SECTION 53. Said section 69G of said chapter 164, as so appearing, is hereby further
779 amended by striking out, in line 61, the figure “100” and inserting in place thereof the following
780 figure:- 25.

781 SECTION 54. Said section 69G of said chapter 164, as so appearing, is hereby further
782 amended by inserting after the definition of “Generating facility” the following 4 definitions:-

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

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

793 “Large clean energy storage facility”, an energy storage system as defined under section
794 1 of chapter 164 with a rated capacity of not less than 100 megawatt hours, including any
795 ancillary structure that is an integral part of the operation of the large clean energy storage
796 facility.

797 “Large clean transmission and distribution infrastructure facility”, electric transmission
798 and distribution infrastructure and related ancillary infrastructure that is: (i) a new electric
799 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1
800 mile in length on a new transmission corridor, including any ancillary structure that is an integral
801 part of the operation of the transmission line; (ii) a new electric transmission line having a design
802 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing

803 transmission corridor except reconducted or rebuilt transmission lines at the same voltage,
804 including any ancillary structure that is an integral part of the operation of the transmission line;
805 (iii) any other new electric transmission infrastructure requiring zoning exemptions, including
806 standalone transmission substations and upgrades and any ancillary structure that is an integral
807 part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore
808 wind to the grid; provided, however, that the large clean transmission and distribution facility is:
809 (A) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection
810 of clean energy infrastructure to the electric grid; (B) approved by the regional transmission
811 operator in relation to interconnecting clean energy infrastructure; (C) proposed to ensure electric
812 grid reliability and stability; or (D) will help facilitate the electrification of the building and
813 transportation sectors; provided further, that a “large clean transmission and distribution
814 infrastructure facility” shall not include new transmission and distribution infrastructure that
815 solely interconnects new and existing infrastructure that does not meet the definition of small
816 clean energy infrastructure facilities or large clean energy infrastructure facilities to the electric
817 grid on or after January 1, 2026.

818 SECTION 55. Said section 69G of said chapter 164, as so appearing, is hereby further
819 amended by inserting, after the definition of “Significant portion of his income”, the following 5
820 definitions:-

821 “Small clean energy infrastructure facility”, a small clean energy infrastructure facility as
822 defined in section 21 of chapter 25A.

823 “Small clean energy generation facility”, a small clean energy generation facility as
824 defined in section 21 of chapter 25A.

825 “Small clean energy storage facility”, a small clean energy storage facility as defined in
826 section 21 of chapter 25A.

827 “Small clean transmission and distribution infrastructure facility”, a small clean
828 transmission and distribution infrastructure facility as defined in section 21 of chapter 25A.

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

830 SECTION 56. Said section 69G of said chapter 164, as so appearing, is hereby further
831 amended by adding the following definition:-

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

833 SECTION 57. Section 69H of said chapter 164, as amended by section 292 of chapter 7
834 of the acts of 2023, is hereby further amended by striking out the first 3 paragraphs and inserting
835 in place thereof the following 4 paragraphs:-

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

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

856 A determination made by the board shall describe the environmental and public health
857 impacts, if any, of the large clean energy infrastructure facility, small clean energy infrastructure
858 facility, facility or oil facility and shall include findings including, but not limited to: (i) the
859 efforts taken to avoid or minimize or, if avoidance or minimization were impossible, mitigate
860 environmental impacts; (ii) due consideration given to the findings and recommendations of
861 local governments; iii) in the case of large clean transmission and distribution infrastructure
862 facilities, small clean transmission and distribution infrastructure facilities and natural gas
863 pipelines, consideration was given to advanced transmission technologies, grid enhancement
864 technologies, non-wires or non-pipeline alternatives, the repair or retirement of pipelines and
865 other alternatives in an effort to avoid or minimize expenditures; (iv) in the case of large clean
866 transmission and distribution infrastructure facilities and small clean transmission and
867 distribution infrastructure facilities, the infrastructure or project will increase the capacity of the
868 system to interconnect large electricity customers, electric vehicle supply equipment, clean

869 energy generation, clean energy storage or other clean energy generation sources that qualify
870 under any clean energy standard regulation established by the department of environmental
871 protection pursuant to subsection (c) of section 3 of chapter 21N; and (v) any cumulative burdens
872 on host communities and efforts that must be taken to avoid or minimize or, if avoidance or
873 minimization is impossible, mitigate such burdens. In considering and issuing a decision, the
874 board shall also consider reasonably foreseeable climate change impacts, including additional
875 greenhouse gas or other pollutant emissions known to have negative health impacts, predicted
876 sea level rise, flooding and any other disproportionate adverse effects on a specific geographical
877 area. Such reviews shall be conducted consistent with section 69J1/4 for generating facilities,
878 section 69T for large clean energy infrastructure facilities, sections 69U to 69W, inclusive, for
879 small clean energy infrastructure facilities and section 69J for all other types of facilities.

880 The board shall be composed of: the secretary of energy and environmental affairs or a
881 designee, who shall serve as chair; the secretary of economic development or a designee; the
882 commissioner of environmental protection or a designee; the commissioner of energy resources
883 or a designee; the commissioner of public utilities or a designee; the commissioner of fish and
884 game or a designee; and 3 public members to be appointed by the governor for a term
885 coterminous with that of the governor, 1 of whom shall be a representative of Massachusetts
886 Municipal Association, Inc. with expertise in municipal permitting matters, 1 of whom shall be
887 experienced in advocating for low and moderate income communities or indigenous sovereignty
888 and 1 of whom shall be experienced in labor issues; provided, however, that public members
889 shall not have received within the 2 years immediately preceding appointment a significant
890 portion of their income directly or indirectly from the developer of an energy facility or an
891 electric, gas or oil company. The public members shall serve on a part-time basis, receive \$100

892 per diem of board service and be reimbursed by the commonwealth for all reasonable expenses
893 actually and necessarily incurred in the performance of official board duties. Upon the
894 resignation of any public member, a successor shall be appointed in a like manner for the
895 unexpired portion of the term. Appointees may serve for not more than 2 consecutive full terms.

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

901 SECTION 58. The fifth paragraph of said section 69H of said chapter 164, as appearing
902 in the 2022 Official Edition, is hereby amended by striking out clause (1) and inserting in place
903 thereof the following clause:-

904 (1) To adopt and publish rules and regulations consistent with the purposes of sections
905 69H to 69S, inclusive, and to amend the same from time to time, including, but not limited to,
906 rules and regulations for the conduct of the board's public hearings under sections 69H1/2, 69J,
907 69J1/4, 69M and 69T to 69W, inclusive.

908 SECTION 59. Said section 69H of said chapter 164, as amended by section 292 of
909 chapter 7 of the acts of 2023, is hereby further amended by adding the following 2 paragraphs:-

910 The board shall promulgate regulations for cumulative impact analysis as part of its
911 review of facilities, large clean energy infrastructure facilities and small clean energy
912 infrastructure facilities in consultation with the office of environmental justice and equity and

913 Massachusetts environmental policy act office, which shall be informed by the cumulative
914 impact analysis guidance under section 29 of chapter 21A.

915 The board and any proponent or owner of a large clean energy infrastructure facility or
916 small clean energy infrastructure facility shall not be subject to any provisions of sections 61 to
917 62L, inclusive, of chapter 30 in relation to an application or petition for a comprehensive permit
918 or de novo adjudication filed under sections 69T to 69W, inclusive. This section shall apply to
919 any state agency issuing, in relation to an application or petition under said sections 69T to 69V,
920 inclusive, a federal permit that is delegated to that agency and determined by the board to be
921 excluded from the definition of consolidated permit in section 69G.

922 SECTION 60. The third paragraph of section 69I of said chapter 164, as appearing in the
923 2022 Official Edition, is hereby amended by striking out the last sentence and inserting in place
924 thereof the following sentence:- The board or any other person, in taking any action pursuant to
925 this section, sections 69J to 69J1/4, inclusive, or sections 69T to 69W, inclusive, shall not be
926 subject to any provisions of sections 61 to 62H, inclusive, of chapter 30.

927 SECTION 61. Section 69J of said chapter 164, as so appearing, is hereby amended by
928 inserting after the word “facility”, in lines 1 and 2, the following words:- that is not a large clean
929 energy infrastructure facility or small clean energy infrastructure facility.

930 SECTION 62. Said section 69J of said chapter 164, as so appearing, is hereby further
931 amended by striking out the second to fourth paragraphs, inclusive, and inserting in place thereof
932 the following paragraph:-

933 A petition to construct a facility shall include, in such form and detail as the board shall
934 from time to time prescribe: (i) a description of the facility, site and surrounding areas; (ii) an

935 analysis of the need for the facility, either within or outside or both within and outside the
936 commonwealth, including a description of the energy benefits of the facility; (iii) a description of
937 the alternatives to the facility, such as other methods of transmitting or storing energy, other site
938 locations, other sources of electrical power or gas or a reduction of requirements through load
939 management; (iv) a description of the environmental impacts of the facility, including both
940 environmental benefits and burdens, that includes a description of efforts to avoid, minimize and
941 mitigate burdens and efforts to enhance benefits, such as shared use, recreational paths or access
942 to nature; (v) evidence that all pre-filing consultation and community engagement requirements
943 established by the board have been satisfied and, if not, the applicant shall demonstrate good
944 cause for a waiver of the requirements that could not be satisfied by the applicant; and (vi) a
945 cumulative impact analysis. The board may issue and revise filing guidelines after public notice
946 and a period for comment. Said filing guidelines shall require the applicant to provide a
947 minimum of data for review concerning climate change impact, land use impact, water resource
948 impact, air quality impact, fire and other public safety risks, solid waste impact, radiation impact,
949 noise impact and other public health impacts as determined by the board.

950 SECTION 63. Said section 69J of said chapter 164, as so appearing, is hereby further
951 amended by striking out the last paragraph and inserting in place thereof the following
952 paragraph:-

953 The provisions of this section shall not apply to petitions submitted under sections 69U to
954 69W, inclusive, or petitions to construct a generating facility or a large clean energy
955 infrastructure facility, which shall be subject to the provisions of sections 69J1/4 and 69T,
956 respectively.

957 SECTION 64. Section 69J1/4 of said chapter 164, as so appearing, is hereby amended by
958 inserting after the word “facility”, in line 2, the following words:- that is not a large clean energy
959 infrastructure facility or small clean energy infrastructure facility.

960 SECTION 65. Said section 69J1/4 of said chapter 164, as so appearing, is hereby further
961 amended by striking out the third paragraph and inserting in place thereof the following
962 paragraph:-

963 A petition to construct a generating facility shall include, in such form and detail as the
964 board shall from time to time prescribe, the following information: (i) a description of the
965 proposed generating facility, including any ancillary structures and related facilities, including a
966 description of the energy benefits of the generating facility; (ii) a description of the
967 environmental and public health impacts of facility, including both environmental and public
968 health benefits and burdens that includes a description of efforts to avoid or minimize or, if
969 avoidance or minimization are impossible, mitigate the burdens and enhance the benefits and the
970 costs associated with the mitigation, control or reduction of the environmental and public health
971 impacts of the proposed generating facility; (iii) a description of the project development and site
972 selection process used in choosing the design and location of the proposed generating facility;
973 (iv) either: (A) evidence that the expected emissions from the facility meet the technology
974 performance standard in effect at the time of filing; or (B) a description of the environmental
975 impacts, costs and reliability of other fossil fuel generating technologies and an explanation of
976 why the proposed technology was chosen; (v) evidence that all pre-filing consultation and
977 community engagement requirements established by the board have been satisfied and, if not, the
978 applicant shall demonstrate good cause for a waiver of the requirements that could not be
979 satisfied by the applicant; (vi) a cumulative impact analysis; and (vii) any other information

980 necessary to demonstrate that the generating facility meets the requirements for approval
981 specified in this section.

982 SECTION 66. Said chapter 164 is hereby amended by striking out section 69J1/2, as so
983 appearing, and inserting in place thereof the following section:-

984 Section 69J1/2. Notwithstanding any general or special law to the contrary, the
985 department may charge a fee as specified by its regulations for each application to construct a
986 facility that generates electricity, a large clean energy generation facility, a small clean energy
987 generation facility, a large clean energy storage facility, a small clean energy storage facility, a
988 non-utility owned large clean transmission and distribution infrastructure facility or a small clean
989 transmission and distribution infrastructure facility. If the application to construct any such
990 facility is accompanied by an application to construct 1 additional facility that does not generate
991 electricity, the department may charge a fee as specified by its regulations for the combined
992 application. If an application to construct a facility that generates electricity is accompanied by
993 applications to construct 2 additional facilities that do not generate electricity, the department
994 may charge a fee as specified by its regulations for the combined application. If an application to
995 construct a facility that does not generate electricity is filed separately, the department may
996 charge a fee as specified by its regulations for each such application; provided, however, that, the
997 department may charge a lower fee for applications to construct facilities that do not generate
998 electricity and that are below a size to be determined by the department. Said fees shall be
999 payable upon issuance of the notice of adjudication and public hearing.

1000 The department may retain said fees for the purpose of reviewing applications to
1001 construct or consolidated permit applications for large clean energy infrastructure facilities, small

1002 clean energy infrastructure facilities or other facilities subject to this section and for the purpose
1003 of creating a clean energy infrastructure dashboard established under section 12N of chapter 25.

1004 Any remaining balance of fees at the end of a fiscal year shall not revert to the General
1005 Fund, but shall remain available to the department during the following fiscal year for the
1006 purposes provided under this section or section 12S of chapter 25.

1007 The department shall issue an annual report summarizing the data and information
1008 required by this section including, but not limited to: (i) the number of applications filed for
1009 facilities, large clean energy infrastructure facilities and small clean energy infrastructure
1010 facilities, decided and pending; (ii) the average duration of review; and (iii) average staffing
1011 levels; provided, however, that the annual report shall make use of bar charts, line charts and
1012 other visual representations in order to facilitate public understanding of events of the immediate
1013 preceding year and of long-term and cumulative trends and outcomes. The board shall file a
1014 report with the clerks of the senate and house of representatives, the senate and house
1015 committees on ways and means and the joint committee on telecommunications, utilities and
1016 energy not later than January 31.

1017 Nothing contained in this section shall be interpreted as changing the statutory mandates
1018 of the department or board or the type of facilities that may be constructed by applicants that are
1019 not utilities. Nothing contained in this section shall be interpreted as changing the regulations or
1020 body of precedent of the department or board or interpreted as changing the rights of intervenors
1021 before the department or board.

1022 SECTION 67. Section 69O of said chapter 164, as so appearing, is hereby amended by
1023 striking out, in lines 7 and 8, the words “sixty-one to sixty-two H, inclusive, of chapter thirty”
1024 and inserting in place thereof the following words:- 61 to 62L, inclusive, of chapter 30.

1025 SECTION 68. Said chapter 164 is hereby further amended by striking out section 69P, as
1026 so appearing, and inserting in place thereof the following section:-

1027 Section 69P. Any party in interest aggrieved by a final decision of the board or the
1028 director shall have a right to judicial review in the manner provided by section 5 of chapter 25.
1029 The scope of such judicial review shall be limited to whether the decision of the board or the
1030 director is in conformity with the constitution of the commonwealth and the constitution of the
1031 United States, was made in accordance with the procedures established under section 69H to
1032 section 69O, inclusive, and section 69T to section 69W, inclusive, and the rules and regulations
1033 of the board with respect to such provisions, was supported by substantial evidence of record in
1034 the board’s proceedings and was arbitrary, capricious or an abuse of the board’s discretion under
1035 the provisions of said section 69H to 69O, inclusive, and said section 69T to 69W.

1036 SECTION 69. Said chapter 164 is hereby further amended by striking out section 69R, as
1037 so appearing, and inserting in place thereof the following section:-

1038 Section 69R. An electric or gas company, generation company or wholesale generation
1039 company may petition the board for the right to exercise the power of eminent domain with
1040 respect to a facility, large clean transmission and distribution infrastructure facility or small clean
1041 transmission and distribution infrastructure facility, specified and contained in a petition or
1042 application submitted in accordance with sections 69J, 69T or 69U or a bulk power supply
1043 substation if such company is unable to reach agreement with the owners of land for the

1044 acquisition of any necessary estate or interest in land. The applicant shall forward, at the time of
1045 filing such petition, a copy thereof to each city, town and property owner affected.

1046 The company shall file with such petition or have annexed thereto: (i) a statement of the
1047 use for which such land is to be taken; (ii) a description of land to be taken sufficient for the
1048 identification thereof; (iii) a statement of the estate or interest in the land to be taken for such
1049 use; (iv) a plan showing the land to be taken; (v) a statement of the sum of money established by
1050 such utility to be just compensation for the land to be taken; and (vi) such additional maps and
1051 information as the board requires.

1052 The board, after such notice as it may direct, shall hold at least 1 public hearing in the
1053 community in which the land to be taken is located. For facilities involving takings in several
1054 communities, the hearing shall be held in communities in proximity to the land to be taken, as
1055 determined by the board. The board may thereafter authorize the company to take by eminent
1056 domain under chapter 79 such lands necessary for the construction of the facility as are required
1057 in the public interest, convenience and necessity. The board shall transmit a certified copy of its
1058 order to the company and to the town clerk of each affected community.

1059 If the board dismisses the petition at any stage in the proceedings, no further action shall
1060 be taken thereon and the company may file a new petition not sooner than 1 year after the date
1061 such dismissal.

1062 Following a taking under this section, the electric or gas company may forthwith proceed
1063 to utilize such land. If the electric or gas company shall not utilize the lands so taken for the
1064 purpose or purposes authorized in the department's order within such time as the board shall
1065 determine, its rights under such taking shall cease and terminate.

1066 No land, rights of way or other easements therein in any public way, public park,
1067 reservation or other land subject to article 97 of the amendments to the Constitution of, the
1068 commonwealth shall be taken by eminent domain under this section except in accordance with
1069 said article.

1070 This section shall not be construed as abrogating the board's jurisdiction described in
1071 section 72 in respect to transmission lines or the board's jurisdiction described in sections 75B to
1072 75G, inclusive, in respect to natural gas transmission lines.

1073 SECTION 70. The second paragraph of said section 69S of said chapter 164, as so
1074 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
1075 following sentence:- The board, after such notice as it may direct, shall hold at least 1 public
1076 hearing in the city or town in which the greater portion of said land in question is located.

1077 SECTION 71. Said chapter 164 is hereby further amended by inserting after section 69S
1078 the following 4 sections:-

1079 Section 69T. (a) The energy facilities siting board may issue consolidated permits for
1080 large clean energy infrastructure facilities. No applicant shall commence construction of a large
1081 clean energy infrastructure facility at a site unless an application for a consolidated permit for
1082 such facility pursuant to this section has been approved by the board and no state agency shall
1083 issue a construction permit for any such facility unless the petition to construct such facility has
1084 been approved by the board. For purposes of this section, construction shall not include
1085 contractual obligations to purchase facilities or equipment.

1086 (b) The board shall establish the following criteria governing the siting and permitting of
1087 large clean energy infrastructure facilities: (i) a uniform set of baseline health, safety,

1088 environmental and other standards that apply to the issuance of a consolidated permit; (ii) a
1089 common standard application to be used when submitting an application to the board; (iii) pre-
1090 filing requirements commensurate with the scope and scale of the proposed large clean energy
1091 infrastructure facility, which shall include specific requirements for pre-filing consultations with
1092 permitting agencies and the Massachusetts environmental policy act office, public meetings and
1093 other forms of outreach that must occur in advance of an applicant submitting an application; (iv)
1094 standards for applying site suitability criteria developed by the executive office of energy and
1095 environmental affairs pursuant to section 30 of chapter 21A to evaluate the social and
1096 environmental impacts of proposed large clean energy infrastructure project sites and which shall
1097 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize
1098 or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment,
1099 people and goals and objectives of the commonwealth for climate mitigation, carbon storage and
1100 sequestration, resilience, biodiversity and protection of natural and working lands to the extent
1101 practicable; (v) standards for applying the cumulative impacts analysis standards and guidelines
1102 developed by the office of environmental justice and equity pursuant to section 29 of chapter
1103 21A to evaluate and minimize the impacts of large clean energy infrastructure facilities in the
1104 context of existing infrastructure and conditions; (vi) standard permit conditions and
1105 requirements for a single permit consolidating all necessary local, regional and state approvals to
1106 be issued to different types of large clean energy infrastructure facilities in the event that
1107 constructive approval is triggered through the non-issuance of a permit by the board pursuant to
1108 subsection (i); and (vii) entities responsible for compliance and enforcement of permit
1109 conditions, including in the event of sale of large clean energy infrastructure facilities after
1110 permitting.

1111 (c) An application for a consolidated permit for a large clean transmission and
1112 distribution infrastructure facility shall include, in such form and detail as the board shall from
1113 time to time prescribe, the following information: (i) a description of the large clean transmission
1114 and distribution infrastructure facility, site and surrounding areas; (ii) an analysis of the need for
1115 the large clean transmission and distribution infrastructure facility, either within or outside or
1116 both within and outside the commonwealth, including a description of energy benefits; (iii) a
1117 description of the alternatives to the large clean transmission and distribution infrastructure
1118 facility including siting and project alternatives to avoid or minimize or, if impacts cannot be
1119 avoided or minimized, mitigate impacts; (iv) a description of the environmental impacts of the
1120 large clean transmission and distribution infrastructure facility, including both environmental
1121 benefits and burdens; (v) evidence that all pre-filing consultation and community engagement
1122 requirements established by the board have been satisfied and, if not, demonstrate good cause for
1123 a waiver of the requirements that could not be satisfied by the applicant; and (vi) a cumulative
1124 impact analysis. The board may issue and revise filing guidelines after public notice and a period
1125 for comment.

1126 (d) An application for a consolidated permit for a large clean energy generation facility or
1127 large clean energy storage facility shall include, in such form and detail as the board shall from
1128 time to time prescribe, the following information: (i) a description of the large clean energy
1129 generation facility's or large clean energy storage facility's site and surrounding areas, including
1130 any ancillary structures and related facilities and a description of the energy benefits of the large
1131 clean energy generation facility or large clean energy storage facility; (ii) a description of the
1132 environmental impacts of the large clean energy generation facility or large clean energy storage
1133 facility, including both environmental benefits and burdens; (iii) a description of the project site

1134 selection process and alternatives analysis used in choosing the location of the proposed large
1135 clean energy generation facility or large clean energy storage facility to avoid or minimize or, if
1136 impacts cannot be avoided or minimized, mitigate impacts; (iv) evidence that all pre-filing
1137 consultation and community requirements established by the board have been satisfied and, if
1138 not, demonstrate good cause for a waiver of the requirements that could not be satisfied by the
1139 applicant; and (v) a cumulative impact analysis. The board shall be empowered may issue and
1140 revise filing guidelines after public notice and a period for comment.

1141 (e) Review by the board of the application shall be an adjudicatory proceeding under
1142 chapter 30A. The authority of the board to conduct the adjudicatory proceeding under the
1143 provisions of this section may be delegated in whole or in part to the employees of the
1144 department. Pursuant to the rules of the board, such employees shall report back to the board
1145 with recommended decisions for final action thereon.

1146 (f) The board shall determine whether a large clean energy infrastructure facility permit
1147 application is complete within 30 days of receipt. If an application is deemed not complete, the
1148 applicant shall have 30 days to cure any deficiencies identified by the board before the
1149 application is rejected. The board may provide extensions of time to cure deficiencies if the
1150 applicant can demonstrate there are extenuating circumstances.

1151 (g) The board shall conduct a public hearing in at least 1 of the affected cities or towns in
1152 which a large clean energy infrastructure facility would be located.

1153 (h) Following a determination that an application for a large clean energy infrastructure
1154 facility is complete, all municipal, regional and state agencies, authorities, boards, commissions,
1155 offices or other entities that would otherwise be required to issue at least 1 permits to the facility

1156 shall be deemed to be substantially and specifically affected by the proceeding and upon
1157 notification to the board shall have intervenor status in the proceeding to review the facility's
1158 application. All municipal, regional and state agencies, authorities, boards, commissions, offices
1159 or other entities that would otherwise be required to issue at least 1 permit to the facility shall be
1160 afforded an opportunity to submit statements of recommended permit conditions to the board
1161 relative to the respective permits that each agency would be responsible for otherwise issuing
1162 themselves.

1163 (i) The board shall establish timeframes for reviewing different types of large clean
1164 energy infrastructure facilities based on the complexity of the facility, the need for an exemption
1165 from local zoning requirements and community impacts, but in no instance shall the board take
1166 more than 15 months from the determination of application completeness to render a final
1167 decision on an application. The board shall have the authority to approve, approve with
1168 conditions or reject a consolidated permit application. If no final decision is issued within the
1169 deadline established by the board for the type of large clean energy infrastructure facility, the
1170 board shall issue a permit granting approval to construct that adopts the common conditions and
1171 requirements established by the board through regulations for the type of large clean energy
1172 infrastructure facility under review, which shall be deemed a final decision of the board. A
1173 consolidated permit, if issued, shall be in the form of a composite of all individual permits,
1174 approvals or authorizations which would otherwise be necessary for the construction and
1175 operation of the large clean energy infrastructure facility and that portion of the consolidated
1176 permit which relates to subject matters within the jurisdiction of a state or local agency shall be
1177 enforced by said agency under other applicable laws of the commonwealth as if it had been
1178 directly granted by the said agency.

1179 Section 69U. (a) Upon request by an applicant and upon a showing of good cause, the
1180 board may issue a consolidated permit for a small clean transmission and distribution
1181 infrastructure facility that is not automatically subject to the jurisdiction of the board pursuant to
1182 section 69G, if the applicant petitions the board to be granted a consolidated permit for such
1183 facility. The board shall review such petition in accordance with subsections (b) and (c). The
1184 board may issue such consolidated permit upon finding that the small clean transmission and
1185 distribution infrastructure facility will serve the public convenience and is consistent with the
1186 public interest. Upon application for a consolidated permit under this section, no applicant shall
1187 commence construction of a small clean transmission and distribution infrastructure facility at a
1188 site unless a consolidated permit for construction of that small clean transmission and
1189 distribution infrastructure facility pursuant to this section has been approved by the board. For
1190 purposes of this section, construction shall not include contractual obligations to purchase such
1191 facilities or equipment.

1192 (b) The board shall establish the same criteria governing the siting and permitting of
1193 small clean transmission and distribution infrastructure facilities eligible to submit an application
1194 under this section as it is required to establish for large clean energy infrastructure facilities
1195 under subsection (b) of section 69T. An application for a consolidated permit for a small clean
1196 transmission and distribution infrastructure facility shall include the same elements as required
1197 for large clean transmission and distribution infrastructure facilities under subsection (c) of
1198 section 69T. Subject to subsection (c) of this section, the provisions of subsections (d) to (i),
1199 inclusive, of section 69T shall apply to the process followed by the board regarding the issuance
1200 of a consolidated permit to any small clean transmission and distribution infrastructure facility
1201 under this section.

1202 (c) The board shall establish timeframes and procedures for reviewing different types of
1203 small clean transmission and distribution infrastructure facilities based on the complexity of the
1204 facility and the need for an exemption from local zoning requirements, but in no instance shall
1205 the board take more than 12 months from the determination of application completeness to
1206 render a final decision on an application. The board shall have the authority to approve, approve
1207 with conditions or reject a permit application. If no final decision is issued within the deadline
1208 for the type of small clean transmission and distribution infrastructure facility established by the
1209 board, the board shall issue a permit granting approval to construct that adopts the common
1210 conditions and requirements established by the board in regulation for the type of small clean
1211 transmission and distribution infrastructure facility under review, which shall be deemed a final
1212 decision of the board. A consolidated permit, if issued, shall be in the form of a composite of all
1213 individual permits, approvals or authorizations which would otherwise be necessary for the
1214 construction and operation of the clean transmission and distribution infrastructure facility and
1215 that portion of the consolidated permit which relates to subject matters within the jurisdiction of
1216 a state or local agency shall be enforced by said agency under the other applicable laws of the
1217 commonwealth as if it had been directly granted by said agency.

1218 Section 69V. (a) The board may issue consolidated state permits for small clean energy
1219 generation and small clean energy storage facilities. Owners or proponents of small clean energy
1220 generation facilities and small clean energy storage facilities may submit an application to the
1221 board to be granted a consolidated permit that shall include all state permits necessary to
1222 construct the small clean energy generation facility or small clean energy storage facility. All
1223 local government permits and approvals for such small clean energy generation facilities and

1224 small clean energy storage facilities shall be issued separately pursuant to section 21 of chapter
1225 25A.

1226 (b) The board shall establish the same criteria governing the siting and permitting of
1227 small clean energy generation facilities and small clean energy storage facilities eligible to
1228 submit an application under this section as it is required to establish for large clean energy
1229 infrastructure facilities in subsection (b) of section 69T. An application for a consolidated permit
1230 for a small clean energy generation facility or small clean energy storage facility eligible to
1231 submit an application under this section shall include the same elements as required for large
1232 clean energy generation facilities and large clean energy storage facilities under subsection (d) of
1233 section 69T. The provisions of subsections (e) to (g), inclusive, of section 69T shall apply to the
1234 issuance of a consolidated permit to any small clean energy generation facility or small clean
1235 energy storage facility under this section.

1236 (c) The board shall not take more than 12 months from the determination of application
1237 completeness to render a final decision on an application. The board shall have the authority to
1238 approve, approve with conditions or reject a permit application. If no final decision is issued
1239 within the deadline for the type of small clean energy generation facility or small clean energy
1240 storage facility established by the board, the board shall issue a permit granting approval to
1241 construct that adopts the common conditions and requirements established by the board in
1242 regulation for the type of small clean energy generation facility or small clean energy storage
1243 facility under review, which shall be deemed a final decision of the board. A consolidated permit
1244 shall be in the form of a composite of all individual permits, approvals or authorizations which
1245 would otherwise be necessary for the construction and operation of the small clean energy
1246 generation facility or small clean energy storage facility and that portion of the consolidated

1247 permit which relates to subject matters within the jurisdiction of a state or local agency shall be
1248 enforced by said agency under the other applicable laws of the commonwealth as if it had been
1249 directly granted by said agency.

1250 Section 69W. (a) Owners or proponents of small clean energy infrastructure facilities that
1251 have received a final decision on or a constructive approval of a consolidated local permit
1252 application from a local government, as defined in section 21 of chapter 25A, or other parties
1253 substantially and specifically affected by the decision of the local government may submit a
1254 request for a de novo adjudication of the local permit application by the director. Subject to the
1255 provisions of subsection (g) of section 21 of chapter 25A, a local government may also submit a
1256 request for a de novo adjudication if their resources, capacity and staffing do not allow for
1257 review of a small clean energy infrastructure facility's permit application within the required
1258 maximum 12-month timeframe for local government review established by section 21 of chapter
1259 25A. Review by the director of the board of the request for de novo adjudication shall be deemed
1260 an adjudicatory proceeding under the provisions of chapter 30A.

1261 (b) A request for a de novo adjudication by an owner or proponent of a small clean
1262 energy infrastructure facility or other party substantially and specifically affected by a final
1263 decision of a local government must be filed within 30 days of such decision.

1264 (c) Upon determination that at least 1 party seeking a de novo adjudication are
1265 substantially and specifically affected, the director of the board shall review the request and the
1266 local government's final decision for consistency with the regulations adopting statewide
1267 permitting standards for such facilities established by the department of energy resources
1268 pursuant to section 21 of chapter 25A. The director shall render a decision on the request within

1269 6 months of receipt of the application and such decision shall be final. If the local government's
1270 decision is found to be inconsistent with the regulatory standards established by the department
1271 of energy resources, the director may issue a final decision that supersedes the local
1272 government's prior decision and imposes new local permit conditions that are consistent with the
1273 laws of the commonwealth.

1274 (d) The board shall establish regulations governing the process the director of the facility
1275 siting division shall follow to conduct the review of requests for de novo adjudication under this
1276 section.

1277 SECTION 72. Said chapter 164 is hereby further amended by striking out sections 72
1278 and 72A, as appearing in the 2022 Official Edition, and inserting in place thereof the following 2
1279 sections:-

1280 Section 72. An electric company, distribution company, generation company or
1281 transmission company or any other entity providing or seeking to provide transmission service
1282 may petition the energy facilities siting board for authority to construct and use or to continue to
1283 use as constructed or with altered construction a line for the transmission of electricity for
1284 distribution in some definite area or for supplying electricity to itself or to another electric
1285 company or to a municipal lighting plant for distribution and sale or to a railroad, street railway
1286 or electric railroad for the purpose of operating it and shall represent that such line will or does
1287 serve the public convenience and is consistent with the public interest. The company shall
1288 forward at the time of filing such petition a copy thereof to each city and town within such area.
1289 The company shall file with such petition a general description of such transmission line and a
1290 map or plan showing the towns through which the line will or does pass and its general location.

1291 The company shall also furnish an estimate showing in reasonable detail the cost of the line and
1292 such additional maps and information as the energy facilities siting board requires. The energy
1293 facilities siting board, after notice and a public hearing in at least 1 of the towns affected, may
1294 determine that said line is necessary for the purpose alleged and will serve the public
1295 convenience and is consistent with the public interest. If the electric company, distribution
1296 company, generation company or transmission company or any other entity providing or seeking
1297 to provide transmission service shall file with the energy facilities siting board a map or plan of
1298 the transmission line showing the towns through which it will or does pass, the public ways,
1299 railroads, railways, navigable streams and tide waters in the town named in said petition which it
1300 will cross and the extent to which it will be located upon private land or upon, under or along
1301 public ways and places the energy facilities siting board, after such notice as it may direct, shall
1302 hold a public hearing in at least 1 of the towns through which the line passes or is intended to
1303 pass. The energy facilities siting board may by order authorize an electric company, distribution
1304 company, generation company or transmission company or any other entity to take by eminent
1305 domain under chapter 79 such lands, or such rights of way or widening thereof or other
1306 easements therein necessary for the construction and use or continued use as constructed or with
1307 altered construction of such line along the route prescribed in the order of the energy facilities
1308 siting board. The energy facilities siting board shall transmit a certified copy of its order to the
1309 company and the town clerk of each affected town. The company may at any time before such
1310 hearing modify the whole or a part of the route of said line, either of its own motion or at the
1311 insistence of the energy facilities siting board or otherwise and, in such case, shall file with the
1312 energy facilities siting board maps, plans and estimates as aforesaid showing such changes. If the
1313 energy facilities siting board dismisses the petition at any stage in said proceedings, no further

1314 action shall be taken thereon and the company may file a new petition not sooner than 1 year
1315 after the date of such dismissal. When a taking under this section is effected, the company may
1316 forthwith, except as hereinafter provided, proceed to erect, maintain and operate thereon said
1317 line. If the company shall not enter upon and construct such line upon the land so taken within 1
1318 year thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1319 other easements therein shall be taken by eminent domain under the provisions of this section in
1320 any public way, public place, park or reservation, or within the location of any railroad, electric
1321 railroad or street railway company except with the consent of such company and on such terms
1322 and conditions as it may impose or except as otherwise provided in this chapter; and no
1323 electricity shall be transmitted over any land, right of way or other easement taken by eminent
1324 domain as herein provided until the electric company, distribution company, generation company
1325 or transmission company or any other entity shall have acquired from the select board or such
1326 other authority having jurisdiction all necessary rights in the public ways or public places in the
1327 town or towns, or in any park or reservation, through which the line will or does pass. No entity
1328 shall be authorized under this section or section 69R or section 24 of chapter 164A to take by
1329 eminent domain any lands or rights of way or other easements therein held by an electric
1330 company or transmission company to support an existing or proposed transmission line without
1331 the consent of the electric company or transmission company.

1332 No electric company, distribution company, generation company or transmission
1333 company or any other entity providing or seeking to provide transmission services shall be
1334 required to petition the energy facilities siting board under this section unless it is seeking
1335 authorization to take lands, rights of way or other easements under chapter 79.

1336 Section 72A. The energy facilities siting board may upon petition authorize an electric
1337 company to enter upon lands of any person or corporation for the purpose of making a survey
1338 preliminary to eminent domain proceedings. The energy facilities siting board shall give notice
1339 of the authorization granted, by registered mail, to the landowners involved not less than 5 days
1340 prior to any entry by such electric company. The company entering upon any such lands shall be
1341 subject to liability for any damages occasioned thereby to be recovered under chapter 79.

1342 SECTION 73. Said chapter 164 is hereby further amended by striking out section 75C as
1343 so appearing, and inserting in place thereof the following section:-

1344 Section 75C. A natural gas pipeline company may petition the energy facilities siting
1345 board for the right to exercise the power of eminent domain under chapter 79. It shall file with
1346 such petition a general description of such pipeline and a map or plan thereof showing the rights
1347 of way, easements and other interests in land or other property proposed to be taken for such use,
1348 the towns through which such pipeline will pass, the public ways, railroads, railways, navigable
1349 streams and tide waters in the town or towns named in the petition that it will cross and the
1350 extent to which it will be located upon private land and upon, under or along public ways, lands
1351 and places. Upon the filing of such petition, the energy facilities siting board, after such notice as
1352 it may direct, shall hold a public hearing in at least 1 of the towns through which the pipeline is
1353 intended to pass and may, by order, authorize the company to take by eminent domain under said
1354 chapter 79 such lands or such rights of way, easements or other interests in land or other property
1355 necessary for the construction, operation, maintenance, alteration and removal of the pipeline,
1356 compressor stations, appliances, appurtenances and other equipment along the route described in
1357 the order of the energy facilities siting board. The energy facilities siting board shall transmit a
1358 certified copy of its order to the company and the town clerk of each affected town. The

1359 company may, at any time before such hearings, modify the whole or a part of the route of said
1360 pipeline, either of its own motion or at the insistence of the energy facilities siting board or
1361 otherwise and, in such case, shall file with the energy facilities siting board maps, plans and
1362 estimates showing such changes. If the energy facilities siting board dismisses the petition at any
1363 stage in the proceedings, no further action shall be taken thereon and the company may file a
1364 new petition not sooner than 1 year after the date of such dismissal.

1365 When a taking under this section is effected, the company may forthwith, except as
1366 hereinafter provided, proceed to construct, install, maintain and operate thereon said pipeline. If
1367 the company shall not enter upon and construct such line upon the land so taken within 1 year
1368 thereafter, its right under such taking shall cease and terminate. No lands or rights of way or
1369 easements therein shall be taken by eminent domain under the provisions of this section in any
1370 public way, public place, park or reservation or within the location of any railroad, electric
1371 railroad or street railway company, except that such pipeline may be constructed under any
1372 public way or any way dedicated to the public use; provided, however, that the rights granted
1373 hereunder shall not affect the right or remedy to recover damages for an injury caused to persons
1374 or property by the acts of such company and such company shall put all such streets, lanes and
1375 highways in as good repair as they were when opened by such company and the method of such
1376 construction and the plans and specifications therefor have been approved either generally or in
1377 any particular instance by the energy facilities siting board or, in the case of state highways, by
1378 the department of highways; and provided further, that natural gas pipeline companies may
1379 construct such lines under, over or across the location on private land of any railroad, electric
1380 railroad or street railway corporation subject to the provisions of section 73. Rights of way,

1381 buildings, structures or lands to be used in the construction of such pipelines over or upon the
1382 lands referred to therein shall be governed by the provisions of section 34A of chapter 132.

1383 SECTION 74. Section 92 of said chapter 164, as so appearing, is hereby amended by
1384 inserting after the word “corporation”, in line 13, the following words:- ; provided further,
1385 however, that, notwithstanding any general or special law to the contrary, in determining whether
1386 to issue an order directing a corporation to supply a petitioner with gas service, the department
1387 shall consider: (i) whether the grant of the petition is in the public interest, including the public
1388 interest in reducing greenhouse gas emissions and complying with the limits and sublimits
1389 established pursuant to chapter 21N; and (ii) whether, in the totality of the circumstances, the
1390 petitioner can secure adequate substitutes for gas-fired services for space heating, water heating
1391 and cooking appliances, which, in the case of space heating, may include thermal energy that
1392 provides heating or cooling without combustion; provided further, that the department may, in
1393 order to advance the public interest in reducing greenhouse gas emissions and complying with
1394 the limits and sublimits established pursuant to said chapter 21N, order actions that may vary the
1395 uniformity of the availability of natural gas service in the commonwealth.

1396 SECTION 75. Section 141 of said chapter 164, as so appearing, is hereby amended by
1397 striking out the last sentence and inserting in place thereof the following sentence:- Where the
1398 scale of on-site generation would have an impact on affordability for low-income or eligible
1399 moderate-income customers, a fully compensating adjustment shall be made to the low-income
1400 or moderate-income rate discount.

1401 SECTION 76. Said chapter 164 is hereby further amended by striking out section 145, as
1402 so appearing, and inserting in place thereof the following section:-

1403 Section 145. (a) For the purposes of this section, the following words shall, unless the
1404 context clearly requires otherwise, have the following meanings:-

1405 “Customer”, a retail natural gas customer.

1406 “Decommissioning proposal”, a proposal to decommission a portion of existing natural
1407 gas infrastructure to be retired or replaced by a non-gas pipe alternative.

1408 “Eligible infrastructure measure”, a retirement, repair or replacement of existing
1409 infrastructure of a gas company that: (i) is made on or after January 1, 2015 and not later than
1410 December 31, 2028; (ii) seeks in a balanced manner to preserve and improve public safety,
1411 improve infrastructure reliability, minimize ratepayer impacts, minimize the risk of stranded
1412 assets and reduce greenhouse gas emissions in compliance with the limits and sublimits
1413 established in chapter 21N; (iii) does not increase the revenue of a gas company by connecting
1414 an improvement for a principal purpose of serving new customers; (iv) is not included in the
1415 current rate base of the gas company as determined in the gas company's most recent rate
1416 proceeding; (v) may include use of advanced leak repair technology approved by the department
1417 to repair an existing leak-prone gas pipe to extend the useful life of the such gas pipe by not less
1418 than 10 years; (vi) may include replacing gas infrastructure with utility-scale non-emitting
1419 renewable thermal energy infrastructure; (vii) involves circumstances in which a non-gas pipe
1420 alternative has been shown to be infeasible or not cost-effective; and (viii) is not inconsistent
1421 with the greenhouse gas emissions limits and sublimits established in said chapter 21N.

1422 “Non-emitting renewable thermal energy infrastructure”, utility-scale distribution
1423 infrastructure that supplies heating or cooling from fuel sources whose combustion does not emit
1424 greenhouse gas emissions as defined in section 1 of chapter 21N; provided, however, that such

1425 infrastructure may include, but shall not be limited to, infrastructure for networked geothermal
1426 and deep geothermal energy.

1427 “Non-gas pipe alternative”, an activity or investment that delays, reduces or avoids the
1428 need to build or upgrade traditional natural gas infrastructure including, but not limited to,
1429 electrification or non-emitting renewable thermal energy infrastructure.

1430 “Plan”, a detailed compilation of eligible infrastructure measures and decommissioning
1431 proposals that a gas company files pursuant to subsection (b).

1432 “Project”, an eligible infrastructure measure or decommissioning proposal as proposed by
1433 a gas company in a plan filed under this section.

1434 (b) A gas company shall file with the department a plan that shall include annual targets
1435 for the department's review. The department shall review such annual targets to ensure each gas
1436 company is meeting the appropriate pace to preserve and improve public safety, improve
1437 infrastructure reliability, minimize the risk of stranded assets and reduce greenhouse gas
1438 emissions in compliance with the limits and sublimits established in chapter 21N. A gas
1439 company filing a plan shall update the targets each year based on overall progress. The
1440 department may levy a penalty against any gas company that fails to meet its most recently
1441 updated annual target in an amount up to and including the equivalent of 2.5 per cent of such gas
1442 company's transmission and distribution service revenues for the previous calendar year.

1443 (c) Any plan filed with the department shall include, but not be limited to: (i) capital
1444 investment in eligible infrastructure measures and decommissioning proposals concerning mains,
1445 services, leak-prone meter sets and other ancillary facilities composed of non-cathodically
1446 protected steel, cast iron and wrought iron, prioritized to implement the federal gas distribution

1447 pipeline integrity management plan annually submitted to the department and consistent with
1448 subpart P of 49 C.F.R. part 192; (ii) an evaluation of the cost to retire, replace or repurpose
1449 natural gas infrastructure with non-pipe alternatives including, but not limited to, utility-scale
1450 non-emitting renewable thermal energy infrastructure; (iii) an anticipated timeline for the
1451 completion of each project; (iv) the estimated cost of each project; (v) rate change requests; (vi) a
1452 description of customer costs and benefits under the plan, including the costs of potential
1453 stranded assets and the benefits of avoiding financial exposure to such assets; (vii) the
1454 relocations, where practical, of a meter located inside a structure to the outside of said structure
1455 for the purpose of improving public safety; (viii) a comparison of costs and benefits of proposed
1456 eligible infrastructure measures in low and moderate income communities with costs and
1457 benefits of such measures in upper income communities; (ix) a comparison of projected
1458 greenhouse gas emissions reductions from eligible infrastructure measures with other investment
1459 alternatives, such as electrification; (x) an analysis of how the proposed plan fits within the
1460 company's climate compliance plan approved by the department; and (xi) any other information
1461 the department considers necessary to evaluate the plan.

1462 As part of each plan filed under this section, a gas company shall include a timeline for
1463 remedying leak-prone infrastructure to preserve and improve public safety, improve
1464 infrastructure reliability, minimize the risk of stranded assets and reduce greenhouse gas
1465 emissions, on an accelerated basis specifying an annual remediation pace and an end date of
1466 November 1, 2030. After filing the initial plan required under this section, a gas company shall
1467 annually provide the department with a summary of its remediation progress to date, a summary
1468 of work to be completed during the next 2 years and any similar information the department may
1469 require.

1470 (d) If a gas company files a plan on or before October 31 for the subsequent construction
1471 year, the department shall review the plan within 6 months. The plan shall be effective as of the
1472 date of filing, pending department review. The department may modify a plan prior to approval
1473 at the request of a gas company or make other modifications to a plan as a condition of approval.
1474 The department shall consider the costs and benefits of the plan, including preserving and
1475 improving public safety, minimizing ratepayer impacts, improving infrastructure reliability,
1476 minimizing the risk of stranded assets and reducing greenhouse gas emissions in compliance
1477 with the greenhouse gas emissions limits and sublimits established in chapter 21N.

1478 (e) If a plan is in compliance with this section and the department determines the plan
1479 operates in a balanced manner to reasonably preserve and improve public safety, minimize
1480 ratepayer impacts, improve infrastructure reliability, minimize the risk of stranded assets and
1481 reduce greenhouse gas emissions in compliance with the limits and sublimits established in
1482 chapter 21N, the department shall issue preliminary acceptance of the plan in whole or in part. A
1483 gas company shall then be permitted to begin recovery of the estimated costs of projects included
1484 in the plan beginning on May 1 of the year following the initial filing and collect any revenue
1485 requirement, including depreciation, property taxes and return associated with the plan.

1486 (f) Annually, not later than May 1, a gas company shall file final project documentation
1487 for projects completed in the prior year to demonstrate substantial compliance with the plan
1488 approved pursuant to subsection (e) and that project costs were reasonably and prudently
1489 incurred. The department shall investigate project costs within 6 months of submission and shall
1490 approve and reconcile the authorized rate factor, if necessary, upon a determination that the costs
1491 were reasonable and prudent. Annual changes in the revenue requirement eligible for recovery
1492 shall not exceed the applicable percentages of the gas company's most recent calendar year total

1493 firm revenues, including gas revenues attributable to sales and transportation customers, as
1494 established in subsection (i).

1495 (g) All rate change requests made to the department pursuant to an approved plan, shall
1496 be filed annually on a fully reconciling basis, subject to final determination by the department
1497 pursuant to subsection (f). The rate change included in a plan pursuant to section (c), reviewed
1498 pursuant to subsection (d) and taking effect each May 1 pursuant to subsection (e) shall be
1499 subject to investigation by the department pursuant to subsection (f) to determine whether the gas
1500 company has over collected or under collected its requested rate adjustment with such over
1501 collection or under collection reconciled annually. If the department determines that any of the
1502 costs were not reasonably or prudently incurred, the department shall disallow the costs and
1503 direct the gas company to refund the full value of the costs charged to customers with the
1504 appropriate carrying charges on the over-collected amounts. If the department determines that
1505 any of the costs were not in compliance with the approved plan, the department shall disallow
1506 the costs from the cost recovery mechanism established under this section and shall direct the gas
1507 company to refund the full value of the costs charged to customers with the appropriate carrying
1508 charges on the over collected amounts.

1509 (h) Notwithstanding any general or special law or regulation to the contrary, pursuant to a
1510 decommissioning proposal approved by the department, a gas company may terminate natural
1511 gas service to a customer where such proposal ensures that the affected customer retains
1512 continuous access to safe, reliable and affordable energy services and can secure adequate
1513 substitutes for gas-fired services as determined by the department.

1514 (i) For the purposes of subsection (f), the applicable percentage of the local gas
1515 distribution company's most recent calendar year total firm revenues, including gas revenues
1516 attributable to sales and transportation customers, beginning:

1517 (A) on or after November 1, 2024, and before November 1, 2025, shall be 2.8 per cent;

1518 (B) on or after November 1, 2025, and before November 1, 2026, shall be 2.5 per cent;

1519 (C) on or after November 1, 2026, and before November 1, 2027, shall be 2.0 per cent;

1520 (D) on or after November 1, 2027, and before November 1, 2028, shall be 1.5 per cent;

1521 (E) on or after November 1, 2028, and before November 1, 2029, shall be 1.0 per cent;

1522 (F) on or after November 1, 2029, and before November 1, 2030, shall be 0.5 per cent;

1523 and

1524 (G) on or after November 1, 2030, shall be 0 per cent.

1525 (j) The department may promulgate rules and regulations to carry out the provisions of
1526 this section. The department may discontinue a plan and require a gas company to refund any
1527 costs charged to customers due to failure to substantially comply with such plan or failure to
1528 reasonably and prudently manage project costs.

1529 SECTION 77. Said chapter 164 is hereby further amended by adding the following
1530 section:-

1531 Section 149. (a) For the purposes of this section, the following words shall have the
1532 following meanings unless the context clearly requires otherwise:-

1533 “Director”, the director of the division of public participation, as established by section
1534 12T of chapter 25.

1535 “Governmental body”, a city, town, district, regional school district, county or agency,
1536 board, commission, authority, department or instrumentality of a city, town, district, regional
1537 school district or county.

1538 “Grantee”, an organization, entity, governmental body, federally recognized tribe, state
1539 acknowledged tribe or state recognized tribe that has received a grant award under this section.

1540 “Prospective grantee”, an organization, entity, governmental body, federally recognized
1541 tribe, state acknowledged tribe, or state recognized tribe that has applied or plans to apply for a
1542 grant under this section.

1543 (b) The department may make available as grants, funds deposited into the Department of
1544 Public Utilities and Energy Facilities Siting Board Intervenor Support Fund established by
1545 section 12S of chapter 25 to parties that have been granted intervenor status by the department or
1546 the board pursuant to clause (4) of the second sentence of the first paragraph of section 10 of
1547 chapter 30A and corresponding department and board regulations and that are: (i) organizations
1548 and entities that advocate on behalf of a relevant subset of residential customers defined
1549 geographically or based on specific shared interests; (ii) organizations and entities that advocate
1550 on behalf of low-income or moderate-income residential populations, residents of historically
1551 marginalized or overburdened and underserved communities; or (iii) governmental bodies,
1552 federally recognized tribes, state acknowledged tribes or state recognized tribes.

1553 (c) The director, in consultation with the office of environmental justice and equity
1554 established under section 29 of chapter 21A, shall establish criteria to determine whether and to

1555 what extent, a prospective grantee shall be eligible to receive a grant award pursuant to this
1556 section. Such criteria shall include, but not be limited to, whether the prospective grantee: (i)
1557 lacks the financial resources that would enable it to intervene and participate in a department or
1558 board proceeding absent a grant award pursuant to this section; and (ii) previously intervened in
1559 department or board proceedings prior to the establishment of the intervenor support grant
1560 program pursuant to this section; provided, however, that a municipality with a population of less
1561 than 7,500 and that is a prospective grantee for a proceeding pertaining to a facility, large clean
1562 energy infrastructure facility or small clean energy infrastructure facility, as those terms are
1563 defined in section 69G, within its boundaries shall not be required to meet the criteria set forth
1564 under this paragraph to receive a grant award pursuant to this section.

1565 (d) A prospective grantee seeking funding under this section shall submit a grant
1566 application in a form and manner developed by the director demonstrating that it meets the
1567 criteria established by the director in accordance with subsection (c). Such grant application shall
1568 include: (i) a statement outlining the prospective grantee's anticipated participation in the
1569 department or board proceeding, to the extent it is known at the time of grant application; (ii) a
1570 detailed estimated budget of anticipated attorney, consultant and expert, including community
1571 expert, costs and fees and all other costs related to the preparation for, and intervention and
1572 participation in, the proceeding; and (iii) background information on the attorneys, consultants
1573 and experts, including community experts, that the prospective applicant plans to retain if
1574 awarded grant funding. The director may, at their discretion, make conditional grant awards to
1575 grant applicants that have not yet been granted intervenor status by the department or board;
1576 provided, however, that no grant may be awarded until such intervenor status is granted.

1577 (e) A grant awarded pursuant to this section shall not exceed \$150,000 for any single
1578 department or board proceeding. The director shall, in the director's sole discretion, determine
1579 the amount of financial support being granted, taking into account the demonstrated needs of the
1580 intervenor and the complexity of the proceeding. The director may, in the director's sole
1581 discretion: (i) upon the petition of a prospective grantee, award a grant exceeding \$150,000 only
1582 upon a demonstration of good cause, including the complexity of the proceeding in which the
1583 grantee is intervening; and (ii) upon the petition of a grantee, provide additional grant funding
1584 than initially requested under section (c) upon a showing that new, novel or complex issues have
1585 arisen in the proceeding since the time the grant application was submitted pursuant that
1586 subsection. The director shall consider the potential for intervenors to share costs through
1587 collaborative efforts with other parties to a proceeding as part of determining the amount of
1588 funding awarded to any prospective grantee and such intervenors shall be expected to reduce
1589 duplicative costs to the extent possible in instances where the position or positions of multiple
1590 intervenors align.

1591 (f) The aggregate grant funding for any individual department or board proceeding shall
1592 not exceed \$500,000; provided, however, that where the aggregate amount of funding being
1593 requested exceeds \$500,000, funding shall be allocated prospective grantees on the basis of their
1594 relative financial hardship. The director may, at the director's discretion and upon a
1595 determination of good cause, provide funding exceeding \$500,000 for any individual department
1596 or board proceeding.

1597 (g) Ten per cent of grant funds awarded to a grantee, or a greater percentage as
1598 determined by the director at the director's sole discretion, may be expended on non-legal, non-
1599 expert and non-consultant administrative costs directly attributable to the intervention and

1600 participation in a proceeding before the department or board. All remaining grant funds may be
1601 expended to retain qualified legal counsel, experts and consultants to assist in proceedings before
1602 the department or board; provided, however, that such funds may be used to retain qualified
1603 community experts, which shall include residential ratepayers and residents with lived
1604 experience that can inform such proceedings. Such funding may be expended for administrative,
1605 legal, consultant and expert costs associated with an intervention petition submitted pursuant to
1606 clause (4) of the second sentence of the first paragraph section 10 of chapter 30A or section 10A
1607 of said chapter 30A and corresponding department or board regulations, if applicable.

1608 (h) All grant payments to grantees shall be made from the Department of Public Utilities
1609 and Energy Facilities Siting Board Intervenor Support Trust Fund established under chapter 12S
1610 of chapter 25. Such grant payments shall be made only for reasonable costs incurred and upon
1611 submission of a grant payment request by the grantee. Such grant payment requests shall be in a
1612 form and manner as prescribed by the director and grant payments shall be made within 30 days
1613 of receipt of such grant payment requests by the director to the grantee or to the entity designed
1614 by the grantee to receive grant payments. The director, at the director's discretion or as provided
1615 for in regulations promulgated pursuant to this section, may provide grant payments before such
1616 costs are incurred by the grantee upon a showing of financial hardship by the grantee.

1617 (i) All decisions pertaining to the issuance of financial support shall be made solely by
1618 the director. The director shall have sole discretion to deny funding to a prospective grantee that
1619 demonstrates a pattern of repeatedly delaying or obstructing, or attempting to repeatedly delay or
1620 obstruct, proceedings or otherwise misuses or has misused funds.

1621 (j) In the department's annual report required under section 2 of chapter 25, the director
1622 shall include a report describing all activities of the Department of Public Utilities and Energy
1623 Facilities Siting Board Intervenor Support Trust Fund established under section 12S of chapter
1624 25, including, but not limited to: (i) amounts credited to the fund, amounts expended from the
1625 fund and any unexpended balance; (ii) a summary of the intervenor support grant fund
1626 application process; (iii) the number of grant applications received, the number and amount of
1627 awards granted and the number of grant applications rejected; (iv) the number of intervenors who
1628 participated in proceedings with and without support from the fund; (v) an itemization of costs
1629 incurred by and payments made to grantees; (vi) an evaluation of the impact and contribution of
1630 grantees in department and board proceedings; (vii) a summary of education and outreach
1631 activities conducted by the division of public participation established by section 12T of said
1632 chapter 25 related to the intervenor support grant program; and (viii) any recommended changes
1633 to the program.

1634 (k) The director shall develop:

1635 (i) accessible, multi-lingual and easily comprehensible web-based educational materials,
1636 including forms and templates, to educate prospective grantees and the public on the intervenor
1637 support grant program established pursuant to this section; and

1638 (ii) a robust virtual and in-person outreach program to educate prospective grantees and
1639 the public about the intervenor support grant program established pursuant to this section.

1640 (l) The department, in consultation with the board, shall promulgate regulations to
1641 implement this section.

1642 SECTION 78. Chapter 166 of the General Laws is amended by striking out section 28, as
1643 appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

1644 Section 28. A company subject to this chapter, except a telegraph or telephone company,
1645 desiring to construct a line for the transmission of electricity that will of necessity pass through at
1646 least 1 city or town to connect the proposed termini of such line, whose petition for the location
1647 necessary for such line has been refused or has not been granted within 3 months after the filing
1648 thereof by the city council or the select board of the town through which the company intends to
1649 construct such line, may apply to the energy facilities siting board for such location. The energy
1650 facilities siting board shall hold a public hearing thereon after notice to the city council or select
1651 board refusing or neglecting to grant such location and to all persons owning real estate abutting
1652 upon any way in the city or town where such location is sought, as such ownership is determined
1653 by the last assessment for taxation. The energy facilities siting board shall, if requested by the
1654 city council or select board, hold the hearing in the city or town where the location is sought. If it
1655 appears at the hearing that the company has already been granted and has accepted a location for
1656 such line in 2 cities or in 2 towns or in a city and town adjoining the city or town refusing or
1657 neglecting to grant a location or if it appears at the hearing that the company has already been
1658 granted and has accepted locations for such line in a majority of the cities or towns or cities and
1659 towns through which such line will pass and if the energy facilities siting board deems the
1660 location necessary for public convenience and in the public interest, the board may by order
1661 grant a location for such line in the city or town with respect to which the application is made
1662 and shall have and exercise the powers and authority conferred by section 22 upon the city
1663 council or select board and in addition to the provisions of law governing such company may
1664 impose such other terms, limitations and restrictions as it deems public interest may require. The

1665 energy facilities siting board shall cause an attested copy of its order, with the certificate of its
1666 clerk, endorsed thereon, that the order was adopted after due notice and a public hearing, to be
1667 forwarded to the city or town clerk, who shall record the same and furnish attested copies
1668 thereof. The company in whose favor the order is made shall pay for such record and attested
1669 copies the fees provided by clauses 31 and 32, respectively, of section 34 of chapter 262.

1670 SECTION 79. Subsection (b) of section 10 of chapter 183A of the General Laws, as so
1671 appearing, is hereby amended by striking out clause (6) and inserting in place thereof the
1672 following clause:-

1673 (6) To require reasonable measures to facilitate energy savings, energy efficiency and
1674 greenhouse gas emissions reductions and, in furtherance of such measures, to cause the
1675 installation of devices that result in energy savings, energy efficiency and greenhouse gas
1676 emissions reductions in all units not already separately metered for water and utilities; provided,
1677 however, that such measures and devices shall not include solar energy systems, the installation
1678 of which shall be governed by section 18; provided further, that electric vehicle supply
1679 equipment may be required only in common areas and facilities in the condominium. Such
1680 devices may include, but not be limited to, separate meters for each unit that will monitor the use
1681 of water, electricity and other utilities for the unit to which it is attached, low-flow toilets and
1682 showerheads, faucet aerators, windows and storm windows; provided further, that such devices
1683 and, in the case of electric vehicle supply equipment installed in common areas and facilities,
1684 such supply equipment, shall not be considered to be improvements for the purposes of said
1685 section 18 if the board of trustees of the organization of unit owners or, if there is no board of
1686 trustees, the entity performing its duties, receives the approval of the majority of unit owners in
1687 attendance at a meeting for which notice was duly given and which was held for the purposes of

1688 voting on the installation of such devices and supply equipment. The cost of installation of such
1689 devices and, in the case of supply equipment installed in common areas and facilities, of such
1690 supply equipment shall be an expense of the organization of unit owners, which may be assessed
1691 to the individual unit owners as a special assessment, the amount of which, in an instance where
1692 such device has been installed in each individual unit, or in substantially all of the units in the
1693 condominium, may be attributable to each unit owner in the amount of the cost of the item
1694 installed. The organization of unit owners may assess to each unit owner their proportionate
1695 share of the costs for water, electricity and other utilities, as measured by the meter attached to
1696 the unit. In the event of a conflict between this clause and the master deed, trust or by-laws, and
1697 any amendment thereto, of any condominium submitted to the provisions of this chapter, the
1698 provisions of this clause shall control. Nothing contained herein shall be construed to conflict
1699 with the provisions of the state sanitary code, state building code, stretch energy code or
1700 municipal opt-in specialized energy code.

1701 Notwithstanding any rights to use common areas reserved for individual unit owners, if
1702 the governing board of the organization of unit owners determines to install electric vehicle
1703 supply equipment in a common area for the use of all members of the organization, the
1704 organization shall develop appropriate terms of use for the supply equipment.

1705 The expenses incurred in and proceeds accruing from the exercise of the aforesaid rights
1706 and powers shall be common expenses and common profits.

1707 SECTION 80. Said chapter 183A is hereby further amended by inserting after section 10
1708 the following section:-

1709 Section 10A. (a) As used in this section, the following words shall have the following
1710 meanings unless the context clearly requires otherwise:

1711 “Association”, a condominium association, homeowners association, community
1712 association, cooperative, trust or other nongovernmental entity with covenants, by-law, and
1713 administrative provisions with which the compliance of a homeowner or unit owner is required.

1714 “Dedicated parking space”, a parking space located within an owner’s separate interest or
1715 a parking space in a common area but subject to exclusive use rights of an owner including, but
1716 not limited to, a deeded parking space, a garage space, a carport or a parking space specifically
1717 designated for use by a particular owner.

1718 “Historic district commission”, a commission or other body responsible for administering
1719 the rules and regulations of an historic district established by a community pursuant to any
1720 general or special law.

1721 “Municipal governing body”, a legislative body of a city or town.

1722 “Neighborhood conservation district”, a district established by a municipal governing
1723 body as part of the local zoning code or by-laws for the express purpose of protecting the
1724 architectural character of a neighborhood.

1725 “Owner”, a person or group of persons who owns a separate lot, unit or interest, along
1726 with an undivided interest or membership interest in the common area of the entire project
1727 including, but not limited to, a condominium, planned unit development and parcel subject to a
1728 homeowners’ association.

1729 “Reasonable restrictions”, restrictions that do not significantly increase the cost of
1730 electric vehicle supply equipment or its installation, significantly decrease its efficiency or
1731 specified performance or effectively prohibit the installation.

1732 “Separate interest”, a separate lot, unit or interest to which an owner has exclusive rights
1733 of ownership.

1734 (b) Notwithstanding chapters 21, 40C, 183A or any other general or special law,
1735 regulation, covenant, condition or restriction to the contrary, a historic district commission,
1736 commission or board of a neighborhood conservation district or manager or organization of unit
1737 owners of an association shall not prohibit or unreasonably restrict an owner from installing
1738 electric vehicle supply equipment on or in an area subject to the owner’s separate interest on or
1739 in an area to which the owner has exclusive use or on or in a common element so long as the
1740 common element is within a reasonable distance of the owner’s dedicated parking space.

1741 Nothing in this section shall be construed to prohibit a historic district commission, a
1742 commission or board of a neighborhood conservation district or a manager or organization of
1743 unit owners of an association from setting reasonable restrictions; provided, however, that in
1744 setting such restrictions, the commission, board, manager or organization shall give substantial
1745 weight to threats posed by climate change and the commonwealth’s obligation to meet the
1746 statewide greenhouse gas emission limits and sublimits established under chapter 21N.

1747 (c) Such electric vehicle supply equipment shall: (i) be installed at the owner’s expense;
1748 (ii) be installed by a licensed contractor or electrician; and (iii) conform to all applicable health
1749 and safety standards and requirements imposed by national, state and local authorities and all
1750 other applicable zoning, land use or other ordinances and land use permits.

1751 (d) A historic district commission, a commission or board of a neighborhood
1752 conservation district or a manager or organization of unit owners of an association may require
1753 an owner to submit an application before installing such electric vehicle supply equipment;
1754 provided, however, that if the commission, board, manager or organization requires such an
1755 application, the application shall be processed and approved by the commission, board, manager
1756 or organization in the same manner as an application for approval of an architectural
1757 modification to the property and shall not be willfully avoided or delayed; provided further, that
1758 the commission, board, manager or organization shall approve the application if the owner
1759 complies with the provisions of this section and the architectural standards of the association,
1760 historic district or neighborhood conservation district; provided further, that the approval or
1761 denial of an application shall be in writing; provided further, that if an application is not denied
1762 in writing within 60 days of the date of receipt of the application, the application shall be deemed
1763 approved, unless such delay is the result of a reasonable request for additional information;
1764 provided further, that the association, historic district or neighborhood conservation district may
1765 not assess or charge the owner any fees for the placement of any electric vehicle supply
1766 equipment in addition to any reasonable fees for processing the application; provided further,
1767 that such fees exist for all applications for approval of architectural modifications.

1768 (e) The owner and each successive owner of the separate interest or with exclusive rights
1769 to the area where the electric vehicle supply equipment is installed shall be responsible for: (i)
1770 disclosing to prospective buyers the existence of such supply equipment, its owner and the
1771 related responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers
1772 whether such supply equipment is removable and whether the owner intends to remove the
1773 supply equipment in order to install it elsewhere; (iii) the costs of the maintenance, repair and

1774 replacement of such supply equipment until such equipment has been removed and the
1775 restoration of the common area after removal; (iv) the costs of any damage to such supply
1776 equipment, common area, exclusive common area or separate interest resulting from the
1777 installation, maintenance, repair, removal or replacement of such equipment; (v) the cost of
1778 electricity associated with the electric vehicle supply equipment; provided, however, that the
1779 owner shall connect such supply equipment to the owner's own electric utility account unless the
1780 licensed contractor performing the installation deems that to be impossible; provided, further that
1781 if the connection is deemed impossible, the association, historic district commission or
1782 neighborhood conservation district shall allow the owner to connect such supply equipment to
1783 the common electricity account, but may require reimbursement by the owner to the association,
1784 historic district commission or neighborhood conservation district for electricity costs; and (vi)
1785 removing the electric vehicle supply equipment if reasonably necessary for the repair,
1786 maintenance or replacement of any property of the association, historic district commission,
1787 neighborhood conservation district or separate interest.

1788 (f) A historic district commission, a commission or board of a neighborhood conservation
1789 district or a manager or organization of unit owners of an association may install electric vehicle
1790 supply equipment in a common area reserved for the use of all members or residents of the
1791 association or district; provided, however, that the commission, board, manager or organization
1792 shall develop appropriate terms of use for such supply equipment.

1793 SECTION 81. The third paragraph of section 3A of chapter 185 of the General Laws, as
1794 so appearing, is hereby amended by striking out, in lines 35 to 37, inclusive, the words "either 25
1795 or more dwelling units or the construction or alteration of 25,000 square feet or more of gross
1796 floor area or both" and inserting in place thereof the following words:- at least 1 of the

1797 following: (1) not less than 25 dwelling units; (2) the construction or alteration of not less than
1798 25,000 square feet of gross floor area; (3) the construction or alteration of a Class I renewable
1799 energy generating source, as defined in subsection (c) of section 11F of chapter 25A; or (4) the
1800 construction or alteration of an energy storage facility, as defined in section 1 of chapter 164.

1801 SECTION 82. The first paragraph of section 2 of chapter 465 of the acts of 1956 is
1802 hereby amended by inserting after the first sentence the following sentence:- In discharging its
1803 responsibilities and exercising its powers under this chapter, the Authority shall, with respect to
1804 itself and the entities with which it contracts or conducts business and in a manner consistent
1805 with any act of congress relating to aeronautics or any regulations promulgated or standards
1806 established pursuant thereto, promote commerce, economic prosperity, safety and security in and
1807 for the commonwealth while prioritizing environmental resilience and equity and reductions in
1808 greenhouse gas emissions.

1809 SECTION 83. Section 3 of said chapter 465, as most recently amended by section 2 of
1810 chapter 660 of the acts of 1977, is hereby further amended by striking out subsection (g) and
1811 inserting in place thereof the following subsection:-

1812 (g) To extend, enlarge, improve, rehabilitate, lease as lessor or lessee, maintain, repair
1813 and operate the projects under its control and to establish rules and regulations for the use of any
1814 such project; provided, however, that the Authority shall, with respect to itself and the entities
1815 with which it contracts or does business and in a manner consistent with any act of congress
1816 relating to aeronautics or to any regulations promulgated or standards established pursuant
1817 thereto, undertake such activities and promulgate such rules and regulations to promote
1818 commerce, economic prosperity, safety and security in and for the commonwealth while

1819 prioritizing environmental resilience and equity and reductions in greenhouse gas emissions;
1820 provided further, however, that no such rules or regulations shall conflict with the rules and
1821 regulations of any state or federal regulatory body having jurisdiction over the operation of
1822 aircraft; provided further, however, that in the enforcement of such rules and regulations the
1823 police officers appointed or employed by the Authority under section 23 shall have within the
1824 boundaries of all projects all the powers of police officers and constables of the cities and towns
1825 of the commonwealth except the power of serving and executing civil process.

1826 SECTION 84. Chapter 149 of the acts of 2014 is hereby amended by striking out section
1827 3.

1828 SECTION 85. Subsection (a) of section 81 of chapter 179 of the acts of 2022 is hereby
1829 amended by striking out the figure “11” and inserting in place thereof the following figure:- 13.

1830 SECTION 86. Said subsection (a) of said section 81 of said chapter 179 is hereby further
1831 amended by inserting after the words “utilities or designee” the following words:- ; the
1832 commissioner of the division of standards or a designee; the chief executive officer of the
1833 Massachusetts clean energy technology center or a designee.

1834 SECTION 87. Said section 81 of said chapter 179 is hereby further amended by adding
1835 the following subsection:-

1836 (f) The council shall be responsible for providing leadership and direction for the
1837 deployment of electric vehicle charging infrastructure and electric vehicle chargers and shall
1838 strive to ensure a network of convenient, affordable, reliable and equitable electric vehicle
1839 chargers in the commonwealth. Responsibilities of the council shall include, but not be limited
1840 to: (i) achieving the objectives and serving the purposes enumerated in this section; (ii)

1841 monitoring the preparedness, staffing level, staff training and overall effectiveness of public and
1842 private initiatives, activities, programs, agencies, offices and divisions involved in siting,
1843 permitting, financing, installing, inspecting, maintaining or protecting consumer interactions
1844 with electric vehicle chargers in the commonwealth; (iii) facilitating intergovernmental
1845 coordination and effectiveness with respect to achieving the objectives and serving the purposes
1846 enumerated in this section; (iv) achieving timely compliance with, and implementation and
1847 administration of, standards, requirements and regulations promulgated by the National Electric
1848 Vehicle Infrastructure Formula Program established pursuant to the Infrastructure Investment
1849 and Jobs Act, Public Law 117-58; and (v) ensuring the effective and timely sharing of data and
1850 information across state, local and federal government and the public.

1851 Not later than July 31, 2025, or as part of the next periodic assessment compiled pursuant
1852 to subsection (d), whichever occurs later, and every 2 years thereafter, the council shall report on
1853 its efforts to lead and direct such deployment and its results to the senate and house committees
1854 on ways and means and the joint committee on telecommunications, utilities and energy. The
1855 council shall make such reports publicly available on the website of each secretariat with a
1856 member serving on the council.

1857 SECTION 88. Said chapter 179 is hereby further amended by striking out section 82 and
1858 inserting in place thereof the following section:-

1859 The department of energy resources may coordinate with 1 or more New England states
1860 to consider competitive solicitations for long-term clean energy generation, associated
1861 environmental attributes, transmission or capacity for the benefit of residents of the
1862 commonwealth and the region. If the department of energy resources determines, not later than

1863 December 31, 2025, that a project would satisfy all of the benefits listed below, the electric
1864 distribution companies shall enter into cost-effective long-term contracts. In its determination,
1865 the department of energy resources shall determine if any proposals: (i) provide cost-effective
1866 clean energy generation to electric ratepayers in the commonwealth and the region over the term
1867 of the contract; (ii) provide the benefits of clean energy and associated transmission towards
1868 meeting the commonwealth’s decarbonization goals; (iii) where possible, avoid, minimize or
1869 mitigate, to the maximum extent practicable, environmental impacts and impacts to low-income
1870 populations; and (iv) reduce ratepayer costs in winter months and improve energy security
1871 during winter months. For the purposes of this section, a long-term contract shall mean a contract
1872 with a term of 10 to 20 years. Eligible clean energy generation must contribute to achieving
1873 compliance with limits and sublimits established pursuant to sections 3 and 3A of chapter 21N of
1874 the General Laws. Associated transmission costs must be incorporated into a proposal. All
1875 proposed contracts shall be subject to the review and approval of the department of public
1876 utilities. The department of public utilities shall consider both potential costs and benefits of such
1877 contracts and shall approve a contract only upon a finding that it is cost-effective, taking into
1878 account the factors provided in this section.

1879 SECTION 89. The Massachusetts clean energy technology center shall conduct and
1880 publish a study of prospects and opportunities for carbon dioxide removal innovation and
1881 operations within the commonwealth or in waters not more than 50 nautical miles of the
1882 commonwealth. Methods of carbon dioxide removal shall include, but not be limited to: (i)
1883 sequestration and storage involving terrestrial mineralization or enhanced rock weathering; (ii)
1884 sequestration and storage involving biochar, woody waste, agricultural waste or other waste
1885 products; (iii) ocean-based solutions including electro-chemical alkalinity enhancement, marine

1886 permaculture, deep-ocean sequestration and storage of biomass and coastal enhanced
1887 weathering; (iv) construction materials and products, the production of which directly contributes
1888 to the sequestration and storage of carbon dioxide or other greenhouse gases, including mass
1889 timber; and (v) direct air capture paired with either durable geologic sequestration and storage or
1890 durable sequestration and storage in the built environment including in concrete.

1891 The study shall include, but not be limited to: (i) cost considerations, including ranges of
1892 likely prices per ton of carbon dioxide removed; (ii) the scale potential of various potential
1893 carbon dioxide removal processes; (iii) the likely duration of various potential carbon dioxide
1894 removal operations; (iv) projected start times of various activities and operations; (v) the
1895 conservation efficiency of various activities and operations in terms of their use of water, land
1896 and energy resources with explicit consideration of projects with low water, land and energy
1897 requirements and of projects that exclusively employ renewable energy; (vi) the number of
1898 potential jobs within the commonwealth, including research and development jobs, that are likely
1899 to be created by various activities and operations; (vii) the potential of various activities and
1900 operations to involve purchases of equipment and supplies from businesses located in the
1901 commonwealth; (viii) the potential of various activities and operations to generate significant
1902 agricultural, ecological or ecosystem co-benefits or harms; (ix) the extent to which various
1903 activities and operations may generate economic benefit to 1 or more disadvantaged
1904 communities; (x) methods of measuring, reporting and verifying carbon dioxide removal
1905 technologies; and (xi) recommended next steps, if any, for legislative or executive branch action.

1906 The center shall publish a draft study for comment not later than December 31, 2025 and
1907 a final study not later than April 30, 2026.

1908 SECTION 90. Notwithstanding any general or special law to the contrary and subject to
1909 availability of sufficient proceeds, the department of energy resources shall expend amounts
1910 from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws
1911 to fund the green communities program established in section 10 of chapter 25A of the General
1912 Laws and the Electric Vehicle Adoption Incentive Trust Fund established in section 19 of said
1913 chapter 25A through June 30, 2027. Payments made from the fund shall be prioritized by
1914 directing initial payments to the green communities program and the Electric Vehicle Adoption
1915 Incentive Trust Fund; provided, however, that not less than \$27,000,000 shall be available for the
1916 Electric Vehicle Adoption Incentive Trust Fund each fiscal year.

1917 SECTION 91. Notwithstanding any general or special law to the contrary, an energy
1918 storage system, as defined in section 1 of chapter 164 of the General Laws, that is not less than
1919 100 megawatt hours and has received a comprehensive exemption from local zoning by-laws
1920 from the department of public utilities pursuant to section 3 of chapter 40A of the General Laws,
1921 may petition the energy facilities siting board to obtain a certificate of environmental impact and
1922 public interest if the petition is filed prior to the date when regulations are promulgated pursuant
1923 to section 96.

1924 The energy facilities siting board shall consider such petition if the applicant is prevented
1925 from building the energy storage system because: (i) it cannot meet standards imposed by a state
1926 or local agency with reasonable and commercially available equipment;(ii)the processing or
1927 granting by a state or local agency of any approval, consent, permit or certificate has been unduly
1928 delayed for any reason; (iii) the applicant believes there are inconsistencies among resource use
1929 permits issued by such state or local agencies; (iv) the applicant believes that a nonregulatory
1930 issue or condition has been raised or imposed by such state or local agencies, including, but not

1931 limited to, aesthetics and recreation; (v) the generating facility cannot be constructed due to any
1932 disapprovals, conditions or denials by a state or local agency or body, except with respect to any
1933 lands or interests therein, excluding public ways, owned or managed by any state agency or local
1934 government; or (vi) the facility cannot be constructed because of delays caused by the appeal of
1935 any approval, consent, permit, or certificate.

1936 The energy facilities siting board shall, upon petition, consider an application for a
1937 certificate of environmental impact and public interest if it finds that any state or local agency
1938 has imposed a burdensome condition or limitation on any license or permit. An energy storage
1939 system, with respect to which a certificate is issued by the energy facilities siting board, shall
1940 thereafter be constructed, maintained and operated in conformity with such certificate and any
1941 terms and conditions contained therein.

1942 Notwithstanding any general or special law to the contrary, such certificate may be so
1943 issued; provided, however, that when so issued no state agency or local government shall require
1944 any approval, consent, permit, certificate or condition for the construction, operation or
1945 maintenance of the energy storage system with respect to which the certificate is issued and no
1946 state agency or local government shall impose or enforce any law, ordinance, by-law, rule or
1947 regulation nor take any action nor fail to take any action which would delay or prevent the
1948 construction, operation or maintenance of such energy storage system except as required by
1949 federal law; provided, however, that the energy facilities siting board shall not issue a certificate,
1950 the effect of which would be to grant or modify a permit, approval or authorization, which, if so
1951 granted or modified by the appropriate state or local agency, would be invalid because of a
1952 conflict with applicable federal water or air standards or requirements. A certificate, if issued,
1953 shall be in the form of a composite of all individual permits, approvals or authorizations that

1954 would otherwise be necessary for the construction and operation of the energy storage system
1955 and that portion of the certificate which relates to subject matters within the jurisdiction of a state
1956 or local agency shall be enforced by said agency under the other applicable laws of the
1957 commonwealth as if it had been directly granted by the said agency.

1958 Energy storage systems that have not petitioned the department of public utilities for a
1959 comprehensive exemption from local zoning by-laws pursuant to section 3 of chapter 40A prior
1960 to March 1, 2026 shall not be eligible to petition the energy facilities siting board to obtain a
1961 certificate of environmental impact and public interest under this section.

1962 SECTION 92. (a) For purposes of this section, the following words shall have the
1963 following meanings unless the context clearly requires otherwise:

1964 "Approval", except as otherwise provided in subsection (b), any permit, certificate, order,
1965 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,
1966 building permit or other approval or determination of rights from any municipal, regional or state
1967 governmental entity, including any agency, department, commission or other instrumentality of
1968 the municipal, regional or state governmental entity, concerning the use or development of real
1969 property, including certificates, licenses, certifications, determinations, exemptions, variances,
1970 waivers, building permits or other approvals or determination of rights issued or made under
1971 chapter 21, chapter 21A excepting section 16, chapter 21D, sections 61 to 62H, inclusive, of
1972 chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81,
1973 chapter 91, chapter 131, chapter 131A, chapter 143, sections 4 and 5 of chapter 249 or chapter
1974 258 of the General Laws or chapter 665 of the acts of 1956 or any local by-law or ordinance.

1975 "Clean energy infrastructure project", a project involving the construction, reconstruction,
1976 conversion, relocation or enlargement of any renewable energy generating source, as defined in
1977 subsection (c) of section 11F of chapter 25A of the General Laws, any energy storage system, as
1978 defined in section 1 of chapter 164 of the General Laws, any transmission facility or distribution
1979 facility, as defined in said section 1 of said chapter 164, or related infrastructure, including
1980 substations, and any other project that may be so designated as a clean energy infrastructure
1981 project by the department of energy resources.

1982 (b) (1) Notwithstanding any general or special law to the contrary, any approval granted
1983 for a clean energy generation or storage project that was in effect from October 22, 2020 to
1984 August 1, 2024, inclusive, shall be extended to August 1, 2029.

1985 (2) A clean energy infrastructure project shall be governed by the applicable provisions
1986 of any state, regional or local statute, regulation, ordinance or by-law, if any, in effect at the time
1987 of the initial approval granted for such project, unless the owner or petitioner of such project
1988 elects to waive the provisions of this section.

1989 (3) Nothing in this section shall extend or purport to extend: (i) a permit or approval
1990 issued by the government of the United States or an agency or instrumentality of the government
1991 of the United States or to a permit or approval of which the duration of effect or the date or terms
1992 of its expiration are specified or determined by or under law or regulation of the federal
1993 government or any of its agencies or instrumentalities; or (ii) a permit, license, privilege or
1994 approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws
1995 for hunting, fishing or aquaculture.

1996 (4) If an owner or petitioner sells or otherwise transfers a property or project, in order to
1997 receive approval for an extension, the new owner or petitioner shall agree to assume all
1998 commitments made by the original owner or petitioner under the terms of the approval,
1999 otherwise the approval shall not be extended under this section.

2000 SECTION 93. The office of environmental justice and equity established pursuant to
2001 section 29 of chapter 21A of the General Laws shall establish standards and guidelines for
2002 community benefit plans and agreements as required by said section 29 of said chapter 21A not
2003 later than March 1, 2026 and shall establish the cumulative impacts analysis guidance required
2004 under said section 29 of said chapter 21A before the energy facilities siting board regulations
2005 required by section 96 are promulgated.

2006 SECTION 94. The executive office of energy and environmental affairs shall coordinate
2007 and convene a stakeholder process with the agencies and offices under its jurisdiction and any
2008 other relevant local, regional and state agencies with a permitting role in energy related
2009 infrastructure to establish the methodology for determining the suitability of sites and associated
2010 guidance required by section 30 of chapter 21A of the General Laws not later than March 1,
2011 2026.

2012 SECTION 95. The department of energy resources shall promulgate regulations to
2013 implement section 21 of chapter 25A of the General Laws not later than March 1, 2026.

2014 SECTION 96. The energy facilities siting board shall promulgate regulations to
2015 implement the changes to sections 69G to 69J1/4, inclusive, sections 69O and 69P, sections 69R
2016 and 69S and sections 69T to 69W, inclusive, of chapter 164 of the General Laws not later than
2017 March 1, 2026. In promulgating said regulations, the board shall consult with the department of

2018 public utilities, the department of energy resources, the department of environmental protection,
2019 the department of fish and game, the department of conservation and recreation, the department
2020 of agricultural resources, the Massachusetts environmental policy act office, the Massachusetts
2021 Department of Transportation, the executive office of public safety and security and all other
2022 agencies, authorities and departments whose approval, order, order of conditions, permit, license,
2023 certificate or permission in any form is required prior to or for construction of a facility, small
2024 clean energy infrastructure facility or large clean energy infrastructure facility.

2025 SECTION 97. The department of public utilities and the energy facilities siting board, in
2026 consultation with the office of environmental justice and equity established by section 29 of
2027 chapter 21A of the General Laws and the office of the attorney general, shall promulgate
2028 regulations to implement section 149 of chapter 164 of the General Laws not later than March 1,
2029 2026.

2030 SECTION 98. The department of public utilities shall commission a management study
2031 to assess: (i) the likely workload of the energy facilities siting board based on the new
2032 requirements of this act and the commonwealth's clean energy and climate plans; (ii) the
2033 workforce qualifications needed to implement this act; (iii) the cost associated with the hiring
2034 and retention of qualified professionals and consultants to successfully complete that work
2035 required pursuant to this act; and (iv) a clean energy infrastructure dashboard, as required to be
2036 maintained by the facility siting division pursuant to section 12N of chapter 25 of the General
2037 Laws. The funding and staffing resource requirements identified in the management study shall
2038 be reported to the joint committee on ways and means, the joint committee on
2039 telecommunications, utilities and energy, the secretary of energy and environmental affairs and
2040 the secretary of administration and finance not later than December 1, 2024. The secretary of

2041 energy and environmental affairs and the secretary of administration and finance shall within 60
2042 days of their receipt of the study provide recommendations to the joint committee on ways and
2043 means and the joint committee on telecommunications, utilities and energy on options to
2044 implement any proposed recommendations of the study.

2045 SECTION 99. Not later than July 31, 2025, the department of public utilities shall open a
2046 proceeding to encourage right-of-way or pole-mounted electric vehicle supply equipment
2047 throughout the commonwealth and shall require certain parties as it may identify, including, but
2048 not limited to, electric distribution companies as defined in section 1 of chapter 164 of the
2049 General Laws, to submit plans to facilitate the deployment of such equipment.

2050 Not later than December 31, 2025, electric distribution companies and such other parties
2051 as the department may identify shall file plans with the department for establishing such
2052 equipment throughout the commonwealth. Such plans may: (i) include schedules and calendar
2053 dates for deploying the equipment, making chargers operational and meeting other requirements
2054 as set by the department; (ii) promote partnerships between companies and municipalities or
2055 other governmental entities; (iii) ensure accessibility and affordability for rural communities and
2056 low and moderate-income populations, including renters; (iv) favor chargers at Level 2 and
2057 higher capacity; (v) promote the use of poles owned by, or under the control of, electric
2058 distribution companies; (vi) review potential funding mechanisms and sources including, but not
2059 limited to, off-peak charging rate structures; (vii) review potential funding mechanisms, sources
2060 and liability provisions for ensuring routine maintenance and a state of good repair; and (viii)
2061 require annual reporting and tabulations including, but not limited to: (A) the number of
2062 equipment installations completed, identified by specific location; (B) pricing and consumer
2063 costs; (C) the number of supply equipment outages, identified by specific location, together with

2064 estimates of downtime; and (D) identification of software and hardware malfunctions or
2065 characteristics or labor or parts shortages that may have contributed to excessive equipment
2066 outages or downtimes; provided, however, that such annual reporting and tabulations may be
2067 coordinated with, or delegated to, the division of standards.

2068 Not later than July 31, 2026, the department shall approve, approve with conditions or
2069 reject such plans; provided, however, that nothing in this section shall conflict with or delay
2070 pole-mounted electric vehicle supply equipment installations that are underway before a relevant
2071 departmental approval.

2072 SECTION 100. The department of public utilities shall promulgate regulations to
2073 implement section 44 including, but not limited to, the establishment of a moderate income
2074 discount eligibility rate following an investigation thereof.

2075 SECTION 101. Not later than December 31, 2024, the department of public utilities shall
2076 promulgate regulations governing the terms, including notice requirements and provisions
2077 protecting customers from service interruption, under which a gas company may terminate
2078 natural gas service pursuant to subsection (h) of section 145 of chapter 164 of the General Laws.

2079 SECTION 102. The department of energy resource shall publish the first resource
2080 solicitation plan required under subsection (c) of section 21 of chapter 25A of the General Laws
2081 not later than July 31, 2026.

2082 SECTION 103. Not later than June 1, 2029, the director of the division of public
2083 participation, as established by section 12T of chapter 25 shall complete a review of the
2084 intervenor support grant program established pursuant to section 149 of chapter 164 of the

2085 General Laws and provide an opportunity for public comment to determine whether the program
2086 and corresponding regulations should be amended.

2087 SECTION 104. Section 41 is hereby repealed.

2088 SECTION 105. Sections 10, 11, 12 and 13 shall take effect on January 1, 2028.

2089 SECTION 106. Section 51 shall take effect on March 1, 2027.

2090 SECTION 107. Section 34 shall take effect on June 30, 2029.