

**SENATE . . . . . No. 2967**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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SENATE, October 21, 2024

Report of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment to the Senate Bill upgrading the grid and protecting ratepayers (Senate, No. 2838) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4884),-- reports, a “Bill promoting a clean energy grid, advancing equity and protecting ratepayers” (Senate, No. 2967).

For the Committee:

Michael J. Barrett  
Cynthia Stone Creem

Jeffrey N. Roy  
Richard M. Haggerty

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act promoting a clean energy grid, advancing equity 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 striking out, in line 4, the words “the energy consumption  
3 of” and inserting in place thereof the following words:- the: (i) energy consumption of; (ii)  
4 energy efficiency of; and (iii) greenhouse gas emissions directly 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. Said chapter 7C is hereby further amended by adding the following  
15 section:-

16 Section 73. (a) As used in this section, the following words shall have the following  
17 meanings unless the context clearly requires otherwise:-

18 “Division”, the division of capital asset management and maintenance.

19 “Environmental product declaration” or “EPD”, an independently verified and registered  
20 declaration that provides a life cycle assessment of a product’s global warming potential and  
21 facilitates a comparison of environmental impacts between products fulfilling the same function;  
22 provided, however, that such declaration shall be a Type III or higher as defined by the  
23 International Organization for Standardization (ISO), 14025:2006, or substantially similar life  
24 cycle assessment and comparative methodologies that have uniform standards in data collection  
25 and scientific integrity, and any pertinent product category rule developed in conformance with  
26 ISO 14025:2006.

27 “Global warming potential”, a numeric value that measures the total contribution to  
28 global warming from the emission of greenhouse gasses or the elimination of greenhouse gas  
29 sinks.

30 “Life cycle assessment” or “LCA”, an assessment used to calculate the environmental  
31 primary and secondary impacts of a product, service or process over the lifetime of such product,  
32 service or process.

33 “Low-embodied carbon material”, material used in building and transportation  
34 construction that has been verified by the division to embody carbon emissions that are

35 sufficiently low, based on a threshold set by the division, as compared to the embodied carbon  
36 emissions of a conventional material fulfilling the same function.

37 (b) There shall be within the division, but not subject to the control of the division, an  
38 embodied carbon intergovernmental coordinating council. The council shall consist of: the  
39 commissioner of capital asset management and maintenance or a designee, who shall serve as  
40 co-chair; the climate chief or equivalent climate official within the office of the governor or a  
41 designee, who shall serve as co-chair; the secretary of energy and environmental affairs or a  
42 designee; the secretary of transportation or a designee; the secretary of housing and livable  
43 communities or a designee; the secretary of administration and finance or a designee; the  
44 secretary of economic development or a designee; the chief executive officer of the  
45 Massachusetts Port Authority or a designee; the general manager of the Massachusetts Bay  
46 Transportation Authority or a designee; the chief executive officer of the Massachusetts clean  
47 energy technology center or a designee; the chair of the board of building regulations and  
48 standards or a designee; the chairs of the joint committee on telecommunications, utilities and  
49 energy or their designees and the house and senate minority leaders or their designees, who shall  
50 serve as nonvoting members with respect to any spending matters; and 5 persons who shall be  
51 appointed by the governor, 1 of whom shall be a representative of the building trades, 1 of whom  
52 shall be a general contractor, 1 of whom shall be a licensed architect with expertise in using low-  
53 embodied carbon materials of construction, 1 of whom shall be a structural engineer who shall be  
54 a licensed professional engineer with expertise in using low-embodied carbon materials of  
55 construction, and 1 of whom shall be the executive director of a regional planning agency. The  
56 council shall not be a public body as defined in section 18 of chapter 30A; provided, however,

57 that the council shall hold a public meeting not less than quarterly while the council is  
58 developing the plan pursuant to subsection (f).

59 (c) The council shall prepare an embodied carbon reduction plan, which shall include, but  
60 shall not be limited to, strategies to measure, monitor and reduce embodied carbon. The plan  
61 shall: (i) with respect to major building and transportation projects of executive offices,  
62 departments, divisions, centers, agencies and authorities of state and municipal governments,  
63 include, but not be limited to, steps to encourage and, where appropriate, recommend requiring:  
64 (a) environmental product declarations for construction materials commonly used in such  
65 projects; and (b) the use of low-embodied carbon materials, with particular attention to cement  
66 and concrete mixtures, steel, glass, asphalt and asphalt mixtures and wood, in such projects; (ii)  
67 review progress in research, development and commercialization of low-embodied carbon  
68 technologies and materials in the government, private and nonprofit sectors within and outside of  
69 the commonwealth; (iii) make recommendations for establishing a process to set, on or before  
70 January 1, 2026, maximum global warming potential values for products likely to be used in  
71 such building and transportation projects including, but not limited to, cement and concrete  
72 mixtures, steel, glass, asphalt and asphalt mixtures and wood; (iv) develop recommended  
73 procedures for the use of: (a) EPDs in state government contracting and procurement; and (b)  
74 low-embodied carbon materials in the commonwealth, where available and at reasonable cost,  
75 including conditions under which waivers may be obtained; (v) examine current laws,  
76 regulations, policies and guidelines that affect the use of EPDs and low-embodied carbon  
77 materials in the private and nonprofit sectors and recommend laws, regulations, policies or  
78 guidelines to increase the use of EPDs and low-embodied carbon materials; and (vi) consider  
79 interactions between embodied carbon and operational carbon to ensure policy recommendations

80 to reduce embodied carbon will also contribute to the reduction of operational carbon. The  
81 council shall consider: (i) the best approaches to integrate the reduction of embodied carbon into  
82 the state building code, including the stretch and specialized stretch energy code pursuant to  
83 section 96 of chapter 143 and the state building code; and (ii) best practices to incentivize and  
84 enhance the reuse of building materials and decrease building demolition.

85 (d) The council shall meet regularly and seek data, input and advice related to EPDs and  
86 low-embodied carbon materials from stakeholders, which shall include, but not be limited to,  
87 companies, contractors and subcontractors involved in construction, architecture, engineering,  
88 design and procurement and organizations and associations of such companies, contractors and  
89 subcontractors, academic and nonprofit institutions with relevant missions and activities, labor  
90 organizations involved in construction and transportation, organizations focused on  
91 environmental, energy and climate policy and perspectives and groups representing consumers,  
92 including, but not limited to, low income consumers. The council shall hold not less than 3  
93 public hearings in geographically diverse areas of the commonwealth prior to finalizing the plan.

94 (e) The division and the executive office of energy and environmental affairs shall  
95 provide administrative support to the council.

96 (f) The council shall update the plan and submit the updated plan and a progress report at  
97 least every 2 years to the senate and house committees on ways and means, the joint committee  
98 on state administration and regulatory oversight and the joint committee on telecommunications,  
99 utilities and energy and shall cause the plan and the report to be publicly available on the website  
100 of each cabinet official, executive office, department, division, center, agency and authority  
101 represented on the council.

102 SECTION 5. Chapter 21A of the General Laws is hereby amended by adding the  
103 following 3 sections:-

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

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

125 and permitting processes on ways to avoid, minimize or mitigate impacts on the environment and  
126 people to the greatest extent practicable.

127 Section 31. (a) For the purposes of this section, the following words shall have the  
128 following meanings unless the context clearly requires otherwise:-

129 “Charger”, a device having at least 1 charging port and connector for charging electric  
130 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

131 “Charging network provider”, the entity that operates the digital communication network  
132 that remotely manages the chargers, which may include charging station operators and  
133 manufacturer chargers.

134 “Charging station”, a charger or group of chargers and the area in the immediate vicinity  
135 of such charger or group of chargers, which may include, at the discretion of the regulating  
136 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress  
137 and egress; provided, however, that a charging station may comprise only part of the property on  
138 which it is located.

139 “Charging station operator”, an entity that owns or provides the chargers and the  
140 supporting equipment and facilities at charging stations and is responsible for the operation and  
141 maintenance of the chargers and the supporting equipment and facilities; provided, however, that  
142 such operator may delegate responsibility for certain aspects of the charging station operation  
143 and maintenance to subcontractors.

144 “Connector” or “Plug”, a device that attaches an electric vehicle to a charging port to  
145 transfer electricity.



146 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-  
147 current, or DC current, electricity directly to an electric vehicle’s battery.

148 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a  
149 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that  
150 can be recharged from an external source of electricity and has the capability to run on another  
151 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or  
152 other micromobility device.

153 “Electric vehicle charging services”, the transfer of electric energy from an electric  
154 vehicle charging station to a battery or other storage device in an electric vehicle and related  
155 billing services, networking and operation and maintenance.

156 “Electric vehicle supply equipment”, a device, including at least 1 charging port and  
157 connector, for charging electric vehicles; provided, however, that the term “electric vehicle  
158 supply equipment” shall also mean a charger.

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

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

165 “National Electric Vehicle Infrastructure Formula Program”, the federal program  
166 established pursuant to the Infrastructure Investment and Jobs Act, Public Law 117-58, pursuant

167 to which the Federal Highway Administration provides funding to the states to facilitate the  
168 strategic, nationwide deployment of electric vehicle infrastructure and the related establishment  
169 of an interconnected, interstate network that is designed to facilitate data collection, access and  
170 reliability in association with the increased use of electric vehicles and electric vehicle  
171 infrastructure.

172 “Public electric vehicle charging station”, an electric vehicle charging station located at a  
173 publicly-available parking space.

174 “Publicly-available parking space”, a parking space that has been designated by a  
175 property owner or lessee to be available to and accessible by the public and may include on-  
176 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
177 that “publicly-available parking space” shall not include a parking space that is part of or  
178 associated with residential real property containing not more than 4 dwelling units or that is  
179 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or  
180 vehicles, including employees, tenants, visitors, residents of a common interest development and  
181 residents of an adjacent building.

182 “Publicly-funded and available charging station”, a public electric vehicle charging  
183 station that has received, or expects to receive, a grant, loan or other incentive from a federal or  
184 state government source or by a charge on ratepayers and is located at a publicly available  
185 parking space.

186 (b) The executive office of energy and environmental affairs shall promulgate regulations  
187 to: (i) monitor the utilization or frequency of use of chargers and charging stations; (ii) monitor  
188 the reliability and availability of chargers and charging stations, including, but not limited to,

189 whether reliability varies by the income of municipalities or neighborhoods or by regions of the  
190 commonwealth; and (iii) require, with respect to publicly-funded and available charging stations  
191 installed on or after April 1, 2025, charging network providers and charging station operators to  
192 share, free of charge, certain data fields, including, but not limited to, data fields providing real-  
193 time information about location, availability and price by port, with third-party software  
194 developers via application programming interfaces; provided, however, that any such data  
195 sharing may be conditioned on measures to protect sensitive or confidential business  
196 information. The executive office of energy and environmental affairs may designate any of its  
197 agencies to promulgate such regulations.

198 (c) In promulgating regulations under this section, the executive office or its designated  
199 agency may apply different requirements to publicly-funded and available charging stations or  
200 other charging stations.

201 (d) Regulations promulgated under this section may vary by technology type, power  
202 levels, number of chargers per site, site ownership and according to whether chargers: (i) are  
203 networked; (ii) are public; (iii) are publicly-funded and available charging stations; (iv) are level  
204 1, level 2 or direct current fast chargers; or (v) are all-inclusive mobile solar charging stations.  
205 Such regulations may apply to charging stations other than publicly-funded and available  
206 charging stations but shall not apply to chargers or charging stations installed at a residential real  
207 property containing not more than 4 dwelling units. The executive office or its designated agency  
208 may, in its discretion, set such standards as it deems necessary for data formats that comply with  
209 electric vehicle charging industry best practices and standards.

210 (e) With respect to any regulations that may be promulgated pertaining to reliability, the  
211 executive office or its designated agency shall develop definitions of “uptime” and “exempted  
212 downtime” through a public process and in such a manner to promote, as much as is practicable,  
213 consistency with other jurisdictions and the National Electric Vehicle Infrastructure Formula  
214 Program requirements; provided, however, that the office or designated agency may: (i) set  
215 standards for uptime; (ii) consider which events, if any, may count as exempted downtime; and  
216 (iii) take into account the quality and condition of software and hardware.

217 SECTION 6. Section 1 of chapter 23J of the General Laws, as appearing in the 2022  
218 Official Edition, is hereby amended by striking out the definitions of “Clean energy” and “Clean  
219 energy research” and inserting in place thereof the following 2 definitions:-

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

229 “Clean energy research”, advanced and applied research in new clean energy  
230 technologies including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal  
231 energy, including networked geothermal and deep geothermal energy; (v) wave and tidal energy;

232 (vi) advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix)  
233 renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable,  
234 biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) fusion energy; (xiii)  
235 hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture and  
236 sequestration; (xv) carbon dioxide removal; (xvi) energy monitoring; (xvii) green building  
237 materials and embodied carbon reduction; (xviii) energy efficiency; (xix) energy-efficient  
238 lighting; (xx) gasification and conversion of gas to liquid fuels; (xxi) industrial energy  
239 efficiency; (xxii) demand-side management; (xxiii) fuel cells; and (xxiv) nuclear fission;  
240 provided, however, that “clean energy research” shall not include advanced and applied research  
241 in coal, oil or natural gas.

242 SECTION 7. Section 2 of said chapter 23J is hereby amended by inserting after the word  
243 “ventures”, in line 23, as so appearing, the following words:- , which may include carbon  
244 sequestration and the development of other clean energy sources.

245 SECTION 8. Chapter 25 of the General Laws is hereby amended by striking out section  
246 12N, as so appearing, and inserting in place thereof the following section:-

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

253           The division shall maintain a real-time, online, clean energy infrastructure dashboard.  
254   The division shall, in cooperation with the executive office of energy and environmental affairs  
255   and its affiliated departments and offices, create, maintain and update the dashboard by  
256   collecting, facilitating the collection and reporting of comprehensive data and information related  
257   to: (i) accelerating the responsible deployment of clean energy infrastructure through siting and  
258   permitting reform in a manner consistent with applicable legal requirements, including, but not  
259   limited to, the greenhouse gas emissions limits and sublimits set under chapter 21N; (ii)  
260   facilitating community input into the siting and permitting of clean energy infrastructure; and  
261   (iii) ensuring that the benefits of clean energy deployment are shared equitably among all  
262   residents of the commonwealth. The dashboard shall, at a minimum, report for the most recent  
263   reporting period and in the aggregate the number of applications filed, decided or pending  
264   information, including, but not limited to: (i) the number of applications deemed incomplete and  
265   the number of applications constructively approved; (ii) the average duration of application  
266   review; and (iii) average staffing levels delineated by job classification. The dashboard shall  
267   make use of bar charts, line charts and other visual representations to facilitate public  
268   understanding of both recent performance and long-term and cumulative trends and outcomes of  
269   clean energy deployment. The division shall convene a stakeholder process to develop and  
270   inform the design and content of the dashboard; provided, however, that comprehensive data and  
271   information shall be made publicly available in a machine-readable format.

272           SECTION 9. The first paragraph of section 12Q of said chapter 25, as so appearing, is  
273   hereby amended by striking out the second sentence and inserting in place thereof the following  
274   sentence:- The department shall credit to the fund: (i) appropriations or other money authorized  
275   or transferred by the general court and specifically designated to be credited to the fund; (ii) a

276 portion of assessments, as determined by the department, collected pursuant to section 18; (iii) a  
277 portion of application fees, as determined by the department, collected pursuant to section 69J1/2  
278 of chapter 164; and (iv) income derived from the investment of amounts credited to the fund.

279 SECTION 10. Said chapter 25 is hereby further amended by inserting after section 12R  
280 the following 2 sections:-

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

296 Section 12T. There shall be a division of public participation within the department and  
297 under the general supervision and control of the commission, which shall be under the charge of

298 a director appointed by the commission. The division of public participation, hereinafter referred  
299 to as the division, shall perform such functions as the commission may determine and shall be  
300 responsible for assisting individuals, local governments, community organizations and other  
301 entities before the department or the energy facilities siting board. With respect to matters before  
302 the department, the division shall assist such parties with navigating filing requirements,  
303 opportunities to provide comment and intervene and facilitating dialogue among parties to  
304 proceedings. With respect to siting and permitting matters under the jurisdiction of the energy  
305 facilities siting board, the division shall assist individuals, local governments, community  
306 organizations, project applicants and other entities with navigating pre-filing consultation and  
307 engagement requirements, clarifying filing requirements, identifying opportunities to intervene  
308 and facilitating dialogue among stakeholders involved in the permitting process and shall assist  
309 with coordinating with other state, regional and local officials, including the office of  
310 environmental justice and equity established by section 29 of chapter 21A, involved in the  
311 prefiling consultation process, pre-filing engagement process and the permitting process  
312 generally. The director and staff of the division shall not participate as adjudicatory staff, nor  
313 have any input or communication with adjudicatory or decisional staff, in matters before the  
314 department or in reviewing applications submitted to the energy facilities siting board, nor shall  
315 they serve as legal counsel to or otherwise represent any party before the department or the  
316 energy facilities siting board. The director shall be responsible for making final determinations  
317 with respect to intervenor funding support requests made pursuant to section 149 of chapter 164  
318 and administering all aspects of the intervenor support grant program established pursuant to said  
319 section 149 of said chapter 164. The department, in consultation with the energy facilities siting



320 board, shall promulgate regulations to implement this section, including for the function and  
321 participation of the division of public participation and ex parte prohibitions, as appropriate.

322 SECTION 11. Section 18 of said chapter 25, as appearing in the 2022 Official Edition, is  
323 hereby amended by inserting after the third paragraph the following 2 paragraphs:-

324 The commission may make an assessment against each electric company under the  
325 jurisdictional control of the department, based upon the intrastate operating revenues subject to  
326 the jurisdiction of the department of each such company derived from sales within the  
327 commonwealth of electric service, as shown in the annual report of each such company to the  
328 department. The assessments shall be made at a rate of not more than 0.1 per cent of such  
329 intrastate operating revenues, as shall be determined and certified annually by the commission as  
330 sufficient to reimburse the commonwealth for: (i) funds appropriated by the general court for the  
331 operation and general administration of the energy facilities siting board, exclusive of the cost of  
332 fringe benefits established by the comptroller pursuant to section 5D of chapter 29, including  
333 group life and health insurance, retirement benefits, paid vacations, holidays and sick leave; and  
334 (ii) funds for a clean energy infrastructure dashboard, as required to be maintained by the facility  
335 siting division pursuant to section 12N. The funds may be used by the energy facilities siting  
336 board to compensate consultants in hearings on petitions filed by companies subject to  
337 assessment under this section. Assessments made under this section may be credited to the  
338 normal operating cost of each company. Each company shall pay the amount assessed against it  
339 not later than 30 days after the date of the notice of assessment from the department. The  
340 department shall collect such assessments and credit a portion of said assessments to the  
341 Department of Public Utilities Energy Facilities Siting Board Trust Fund established under  
342 section 12Q and the Department of Public Utilities and Energy Facilities Siting Board Intervenor

343 Support Fund established under section 12S. Any funds unexpended in any fiscal year for the  
344 purposes for which such assessments were made shall be credited against the assessment to be  
345 made in the following fiscal year and the assessment in the following fiscal year shall be reduced  
346 by any such unexpended amount.

347 For the purpose of providing the department with funds to be used to provide support to  
348 intervenors in the department or energy facilities siting board proceedings consistent with section  
349 149 of chapter 164, the commission may make a separate assessment proportionally against each  
350 electric and gas company under the jurisdictional control of the department, based upon the  
351 intrastate operating revenues subject to the jurisdiction of the department of each of such  
352 companies derived from sales within the commonwealth of electric and gas service, as shown in  
353 the annual report of each of such companies to the department. Such assessments shall be made  
354 at a rate as shall be determined and certified annually by the commission as sufficient to produce  
355 an annual amount of not more than \$3,500,000. The amount of the assessment may be increased  
356 by the commission annually by a rate not to exceed the most recent annual consumer price index  
357 as calculated for the northeast region for all urban consumers. Assessments made under this  
358 section may be credited to the normal operating cost of each company. Each company shall pay  
359 the amount assessed against it not later than 30 days after the date of the notice of assessment  
360 from the department. Such assessments shall be collected by the department and credited to the  
361 Department of Public Utilities and Energy Facilities Siting Board Intervenor Support Fund  
362 established by section 12S. Funds unexpended in any fiscal year and remaining in the fund shall  
363 be credited against the assessment to be made in the following fiscal year and the assessment in  
364 the following fiscal year shall be reduced by any such unexpended amount.

365 SECTION 12. Section 22 of said chapter 25 is hereby amended by striking out, in line 6,  
366 as so appearing, the words “the manufacturing industry” and inserting in place thereof the  
367 following words:- low and moderate income interests.

368 SECTION 13. Said section 22 of said chapter 25 is hereby further amended by inserting  
369 after the word “labor”, in line 7, as so appearing, the following words:- , as recommended by the  
370 president of the Massachusetts AFL-CIO.

371 SECTION 14. Said section 22 of said chapter 25 is hereby further amended by striking  
372 out, in lines 11 and 12, as so appearing, the words “employing fewer than 10 persons”.

373 SECTION 15. Said section 22 of said chapter 25 is hereby further amended by striking  
374 out, in lines 24 and 25, as so appearing, the words “energy efficiency businesses” and inserting  
375 in place thereof the following words:- the Massachusetts clean energy center established  
376 pursuant to section 2 of chapter 23J.

377 SECTION 16. Said section 22 of said chapter 25 is hereby further amended by striking  
378 out subsection (b), as so appearing, and inserting in place thereof the following subsection:-

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

383 The council shall: (i) review and approve plans and budgets; (ii) work with program  
384 administrators in preparing energy resource assessments; (iii) determine the economic, system  
385 reliability, climate and air quality benefits of energy efficiency, demand management and

386 beneficial electrification resources; (iv) conduct and recommend relevant research; and (v)  
387 recommend long-term energy efficiency, demand management and beneficial electrification  
388 goals consistent with meeting greenhouse gas emissions limits and sublimits imposed by law or  
389 regulation and with mitigating ratepayer impacts. Approval of energy efficiency, demand  
390 management and beneficial electrification plans and budgets shall require a 2/3 vote. The council  
391 shall, as part of its review of plans, examine opportunities to offer joint programs; provided,  
392 however, that any costs for such joint programs shall be allocated equitably among the efficiency  
393 programs.

394 SECTION 17. Section 2 of chapter 25A of the General Laws, as so appearing, is hereby  
395 amended by striking out the second paragraph and inserting in place thereof the following  
396 paragraph:-

397 There shall be within the department 4 divisions: (i) a division of energy efficiency,  
398 which shall work with the department of public utilities regarding energy efficiency programs;  
399 (ii) a division of renewable and alternative energy development, which shall oversee and  
400 coordinate activities that seek to maximize the installation of renewable and alternative energy  
401 generating sources that will provide benefits to ratepayers, advance the production and use of  
402 biofuels and other alternative fuels as the division may define by regulation and administer the  
403 renewable portfolio standard and the alternative portfolio standard; (iii) a division of green  
404 communities, which shall serve as the principal point of contact for local governments and other  
405 governmental bodies concerning all matters under the jurisdiction of the department of energy  
406 resources, with the exception of matters involving the siting and permitting of small clean energy  
407 infrastructure facilities; and (iv) a division of clean energy siting and permitting, which shall  
408 establish standard conditions, criteria and requirements for the siting and permitting of small

409 clean energy infrastructure facilities by local governments and provide technical support and  
410 assistance to local governments, small clean energy infrastructure facility project proponents and  
411 other stakeholders impacted by the siting and permitting of small clean energy infrastructure  
412 facilities at the local government level. Each division shall be headed by a director appointed by  
413 the commissioner and who shall be a person of skill and experience in the field of energy  
414 efficiency, renewable energy or alternative energy, energy regulation or policy and land use and  
415 planning, respectively. The directors shall be the executive and administrative heads of their  
416 respective divisions and shall be responsible for administering and enforcing the law relative to  
417 their division and to each administrative unit thereof under the supervision, direction and control  
418 of the commissioner. The directors shall serve at the pleasure of the commissioner, shall receive  
419 such salary as may be determined by law and shall devote full time during regular business hours  
420 to the duties of the office. In the case of an absence or vacancy in the office of a director, or in  
421 the case of disability as determined by the commissioner, the commissioner may designate an  
422 acting director to serve as director until the vacancy is filled or the absence or disability ceases.  
423 The acting director shall have all the powers and duties of the director and shall have similar  
424 qualifications as the director.

425 SECTION 18. Section 6 of said chapter 25A, as so appearing, is hereby amended by  
426 striking out, in line 56, the word “and”.

427 SECTION 19. Said section 6 of said chapter 25A, as so appearing, is hereby further  
428 amended by striking out, in line 63, the words “chapter 21N” and inserting in place thereof the  
429 following words:- chapter 21N; and

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

433 SECTION 20. Section 11F of said chapter 25A, as so appearing, is hereby amended by  
434 striking out, in lines 44 and 45 and line 84, the words “or (9) geothermal energy”, each time they  
435 appear, and inserting in place thereof, in each instance, the following words:- (9) geothermal  
436 energy; or (10) fusion energy.

437 SECTION 21. Said section 11F of said chapter 25A, as so appearing, is hereby further  
438 amended by striking out, in line 116, the words “or (10) geothermal energy” and inserting in  
439 place thereof the following words:- (10) geothermal energy; or (11) fusion energy.

440 SECTION 22. Section 11F1/2 of said chapter 25A, as so appearing, is hereby amended  
441 by striking out, in line 18, the words “naturally occurring”.

442 SECTION 23. Said chapter 25A is hereby further amended by adding the following  
443 section:-

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

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

451 “Local government”, a municipality or regional agency, including, but not limited to, the  
452 Cape Cod commission, established by chapter 716 of the acts of 1989, and the Martha’s  
453 Vineyard Commission, established by chapter 831 of the acts of 1977, that has permitting  
454 authority over small clean energy infrastructure facilities.

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

464 “Small clean energy infrastructure facility”, a small clean energy generation facility,  
465 small clean energy storage facility or small clean transmission and distribution infrastructure  
466 facility.

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

470 “Small clean transmission and distribution infrastructure facility”, electric transmission  
471 and distribution infrastructure and related ancillary infrastructure, including: (i) electric  
472 transmission line reconditioning or rebuilding projects; (ii) new or substantially altered electric

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

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

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

491 (b) The department shall establish standards, requirements and procedures governing the  
492 siting and permitting of small clean energy infrastructure facilities by local governments that  
493 shall include: (i) uniform sets of public health, safety, environmental and other standards,  
494 including zoning criteria, that local governments shall require for the issuance of permits for



495 small clean energy infrastructure facilities; (ii) a common standard application for small clean  
496 energy infrastructure facility project applicants submitting a permit application to local  
497 governments; (iii) uniform pre-filing requirements for small clean energy infrastructure facilities,  
498 which shall include specific requirements for public meetings and other forms of outreach that  
499 must occur in advance of an applicant submitting an application; (iv) standards for applying site  
500 suitability guidance developed by the executive office of energy and environmental affairs  
501 pursuant to section 30 of chapter 21A to evaluate the social and environmental impacts of  
502 proposed small clean energy generation facilities, small clean energy storage facilities and small  
503 clean transmission and distribution infrastructure facilities in new rights of way, which shall  
504 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize  
505 or, if impacts cannot be avoided or minimized, mitigate negative impacts of siting on the  
506 environment, people and the commonwealth's goals and objectives for climate mitigation,  
507 resilience, biodiversity and protection of natural and working lands, to the extent practicable; (v)  
508 common conditions and requirements for a single permit consolidating all necessary local  
509 approvals to be issued for different types of small clean energy infrastructure facilities in the  
510 event that constructive approval is triggered through the non-issuance of a final decision by a  
511 local government pursuant to subsection (d); (vi) guidance for procedures and potential  
512 extensions of time should an applicant fail to respond to a request for information within a  
513 specified timeframe or proposes a significant revision to a proposed project; provided, however,  
514 that the department shall solicit public input in the development of such guidance; and (vii)  
515 responsible parties subject to enforcement actions, including in the event of sale of small clean  
516 energy infrastructure facilities after permitting. The department may promulgate rules and  
517 regulations allowing local governments to set fees for compensatory environmental mitigation

518 for the restoration, establishment, enhancement or preservation of comparable environmental  
519 resources through funds paid to the local government or to a non-profit entity to be used at the  
520 election of an applicant to satisfy the standard of mitigation to the maximum extent practicable.  
521 Local governments acting in accordance with the standards established by the department for  
522 small clean energy generation facilities and small clean energy storage facilities pursuant to this  
523 subsection shall be considered to have acted consistent with the limitations on solar facility and  
524 small clean energy storage facility zoning under section 3 of chapter 40A. The department shall  
525 establish a transition or concurrency period for the effective date of any standards that it  
526 establishes.

527 (c) The proponent of a small clean energy infrastructure facility may submit a  
528 consolidated small clean energy infrastructure facility permit application seeking a single permit  
529 consolidating all necessary local permits and approvals. To initiate the permitting of a small  
530 clean energy infrastructure facility, an applicant may elect to submit an application, with  
531 supporting information in the form developed by the department pursuant to subsection (b), for  
532 the local government to conduct a consolidated review pursuant to the criteria and standards set  
533 forth in subsection (b) and using the process set forth in subsection (d). Local governments shall  
534 determine whether such consolidated small clean energy infrastructure facility permit application  
535 is complete not later than 30 days of receipt. If an application is deemed incomplete, the  
536 applicant shall have 30 days, and any additional time as determined by the local government, to  
537 cure any deficiencies before the application is rejected. In the event of a rejection of the  
538 application, the local government shall provide a detailed reasoning for the rejection.

539 (d)(1) Local governments shall issue a single, final decision on a consolidated small clean  
540 energy infrastructure facility permit application submitted pursuant to subsection (c), including

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

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

552 (e) Individual decisions of local government authorities, boards, commissions, offices or  
553 other entities that would otherwise be required to issue 1 or more permits to the small clean  
554 energy infrastructure facility may not be appealed or reviewed independently. The only decision  
555 of a local government that is subject to further review is the single, final decision issued by the  
556 local government that includes all individual decisions necessary for a project to proceed with  
557 construction, exclusive of any state permits that may be required, which shall be reviewable by a  
558 de novo adjudication of the permit application by the director of the energy facilities siting  
559 division of the department of public utilities, as provided in subsection (f).

560 (f) Within 30 days of the single, final decision on a consolidated permit application by a  
561 local government described in subsections (d) and (e), project proponents and other individuals  
562 or entities substantially and specifically affected by a proposed small clean energy infrastructure

563 facility may file a petition to request in writing a de novo adjudication of the permit application  
564 by the director of the facilities siting division pursuant to section 69W of chapter 164 following  
565 permit issuance, including constructive approval permits issued pursuant to subsection (d), or  
566 denials by a local government.

567 (g) If a local government lacks the resources, capacity or staffing to review a small clean  
568 energy infrastructure facility permit application within 12 months, it may, not later than 60 days  
569 after receipt of such application or at any time thereafter with the consent of the applicant,  
570 request in writing a de novo adjudication of such application by the director pursuant to section  
571 69W of chapter 164.

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

581 (i) Nothing in subsections (c) to (g), inclusive, shall apply to a comprehensive permit  
582 pursuant to sections 20 to 23, inclusive, of chapter 40B. For the purpose of this section, the  
583 procedures and standards for filing and review of an application for a comprehensive permit that

584 includes a small clean energy infrastructure facility shall be in accordance with said sections 20  
585 to 23, inclusive, of said chapter 40B.

586 (j) The department of energy resources shall, on a quarterly basis, determine whether  
587 more than 50 per cent of applications for small clean energy infrastructure facilities processed in  
588 the preceding 24-month period throughout the commonwealth have been constructively  
589 approved. If more than 50 per cent of applications have been so approved, the department of  
590 energy resources, the department of public utilities and the office of environmental justice and  
591 equity shall, within 6 months of the conclusion of the 24-month period, analyze and report on the  
592 cause of the high rate of constructive approvals by local governments and make  
593 recommendations to local governments, the general court and the governor on how to reduce the  
594 number of constructive approvals and increase the number of decisions reached by means other  
595 than constructive approval.

596 (k) A consolidated small clean energy infrastructure permit application submitted  
597 pursuant to this section shall include the following certification and disclosure requirements:

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

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

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

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

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

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

614 (vii) documentation that the applicant and its contractors and subcontractors are currently,  
615 and will remain, in compliance with chapters 149, 151, 151A, 151B, and 152, 29 U.S.C. section  
616 201, et seq. and applicable federal anti-discrimination laws for the duration of the project;

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

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

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

627 (m) The department shall notify applicants that an applicant shall be disqualified from the  
628 project if the applicant has been debarred by the federal government or commonwealth for the  
629 entire term of the debarment.

630 (n) An applicant shall, in a timely manner, provide documentation and certifications as  
631 required by law or otherwise directed by the department. Incomplete or inaccurate information  
632 may be grounds for disqualification, dismissal or other action deemed appropriate by the  
633 department.

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

637 SECTION 24. Section 2 of chapter 25B of the General Laws, as appearing in the 2022  
638 Official Edition, is hereby amended by inserting after the definition of “Compensation” the  
639 following 2 definitions:-

640 “Connector” or “Plug”, a device that attaches an electric vehicle to a charging port to  
641 transfer electricity.

642 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-  
643 current, or DC current, electricity directly to an electric vehicle battery.

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

647 “Electric vehicle supply equipment” or “EVSE”, a device, including at least 1 charging  
648 port and connector, for charging electric vehicles; provided, however, that “electric vehicle  
649 supply equipment” shall also mean a charger.

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

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

655 SECTION 27. Said section 2 of said chapter 25B, as so appearing, is hereby further  
656 amended by inserting after the definition of “Lamp” the following 2 definitions:-

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

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

663 SECTION 28. Said section 2 of said chapter 25B, as so appearing, is hereby further  
664 amended by inserting after the definition of “Plumbing fixture” the following definition:-



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

668 SECTION 29. Section 5 of said chapter 25B, as so appearing, is hereby amended by  
669 striking out the first and second paragraphs and inserting in place thereof the following  
670 paragraph:-

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

679 SECTION 30. Said section 5 of said chapter 25B, as so appearing, is hereby further  
680 amended by striking out clause (20) and inserting in place thereof the following clause:-

681 (20) Electric vehicle supply equipment included in the scope of the ENERGY STAR  
682 Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version  
683 1.2 (Rev. June 2023), shall meet the qualification criteria of that specification.

684 SECTION 31. Said section 5 of said chapter 25B, as so appearing, is hereby further  
685 amended by striking out, in line 198, the words “, electric vehicle supply equipment”.

686 SECTION 32. Said section 5 of said chapter 25B, as so appearing, is hereby further  
687 amended by adding the following paragraph:-

688 The commissioner may adopt and update regulations for the standards for any appliances  
689 to facilitate the deployment of flexible demand technologies. The regulations may include  
690 labeling provisions to promote the use of appliances with flexible demand capabilities. The  
691 flexible demand appliance standards shall be based on feasible and attainable efficiencies or  
692 feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed  
693 to reduce emissions of greenhouse gases associated with electricity generation.

694 SECTION 33. The second paragraph of section 62A of chapter 30 of the General Laws,  
695 as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof  
696 the following sentence:- This section and sections 62B to 62L, inclusive, shall not apply to the  
697 energy facilities siting board established under section 69H of chapter 164 or to any proponent or  
698 owner of a large clean energy infrastructure facility, as defined in section 69G of said chapter  
699 164, or small clean energy infrastructure facility, as defined in section 21 of chapter 25A, in  
700 relation to an application for a consolidated permit or petition for a de novo adjudication filed  
701 under sections 69T to 69W, inclusive, of said chapter 164.

702 SECTION 34. Chapter 30B of the General Laws is hereby amended by striking out  
703 section 23, as so appearing, and inserting in place thereof the following section:-

704 Section 23. Notwithstanding section 39M of chapter 30 or any other general or special  
705 law to the contrary, a governmental body may, pursuant to this chapter, procure electric vehicles,  
706 including electric school buses, and the installation of electric vehicle supply equipment as  
707 defined in section 2 of chapter 25B for such electric vehicles. Electric vehicles and the

708 installation of related electric vehicle supply equipment may be procured separately or in a single  
709 procurement. For the purposes of this section, electric vehicles shall be considered supplies and  
710 electric vehicle supply equipment and its installation shall be considered services; provided,  
711 however, that if electric vehicles and electric vehicle supply equipment and its installation are  
712 procured in a single procurement both shall be considered supplies.

713 A contract under this section shall only be awarded to a bidder who: (i) possesses the  
714 skill, ability and integrity necessary for the faithful performance of the work; (ii) certifies that it  
715 is able to furnish labor that can work in harmony with all other elements of labor employed or to  
716 be employed in the work; (iii) certifies that all employees to be employed at the worksite will  
717 have successfully completed a course in construction safety and health approved by the United  
718 States Occupational Safety and Health Administration that is not less than 10 hours in duration at  
719 the time the employee begins work and furnish documentation of successful completion of such  
720 course with the first certified payroll report for each employee; and (iv) obtains within 10 days of  
721 the notification of contract award the security by bond required under section 29 of chapter 149.  
722 For the purposes of this section, “security by bond” shall mean the bond of a surety company  
723 qualified to do business under the laws of the commonwealth and satisfactory to the awarding  
724 authority; provided, however, that if there is more than 1 surety company, the surety companies  
725 shall be jointly and severally liable. Sections 26 to 27D, inclusive, of said chapter 149 shall apply  
726 to any contract entered into under this section.

727 SECTION 35. Section 23 of said chapter 30B is hereby repealed

728 SECTION 36. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
729 amended by inserting after the definition of “Permit granting authority” the following definition:-

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

742           SECTION 37. Section 3 of said chapter 40A, as so appearing, is hereby amended by  
743 striking out, in lines 64 to 65, 74 and 82, the words “department of public utilities” and inserting  
744 in place thereof, in each instance, the following words:- energy facilities siting board.

745           SECTION 38. Section 5 of chapter 40C of the General Laws, as so appearing, is hereby  
746 amended by inserting after the word “districts”, in line 20, the following words:- ; the words  
747 “solar energy system” shall mean a device or structural design feature, a substantial purpose of  
748 which is to provide for the collection, storage and distribution of solar energy for space heating  
749 or cooling, electricity generation or water heating.

750           SECTION 39. The first paragraph of section 7 of said chapter 40C, as so appearing, is  
751 hereby amended by striking out the third sentence and inserting in place thereof the following

752 sentence:- Notwithstanding any general or special law to the contrary, the commission shall give  
753 substantial weight to the threat posed by climate change and to the commonwealth’s obligation  
754 to meet statewide greenhouse gas emission limits and sublimits established under chapter 21N  
755 when ruling on applications for certificates of appropriateness for solar energy systems.

756 SECTION 40. Subsection (cc) of section 6 of chapter 62 of the General Laws, as so  
757 appearing, is hereby amended by striking out, in lines 1489 and 1490, the words “employ, in the  
758 aggregate with other tenants at the offshore wind facility, not less than 200” and inserting in  
759 place thereof the following words:- employ not less than 50.

760 SECTION 41. Section 38MM of chapter 63 of the General Laws, as so appearing, is  
761 hereby amended by striking out, in lines 48 to 50, inclusive, the words “employ, in the aggregate  
762 with other tenants at the offshore wind facility, not less than 200” and inserting in place thereof  
763 the following words:- employ not less than 50.

764 SECTION 42. Chapter 98 of the General Laws is hereby amended by adding the  
765 following section:-

766 Section 59. (a) For the purposes of this section, the following words shall have the  
767 following meanings unless the context clearly requires otherwise:-

768 “Charger”, a device having at least 1 charging port and connector for charging electric  
769 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

770 “Charging network provider”, the entity that operates the digital communication network  
771 that remotely manages the chargers which may include charging station operators and  
772 manufacture chargers.

773 “Charging station”, a charger or group of chargers and the area in the immediate vicinity  
774 of such charger or group of chargers, which may include, at the discretion of the regulating  
775 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress  
776 and egress; provided, however, that a charging station may comprise only part of the property on  
777 which it is located.

778 “Charging station operator”, an entity that owns or provides the chargers and the  
779 supporting equipment and facilities at charging stations and is responsible for the operation and  
780 maintenance of the chargers and the supporting equipment and facilities; provided, however, that  
781 such operator may delegate responsibility for certain aspects of the charging station operation  
782 and maintenance to subcontractors.

783 “Connector” or “Plug”, a device that attaches an electric vehicle to a charging port to  
784 transfer electricity.

785 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-  
786 current, or DC current, electricity directly to an electric vehicle’s battery.

787 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a  
788 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that  
789 can be recharged from an external source of electricity and has the capability to run on another  
790 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or  
791 other micromobility device.

792 “Electric vehicle charging services”, the transfer of electric energy from an electric  
793 vehicle charging station to a battery or other storage device in an electric vehicle and related  
794 billing services, networking and operation and maintenance.

795 “Electric vehicle supply equipment”, a device, including at least 1 charging port and  
796 connector, for charging electric vehicles; provided, however, that “electric vehicle supply  
797 equipment” shall also mean a charger.

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

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

804 “Public electric vehicle charging station”, an electric vehicle charging station located at a  
805 publicly-available parking space.

806 “Publicly-available parking space”, a parking space that has been designated by a  
807 property owner or lessee to be available to and accessible by the public and may include on-  
808 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
809 that “publicly-available parking space” shall not include a parking space that is part of or  
810 associated with residential real property containing not more than 4 dwelling units or that is  
811 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or  
812 vehicles, including employees, tenants, visitors, residents of a common interest development and  
813 residents of an adjacent building.

814 “Publicly-funded and available charging station”, a public electric vehicle charging  
815 station that has received, or expects to receive, a grant, loan or other incentive from a federal or

816 state government source or through a charge on ratepayers and is located at a publicly available  
817 parking space.

818 (b) The division of standards shall promulgate regulations to: (i) inventory the number  
819 and location of charging stations; and (ii) ensure the accuracy of pricing and volumes of  
820 electricity purchased at public electric vehicle charging stations; provided, however, that, with  
821 respect to such public charging stations, such regulations shall include setting minimum  
822 requirements for the communication and display of pricing information; provided further, that  
823 the division of standards shall not prevent a charging station from operating due to an omission  
824 or inability by the division to test, inspect, seal or inventory the charging station or otherwise  
825 administer and enforce such regulations or, in the case of a public electric vehicle charging  
826 station, due to an omission or inability to ensure the accuracy of pricing and volumes of  
827 electricity purchased at, and information communicated by, such charging station.

828 (c) Any regulations promulgated pursuant to this section may vary by technology type,  
829 power levels, number of chargers per site, site ownership and according to whether charging  
830 stations and chargers: (i) are networked; (ii) are level 1, level 2 or direct current fast chargers;  
831 and (iii) are all-inclusive mobile solar charging stations. Such regulations shall not apply to  
832 chargers or charging stations installed at a residential real property containing not more than 4  
833 dwelling units. The division may set standards for data formats that comply with electric vehicle  
834 charging industry best practices and standards, as determined by the division.

835 (d) Annually, not later than May 1, the division shall submit a report and accompanying  
836 data with respect to the inventory required under subsections (b) and (c) and other findings made  
837 and activities undertaken pursuant to said subsections (b) and (c) to the joint committee on ways



838 and means, the joint committee on telecommunications, utilities and energy, the secretary of  
839 energy and environmental affairs and the secretary of administration and finance.

840 (e) In promulgating regulations under this section, the division may apply different  
841 requirements to publicly-funded and available electric vehicle chargers and other charging  
842 stations.

843 SECTION 43. Section 95 of chapter 143 of the General Laws, as so appearing, is hereby  
844 amended by inserting after the word “conservation”, in line 6, the following words:- , energy  
845 efficiency, reductions in greenhouse gas emissions, reductions in embodied carbon.

846 SECTION 44. Said section 95 of said chapter 143, as so appearing, is hereby further  
847 amended by inserting after the word “buildings”, in line 21, the following words:- ; provided  
848 however, that, notwithstanding any general or special law or regulation to the contrary, the  
849 board may vary such standards, regulations and requirements and prefer the treatment of certain  
850 types of classes of materials, products and methods of construction, in order to advance  
851 reductions in greenhouse gas emissions needed to meet the statewide greenhouse gas emissions  
852 limits and sublimits established pursuant to chapter 21N; and provided further, that any such  
853 variation in standards, regulations and requirements and any such preferential treatment shall not  
854 affect the health, safety and security of the occupants or users of buildings.

855 SECTION 45. Said chapter 143 is hereby further amended by adding the following  
856 section:-

857 Section 101. Notwithstanding any provision of the state building code, specialized code  
858 or any other general or special law to the contrary, refrigerants identified as an alternative for use  
859 in accordance with 42 U.S.C. 7671k shall be acceptable for use in the commonwealth.

860 SECTION 46. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby  
861 amended by inserting before the definition of “Aggregator” the following definition:-

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

866 SECTION 47. Said section 1 of said chapter 164, as so appearing, is hereby further  
867 amended by striking out the definition of “Gas company” and inserting in place thereof the  
868 following definition:-

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

873 SECTION 48. Section 1F of said chapter 164, as so appearing, is hereby amended by  
874 striking out paragraph (4) and inserting in place thereof the following paragraph:-

875 (4)(i) The department shall require that distribution companies provide discounted rates  
876 for low income customers and eligible moderate income customers comparable to the low  
877 income discount rate in effect prior to March 1, 1998. Such discounts shall be in addition to any  
878 reduction in rates that becomes effective pursuant to subsection (b) of section 1B on March 1,  
879 1998. and to any subsequent rate reductions provided by a distribution company pursuant to said  
880 subsection. The cost of such discounts shall be included in the rates charged to all other  
881 customers of a distribution company upon approval by the department. Each distribution

882 company shall guarantee payment to the generation supplier for all power sold to low income  
883 and eligible moderate income customers at the discounted rates. Eligibility for the discount rates  
884 provided for in this section shall be established upon verification of a low income customer's  
885 receipt of any means-tested public benefit or verification of eligibility for the low income home  
886 energy assistance program, or its successor program, for which eligibility does not exceed 200  
887 per cent of the federal poverty level based on a household's gross income and by criteria  
888 determined by the department for verification of an eligible moderate income customer. Such  
889 public benefits may include, but shall not be limited to including, assistance that provides cash,  
890 housing, food or medical care including, but not limited to, transitional assistance for needy  
891 families, supplemental security income, emergency assistance to elders, disabled and children,  
892 food stamps, public housing, federally-subsidized or state-subsidized housing, the low income  
893 home energy assistance program, veterans' benefits and similar benefits. The department of  
894 energy resources shall make available to distribution companies the eligibility guidelines for said  
895 public benefit programs. Each distribution company shall conduct substantial outreach efforts to  
896 make the low income or moderate income discount available to eligible customers and shall  
897 report to the department of energy resources, at least annually, as to its outreach activities and  
898 results. Outreach may include establishing an automated program of matching customer accounts  
899 with: (A) lists of recipients of said means-tested public benefit programs and, based on the  
900 results of said matching program, to presumptively offer a low income discount rate to eligible  
901 customers so identified; and (B) criteria established by the department for verification of a  
902 moderate income customer to presumptively offer a moderate income discount rate to eligible  
903 customers so identified; provided, however, that the distribution company, within 60 days of said  
904 presumptive enrollment, informs any such low income customer or eligible moderate income

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

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

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

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

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

927 reasonable charge, as set by the department through regulation, for initiating or terminating low  
928 income or moderate income discount rates, default service or standard offer service when a  
929 customer does not make such an initiation or termination request upon the receipt of said results  
930 and prior to the receipt of the next regularly scheduled meter reading. For purposes of this  
931 subsection, there shall be a regular meter reading conducted of every residential account not less  
932 often than once every 2 months. Notwithstanding the foregoing, there shall be no charge when  
933 the initiation or termination is involuntary on the part of the customer.

934 SECTION 49. Section 30 of said chapter 164, as appearing in the 2022 Official Edition,  
935 is hereby amended by adding the following paragraph:-

936 Notwithstanding any general or special law to the contrary, in deciding whether to  
937 exercise its authority pursuant to this section, the department shall consider whether a request to  
938 authorize gas distribution service is reasonable and in the public interest; provided, however, that  
939 in determining reasonableness and the public interest, the department shall consider factors  
940 including, but not limited to: (i) the commonwealth's interest in complying with the greenhouse  
941 gas emissions limits and sublimits established pursuant to chapter 21N, including the statewide  
942 emissions limit set for 2050; (ii) the commonwealth's interest in avoiding the stranding of assets  
943 and the likelihood of costs being borne by ratepayers; and (iii) whether an alternative to gas  
944 service is available and likely to provide substantially similar service, which shall include  
945 consideration of cost.

946 SECTION 50. Section 69G of said chapter 164, as so appearing, is hereby amended by  
947 striking out, in line 1, the words "sixty-nine H to sixty-nine R" and inserting in place thereof the  
948 following words:- 69H to 69W.

949 SECTION 51. Said section 69G of said chapter 164, as so appearing, is hereby further  
950 amended by striking out the definition of “Applicant” and inserting in place thereof the following  
951 2 definitions:-

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

958 “Applicant”, a person or group of persons who submits to the department or board a  
959 long-range plan, a petition to construct a facility, a petition for a consolidated permit for a large  
960 clean energy infrastructure facility or small clean energy infrastructure facility, a petition for a  
961 certificate of environmental impact and public need, a notice of intent to construct an oil facility  
962 or any application, petition or matter referred by the chair of the department to the board  
963 pursuant to section 69H.

964 SECTION 52. Said section 69G of said chapter 164, as so appearing, is hereby further  
965 amended by inserting after the definition of “Certificate” the following definition:-

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

971 SECTION 53. Said section 69G of said chapter 164, as so appearing, is hereby further  
972 amended by striking out the definition of “Department” and inserting in place thereof the  
973 following 3 definitions:-

974 “Cumulative impact analysis”, a written report produced by the applicant assessing  
975 impacts and burdens, including but not limited to any existing environmental burden and public  
976 health consequences impacting a specific geographical area in which a facility, large clean  
977 energy infrastructure facility or small clean energy infrastructure facility is proposed from any  
978 prior or current private, industrial, commercial, state or municipal operation or project ;  
979 provided, that if the analysis indicates that such a geographical area is subject to an existing  
980 unfair or inequitable environmental burden or related health consequence, the analysis shall  
981 identify any: (i) environmental and public health impact from the proposed project that would  
982 likely result in a disproportionate adverse effect on such geographical area; (ii) potential impact  
983 or consequence from the proposed project that would increase or reduce the effects of climate  
984 change on such geographical area; and (iii) proposed potential remedial actions to address any  
985 disproportionate adverse impacts to the environment, public health and climate resilience of such  
986 geographical area that may be attributable to the proposed project. Said cumulative impact  
987 analysis shall be developed in accordance with guidance established by the office of  
988 environmental justice and equity established pursuant to section 29 of chapter 21A and  
989 regulations promulgated by the board.

990 “Department”, the department of public utilities.

991 “Director”, the director of the facilities siting division appointed pursuant to section 12N  
992 of chapter 25, who shall serve as the director of the board; provided, however, that the director

993 may issue decisions on de novo adjudications of local permit applications pursuant to section  
994 69W of chapter 164.

995 SECTION 54. Said section 69G of said chapter 164, as so appearing, is hereby further  
996 amended by inserting after the word “capacity”, in line 46, the following words:- ; provided,  
997 however, that “facility” shall not include a large clean energy infrastructure facility or small  
998 clean energy infrastructure facility.

999 SECTION 55. Said section 69G of said chapter 164, as so appearing, is hereby further  
1000 amended by striking out, in line 48, the words “and liquified natural gas” and inserting in place  
1001 thereof the following words:- liquified natural gas, renewable natural gas and hydrogen.

1002 SECTION 56. Said section 69G of said chapter 164, as so appearing, is hereby further  
1003 amended by striking out, in line 61, the figure “100” and inserting in place thereof the following  
1004 figure:- 25.

1005 SECTION 57. Said section 69G of said chapter 164, as so appearing, is hereby further  
1006 amended by inserting after the definition of “Generating facility” the following 4 definitions:-

1007 “Large clean energy generation facility”, energy generation infrastructure with a  
1008 nameplate capacity of not less than 25 megawatts that is an anaerobic digestion facility, solar  
1009 facility or wind facility, including any ancillary structure that is an integral part of the operation  
1010 of the large clean energy generation facility, or, following a rulemaking by the board in  
1011 consultation with the department of energy resources that includes the facility within the  
1012 regulatory definition of a large clean energy generation facility, any other type of generation  
1013 facility that does not emit greenhouse gas; provided, however, that the nameplate capacity for  
1014 solar facilities shall be calculated in direct current.



1015 “Large clean energy infrastructure facility”, a large clean energy generation facility, large  
1016 clean energy storage facility or large clean transmission and distribution infrastructure facility.

1017 “Large clean energy storage facility”, an energy storage system as defined under section  
1018 1 with a rated capacity of not less than 100 megawatt hours, including any ancillary structure that  
1019 is an integral part of the operation of the large clean energy storage facility.

1020 “Large clean transmission and distribution infrastructure facility”, electric transmission  
1021 and distribution infrastructure and related ancillary infrastructure that is: (i) a new electric  
1022 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1  
1023 mile in length on a new transmission corridor, including any ancillary structure that is an integral  
1024 part of the operation of the transmission line; (ii) a new electric transmission line having a design  
1025 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing  
1026 transmission corridor except reconducted or rebuilt transmission lines at the same voltage,  
1027 including any ancillary structure that is an integral part of the operation of the transmission line;  
1028 (iii) any other new electric transmission infrastructure requiring zoning exemptions, including  
1029 standalone transmission substations and upgrades and any ancillary structure that is an integral  
1030 part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore  
1031 wind to the grid; provided, however, that the large clean transmission and distribution facility is:  
1032 (A) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection  
1033 of clean energy infrastructure to the electric grid; (B) approved by the regional transmission  
1034 operator in relation to interconnecting clean energy infrastructure; (C) proposed to ensure electric  
1035 grid reliability and stability; or (D) will help facilitate the electrification of the building and  
1036 transportation sectors; provided further, that a “large clean transmission and distribution  
1037 infrastructure facility” shall not include new transmission and distribution infrastructure that

1038 solely interconnects new and existing energy generation powered by fossil fuels on or after  
1039 January 1, 2026.

1040 SECTION 58. Said section 69G of said chapter 164, as so appearing, is hereby further  
1041 amended by striking out the definition of “Significant portion of his income” and inserting in  
1042 place thereof the following 6 definitions:-

1043 “Significant portion of their income”, 10 per cent of gross personal income for a calendar  
1044 year; provided, however, that it shall mean 50 per cent of gross personal income for a calendar  
1045 year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement,  
1046 pension or similar arrangement. Income includes retirement benefits, consultants’ fees and stock  
1047 dividends. Income shall not be received directly or indirectly from permit holders or applicants  
1048 for a permit where it is derived from mutual fund payments or from other diversified investments  
1049 over which the recipient does not know the identity of the primary sources of income.

1050 “Small clean energy generation facility”, as defined in section 21 of chapter 25A.

1051 “Small clean energy infrastructure facility”, as defined in section 21 of chapter 25A.

1052 “Small clean energy storage facility”, as defined in section 21 of chapter 25A.

1053 “Small clean transmission and distribution infrastructure facility”, as defined in section  
1054 21 of chapter 25A.

1055 “Solar facility”, a ground mounted facility that uses sunlight to generate electricity.

1056 SECTION 59. Said section 69G of said chapter 164, as so appearing, is hereby further  
1057 amended by adding the following definition:-

1058 “Wind facility”, an onshore or offshore facility that uses wind to generate electricity.

1059 SECTION 60. Section 69H of said chapter 164, as amended by section 292 of chapter 7  
1060 of the acts of 2023, is hereby further amended by striking out the first 3 paragraphs and inserting  
1061 in place thereof the following 4 paragraphs:-

1062 There shall be an energy facilities siting board within the department, but not under the  
1063 supervision or control of the department. The board shall implement the provisions contained in  
1064 sections 69H to 69Q, inclusive, and sections 69S to 69W, inclusive, to: (i) provide a reliable,  
1065 resilient and clean supply of energy consistent with the commonwealth’s climate change and  
1066 greenhouse gas reduction policies and requirements; (ii) ensure that large clean energy  
1067 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities  
1068 avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental  
1069 impacts and negative health impacts to the extent practicable; (iii) ensure that large clean energy  
1070 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are,  
1071 to the extent practicable, in compliance with energy, environmental, land use, labor, economic  
1072 justice, environmental justice and equity and public health and safety policies of the  
1073 commonwealth, its subdivisions and its municipalities; and (iv) ensure large clean energy  
1074 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are  
1075 constructed in a manner that avoids or minimizes costs. The board shall review: (A) the need for,  
1076 cost of and environmental and public health impacts of transmission lines, natural gas pipelines,  
1077 facilities for the manufacture and storage of gas, oil facilities, large clean transmission and  
1078 distribution infrastructure facilities and small clean transmission and distribution infrastructure  
1079 facilities; and (B) the environmental and public health impacts of generating facilities, large

1080 clean energy generation facilities, small clean energy generation facilities, large clean energy  
1081 storage facilities and small clean energy storage facilities.

1082 Any determination made by the board shall describe the environmental and public health  
1083 impacts, if any, of the large clean energy infrastructure facility, small clean energy infrastructure  
1084 facility, facility or oil facility and shall include findings, including, but not be limited to, findings  
1085 that: (i) efforts have been made to avoid or minimize or, if impacts cannot be avoided or  
1086 minimized, mitigate environmental impacts; (ii) due consideration has been given to the findings  
1087 and recommendations of local governments; (iii) in the case of large clean transmission and  
1088 distribution infrastructure facilities, small clean transmission and distribution infrastructure  
1089 facilities and natural gas pipelines, due consideration has been given to advanced conductors,  
1090 advanced transmission technologies, grid enhancement technologies, non-wires or non-pipeline  
1091 alternatives, the repair or retirement of pipelines and other alternatives in an effort to avoid or  
1092 minimize expenditures; (iv) in the case of large clean transmission and distribution infrastructure  
1093 facilities and small clean transmission and distribution infrastructure facilities, the infrastructure  
1094 or project will increase the capacity of the system to interconnect large electricity customers,  
1095 electric vehicle supply equipment, clean energy generation, clean energy storage or other clean  
1096 energy generation sources that qualify under any clean energy standard regulation established by  
1097 the department of environmental protection pursuant to subsection (d) of section 3 of chapter  
1098 21N or will facilitate the electrification of the building and transportation sectors; and (v) due  
1099 consideration has been given to any cumulative burdens on host communities and efforts that  
1100 must be taken to avoid or minimize or, if impacts cannot be avoided or minimized, efforts to  
1101 mitigate such burdens. In considering and issuing a decision, the board shall also consider  
1102 reasonably foreseeable climate change impacts, including additional greenhouse gas or other

1103 pollutant emissions known to have negative health impacts, predicted sea level rise, flooding and  
1104 any other disproportionate adverse effects on a specific geographical area. Such reviews shall be  
1105 conducted consistent with section 69J 1/4 for generating facilities, section 69T for large clean  
1106 energy infrastructure facilities, sections 69U to 69W, inclusive, for small clean energy  
1107 infrastructure facilities and section 69J for all other types of facilities.

1108           The board shall be composed of: the secretary of energy and environmental affairs or a  
1109 designee, who shall serve as chair; the secretary of economic development or a designee; the  
1110 commissioner of environmental protection or a designee; the commissioner of energy resources  
1111 or a designee; the chair of the department of public utilities or a designee; the commissioner of  
1112 fish and game or a designee; the commissioner of public health or a designee; and 4 public  
1113 members to be appointed by the governor for a term coterminous with that of the governor, 1 of  
1114 whom shall be a representative of the Massachusetts Association of Regional Planning Agencies,  
1115 1 of whom shall be a representative of the Massachusetts Municipal Association, Inc. with  
1116 expertise in municipal permitting matters, 1 of whom shall be experienced in environmental  
1117 justice issues or indigenous sovereignty and 1 of whom shall be experienced in labor issues;  
1118 provided, however, that the public members shall not have received, within the 2 years  
1119 immediately preceding appointment, a significant portion of their income directly or indirectly  
1120 from the developer of an energy facility or an electric, gas or oil company. The public members  
1121 shall serve on a part-time basis, receive \$100 per diem of board service and be reimbursed by the  
1122 commonwealth for all reasonable expenses actually and necessarily incurred in the performance  
1123 of official board duties. Upon the resignation of any public member, a successor shall be  
1124 appointed in a like manner for the unexpired portion of the term. Appointees shall serve for not  
1125 more than 2 consecutive full terms.

1126 In the event of the absence, recusal or disqualification of the chair, the commissioner of  
1127 energy resources shall appoint an acting chair from the remaining members of the board. The  
1128 board shall meet at such time and place as the chair may designate or upon the request of 3  
1129 members. The board shall render a final decision on an application by a majority vote of the  
1130 members in attendance at a meeting and 5 members shall constitute a quorum.

1131 SECTION 61. The fifth paragraph of said section 69H of said chapter 164, as appearing  
1132 in the 2022 Official Edition, is hereby amended by striking out clause (1) and inserting in place  
1133 thereof the following clause:-

1134 (1) To adopt and publish rules and regulations consistent with the purposes of sections  
1135 69H to 69S, inclusive, and to amend the same from time to time, including, but not limited to,  
1136 rules and regulations for the conduct of the board's public hearings under sections 69H 1/2, 69J,  
1137 69J 1/4, 69M and 69T to 69W, inclusive.

1138 SECTION 62. Said section 69H of said chapter 164, as so appearing, is hereby further  
1139 amended by adding the following 2 paragraphs:-

1140 In consultation with the office of environmental justice and equity and the Massachusetts  
1141 environmental policy act office, the board shall promulgate regulations for cumulative impact  
1142 analysis as part of its review of facilities, large clean energy infrastructure facilities and small  
1143 clean energy infrastructure facilities; provided, however, that such regulations shall be informed  
1144 by the cumulative impact analysis standards and guidelines issued pursuant to section 29 of  
1145 chapter 21A.

1146 The board and any proponent or owner of a large clean energy infrastructure facility or  
1147 small clean energy infrastructure facility shall not be subject to any provisions of sections 61 to

1148 62L, inclusive, of chapter 30 in relation to an application or petition for a comprehensive permit  
1149 or de novo adjudication filed under sections 69T to 69W, inclusive. This section shall apply to  
1150 any state agency issuing, in relation to an application or petition under said sections 69T to 69V,  
1151 inclusive, a federal permit that is delegated to that agency and determined by the board to be  
1152 excluded from the definition of consolidated permit in section 69G.

1153 SECTION 63. The third paragraph of section 69I of said chapter 164, as so appearing, is  
1154 hereby amended by striking out the last sentence and inserting in place thereof the following  
1155 sentence:- Neither the board nor any other person shall, in taking any action pursuant to sections  
1156 69J to 69J1/4, inclusive, or sections 69T to 69W, inclusive, be subject to sections 61 to 62H,  
1157 inclusive, of chapter 30.

1158 SECTION 64. Section 69J of said chapter 164, as so appearing, is hereby amended by  
1159 inserting after the word “facility”, in lines 1 and 2, the following words:- that is not a large clean  
1160 energy infrastructure facility or small clean energy infrastructure facility.

1161 SECTION 65. Said section 69J of said chapter 164, as so appearing, is hereby further  
1162 amended by striking out the second to fourth paragraphs, inclusive, and inserting in place thereof  
1163 the following paragraph:-

1164 A petition to construct a facility shall include, in such form and detail as the board shall  
1165 from time to time prescribe: (i) a description of the facility, site and surrounding areas; (ii) an  
1166 analysis of the need for the facility, either within or outside, or both within and outside the  
1167 commonwealth, including a description of the energy benefits of the facility; (iii) a description of  
1168 the alternatives to the facility, such as other methods of transmitting or storing energy, other site  
1169 locations, other sources of electrical power or gas or a reduction of requirements through load

1170 management; (iv) a description of the environmental impacts of the facility, including both  
1171 environmental benefits and burdens, that includes a description of efforts to avoid, minimize and  
1172 mitigate burdens and efforts to enhance benefits, such as shared use, recreational paths or access  
1173 to nature; (v) evidence that all pre-filing consultation and community engagement requirements  
1174 established by the board have been satisfied and, if not, the applicant shall demonstrate good  
1175 cause for a waiver of the requirements that could not be satisfied by the applicant; and (vi) a  
1176 cumulative impact analysis. The board may issue and revise filing guidelines after public notice  
1177 and a period for comment. Said filing guidelines shall require the applicant to provide minimum  
1178 data for review related to climate change impact, land use impact, water resource impact, air  
1179 quality impact, fire and other public safety risks, solid waste impact, radiation impact, noise  
1180 impact and other public health impacts as determined by the board.

1181 SECTION 66. Said section 69J of said chapter 164, as so appearing, is hereby further  
1182 amended by striking out the last paragraph and inserting in place thereof the following  
1183 paragraph:-

1184 This section shall not apply to petitions submitted under sections 69U to 69W, inclusive,  
1185 or petitions to construct a generating facility or a large clean energy infrastructure facility, which  
1186 shall be subject to sections 69J1/4 and 69T, respectively

1187 SECTION 67. Section 69J1/4 of said chapter 164, as so appearing, is hereby amended by  
1188 inserting after the word “facility”, in line 2, the following words:- that is not a large clean energy  
1189 infrastructure facility or small clean energy infrastructure facility.



1190 SECTION 68. Said section 69J1/4 of said chapter 164, as so appearing, is hereby further  
1191 amended by striking out the third paragraph and inserting in place thereof the following  
1192 paragraph:-

1193 A petition to construct a generating facility shall include, in such form and detail as the  
1194 board shall from time to time prescribe, the following information: (i) a description of the  
1195 proposed generating facility, including any ancillary structures and related facilities, including a  
1196 description of the energy benefits of the generating facility; (ii) a description of the  
1197 environmental and public health impacts of the facility, including both environmental and public  
1198 health benefits and burdens, that includes efforts to avoid or minimize or, if impacts cannot be  
1199 avoided or minimized, to mitigate the burdens and enhance the benefits, as well as costs  
1200 associated with the mitigation, control or reduction of such environmental and public health  
1201 impacts; (iii) a description of the project development and site selection process used in choosing  
1202 the design and location of the proposed generating facility; (iv) either: (a) evidence that the  
1203 expected emissions from the facility meet the technology performance standard in effect at the  
1204 time of filing; or (b) a description of the environmental impacts, costs and reliability of other  
1205 fossil fuel generating technologies and an explanation of why the proposed technology was  
1206 chosen; (v) evidence that all pre-filing consultation and community engagement requirements  
1207 established by the board have been satisfied and, if not, the applicant shall demonstrate good  
1208 cause for a waiver of the requirements that could not be satisfied by the applicant; (vi) a  
1209 cumulative impact analysis; and (vii) any other information necessary to demonstrate that the  
1210 generating facility meets the requirements for approval specified in this section.

1211 SECTION 69. Said chapter 164 is hereby further amended by striking out section 69J1/2,  
1212 as so appearing, and inserting in place thereof the following section:-

1213           Section 69J1/2. Notwithstanding any general or special law to the contrary, the  
1214 department may charge a fee as specified by its regulations for each application to construct a  
1215 facility that generates electricity, a large clean energy generation facility, a small clean energy  
1216 generation facility, a large clean energy storage facility, a small clean energy storage facility, a  
1217 non-utility owned large clean transmission and distribution infrastructure facility or a small clean  
1218 transmission and distribution infrastructure facility. If the application to construct any such  
1219 facility is accompanied by an application to construct 1 additional facility that does not generate  
1220 electricity, the department may charge a fee as specified by its regulations for the combined  
1221 application. If an application to construct a facility that generates electricity is accompanied by  
1222 applications to construct 2 additional facilities that do not generate electricity, the department  
1223 may charge a fee as specified by its regulations for the combined application. If an application to  
1224 construct a facility that does not generate electricity is filed separately, the department may  
1225 charge a fee as specified by its regulations for each such application; provided, however, that, the  
1226 department may charge a lower fee for applications to construct facilities that do not generate  
1227 electricity and that are below a size to be determined by the department. Said fees shall be  
1228 payable upon issuance of the notice of adjudication and public hearing.

1229           The department may retain said fees for the purpose of reviewing applications to  
1230 construct or consolidated permit applications for large clean energy infrastructure facilities, small  
1231 clean energy infrastructure facilities or other facilities subject to this section and for the purpose  
1232 of creating a clean energy infrastructure dashboard established under section 12N of chapter 25.

1233           Any remaining balance of fees at the end of a fiscal year shall not revert to the General  
1234 Fund but shall remain available to the department during the following fiscal year for the  
1235 purposes of this section or section 12S of chapter 25.

1236           The department shall issue an annual report summarizing the data and information  
1237 required by this section, including, but not limited to: (i) the number of applications filed for  
1238 facilities, large clean energy infrastructure facilities and small clean energy infrastructure  
1239 facilities, decided and pending; (ii) the average duration of review; and (iii) the average staffing  
1240 levels; provided, however, that the annual report shall make use of bar charts, line charts and  
1241 other visual representations in order to facilitate public understanding of events of the immediate  
1242 preceding year and of long-term and cumulative trends and outcomes. The board shall file the  
1243 report with the clerks of the house of representatives and the senate, the house and senate  
1244 committees on ways and means and the joint committee on telecommunications, utilities and  
1245 energy not later than January 31.

1246           Nothing contained in this section shall be interpreted as changing the statutory mandates  
1247 of the department or board or the type of facilities that may be constructed by applicants that are  
1248 not utilities. Nothing contained in this section shall be interpreted as changing the regulations or  
1249 body of precedent of the department or board or interpreted as changing the rights of intervenors  
1250 before the department or board.

1251           SECTION 70. Section 69O of said chapter 164, as so appearing, is hereby amended by  
1252 striking out, in lines 7 and 8, the words “sixty-one to sixty-two H, inclusive, of chapter thirty”  
1253 and inserting in place thereof the following words:- 61 to 62L, inclusive, of chapter 30.

1254           SECTION 71. Said chapter 164 is hereby further amended by striking out section 69P, as  
1255 so appearing, and inserting in place thereof the following section:-

1256           Section 69P. Any party in interest aggrieved by a final decision of the board or the  
1257 director shall have a right to judicial review in the manner provided by section 5 of chapter 25.

1258 The scope of such judicial review shall be limited to whether the decision of the board or the  
1259 director: (i) is in conformity with the Constitution of the Commonwealth and the United states  
1260 Constitution; (ii) was made in accordance with the procedures established in section 69H to 69O,  
1261 inclusive, and section 69T to 69W, inclusive, and the rules and regulations of the board with  
1262 respect to such provisions; (iii) was supported by substantial evidence of record in the board's  
1263 proceedings; or (iv) was arbitrary, capricious or an abuse of the board's discretion under said  
1264 section 69H to 69O, inclusive, and said section 69T to 69W, inclusive.

1265 SECTION 72. Said chapter 164 is hereby further amended by striking out section 69R, as  
1266 so appearing, and inserting in place thereof the following section:-

1267 Section 69R. An electric or gas company, generation company or wholesale generation  
1268 company may petition the board for the right to exercise the power of eminent domain with  
1269 respect to a facility, large clean transmission and distribution infrastructure facility or small clean  
1270 transmission and distribution infrastructure facility, specified and contained in a petition or  
1271 application submitted in accordance with sections 69J, 69T or 69U, or a bulk power supply  
1272 substation if such company is unable to reach an agreement with the owners of land for the  
1273 acquisition of any necessary estate or interest in land. The applicant shall forward, at the time of  
1274 filing such petition, a copy thereof to each city, town and property owner affected.

1275 The company shall file with such petition or have annexed thereto: (i) a statement of the  
1276 use for which such land is to be taken; (ii) a description of land to be taken sufficient for the  
1277 identification thereof; (iii) a statement of the estate or interest in the land to be taken for such  
1278 use; (iv) a plan showing the land to be taken; (v) a statement of the sum of money established by

1279 such utility to be just compensation for the land to be taken; and (vi) such additional maps and  
1280 information as the board requires.

1281 The board, after such notice as it may direct, shall hold at least 1 public hearing in the  
1282 community in which the land to be taken is located. For facilities involving takings in several  
1283 communities, the hearing shall be held in communities in proximity to the land to be taken, as  
1284 determined by the board. The board may thereafter authorize the company to take by eminent  
1285 domain under chapter 79 such lands necessary for the construction of the facility as are required  
1286 in the public interest, convenience and necessity. The board shall transmit a certified copy of its  
1287 order to the company and to the clerk of each affected municipality.

1288 If the board dismisses the petition at any stage in the proceedings, no further action shall  
1289 be taken thereon and the company may file a new petition not less than 1 year after the date of  
1290 such dismissal.

1291 Following a taking under this section, the electric or gas company may forthwith proceed  
1292 to utilize such land. If the electric or gas company shall not utilize the lands so taken for the  
1293 purpose or purposes authorized in the department's order within such time as the board shall  
1294 determine, its rights under such taking shall cease and terminate.

1295 No land, rights of way or other easements therein in any public way, public park,  
1296 reservation or other land subject to Article 97 of the Amendments to the Constitution of the  
1297 Commonwealth shall be taken by eminent domain under this section except in accordance with  
1298 said Article 97.

1299 This section shall not be construed as abrogating the board's jurisdiction described in  
1300 section 72 in respect to transmission lines or the board's jurisdiction described in sections 75B to  
1301 75G, inclusive, in respect to natural gas transmission lines.

1302 SECTION 73. The second paragraph of section 69S of said chapter 164, as so appearing,  
1303 is hereby amended by striking out the first sentence and inserting in place thereof the following  
1304 sentence:- The board, after such notice as it may direct, shall hold at least 1 public hearing in the  
1305 city or town in which the greater portion of said land in question is located.

1306 SECTION 74. Said chapter 164 is hereby further amended by inserting after section 69S  
1307 the following 4 sections:-

1308 Section 69T. (a) The energy facilities siting board may issue consolidated permits for  
1309 large clean energy infrastructure facilities. No applicant shall commence construction of a large  
1310 clean energy infrastructure facility at a site unless an application for a consolidated permit for  
1311 such facility pursuant to this section has been approved by the board and no state agency shall  
1312 issue a construction permit for any such facility unless the petition to construct such facility has  
1313 been approved by the board. For the purposes of this section, construction shall not include  
1314 contractual obligations to purchase facilities or equipment.

1315 (b) The board shall establish the following criteria governing the siting and permitting of  
1316 large clean energy infrastructure facilities: (i) a uniform set of baseline health, safety,  
1317 environmental and other standards that apply to the issuance of a consolidated permit; (ii) a  
1318 common standard application to be used when submitting an application to the board; (iii) pre-  
1319 filing requirements commensurate with the scope and scale of the proposed large clean energy  
1320 infrastructure facility, which shall include specific requirements for pre-filing consultations with

1321 permitting agencies and the Massachusetts environmental policy act office, public meetings and  
1322 other forms of outreach that must occur in advance of an applicant submitting an application; (iv)  
1323 standards for applying site suitability criteria developed by the executive office of energy and  
1324 environmental affairs pursuant to section 30 of chapter 21A to evaluate the social and  
1325 environmental impacts of proposed large clean energy infrastructure project sites and which shall  
1326 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize  
1327 or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment,  
1328 people and goals and objectives of the commonwealth for climate mitigation, carbon storage and  
1329 sequestration, resilience, biodiversity and protection of natural and working lands to the extent  
1330 practicable; (v) standards for applying the cumulative impacts analysis standards and guidelines  
1331 developed by the office of environmental justice and equity pursuant to section 29 of chapter  
1332 21A; (vi) standard permit conditions and requirements for a single permit consolidating all  
1333 necessary local, regional and state approvals to be issued to different types of large clean energy  
1334 infrastructure facilities in the event that constructive approval is triggered through the non-  
1335 issuance of a permit by the board pursuant to subsection (i); and (vii) entities responsible for  
1336 compliance and enforcement of permit conditions, including in the event of sale of large clean  
1337 energy infrastructure facilities after permitting.

1338 (c) An application for a consolidated permit for a large clean transmission and  
1339 distribution infrastructure facility shall include, in such form and detail as the board shall from  
1340 time to time prescribe: (i) a description of the large clean transmission and distribution  
1341 infrastructure facility, site and surrounding areas; (ii) an analysis of the need for the large clean  
1342 transmission and distribution infrastructure facility, either within or outside or both within and  
1343 outside the commonwealth, including a description of energy benefits; (iii) a description of the

1344 alternatives to the large clean transmission and distribution infrastructure facility, including  
1345 siting and project alternatives to avoid or minimize or, if impacts cannot be avoided or  
1346 minimized, mitigate impacts; (iv) a description of the environmental impacts of the large clean  
1347 transmission and distribution infrastructure facility, including both environmental burdens and  
1348 benefits such as shared use, recreational paths or access to nature; (v) evidence that all pre-filing  
1349 consultation and community engagement requirements established by the board have been  
1350 satisfied and, if not, a demonstration of good cause for a waiver of the requirements that could  
1351 not be satisfied by the applicant; and (vi) a cumulative impact analysis. The board may issue and  
1352 revise filing guidelines after public notice and a period for comment.

1353 (d) An application for a consolidated permit for a large clean energy generation facility or  
1354 large clean energy storage facility shall include, in such form and detail as the board shall from  
1355 time to time prescribe: (i) a description of the large clean energy generation facility's or large  
1356 clean energy storage facility's site and surrounding areas, including any ancillary structures and  
1357 related facilities and a description of the energy benefits of the large clean energy generation  
1358 facility or large clean energy storage facility; (ii) a description of the environmental impacts of  
1359 the large clean energy generation facility or large clean energy storage facility, including both  
1360 environmental benefits and burdens; (iii) a description of the project site selection process and  
1361 alternatives analysis used in choosing the location of the proposed large clean energy generation  
1362 facility or large clean energy storage facility to avoid or minimize or, if impacts cannot be  
1363 avoided or minimized, mitigate impacts; (iv) evidence that all pre-filing consultation and  
1364 community requirements established by the board have been satisfied and, if not, a  
1365 demonstration of good cause for a waiver of the requirements that could not be satisfied by the



1366 applicant; and (v) a cumulative impact analysis. The board may issue and revise filing guidelines  
1367 after public notice and a period for comment.

1368 (e) Review by the board of the application shall be an adjudicatory proceeding under  
1369 chapter 30A. The authority of the board to conduct the adjudicatory proceeding under this  
1370 section may be delegated in whole or in part to the employees of the department. Pursuant to the  
1371 rules of the board, such employees shall report back to the board with recommended decisions  
1372 for final action thereon.

1373 (f) The board shall determine whether a large clean energy infrastructure facility permit  
1374 application is complete within 30 days of receipt of the application. If an application is deemed  
1375 not complete, the applicant shall have 30 days to cure any deficiencies identified by the board  
1376 before the application is rejected. The board may provide extensions of time to cure deficiencies  
1377 if the applicant can demonstrate extenuating circumstances.

1378 (g) The board shall conduct a public hearing in at least 1 of the affected cities or towns in  
1379 which a large clean energy infrastructure facility would be located.

1380 (h) Following a determination by the board that an application for a large clean energy  
1381 infrastructure facility is complete, all municipal, regional and state agencies, authorities, boards,  
1382 commissions, offices or other entities that would otherwise be required to issue at least 1 permit  
1383 to the facility shall be deemed to be substantially and specifically affected by the proceeding and  
1384 upon notification to the board shall have intervenor status in the proceeding to review the  
1385 facility's application. All municipal, regional and state agencies, authorities, boards,  
1386 commissions, offices or other entities that would otherwise be required to issue at least 1 permit  
1387 to the facility shall be afforded an opportunity to submit statements of recommended permit

1388 conditions to the board relative to the respective permits that each agency, authority, board,  
1389 commission, office or other entity would otherwise be responsible for issuing.

1390 (i) The board shall establish timeframes for reviewing different types of large clean  
1391 energy infrastructure facilities based on the complexity of the facility, the need for an exemption  
1392 from local zoning requirements and community impacts, but in no instance shall the board take  
1393 more than 15 months from the determination of application completeness to render a final  
1394 decision on an application. The board shall have the authority to approve, approve with  
1395 conditions or reject a consolidated permit application. If no final decision is issued within the  
1396 deadline established by the board for the type of large clean energy infrastructure facility, the  
1397 board shall issue a permit granting approval to construct that includes the common conditions  
1398 and requirements established by the board through regulations for the type of large clean energy  
1399 infrastructure facility under review, which shall be deemed a final decision of the board. A  
1400 consolidated permit, if issued, shall be in the form of a composite of all individual permits,  
1401 approvals or authorizations that would otherwise be necessary for the construction and operation  
1402 of the large clean energy infrastructure facility and that portion of the consolidated permit that  
1403 relates to subject matters within the jurisdiction of a municipal, regional or state agency,  
1404 authority, board, commission, office or other entity shall be enforced by said agency, authority,  
1405 board, commission, office or other entity under other applicable laws of the commonwealth as if  
1406 the consolidated permit had been directly granted by said agency, authority, board, commission,  
1407 office or other entity.

1408 Section 69U. (a) Upon request by an applicant and upon a showing of good cause, the  
1409 board may issue a consolidated permit for a small clean transmission and distribution  
1410 infrastructure facility that is not automatically subject to the jurisdiction of the board pursuant to

1411 section 69G, if the applicant petitions the board to be granted a consolidated permit for such  
1412 facility. The board shall review such petition in accordance with subsections (b) and (c). The  
1413 board may issue such consolidated permit upon finding that the small clean transmission and  
1414 distribution infrastructure facility will serve the public convenience and is consistent with the  
1415 public interest. Upon application for a consolidated permit under this section, no applicant shall  
1416 commence construction of a small clean transmission and distribution infrastructure facility at a  
1417 site unless a consolidated permit for construction of that small clean transmission and  
1418 distribution infrastructure facility pursuant to this section has been approved by the board. For  
1419 purposes of this section, “construction” shall not include contractual obligations to purchase such  
1420 facilities or equipment.

1421 (b) The board shall establish the same criteria governing the siting and permitting of  
1422 small clean transmission and distribution infrastructure facilities eligible to submit an application  
1423 under this section as it is required to establish for large clean energy infrastructure facilities  
1424 pursuant to subsection (b) of section 69T. An application for a consolidated permit for a small  
1425 clean transmission and distribution infrastructure facility shall include the same elements as  
1426 required for large clean transmission and distribution infrastructure facilities under subsection (c)  
1427 of said section 69T. Subject to subsection (c), subsections (d) to (i), inclusive, of said section 69T  
1428 shall apply to the process followed by the board regarding the issuance of a consolidated permit  
1429 to any small clean transmission and distribution infrastructure facility under this section.

1430 (c) The board shall establish timeframes and procedures for reviewing different types of  
1431 small clean transmission and distribution infrastructure facilities based on the complexity of the  
1432 facility and the need for an exemption from local zoning requirements, but in no instance shall  
1433 the board take more than 12 months from the determination of application completeness to

1434 render a final decision on an application. The board shall have the authority to approve, approve  
1435 with conditions or reject a permit application. If no final decision is issued within the deadline  
1436 for the type of small clean transmission and distribution infrastructure facility established by the  
1437 board, the board shall issue a permit granting approval to construct that adopts the common  
1438 conditions and requirements established by the board in regulation for the type of small clean  
1439 transmission and distribution infrastructure facility under review, which shall be deemed a final  
1440 decision of the board. A consolidated permit, if issued, shall be in the form of a composite of all  
1441 individual permits, approvals or authorizations that would otherwise be necessary for the  
1442 construction and operation of the small clean transmission and distribution infrastructure facility  
1443 and the portion of the consolidated permit that relates to subject matters within the jurisdiction of  
1444 a municipal, regional or state agency, authority, board, commission, office or other entity shall  
1445 be enforced by said agency, authority, board, commission, office or other entity under the other  
1446 applicable laws of the commonwealth as if the consolidated permit had been directly granted by  
1447 said agency, authority, board, commission, office or other entity.

1448           Section 69V. (a) The board may issue a consolidated permit for a small clean energy  
1449 generation facility or a small clean energy storage facility. An owner or proponent of a small  
1450 clean energy generation facility or a small clean energy storage facility may submit an  
1451 application to the board to be granted a consolidated permit that shall include all state permits  
1452 necessary to construct the small clean energy generation facility or small clean energy storage  
1453 facility. All local government permits and approvals for a small clean energy generation facility  
1454 or a small clean energy storage facility shall be issued separately pursuant to section 21 of  
1455 chapter 25A.

1456 (b) The board shall establish the same criteria governing the siting and permitting of  
1457 small clean energy generation facilities and small clean energy storage facilities eligible to  
1458 submit an application under this section as it is required to establish for large clean energy  
1459 infrastructure facilities pursuant to subsection (b) of section 69T. An application for a  
1460 consolidated permit for a small clean energy generation facility or small clean energy storage  
1461 facility eligible to submit an application under this section shall include the same elements as  
1462 required for a large clean energy generation facility and a large clean energy storage facility  
1463 under subsection (d) of said section 69T. Subsections (e) to (g), inclusive, of said section 69T  
1464 shall apply to the issuance of a consolidated permit to any small clean energy generation facility  
1465 or small clean energy storage facility under this section.

1466 (c) The board shall not take more than 12 months from the determination of application  
1467 completeness to render a final decision on an application. The board may approve, approve with  
1468 conditions or reject a permit application. If no final decision is issued within the deadline for the  
1469 type of small clean energy generation facility or small clean energy storage facility established  
1470 by the board, the board shall issue a permit granting approval to construct that adopts the  
1471 common conditions and requirements established by the board in regulation for the type of small  
1472 clean energy generation facility or small clean energy storage facility under review, which shall  
1473 be deemed a final decision of the board. A consolidated permit shall be in the form of a  
1474 composite of all individual permits, approvals or authorizations that would otherwise be  
1475 necessary for the construction and operation of the small clean energy generation facility or  
1476 small clean energy storage facility and that portion of the consolidated permit that relates to  
1477 subject matters within the jurisdiction of a municipal, regional or state agency, authority, board,  
1478 commission, office or other entity shall be enforced by said agency, authority, board,

1479 commission, office or other entity under the other applicable laws of the commonwealth as if the  
1480 consolidated permit had been directly granted by said agency, authority, board, commission,  
1481 office or other entity.

1482           Section 69W. (a) An owner or proponent of a small clean energy infrastructure facility  
1483 that has received a final decision on, or a constructive approval of, a consolidated permit  
1484 application from a local government, as defined in section 21 of chapter 25A, or other parties  
1485 substantially and specifically affected by the decision of the local government may submit a  
1486 request for a de novo adjudication of the local permit application by the director. Subject to  
1487 subsection (g) of said section 21 of said chapter 25A, a local government may also submit a  
1488 request for a de novo adjudication if their resources, capacity and staffing do not allow for  
1489 review of a small clean energy infrastructure facility's permit application within the required  
1490 maximum 12-month timeframe for local government review established in said section 21 of  
1491 said chapter 25A. Review by the director of the request for de novo adjudication shall be deemed  
1492 an adjudicatory proceeding under chapter 30A.

1493           (b) A request for a de novo adjudication by an owner or proponent of a small clean  
1494 energy infrastructure facility or other party substantially and specifically affected by a final  
1495 decision of a local government shall be filed within 30 days of such decision.

1496           (c) Upon determination that at least 1 party seeking a de novo adjudication is  
1497 substantially and specifically affected, the director of the board shall review the request and the  
1498 local government's final decision for consistency with the regulations adopting statewide  
1499 permitting standards for such facilities established by the department of energy resources  
1500 pursuant to section 21 of chapter 25A. The director shall render a decision on the request within

1501 6 months of receipt of the application and such decision shall be final. If the local government's  
1502 decision is found to be inconsistent with the regulatory standards established by the department  
1503 of energy resources, the director may issue a final decision that supersedes the local  
1504 government's prior decision and imposes new local permit conditions that are consistent with the  
1505 laws of the commonwealth.

1506 (d) The board shall establish regulations governing the process the director shall follow to  
1507 conduct the review of requests for de novo adjudication under this section.

1508 SECTION 75. Said chapter 164 is hereby further amended by striking out sections 72 and  
1509 72A, as appearing in the 2022 Official Edition, and inserting in place thereof the following 2  
1510 sections:-

1511 Section 72. An electric company, distribution company, generation company,  
1512 transmission company or any other entity providing or seeking to provide transmission service  
1513 may petition the energy facilities siting board for authority to construct and use, or to continue to  
1514 use as constructed or with altered construction, a line for the transmission of electricity for  
1515 distribution in some definite area or for supplying electricity to itself, another electric company  
1516 or a municipal lighting plant for distribution and sale or to a railroad, street railway or electric  
1517 railroad for the purpose of operating it and shall represent that such line will or does serve the  
1518 public convenience and is consistent with the public interest. The company or other entity  
1519 providing or seeking to provide transmission service shall forward at the time of filing such  
1520 petition a copy thereof to each municipality within such area. The company or other entity shall  
1521 file with such petition a general description of such transmission line and a map or plan showing  
1522 the municipalities through which the line will or does pass and its general location. The company

1523 or other entity shall also furnish an estimate showing in reasonable detail the cost of the line and  
1524 such additional maps and information as the energy facilities siting board requires. The energy  
1525 facilities siting board, after notice and a public hearing in at least 1 of the municipalities affected,  
1526 may determine that said line is necessary for the purpose alleged, will serve the public  
1527 convenience and is consistent with the public interest. If the electric company, distribution  
1528 company, generation company or transmission company or any other entity providing or seeking  
1529 to provide transmission service shall file with the energy facilities siting board a map or plan of  
1530 the transmission line showing the municipalities through which it will or does pass, the public  
1531 ways, railroads, railways, navigable streams and tide waters in the municipality named in said  
1532 petition that it will cross and the extent to which it will be located upon private land or upon,  
1533 under or along public ways and places, the energy facilities siting board, after such notice as it  
1534 may direct, shall hold a public hearing in at least 1 of the municipalities through which the line  
1535 passes or is intended to pass. The energy facilities siting board may by order authorize an electric  
1536 company, distribution company, generation company, transmission company or any other entity  
1537 to take by eminent domain under chapter 79 such lands or such rights of way or widening thereof  
1538 or other easements therein necessary for the construction and use or continued use as constructed  
1539 or with altered construction of such line along the route prescribed in the order of the energy  
1540 facilities siting board. The energy facilities siting board shall transmit a certified copy of its order  
1541 to the company and the clerk of each affected municipality. The company or other entity may at  
1542 any time before such hearing modify the whole or a part of the route of said line, either of its  
1543 own motion or at the insistence of the energy facilities siting board or otherwise and, in such  
1544 case, shall file with the energy facilities siting board maps, plans and estimates as aforesaid  
1545 showing such changes. If the energy facilities siting board dismisses the petition at any stage in



1546 said proceedings, no further action shall be taken thereon and the company may file a new  
1547 petition not less than 1 year after the date of such dismissal. When a taking under this section is  
1548 effected, the company may forthwith, except as hereinafter provided, proceed to erect, maintain  
1549 and operate thereon said line. If the company or other entity does not enter upon and construct  
1550 such line upon the land so taken within 1 year thereafter, its right under such taking shall cease  
1551 and terminate. No lands or rights of way or other easements therein shall be taken by eminent  
1552 domain under the provisions of this section in any public way, public place, park or reservation  
1553 or within the location of any railroad, electric railroad or street railway company except with the  
1554 consent of such company and on such terms and conditions as it may impose or except as  
1555 otherwise provided in this chapter and no electricity shall be transmitted over any land, right of  
1556 way or other easement taken by eminent domain as herein provided until the electric company,  
1557 distribution company, generation company, transmission company or any other entity shall have  
1558 acquired from the select board, city council or such other authority having jurisdiction all  
1559 necessary rights in the public ways or public places in the municipality or municipalities, or in  
1560 any park or reservation, through which the line will or does pass. No land, rights of way or other  
1561 easements therein in any public way, public park, reservation or other land subject to Article 97  
1562 of the Amendments to the Constitution of the Commonwealth shall be taken by eminent domain  
1563 under this section except in accordance with said Article 97. No entity shall be authorized under  
1564 this section or section 69R or section 24 of chapter 164A to take by eminent domain any lands or  
1565 rights of way or other easements therein held by an electric company or transmission company to  
1566 support an existing or proposed transmission line without the consent of the electric company or  
1567 transmission company.

1568 No electric company, distribution company, generation company, transmission company  
1569 or any other entity providing or seeking to provide transmission services shall be required to  
1570 petition the energy facilities siting board under this section unless it is seeking authorization to  
1571 take lands, rights of way or other easements under chapter 79.

1572 Section 72A. The energy facilities siting board may, upon petition, authorize an electric  
1573 company to enter upon lands of any person or corporation for the purpose of making a survey  
1574 preliminary to eminent domain proceedings. The energy facilities siting board shall give notice  
1575 of the authorization granted, by registered mail, to the landowners involved not less than 5 days  
1576 prior to any entry by such electric company. The company entering upon any such lands shall be  
1577 subject to liability for any damages occasioned thereby to be recovered under chapter 79.

1578 SECTION 76. Said chapter 164 is hereby further amended by striking out section 75C, as  
1579 so appearing, and inserting in place thereof the following section:-

1580 Section 75C. A natural gas pipeline company may petition the energy facilities siting  
1581 board for the right to exercise the power of eminent domain under chapter 79. Such company  
1582 shall file with the petition a general description of the pipeline and a map or plan thereof  
1583 showing the rights of way, easements and other interests in land or other property proposed to be  
1584 taken for such use, the towns through which the pipeline will pass, the public ways, railroads,  
1585 railways, navigable streams and tide waters in the towns named in the petition that it will cross  
1586 and the extent to which it will be located upon private land and upon, under or along public  
1587 ways, lands and places. Upon the filing of such petition, the energy facilities siting board, after  
1588 such notice as it may direct, shall provide notice to each municipality through which the pipeline  
1589 is intended to pass and hold a public hearing in at least 1 of the towns through which the pipeline

1590 is intended to pass and may, by order, authorize the company to take by eminent domain under  
1591 said chapter 79 such lands or such rights of way, easements or other interests in land or other  
1592 property necessary for the construction, operation, maintenance, alteration and removal of the  
1593 pipeline, compressor stations, appliances, appurtenances and other equipment along the route  
1594 described in the order of the energy facilities siting board. The energy facilities siting board shall  
1595 transmit a certified copy of its order to the company and the town clerk of each affected town. At  
1596 any time before such hearing, the company may modify the whole or a part of the route of the  
1597 pipeline, either of its own motion or at the insistence of the energy facilities siting board or  
1598 otherwise and, in such case, shall file with the energy facilities siting board maps, plans and  
1599 estimates showing such changes. If the energy facilities siting board dismisses the petition at any  
1600 stage in the proceedings, no further action shall be taken thereon and the company may file a  
1601 new petition not sooner than 1 year after the date of such dismissal.

1602           When a taking under this section is effected, the company may forthwith, except as  
1603 hereinafter provided, proceed to construct, install, maintain and operate thereon such pipeline. If  
1604 the company shall not enter upon and construct such line upon the land so taken within 1 year  
1605 thereafter, its right under such taking shall cease and terminate. No lands or rights of way or  
1606 easements therein shall be taken by eminent domain under the provisions of this section in any  
1607 public way, public place, park or reservation or within the location of any railroad, electric  
1608 railroad or street railway company, except that such pipeline may be constructed under any  
1609 public way or any way dedicated to the public use; provided, however, that the rights granted  
1610 hereunder shall not affect the right or remedy to recover damages for an injury caused to persons  
1611 or property by the acts of such company; provided further, that such company shall put all such  
1612 streets, lanes and highways in as good repair as they were when opened by such company and

1613 the method of such construction and the plans and specifications therefor have been approved  
1614 either generally or in any particular instance by the energy facilities siting board or, in the case of  
1615 state highways, by the department of highways. A natural gas pipeline company may construct  
1616 such lines under, over or across the location on private land of any railroad, electric railroad or  
1617 street railway corporation subject to section 73. Rights of way, buildings, structures or lands to  
1618 be used in the construction of such pipelines over or upon the lands referred to therein shall be  
1619 governed by section 34A of chapter 132.

1620 SECTION 77. The first paragraph of section 92 of said chapter 164, as so appearing, is  
1621 hereby amended by adding the following 2 sentences:- Notwithstanding any general or special  
1622 law to the contrary, in determining whether to issue an order directing a corporation to supply a  
1623 petitioner with gas service, the department shall consider: (i) whether the grant of the petition is  
1624 in the public interest, including the public interest in reducing greenhouse gas emissions and  
1625 complying with the limits and sublimits established pursuant to chapter 21N; and (ii) whether, in  
1626 the totality of the circumstances, the petitioner can secure adequate substitutes for gas-fired  
1627 services for space heating, water heating and cooking appliances which, in the case of space  
1628 heating, may include thermal energy that provides heating or cooling without combustion. The  
1629 department may, in order to advance the public interest in reducing greenhouse gas emissions  
1630 and complying with the limits and sublimits established pursuant to said chapter 21N, order  
1631 actions that may vary the uniformity of the availability of natural gas service.

1632 SECTION 78. Subsection (c) of section 92B of said chapter 164, as so appearing, is  
1633 hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 3  
1634 clauses:-

1635 (ii) consider and include a summary of all proposed and related investments, alternatives  
1636 to these investments and alternative approaches to financing these investments that have been  
1637 reviewed, are under consideration or have been approved by the department previously;

1638 (iii) solicit input, such as planning scenarios and modeling, from the Grid Modernization  
1639 Advisory Council established in section 92C, respond to information and document requests  
1640 from said council and conduct technical conferences and not less than 2 stakeholder meetings to  
1641 inform the public, appropriate state and federal agencies and companies engaged in the  
1642 development and installation of distributed generation, energy storage, vehicle electrification  
1643 systems and building electrification systems; and

1644 (iv) prepare and file a climate vulnerability and resilience plan at least once every 5 years  
1645 based on best available data, which shall include, but not be limited to, the following:

1646 (A) an evaluation of the climate science and projected sea level rise, extreme  
1647 temperature, precipitation, humidity and storms and other climate-related risks for the service  
1648 territory;

1649 (B) an evaluation and risk assessment of potential impacts of climate change on existing  
1650 operation, planning and physical assets;

1651 (C) identification, prioritization and cost-benefit analysis of adaptation options to  
1652 increase asset and system-wide resilience over time;

1653 (D) a community engagement plan with targeted engagement for environmental justice  
1654 populations in the service territory; and

1655 (E) an implementation timeline for making changes in line with the findings of the study  
1656 such as modifying design and construction standards, modifying operations and planning  
1657 processes and relocating or upgrading existing infrastructure to ensure reliability and resilience  
1658 of the grid.

1659 SECTION 79. Said chapter 164 is hereby further amended by inserting after section  
1660 116B, the following section:-

1661 Section 116C. (a) Distribution companies deploying advanced metering infrastructure in  
1662 their territories shall jointly establish a centralized data repository to allow customers and third  
1663 parties, including competitive suppliers, access to advanced metering data, including billing,  
1664 interval usage and load data, in near-real time for all customer classes. The centralized data  
1665 repository shall be developed in a cost-effective manner as approved by the department.

1666 (b) A supplier or other third party shall be entitled to access detailed advanced metering  
1667 infrastructure customer data from the centralized data repository, subject to appropriate customer  
1668 approval and protections. Advanced metering infrastructure data may include, but shall not be  
1669 limited to, customer billing period usage data, peak demand, supplier information and relevant  
1670 account information.

1671 (c) Electric customers may opt out of inclusion in the implementation of advanced  
1672 metering infrastructure with notice to the distribution company. Upon receiving such notice, the  
1673 distribution company shall remove the customer from the implementation plan, notify the  
1674 department of the customer's decision to opt out of such implementation plan in a manner  
1675 determined by the department and charge such a customer any reasonable and necessary fees for  
1676 delivering non-advanced metering service.

1677 (d) Distribution companies shall implement accelerated switching permitting a residential  
1678 or small commercial electric customer to change suppliers within 3 business days. Customers  
1679 moving within a distribution company's territory shall be permitted to transfer their supplier  
1680 directly to their new service location without being required to switch to an interim rate provided  
1681 by the distribution company or other supplier. Customers establishing electric service shall be  
1682 permitted to take service from their supplier on the first day of service. Customers shall not be  
1683 required to take basic service from a distribution company prior to selecting and switching to a  
1684 supplier. Notwithstanding the requirements of this subsection, a distribution company shall not  
1685 implement accelerated switching until the advanced metering infrastructure, approved by the  
1686 department in calendar year 2022 as part of a company's grid modernization plan, is fully  
1687 deployed.

1688 (e) Distribution companies shall be entitled to recovery of prudent and necessary  
1689 expenses for the implementation of advanced metering data repositories. The department may  
1690 implement penalties for failure of distribution companies to meet implementation goals.

1691 SECTION 80. Section 141 of said chapter 164, as appearing in the 2022 Official Edition,  
1692 is hereby amended by striking out the last sentence and inserting in place thereof the following  
1693 sentence:- Where the scale of on-site generation would have an impact on affordability for low  
1694 income or eligible moderate income customers, a fully compensating adjustment shall be made  
1695 to the low income or moderate income rate discount.

1696 SECTION 81. Said chapter 164 is hereby further amended by striking out section 145, as  
1697 so appearing, and inserting in place thereof the following section:-

1698 Section 145. (a) For the purposes of this section, the following words shall have the  
1699 following meanings unless the context clearly requires otherwise,:-

1700 “Customer”, a retail natural gas customer.

1701 “Eligible infrastructure measure”, a replacement, retirement or an improvement of  
1702 existing infrastructure of a gas company that: (i) is made on or after January 1, 2015; (ii) is  
1703 designed to improve public safety or infrastructure reliability; (iii) does not increase the revenue  
1704 of a gas company by connecting an improvement for a principal purpose of serving new  
1705 customers; (iv) reduces, or has the potential to reduce, lost and unaccounted for natural gas  
1706 through a reduction in natural gas system leaks; (v) is not included in the current rate base of the  
1707 gas company as determined in the gas company's most recent rate proceeding; (vi) may include  
1708 use of advanced leak repair technology approved by the department to repair an existing leak-  
1709 prone gas pipe to extend the useful life of the such gas pipe by no less than 10 years; and (vii)  
1710 may include replacing gas infrastructure with utility-scale non-emitting renewable thermal  
1711 energy infrastructure.

1712 “Non-emitting renewable thermal infrastructure”, utility-scale distribution infrastructure  
1713 that supplies heating or cooling from energy sources that do not emit greenhouse gas emissions  
1714 as defined in section 1 of chapter 21N; provided, however, that such infrastructure may include,  
1715 but shall not be limited to including, infrastructure for networked geothermal and deep  
1716 geothermal energy.

1717 “Plan”, a detailed compilation of eligible infrastructure measures that a gas company files  
1718 pursuant to subsection (b).



1719 “Project”, an eligible infrastructure measure proposed by a gas company in a plan filed  
1720 under this section.

1721 (b) A gas company shall file with the department a plan to address aging or leaking  
1722 natural gas infrastructure within the commonwealth and the leak rate on the gas company's  
1723 natural gas infrastructure in the interest of public safety and reducing lost and unaccounted for  
1724 natural gas through a reduction in natural gas system leaks. Each company's gas infrastructure  
1725 plan shall include interim targets for the department's review. The department shall review these  
1726 interim targets to ensure each gas company is meeting the appropriate pace to reduce the leak  
1727 rate in a safe and timely manner and comply with the limits and sublimits established pursuant to  
1728 chapter 21N of the general laws. The interim targets shall be for periods of not more than 6 years  
1729 or at the conclusion of 2 complete 3-year walking survey cycles conducted by the gas company.  
1730 The gas companies shall incorporate these interim targets into timelines for removing all leak-  
1731 prone infrastructure filed pursuant to subsection (c) and may update them based on overall  
1732 progress. The department may levy a penalty against any gas company that fails to meet its  
1733 interim target in an amount up to and including the equivalent of 2.5 per cent of such gas  
1734 company's transmission and distribution service revenues for the previous calendar year.

1735 (c) Any plan filed with the department shall include, but not be limited to: (i) eligible  
1736 infrastructure measures concerning mains, services, meter sets and other ancillary facilities  
1737 composed of non-cathodically protected steel, cast iron and wrought iron, prioritized to  
1738 implement the federal gas distribution pipeline integrity management plan annually submitted to  
1739 the department and consistent with subpart P of 49 C.F.R. part 192; (ii) an anticipated timeline  
1740 for the completion of each project; (iii) the estimated cost of each project; (iv) rate change  
1741 requests; (v) a description of customer costs and benefits under the plan, including the costs of

1742 potential stranded assets and the benefits of avoiding financial exposure to such assets; (vi) the  
1743 relocations, where practical, of a meter located inside of a structure to the outside of said  
1744 structure for the purpose of improving public safety; and (vii) any other information the  
1745 department considers necessary to evaluate the plan.

1746         As part of each plan filed under this section, a gas company shall include a timeline for  
1747 removing or remediating all leak-prone infrastructure on an accelerated basis specifying an  
1748 annual pace and program end date with a target end date of: (i) not more than 20 years from the  
1749 filing of a gas company's initial plan; or (ii) a reasonable target end date considering the  
1750 allowable recovery cap established pursuant to subsection (f). The department shall not approve  
1751 a timeline as part of a plan unless the allowable recovery cap established pursuant to subsection  
1752 (f) provides the gas company with a reasonable opportunity to recover the costs associated with  
1753 removing or remediating all leak-prone infrastructure on the accelerated basis set forth under the  
1754 timeline utilizing the cost recovery mechanism established pursuant to this section. After filing  
1755 the initial plan, a gas company shall, at 5-year intervals, provide the department with a summary  
1756 of its progress to date, a summary of work to be completed during the next 5 years and any  
1757 similar information the department may require. The department may require a gas company to  
1758 file an updated long-term timeline as part of a plan if it alters the cap established pursuant to  
1759 subsection (f).

1760         (d) If a gas company files a plan on or before October 31 for the subsequent construction  
1761 year, the department shall review the plan within 6 months. The plan shall be effective as of the  
1762 date of filing, pending department review. The department may modify a plan prior to approval  
1763 at the request of a gas company or make other modifications to a plan as a condition of approval.  
1764 The department shall consider the costs and benefits of the plan including, but not limited to,

1765 impacts on ratepayers, reductions of lost and unaccounted for natural gas through a reduction in  
1766 natural gas system leaks and improvements to public safety, and reducing greenhouse gas  
1767 emissions in compliance with the limits and sublimits established in chapter 21N. The  
1768 department shall give priority to plans narrowly tailored to addressing leak-prone infrastructure  
1769 most immediately in need of remediation.

1770 (e) If a plan is in compliance with this section and the department determines the plan  
1771 operates in a balanced manner to reasonably accelerate eligible infrastructure measures and  
1772 provide benefits, the department shall issue preliminary acceptance of the plan in whole or in  
1773 part. A gas company shall then be permitted to begin recovery of the estimated costs of projects  
1774 included in the plan beginning on May 1 of the year following the initial filing and collect any  
1775 revenue requirement, including depreciation, property taxes and return associated with the plan.

1776 (f) On or before May 1 of each year, a gas company shall file final project documentation  
1777 for projects completed in the prior year to demonstrate substantial compliance with the plan  
1778 approved pursuant to subsection (e) and that project costs were reasonably and prudently  
1779 incurred. The department shall investigate project costs within 6 months of submission and shall  
1780 approve and reconcile the authorized rate factor, if necessary, upon a determination that the costs  
1781 were reasonable and prudent. Annual changes in the revenue requirement eligible for recovery  
1782 shall not exceed (i) 1.5 per cent of the gas company's most recent calendar year total firm  
1783 revenues, including gas revenues attributable to sales and transportation customers, or (ii) an  
1784 amount determined by the department that is greater than 1.5 per cent of the gas company's most  
1785 recent calendar year total firm revenues, including gas revenues attributable to sales and  
1786 transportation customers. Any revenue requirement approved by the department in excess of  
1787 such cap may be deferred for recovery in the following year.

1788 (g) All rate change requests made to the department pursuant to an approved plan, shall  
1789 be filed annually on a fully reconciling basis, subject to final determination by the department  
1790 pursuant to subsection (f). The rate change included in a plan pursuant to section (c), reviewed  
1791 pursuant to subsection (d) and taking effect each May 1 pursuant to subsection (e) shall be  
1792 subject to investigation by the department pursuant to subsection (f) to determine whether the gas  
1793 company has over collected or under collected its requested rate adjustment with such over  
1794 collection or under collection reconciled annually. If the department determines that any of the  
1795 costs were not reasonably or prudently incurred, the department shall disallow the costs and  
1796 direct the gas company to refund the full value of the costs charged to customers with the  
1797 appropriate carrying charges on the over-collected amounts. If the department determines that  
1798 any of the costs were not in compliance with the approved plan, the department shall disallow  
1799 the costs from the cost recovery mechanism established under this section and shall direct the gas  
1800 company to refund the full value of the costs charged to customers with the appropriate carrying  
1801 charges on the over collected amounts.

1802 (h) The department may promulgate rules and regulations under this section. The  
1803 department may discontinue a plan and require a gas company to refund any costs charged to  
1804 customers due to failure to substantially comply with a plan or failure to reasonably and  
1805 prudently manage project costs.

1806 SECTION 82. Said chapter 164 is hereby further amended by adding the following 3  
1807 sections:-

1808 Section 149. (a) For the purposes of this section, the following words shall have the  
1809 following meanings unless the context clearly requires otherwise,:-

1810 “Director”, the director of the division of public participation.

1811 “Division of public participation”, established in section 12T of chapter 25.

1812 “Fund”, the Department of Public Utilities and Energy Facilities Siting Board Intervenor  
1813 Support Fund established in section 12S of chapter 25.

1814 “Governmental body”, a city, town, district, regional school district, county or agency,  
1815 board, commission, authority, department or instrumentality of a city, town, district, regional  
1816 school district or county.

1817 “Grantee”, an organization, entity, governmental body, federally recognized tribe, state-  
1818 acknowledged tribe or state-recognized tribe that has received a grant award under this section.

1819 “Office of environmental justice and equity”, established in section 29 of chapter 21A.

1820 “Prospective grantee”, an organization, entity, governmental body, federally recognized  
1821 tribe, state-acknowledged tribe or state-recognized tribe that has applied or plans to apply for a  
1822 grant under this section.

1823 (b) The department may make available as grants funds deposited into the fund to parties  
1824 that have been granted intervenor status by the department or the board pursuant to clause (4) of  
1825 the second sentence of the first paragraph of section 10 of chapter 30A and corresponding  
1826 department and board regulations, and that are: (i) organizations and entities that advocate on  
1827 behalf of a relevant subset of residential customers defined geographically or based on specific  
1828 shared interests; (ii) organizations and entities that advocate on behalf of low income or  
1829 moderate income residential populations, residents of historically marginalized or overburdened  
1830 and underserved communities; or (iii) governmental bodies, including regional planning

1831 agencies, federally recognized tribes, state-acknowledged tribes or state-recognized tribes. Any  
1832 grants awarded pursuant to this section may be used only in proceedings before the department  
1833 or the board, and not for any judicial appeal of such agencies' final decisions.

1834 (c) The director, in consultation with the office of environmental justice and equity, shall  
1835 establish criteria to determine whether, and to what extent, a prospective grantee shall be eligible  
1836 to receive a grant award pursuant to this section. Such criteria shall include, but shall not be  
1837 limited to, whether the prospective grantee: (i) lacks the financial resources that would enable it  
1838 to intervene and participate in a department or board proceeding absent a grant award pursuant to  
1839 this section; and (ii) previously intervened in department or board proceedings prior to the  
1840 establishment of the intervenor support grant program pursuant to this section; provided,  
1841 however, that a municipality with a population of less than 7,500 that is a prospective grantee for  
1842 a proceeding pertaining to a facility, large clean energy infrastructure facility or small clean  
1843 energy infrastructure facility, as those terms are defined in section 69G, within its boundaries  
1844 shall not be required to meet the criteria pursuant to this paragraph to receive a grant award.

1845 (d) A prospective grantee seeking funding under this section shall submit a grant  
1846 application in a form and manner developed by the director demonstrating that the prospective  
1847 grantee meets the criteria established by the director in accordance with subsection (c). Such  
1848 grant application shall include: (i) a statement outlining the prospective grantee's anticipated  
1849 participation in the department or board proceeding, to the extent it is known at the time of grant  
1850 application; (ii) a detailed estimate of costs and fees of anticipated attorneys, consultants and  
1851 experts, including community experts, and all other costs related to the preparation for, and  
1852 intervention and participation in, the department or board proceeding; and (iii) background  
1853 information on the attorneys, consultants and experts, including community experts, that the

1854 prospective grantee plans to retain if awarded grant funding. The director may, at their  
1855 discretion, make conditional grant awards to grant applicants that have not yet been granted  
1856 intervenor status by the department or board; provided, however, that no grant shall be awarded  
1857 until such intervenor status is granted.

1858 (e) A grant awarded pursuant to this section shall not exceed \$150,000 for any single  
1859 department or board proceeding. The director shall, in the director's sole discretion, determine  
1860 the amount of financial support being granted, considering the demonstrated needs of the  
1861 intervenor and the complexity of the proceeding. The director may, in the director's sole  
1862 discretion: (i) upon the petition of a prospective grantee, award a grant exceeding \$150,000 only  
1863 upon a demonstration of good cause, including the complexity of the proceeding in which the  
1864 grantee is intervening; and (ii) upon the petition of a prospective grantee, provide grant funding  
1865 in addition to the funding initially requested under section (c) upon a showing that new, novel or  
1866 complex issues have arisen in the proceeding since the time the grant application was submitted  
1867 pursuant said subsection (c). The director shall consider the potential for intervenors to share  
1868 costs through collaborative efforts with other parties to a proceeding as part of determining the  
1869 amount of funding awarded to any prospective grantee and such intervenors shall be expected to  
1870 reduce duplicative costs to the extent possible in instances where the position or positions of  
1871 multiple intervenors align.

1872 (f) The aggregate grant funding for any individual department or board proceeding shall  
1873 not exceed \$500,000; provided, however, that where the aggregate amount of funding being  
1874 requested exceeds \$500,000, funding shall be allocated to prospective grantees based on their  
1875 relative financial hardship. The director may, at the director's discretion and upon a

1876 determination of good cause, provide funding exceeding \$500,000 for any individual department  
1877 or board proceeding.

1878 (g) Ten per cent of grant funds awarded to a grantee, or a greater percentage as  
1879 determined by the director at the director's sole discretion, may be expended on non-legal, non-  
1880 expert and non-consultant administrative costs directly attributable to the intervention and  
1881 participation in a proceeding before the department or board. All remaining grant funds may be  
1882 expended to retain qualified legal counsel, experts and consultants to assist in proceedings before  
1883 the department or board; provided, however, that such funds may be used to retain qualified  
1884 community experts, which shall include residential ratepayers and residents with lived  
1885 experience that can inform such proceedings. Such funding may be expended for administrative,  
1886 legal, consultant and expert costs associated with an intervention petition submitted pursuant to  
1887 clause (4) of the first paragraph of section 10 of chapter 30A or section 10A of said chapter 30A  
1888 and any department or board regulations, if applicable.

1889 (h) All grant payments to grantees shall be made from the fund. Such grant payments  
1890 shall be made only for reasonable costs incurred and upon submission of a grant payment request  
1891 by the grantee. Such grant payment requests shall be in a form and manner as prescribed by the  
1892 director and grant payments shall be made within 30 days of receipt of such grant payment  
1893 requests by the director to the grantee or to the entity designated by the grantee to receive grant  
1894 payments. The director, at the director's discretion or as provided for in regulations promulgated  
1895 pursuant to this section, may provide grant payments before such costs are incurred by the  
1896 grantee upon a showing of financial hardship by the grantee. Within 30 days of the completion of  
1897 any proceeding in which a grantee has received an award from the fund, each grantee shall  
1898 submit a report that: (i) identifies the use of the funds during the proceeding; (ii) the substantial



1899 contribution provided by its participation; and (iii) a demonstration that its participation and the  
1900 use of the funding did not cause a delay in the proceeding.

1901 (i) All decisions pertaining to the issuance of financial support shall be made solely by  
1902 the director. The director shall have sole discretion to deny funding to a prospective grantee that  
1903 demonstrates a pattern of repeatedly delaying or obstructing, or attempting to repeatedly delay or  
1904 obstruct, proceedings or otherwise misuses or has misused funds. The director shall have full  
1905 discretion as to whether to approve or deny a request for intervenor funding. Applicants shall  
1906 have no legal right or privilege to funding and shall not be entitled to any further review if denied  
1907 by the director.

1908 (j) In the department's annual report required pursuant to section 2 of chapter 25, the  
1909 director shall include a report describing all activities of the fund, including, but not limited to:  
1910 (i) amounts credited to the fund, amounts expended from the fund and any unexpended balance;  
1911 (ii) a summary of the intervenor support grant fund application process; (iii) the number of grant  
1912 applications received, the number and amount of awards granted, and the number of grant  
1913 applications rejected; (iv) the number of intervenors who participated in proceedings with and  
1914 without support from the fund; (v) an itemization of costs incurred by and payments made to  
1915 grantees; (vi) an evaluation of the impact and contribution of grantees in department and board  
1916 proceedings; (vii) a summary of education and outreach activities conducted by the division of  
1917 public participation related to the intervenor support grant program; and (viii) any recommended  
1918 changes to the program.

1919 (k) The director shall develop: (i) accessible, multi-lingual and easily comprehensible  
1920 web-based educational materials, including forms and templates, to educate prospective grantees

1921 and the public on the intervenor support grant program; and (ii) a robust virtual and in-person  
1922 outreach program to educate prospective grantees and the public about the intervenor support  
1923 grant program.

1924 (l) The department, in consultation with the board, shall promulgate regulations to  
1925 implement this section.

1926 Section 150. (a) For the purposes of this section, the following words shall have the  
1927 following meanings unless the context clearly requires otherwise:-

1928 “Advanced conductors”, any hardware technology that can conduct electricity across  
1929 transmission and distribution lines and demonstrate enhanced performance over traditional  
1930 conductor products.

1931 “Advanced power flow control”, any hardware or software technologies used to push or  
1932 pull electric power in a manner that balances overloaded lines and underutilized corridors within  
1933 the distribution or transmission system.

1934 “Advanced reconductoring”, the application of advanced conductors to increase the  
1935 capacity and efficiency of the existing electric grid.

1936 “Advanced transmission technology”, a technology that increases the capacity,  
1937 efficiency, or reliability of an existing or new transmission facility, including: high-temperature  
1938 lines, including superconducting cables; underground cables; advanced conductor technology  
1939 including advanced composite conductors, high-temperature low-sag conductors, and fiber optic  
1940 temperature sensing conductors; high-capacity ceramic electric wire, connectors, and insulators;

1941 optimized transmission line configurations, including multiple phased transmission lines;  
1942 modular equipment; wireless power transmission; ultra-high voltage lines; high-voltage DC  
1943 technology; flexible alternating current transmission systems; energy storage devices, including  
1944 pumped hydro, compressed air, superconducting magnetic energy storage, flywheels, and  
1945 batteries; controllable load; distributed generation, including photovoltaic fuel cells, and  
1946 microturbines; enhanced power device monitoring; direct system state sensors; fiber optic  
1947 technologies; power electronics and related software, including real time monitoring and  
1948 analytical software; mobile transformers and mobile substations; and any other technologies the  
1949 Federal Energy Regulatory Commission considers appropriate.

1950 “Dynamic line rating”, any hardware or software technology used to appropriately update  
1951 the calculated thermal limits of existing distribution or transmission lines based on real-time and  
1952 forecasted weather conditions.

1953 “Grid-enhancing technology”, any hardware or software technology that enables  
1954 enhanced or more efficient performance from the electric distribution or transmission system,  
1955 including, but not limited to, dynamic line rating, advanced power flow control technology,  
1956 topology optimization and energy storage when used as a distribution or transmission resource.

1957 “Topology optimization”, any hardware or software technology that identifies  
1958 reconfigurations of the distribution or transmission grid and can enable the routing of power  
1959 flows around congested or overloaded distribution or transmission elements.

1960 (b) To the extent authorized by federal law, for base rate proceedings and other  
1961 proceedings in which a distribution or transmission company proposes capital improvements or  
1962 additions to the distribution or transmission system, the distribution or transmission company

1963 shall conduct a cost-effectiveness and timetable analysis of multiple strategies, including, but not  
1964 limited to, the deployment of advanced transmission technologies, advanced conductors, grid-  
1965 enhancing technologies, or energy storage used as a distribution or transmission resource. Where  
1966 advanced transmission technologies, advanced conductors, grid-enhancing technologies, or  
1967 energy storage used as a distribution or transmission resource, whether in combination with or  
1968 instead of capital investments, offer a more cost-effective strategy for achieving distribution or  
1969 transmission goals, including, but not limited to, distributed energy resource interconnection,  
1970 grid reliability and enhanced cyber and physical security, the department, to the extent permitted  
1971 under federal law, may approve the deployment of advanced transmission technologies,  
1972 advanced conductors, grid-enhancing technologies or energy storage used as a distribution or  
1973 transmission resource.

1974 (c) As part of a base rate filing or other filing in which a distribution or transmission  
1975 company proposes capital improvements or additions to the distribution or transmission system,  
1976 the distribution or transmission company may propose a performance incentive mechanism that  
1977 provides a financial incentive for the cost-effective deployment of advanced transmission  
1978 technologies, advanced reconductoring, grid-enhancing technologies or energy storage used as a  
1979 distribution or transmission resource.

1980 (d) Once every 5 years, not later than September 1 of the fifth year, each distribution  
1981 company and, to the extent permitted by federal law and in a format determined by the  
1982 department, each transmission company shall make a compliance filing with the department and  
1983 provide a separate report to both ISO-NE and the joint committee on telecommunications,  
1984 utilities and energy on the deployment of advanced transmission technologies, advanced

1985 conductors, grid-enhancing technologies or energy storage used as a distribution or transmission  
1986 resource.

1987 Section 151. (a) For the purposes of this section, “meter socket adapter” shall mean an  
1988 electronic device that is installed between a residential electric meter and the meter socket, for  
1989 the purpose of facilitating the deployment of customer-owned or customer-leased technology.

1990 (b) An electric company shall authorize the installation and operation of a meter socket  
1991 adapter, whether the meter socket is owned by a residential customer or by a third-party, if the  
1992 meter socket adapter:

1993 (i) is qualified to be connected to the supply side of the service disconnect pursuant to the  
1994 applicable provisions of the National Electric Code;

1995 (ii) is approved or listed by a nationally recognized testing laboratory and is rated  
1996 appropriately for the meter socket into which it is intended to be installed;

1997 (iii) is certified to meet all applicable standards, as determined by a nationally recognized  
1998 testing laboratory approved by the department; and

1999 (iv) does not prevent access to the sealed meter socket compartment or the pull section of  
2000 the service section of the electric meter or switchboard, as applicable.

2001 (c) A manufacturer of a meter socket adapter, a third-party, a residential customer or an  
2002 electric company shall all be allowed to install, maintain or service a meter socket adapter or  
2003 associated equipment.

2004 (d) An electric company shall approve or disapprove a request for approval of a specific  
2005 model of meter socket adapter for installation in its service area not later than 60 days after a

2006 manufacturer, a third-party or a residential customer submits a request for approval of the  
2007 specific model of meter socket adapter. An electric company shall provide public notice of all  
2008 decisions approving a meter socket adapter, including by posting the information on the  
2009 company's website. Should an electric company disapprove a specific model of meter socket  
2010 adapter, the electric company shall provide an explanation to the requesting vendor providing the  
2011 reasons the application was denied.

2012 (e) The department may adopt rules and regulations as necessary to implement the  
2013 provisions of this section.

2014 SECTION 83. Chapter 166 of the General Laws is hereby amended by striking out  
2015 section 28, as appearing in the 2022 Official Edition, and inserting in place thereof the following  
2016 section:-

2017 Section 28. A company subject to this chapter, except a telegraph or telephone company,  
2018 desiring to construct a line for the transmission of electricity that will, of necessity, pass through  
2019 at least 1 city or town to connect the proposed termini of such line, whose petition for the  
2020 location necessary for such line has been refused or has not been granted within 3 months after  
2021 the filing thereof by the city council or the select board of the town through which the company  
2022 intends to construct such line, may apply to the energy facilities siting board for such location.  
2023 The energy facilities siting board shall hold a public hearing thereon after notice to the city  
2024 council or select board refusing or neglecting to grant such location and to all persons owning  
2025 real estate abutting upon any way in the city or town where such location is sought, as such  
2026 ownership is determined by the last assessment for taxation. The energy facilities siting board  
2027 shall, if requested by the city council or select board, hold the hearing in the city or town where

2028 the location is sought. If it appears at the hearing that the company has already been granted, and  
2029 has accepted, a location for such line in 2 cities or in 2 towns or in a city and town adjoining the  
2030 city or town refusing or neglecting to grant a location or if it appears at the hearing that the  
2031 company has already been granted, and has accepted, locations for such line in a majority of the  
2032 cities or towns through which such line will pass and if the energy facilities siting board deems  
2033 the location necessary for public convenience and in the public interest, the board may by order  
2034 grant a location for such line in the city or town with respect to which the application is made  
2035 and shall have and exercise the powers and authority conferred by section 22 upon the city  
2036 council or select board and in addition to the provisions of law governing such company may  
2037 impose such other terms, limitations and restrictions as it deems the public interest may require.  
2038 The energy facilities siting board shall cause an attested copy of its order, with the certificate of  
2039 its clerk endorsed thereon that the order was adopted after due notice and a public hearing, to be  
2040 forwarded to the city or town clerk, who shall record the same and furnish attested copies  
2041 thereof. The company in whose favor the order is made shall pay for such record and attested  
2042 copies the fees provided by clauses 31 and 32, respectively, of section 34 of chapter 262.

2043 SECTION 84. Section 6 of chapter 183A of the General Laws, as so appearing, is hereby  
2044 amended by striking out, in lines 37 to 42, inclusive, the words “any energy conservation device  
2045 installed in a unit, not already separately metered for water and utilities, including but not limited  
2046 to the installation of separate water meters, low-flow toilets and showerheads, faucet aerators,  
2047 windows and storm windows; provided, however, that a unit owner required to install such  
2048 energy conservation” and inserting in place thereof the following words:- a device installed  
2049 pursuant to an action taken by a corporation, trust or association pursuant to section 10;  
2050 provided, however, that a unit owner required to install such.

2051 SECTION 85. Subsection (b) of section 10 of said chapter 183A, as so appearing, is  
2052 hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

2053 (6) to require reasonable measures to facilitate energy savings, energy efficiency and  
2054 greenhouse gas emissions reductions and, in furtherance of such measures, to cause the  
2055 installation of devices that result in energy savings, energy efficiency and greenhouse gas  
2056 emissions reductions in all units not already separately metered for water and utilities; provided,  
2057 however, that such measures and devices shall not include solar energy systems, the installation  
2058 of which shall be governed by section 18; provided further, that electric vehicle supply  
2059 equipment as defined in section 2 of chapter 25B shall only be required in the common areas  
2060 and facilities in the condominium; provided further, that such devices may include, but shall not  
2061 be limited to including, separate meters for each unit to monitor the use of water, electricity and  
2062 other utilities for the unit to which it is attached, low-flow toilets and showerheads, faucet  
2063 aerators, windows and storm windows; provided further, that such devices and, in the case of  
2064 electric vehicle supply equipment installed in common areas and facilities, such supply  
2065 equipment shall not be considered improvements for the purposes of said section 18 if the board  
2066 of trustees of the organization of unit owners or, if there is no board of trustees, the entity  
2067 performing its duties, receives the approval of the majority of unit owners in attendance at a  
2068 meeting for which notice was duly given and which was held for the purpose of voting on the  
2069 installation of such devices and supply equipment; provided further, that the cost of installation  
2070 of such devices and, in the case of supply equipment installed in common areas and facilities, of  
2071 such supply equipment shall be an expense of the organization of unit owners, which may be  
2072 assessed to the individual unit owners as a special assessment, the amount of which, if such  
2073 device was installed in each individual unit or in substantially all of the units in the



2074 condominium, may be attributable to each unit owner in the amount of the cost of the item  
2075 installed. The organization of unit owners may assess to each unit owner their proportionate  
2076 share of the costs for water, electricity and other utilities as measured by the meter attached to  
2077 the unit. In the event of a conflict between this clause and the master deed, trust or by-laws of a  
2078 condominium under of this chapter, this clause shall control; provided further, that nothing  
2079 herein shall be construed to conflict with the state sanitary code, the state building code, the  
2080 stretch energy code or any municipal opt-in specialized energy code; provided further, that  
2081 notwithstanding any rights to use common areas reserved for individual unit owners, if the  
2082 governing board of the organization of unit owners determines to install electric vehicle supply  
2083 equipment in a common area for the use of all members of the organization, the organization  
2084 shall develop appropriate terms of use of the supply equipment; and provided further, that the  
2085 expenses incurred in and proceeds accruing from the exercise of the rights and powers under this  
2086 clause shall be common expenses and common profits.

2087 SECTION 86. Said chapter 183A is hereby further amended by inserting after section 10  
2088 the following section:-

2089 Section 10A. (a) As used in this section, the following words shall have the following  
2090 meanings unless the context clearly requires otherwise:-

2091 “Association”, a condominium association, homeowners’ association, community  
2092 association, cooperative, trust or other nongovernmental entity with covenants, by-laws and  
2093 administrative provisions with which the compliance of a homeowner or unit owner is required.

2094 “Dedicated parking space”, a parking space located within an owner’s separate interest or  
2095 a parking space in a common area but subject to exclusive use rights of an owner including, but

2096 not limited to, a deeded parking space, a garage space, a carport or a parking space  
2097 specifically designated for use by a particular owner.

2098 “Historic district commission”, a commission or other body responsible for administering  
2099 the rules and regulations of an historic district established by a community pursuant to any  
2100 general or special law.

2101 “Municipal governing body”, the legislative body of a city or town.

2102 “Neighborhood conservation district”, a district established by a municipal governing  
2103 body as part of the local zoning code or by-laws for the express purpose of protecting the  
2104 architectural character of a neighborhood.

2105 “Owner”, a person or group of persons who owns a separate lot, unit or interest, along  
2106 with an undivided interest or membership interest in the common area of the entire project  
2107 including, but not limited to, a condominium, planned unit development and parcel subject to a  
2108 homeowners’ association.

2109 “Reasonable restrictions”, restrictions that do not significantly: (i) increase the cost of  
2110 electric vehicle supply equipment as defined in section 2 of chapter 25B or the installation  
2111 thereof; or (ii) significantly decrease its efficiency or specified performance or effectively  
2112 prohibit the installation.

2113 “Separate interest”, a separate lot, unit or interest to which an owner has exclusive rights  
2114 of ownership.

2115 (b) Notwithstanding chapters 21, 40C and 183A or any other general or special law to the  
2116 contrary, a historic district commission, commission or board of a neighborhood conservation

2117 district or manager or organization of unit owners of an association shall not prohibit or  
2118 unreasonably restrict an owner from installing electric vehicle supply equipment, as defined in  
2119 section 2 of chapter 25B, on or in an area subject to the owner's separate interest or in an area to  
2120 which the owner has exclusive use. Nothing in this section shall prohibit a historic district  
2121 commission, a commission or board of a neighborhood conservation district or a manager or  
2122 organization of unit owners of an association from setting reasonable restrictions; provided,  
2123 however, that in setting such restrictions, the commission, board, manager or organization shall  
2124 give substantial weight to threats posed by climate change and the commonwealth's obligation to  
2125 meet the statewide greenhouse gas emission limits and sublimits established under chapter 21N.

2126 (c) Electric vehicle supply equipment shall: (i) be installed at the owner's expense; (ii) be  
2127 installed by a licensed contractor or electrician; and (iii) conform to all applicable health and  
2128 safety standards and requirements imposed by national, state and local authorities and all other  
2129 applicable zoning, land use or other ordinances and land use permits.

2130 (d) A historic district commission, a commission or board of a neighborhood  
2131 conservation district or a manager or organization of unit owners of an association may require  
2132 an owner to submit an application before installing electric vehicle supply equipment. If the  
2133 commission, board, manager or organization requires such an application and also requires an  
2134 application for approval of an architectural modification to the property, the application to install  
2135 electric vehicle supply equipment shall be processed and approved by the commission, board,  
2136 manager or organization in the same manner as an application for approval of an architectural  
2137 modification to the property and such application shall not be willfully avoided or delayed;  
2138 provided, further, that if the commission, board, manager or organization requires such an  
2139 application and does not require an application for approval of an architectural modification to

2140 the property, the application to install electric vehicle supply equipment shall not be willfully  
2141 avoided or delayed; provided further, that the commission, board, manager or organization shall  
2142 approve the application if the owner complies with this section and the architectural standards, if  
2143 any, of the association, historic district or neighborhood conservation district. The approval or  
2144 denial of an application shall be in writing and if an application is not denied in writing within 60  
2145 days after the date of receipt thereof, the application shall be deemed approved unless the delay  
2146 is the result of a reasonable request for additional information. The association, historic district  
2147 or neighborhood conservation district shall not assess or charge the owner any fees for the  
2148 placement of any electric vehicle supply equipment above any reasonable fees for processing the  
2149 application if any fees exist for all applications for approval of architectural modifications.

2150 (e) The owner and each successive owner of the separate interest or with exclusive rights  
2151 to the area where the electric vehicle supply equipment is installed shall be responsible for: (i)  
2152 disclosing to prospective buyers the existence of such supply equipment, its owner and the  
2153 related responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers  
2154 whether such supply equipment is removable and whether the owner intends to remove the  
2155 supply equipment in order to install it elsewhere; (iii) the costs of the maintenance, repair and  
2156 replacement of such supply equipment until such equipment has been removed and the common  
2157 area is restored after removal; (iv) the costs of any damage to such supply equipment, common  
2158 area, exclusive common area or separate interest resulting from the installation, maintenance,  
2159 repair, removal or replacement of such equipment; (v) the cost of electricity associated with the  
2160 electric vehicle supply equipment; provided, however, that the owner shall connect such supply  
2161 equipment to the owner's own electric utility account unless the licensed contractor performing  
2162 the installation deems that to be impossible; provided further that if the connection is deemed

2163 impossible, the association, historic district commission or neighborhood conservation district  
2164 shall allow the owner to connect such supply equipment to the common electricity account but  
2165 may require equitable reimbursement by the owner to the association, historic district  
2166 commission or neighborhood conservation district for electricity costs; and (vi) removing the  
2167 electric vehicle supply equipment at the owner’s expense if reasonably necessary for the repair,  
2168 maintenance or replacement of any property of the association, historic district commission,  
2169 neighborhood conservation district or separate interest.

2170 (f) A historic district commission, a commission or board of a neighborhood conservation  
2171 district or a manager or organization of unit owners of an association may install electric vehicle  
2172 supply equipment in a common area reserved for the use of all members or residents of the  
2173 association or district; provided, however, that the commission, board, manager or organization  
2174 shall develop appropriate terms of use for such supply equipment.

2175 (g) The executive office of housing and livable communities may promulgate regulations  
2176 as necessary to implement this section.

2177 SECTION 87. Section 3A of chapter 185 of the General Laws, as appearing in the 2022  
2178 Official Edition, is hereby amended by striking out, in lines 35 to 37, inclusive, the words  
2179 “involves either 25 or more dwelling units or the construction or alteration of 25,000 square feet  
2180 or more of gross floor area or both” and inserting in place thereof the following words:-  
2181 involves: (i) not less than 25 dwelling units; (ii) the construction or alteration of not less than  
2182 25,000 square feet of gross floor area; (iii) the construction or alteration of a Class I renewable  
2183 energy generating source as defined in subsection (c) of section 11F of chapter 25A; or (iv) the  
2184 construction or alteration of an energy storage system as defined in section 1 of chapter 164.

2185 SECTION 88. Said section 3A of said chapter 185 is hereby further amended by striking  
2186 out the words “involves: (i) not less than 25 dwelling units; (ii) the construction or alteration of  
2187 not less than 25,000 square feet of gross floor area; (iii) the construction or alteration of a Class I  
2188 renewable energy generating source as defined in subsection (c) of section 11F of chapter 25A;  
2189 or (iv) the construction or alteration of an energy storage system defined in section 1 of chapter  
2190 164”, inserted by section 87, and inserting in place thereof the following words:- involves either  
2191 25 or more dwelling units or the construction or alteration of 25,000 square feet or more of gross  
2192 floor area or both.

2193 SECTION 89. The first paragraph of section 2 of chapter 465 of the acts of 1956 is  
2194 hereby amended by inserting after the first sentence, the following sentence:- In discharging its  
2195 responsibilities and exercising its powers under this chapter, the Authority shall, with respect to  
2196 itself and the entities with which it contracts or does business, and in a manner consistent with  
2197 any federal law relating to aeronautics or any regulations promulgated or standards established  
2198 pursuant thereto, promote commerce, economic prosperity, safety, security, environmental  
2199 protection and resilience, reductions in greenhouse gas emissions, and environmental justice  
2200 principles as defined in section 62 of chapter 30 of the General Laws.

2201 SECTION 90. Section 3 of said chapter 465, as most recently amended by section 2 of  
2202 chapter 660 of the acts of 1977, is hereby further amended by striking out subsection (g) and  
2203 inserting in place thereof the following subsection:-

2204 (g) To extend, enlarge, improve, rehabilitate, lease as lessor or lessee, maintain, repair,  
2205 and operate the projects under its control, and to establish rules and regulations for the use of any  
2206 such project; provided, that the Authority shall, with respect to itself and the entities with which

2207 it contracts or does business, and in a manner consistent with any federal law relating to  
2208 aeronautics or to any regulations promulgated or standards established pursuant thereto,  
2209 undertake such activities, and promulgate such rules and regulations, in such a manner as to  
2210 promote commerce, economic prosperity, safety, security, environmental protection and  
2211 resilience, reductions in greenhouse gas emissions, and environmental justice principles as  
2212 defined in section 62 of chapter 30 of the General Laws; provided, further, that no such rules or  
2213 regulations shall conflict with the rules and regulations of any state or federal regulatory body  
2214 having jurisdiction over the operation of aircraft; and provided, further, that in the enforcement  
2215 of such rules and regulations the police appointed or employed by the Authority under section 23  
2216 shall have within the boundaries of all projects all the powers of police officers and constables of  
2217 the towns of the commonwealth except the power of serving and executing civil process;

2218 SECTION 91. Section 6 of chapter 665 of the acts of 1956 is hereby amended by striking  
2219 out the words “state department of public utilities” and inserting in place thereof the following  
2220 words:- energy facilities siting board.

2221 SECTION 92. Section 3 of chapter 470 of the acts of 1973 is hereby amended by  
2222 inserting after the definition of “Public place”, inserted by section 3 of chapter 845 of the acts of  
2223 1975, the following definition:-

2224 “Solar energy system”, a device or structural design feature, a substantial purpose of  
2225 which is to provide for the collection, storage and distribution of solar energy for space heating  
2226 or cooling, electricity generation or water heating.

2227 SECTION 93. Clause (a) of the first paragraph of section 10 of said chapter 470 is hereby  
2228 amended by adding the following words:- ; provided, however, that the commission shall give

2229 substantial weight to the threat posed by climate change and to the commonwealth’s obligation  
2230 to meet statewide greenhouse gas emission limits and sublimits established under chapter 21N of  
2231 the General Laws when ruling on applications for certificates of appropriateness for solar energy  
2232 systems.

2233 SECTION 94. The first paragraph of section 83B of chapter 169 of the acts of 2008, as  
2234 most recently amended by section 60 of chapter 179 of the acts of 2022, is hereby further  
2235 amended by striking out the words “83C and 83D” and inserting in place thereof the following  
2236 words:- 83C, 83D and 83E.

2237 SECTION 95. Said first paragraph of said section 83B of said chapter 169, as so  
2238 amended, is hereby further amended by inserting after the definition of “Distribution company”  
2239 the following 2 definitions:-

2240 “Energy services”, operation of infrastructure that increases the deliverability or  
2241 reliability of clean energy generation or reduces the cost of clean energy generation. Such  
2242 infrastructure shall include, but not be limited to, transmission, energy storage systems, as  
2243 defined in section 1 of chapter 164 of the General Laws, and demand response technologies.

2244 “Environmental attributes”, all present and future attributes under any and all  
2245 international, federal, regional, state or other law or market, including, but not limited to, all  
2246 credits or certificates that are associated, either now or by future action, with clean energy  
2247 generation, including, but not limited to, those attributes authorized and created by programs  
2248 developed under subsection (c) section 3 of chapter 21N of the General Laws, and section 11F  
2249 and section 17 of chapter 25A of the General Laws.



2250 SECTION 96. Said first paragraph of said section 83B of said chapter 169, as so  
2251 amended, is hereby further amended by striking out the definitions "Long-duration energy  
2252 storage system" and "Long-term contract" and inserting in place thereof the following 2  
2253 definitions:-

2254 "Long-duration energy storage system", an energy storage system, as defined in section 1  
2255 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity  
2256 for a period greater than 10 hours and less than or equal to 24 hours.

2257 "Long-term contract", a contract for a period of 15 to 30 years for offshore wind energy  
2258 generation pursuant to section 83C or for clean energy generation pursuant to section 83D, or a  
2259 contract for a period of up to 30 years for energy storage systems pursuant to section 83E;  
2260 provided, however, that a contract for offshore wind energy generation pursuant to said section  
2261 83C may include terms and conditions for renewable energy credits associated with the offshore  
2262 wind energy generation that exceed the term of generation under the contract.

2263 SECTION 97. Said first paragraph of said section 83B of said chapter 169, as so  
2264 amended, is hereby further amended by striking out the definition of "Mid-duration energy  
2265 storage system" and inserting in place thereof the following 2 definitions:-

2266 "Mid-duration energy storage system", an energy storage system, as defined in section 1  
2267 of chapter 164 of the General Laws, that is capable of dispatching energy at its full rated capacity  
2268 for a period equal to or greater than 4 hours and up to 10 hours.

2269 "Multi-day energy storage system," an energy storage system, as defined in section 1 of  
2270 chapter 164 of the General Laws, that is capable of dispatching electricity at its full rated  
2271 capacity for greater than 24 hours.

2272 SECTION 98. Said chapter 169, as amended by chapter 188 of the acts of 2016, is hereby  
2273 further amended by inserting after section 83D the following section:-

2274 Section 83E. (a) In order to provide a cost-effective mechanism for facilitating the  
2275 financing of beneficial, reliable energy storage systems, as defined in section 1 of chapter 164 of  
2276 the General Laws, on a long-term basis, taking into account the factors outlined in this section,  
2277 every distribution company shall, in coordination with the department of energy resources,  
2278 jointly and competitively solicit proposals for energy storage systems and, provided that  
2279 reasonable proposals have been received, shall enter into cost-effective long-term contracts equal  
2280 to, in the aggregate, approximately 5,000 megawatts of energy storage systems not later than  
2281 July 31, 2030, of which 3,500 megawatts shall be mid-duration energy storage, 750 megawatts  
2282 shall be long-duration energy storage and, if commercially available at a reasonable cost, 750  
2283 megawatts shall be multi-day energy storage; provided, however, that existing energy storage  
2284 systems shall be eligible to participate in any procurement issued under this section.

2285 (b) The timetable and method for solicitation of long-term contracts shall be proposed by  
2286 the department of energy resources in coordination with the distribution companies using a  
2287 competitive bidding process and shall be subject to review and approval by the department of  
2288 public utilities. The department of energy resources shall consult with the distribution companies  
2289 and the office of the attorney general regarding the choice of solicitation methods. A solicitation  
2290 may be coordinated and issued jointly with other New England states or entities designated by  
2291 those states. The distribution companies, in coordination with the department of energy  
2292 resources, may conduct 1 or more competitive solicitations through a staggered procurement  
2293 schedule developed by the department of energy resources. The schedule shall ensure that the  
2294 distribution companies enter into cost-effective long-term contracts for energy storage systems

2295 equal to approximately 5,000 megawatts not later than July 31, 2030, of which: (i) approximately  
2296 1,500 megawatts of mid-duration storage shall be procured by July 31, 2025, and shall be for  
2297 environmental attributes only; (ii) approximately 1,000 megawatts of mid-duration storage shall  
2298 be procured by July 31, 2026; (iii) approximately 1,000 megawatts of mid-duration storage shall  
2299 be procured by July 31, 2027; and (iv) all remaining energy storage systems capacity shall be  
2300 procured by July 31, 2030. Each procurement shall consider inclusion of environmental  
2301 attributes, energy services or a combination of both; provided, however, that the procurement of  
2302 1,500 megawatts of mid-duration storage by July 31, 2025 shall be for environmental attributes  
2303 only. The distribution companies may fulfill their obligations for this procurement by filing  
2304 contracts with the department of public utilities that were entered into as a result of a solicitation  
2305 issued under section 17 of chapter 25A of the General Laws. The department of public utilities  
2306 shall approve, approve in part, or reject any contracts filed by the electric distribution companies  
2307 for compliance under this section not later than 6 months from the filing date of said contracts.  
2308 Proposals received pursuant to a solicitation pursuant to this section shall be subject to review by  
2309 the department of energy resources and the executive office of economic development in  
2310 consultation with the independent evaluator. The electric distribution companies shall offer  
2311 technical advice. If the department of energy resources, in consultation with the independent  
2312 evaluator, determines that reasonable proposals were not received pursuant to a solicitation, the  
2313 department may terminate the solicitation and may require additional solicitations to fulfill the  
2314 requirements of this section.

2315 (c) The department of energy resources may give preference to proposals for  
2316 environmental attributes or energy services from energy storage systems that provide additional  
2317 benefits or value to the electric power grid or communities, including, but not limited to: (i)

2318 supporting grid resiliency and transmission needs in specific geographic locations; (ii) providing  
2319 economic opportunities or public health benefits to environmental justice or disadvantaged  
2320 communities; or (iii) creating economic opportunities in transitioning fossil fuel communities.  
2321 The department shall give preference to proposals that demonstrate compliance with the  
2322 provisions of sections 26 to 27F, inclusive, of chapter 149 of the General Laws, and have a  
2323 history of participation with state or federally certified apprenticeship programs.

2324 (d) In developing proposed long-term contracts, the distribution companies shall consider  
2325 long-term contracts for energy services, for environmental attributes and for a combination of  
2326 both energy services and environmental attributes. A distribution company may decline to pursue  
2327 a contract if the contract's terms and conditions would require the contract obligation to place an  
2328 unreasonable burden on the distribution company's balance sheet after consultation with the  
2329 department of energy resources; provided, however, that the distribution company shall take all  
2330 reasonable actions to structure the contracts, pricing or administration of the products purchased  
2331 under this section to prevent or mitigate an impact on the balance sheet or income statement of  
2332 the distribution company or its parent company, subject to the approval of the department of  
2333 public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a  
2334 distribution company deems all contracts to be unreasonable, the distribution company shall  
2335 consult with the department of energy resources and, not later than 20 days of the date of its  
2336 decision, submit a filing to the department of public utilities. The filing shall include, in the form  
2337 and detail prescribed by the department of public utilities, documentation supporting the  
2338 distribution company's decision to decline the contract. Following a distribution company's  
2339 filing, and not later than 4 months of the date of filing, the department of public utilities shall  
2340 approve or reject the distribution company's decision and may order the distribution company to

2341 reconsider any contract. The department of public utilities shall take into consideration the  
2342 department of energy resources' recommendations on the distribution company's decision. The  
2343 department of energy resources may require additional solicitations to fulfill the requirements of  
2344 this section.

2345 (e) The department of public utilities shall promulgate regulations consistent with this  
2346 section. The regulations shall: (i) allow developers or owners of energy storage systems to  
2347 submit proposals for long-term contracts; (ii) require that contracts executed by the distribution  
2348 companies under such proposals are filed with, and approved by, the department of public  
2349 utilities before they become effective; (iii) provide for an annual remuneration for the contracting  
2350 distribution company equal to 2.25 per cent of the annual payments under the contract to  
2351 compensate the company for accepting the financial obligation of the long-term contract;  
2352 provided, however, that such provision shall be acted upon by the department of public utilities  
2353 at the time of contract approval; (iv) require associated transmission costs to be incorporated into  
2354 a proposal; provided, however, that to the extent there are regional or project-specific  
2355 transmission costs included in a bid, the department of public utilities may, if it finds such  
2356 recovery to be in the public interest, authorize or require the relevant parties to seek recovery of  
2357 such transmission costs from other states or from benefitted entities or populations in other states  
2358 through federal transmission rates, consistent with policies and tariffs of the Federal Energy  
2359 Regulatory Commission; and (v) require that the energy storage systems used by a developer or  
2360 owner under the proposal meet the following criteria: (A) are cost effective to electric ratepayers  
2361 in the commonwealth over the term of the contract taking into consideration costs and benefits to  
2362 the ratepayers, including economic and environmental benefits and the equitable allocation of  
2363 costs to, and the equitable sharing of costs with other states and populations within other states

2364 that may benefit from energy storage systems procured by the commonwealth; (B) if applicable,  
2365 adequately demonstrate project viability in a commercially reasonable timeframe; (C) include  
2366 benefits to environmental justice populations and low income ratepayers in the commonwealth;  
2367 and (D) include opportunities for diversity, equity and inclusion, including, at a minimum, a  
2368 workforce diversity plan and supplier diversity program plan.

2369 (f) A proposed long-term contract shall be subject to the review and approval of the  
2370 department of public utilities and shall be apportioned among the distribution companies. As part  
2371 of its approval process, the department of public utilities shall consider recommendations by the  
2372 attorney general, which shall be submitted to the department not later than 45 days following the  
2373 filing of a proposed long-term contract with the department. The department of public utilities  
2374 shall take into consideration: (i) the department of energy resources' recommendations on the  
2375 costs and benefits to ratepayers, the equitable allocation and sharing of costs to and with other  
2376 states and populations within other states that may benefit from energy storage systems procured  
2377 by the commonwealth; and (ii) the requirements of chapter 298 of the acts of 2008 and of the  
2378 statewide greenhouse gas emissions limits under chapter 21N of the General Laws. The  
2379 department of public utilities shall consider the costs and benefits of the proposed long-term  
2380 contract and shall approve a proposed long-term contract if the department finds that the  
2381 proposed contract is in the public interest and is a cost-effective mechanism for procuring  
2382 beneficial, reliable energy storage systems on a long-term basis, taking into account the factors  
2383 outlined in this section. A distribution company shall be entitled to cost recovery of payments  
2384 made under a long-term contract approved under this section.

2385 (g) The department of energy resources and the attorney general shall jointly select, and  
2386 the department of energy resources shall contract with, an independent evaluator to monitor and

2387 report on the solicitation and bid selection process in order to assist the department of energy  
2388 resources in determining whether a proposal received pursuant to subsection (b) is reasonable  
2389 and to assist the department of public utilities in its consideration of long-term contracts filed for  
2390 approval. To ensure an open, fair and transparent solicitation and bid selection process is not  
2391 unduly influenced by an affiliated company, the independent evaluator shall: (i) issue a report to  
2392 the department of public utilities analyzing the timetable and method of solicitation and the  
2393 solicitation process implemented by the distribution companies and the department of energy  
2394 resources under subsection (b) and include recommendations, if any, for improving the process;  
2395 and (ii) upon the opening of an investigation by the department of public utilities into a proposed  
2396 long-term contract for a winning bid proposal, file a report with the department of public utilities  
2397 summarizing and analyzing the solicitation and the bid selection process and providing its  
2398 independent assessment of whether all bids were evaluated in a fair and non-discriminatory  
2399 manner. The independent evaluator shall have access to all information and data related to the  
2400 competitive solicitation and bid selection process necessary to fulfill the purposes of this  
2401 subsection but shall ensure all proprietary information remains confidential. The department of  
2402 public utilities shall consider the findings of the independent evaluator and may adopt  
2403 recommendations made by the independent evaluator as a condition for approval. If the  
2404 independent evaluator concludes in the findings that the solicitation and bid selection of a long-  
2405 term contract was not fair and objective and that the process was substantially prejudiced as a  
2406 result, the department of public utilities shall reject the contract.

2407 (h) The distribution companies shall each enter into a contract with the winning bidders  
2408 for their apportioned share of the long-term contract costs. The apportioned share shall be

2409 calculated and based upon the total energy demand from all distribution customers in each  
2410 service territory of the distribution companies.

2411 (i) An electric distribution company may elect to use or retain environmental attributes to  
2412 meet any applicable annual portfolio standard requirements, including section 11F of chapter  
2413 25A of the General Laws, and other clean energy compliance standards as applicable. If the  
2414 environmental attributes are not so used, such companies shall sell such purchased  
2415 environmental attributes attributed to any applicable portfolio standard eligible resources to  
2416 minimize the costs to ratepayers under the contract. The department of energy resources shall  
2417 conduct periodic reviews to determine the impact on the environmental attributes markets of the  
2418 disposition of environmental attributes under this section and may issue reports recommending  
2419 legislative changes if it determines that actions are being taken that will adversely affect the  
2420 environmental attributes markets.

2421 (j) If a distribution company sells the environmental attributes as described in this  
2422 section, the distribution company shall net the cost of payments made to projects under the long-  
2423 term contracts against the net proceeds obtained from the sale of environmental attributes and the  
2424 difference shall be credited or charged to all distribution customers through a uniform, fully  
2425 reconciling annual factor in distribution rates, subject to review and approval of the department  
2426 of public utilities.

2427 (k) A long-term contract procured under this section for energy storage systems shall  
2428 utilize an appropriate tracking system to ensure a unit specific accounting of the delivery of  
2429 environmental attributes, to enable the department of environmental protection, in consultation  
2430 with the department of energy resources, to accurately measure progress in achieving the



2431 commonwealth’s goals under chapter 298 of the acts of 2008 and the statewide greenhouse gas  
2432 emissions limits under chapter 21N of the General Laws.

2433 (l) The department of energy resources and the department of public utilities may jointly  
2434 develop requirements for a bond or other security to ensure performance with requirements  
2435 under this section.

2436 (m) The department of energy resources may promulgate regulations necessary to  
2437 implement this section.

2438 (n) If this section is subjected to a legal challenge, the department of public utilities may  
2439 suspend the applicability of the challenged provision during the pendency of the action until a  
2440 final resolution, including any appeals, is obtained and shall issue an order and take other actions  
2441 as are necessary to ensure that the provisions not subject to the challenge are implemented  
2442 expeditiously to achieve the public purposes of this section.

2443 SECTION 99. Chapter 149 of the acts of 2014 is hereby amended by striking out section  
2444 3.

2445 SECTION 100. Subsection (a) of section 81 of chapter 179 of the acts of 2022 is hereby  
2446 amended by striking out the figure “11” and inserting in place thereof the following figure:- 13.

2447 SECTION 101. Said subsection (a) of said section 81 of said chapter 179 is hereby  
2448 further amended by inserting after the words “commissioner of public utilities or designee” the  
2449 following words:- ; the executive director of the Massachusetts clean energy technology center  
2450 or designee; the commissioner of the division of standards or designee.

2451 SECTION 102. The second paragraph of said subsection (a) of said section 81 of said  
2452 chapter 179 is hereby amended by striking out the words “and (ix)” and inserting in place thereof  
2453 the following words:- (ix) estimates of the number of zero-emission medium and heavy duty  
2454 vehicle charging stations required to meet the commonwealth’s emissions limits and sublimits  
2455 pursuant to said chapter 21N; (x) a discussion of costs, permitting processes and estimated  
2456 timelines for installing charging stations for medium and heavy duty vehicles; and (xi).

2457 SECTION 103. Said section 81 of said chapter 179 is hereby further amended by striking  
2458 out subsection (d) and inserting in place thereof the following subsection:-

2459 (d)(1) The council shall issue an initial assessment to the senate and house committees on  
2460 ways and means and the joint committee on telecommunications, utilities and energy not later  
2461 than 12 months after the effective date of this act and shall reconsider and revise its assessment  
2462 at least once every 2 years. The council shall make its assessments publicly available on the  
2463 website of each secretariat with a member serving on the council.

2464 (2) Each assessment submitted pursuant to this section shall forecast electric vehicle  
2465 charging demand throughout the commonwealth for the next 10 years and the impacts of such  
2466 demand on the electric distribution grid, identifying areas of the grid that may require  
2467 modification due to such impacts. In conducting such forecasts, the council shall consult with  
2468 key stakeholders, including, but not limited to, electric distribution companies, convenience store  
2469 and restaurant retailers and other small businesses, electric vehicle supply equipment companies,  
2470 electric vehicle original equipment manufacturers and fleet operators. Each forecast shall  
2471 consider current traffic patterns and expected adoption of light, medium and heavy-duty electric  
2472 vehicles over various time periods.

2473 (3) Not later than 6 months after the completion of each assessment, the council, in  
2474 coordination with the department of energy resources, the Massachusetts Department of  
2475 Transportation and said key stakeholders, shall identify optimal sites along or near  
2476 commonwealth highways and major roadways in each electric distribution company service  
2477 territory that may be suitable to host electric vehicle fast charging hubs and fleet depots.  
2478 Identification of such priority sites for electric vehicle fast charging stations and fleet depots  
2479 shall include, but not be limited to, consideration of the following: (i) convenience, accessibility  
2480 and safety for drivers and passengers; (ii) ease of access for both consumer and commercial  
2481 electric vehicles; (iii) cost-effective and efficient use of existing electric company infrastructure  
2482 and rights-of-way; (iv) land use feasibility; (v) potential ability to qualify for public funds,  
2483 including, but not limited to, funds made available under the federal Infrastructure Investment  
2484 and Jobs Act of 2021, Public Law No. 117-58; and (vi) impact on environmental justice  
2485 communities and low and moderate income neighborhoods.

2486 (4) Not later than 12 months after the completion of each assessment, each electric  
2487 distribution company shall develop a plan for building the additional distribution infrastructure  
2488 investments necessary on its system to satisfy, at a minimum, the 10-year charging demand  
2489 projected in each such assessment, including, but not limited to, in the areas identified in such  
2490 assessment as potentially requiring a grid upgrade and at the sites identified as potential hosts of  
2491 fast charging hubs and fleet depots. Such additional distribution infrastructure investments shall  
2492 be designed to accommodate any additional projected future needs for the area identified by the  
2493 electric distribution company and shall be inclusive of, but not limited to, increased demand  
2494 associated with heating and cooling electrification and hosting capacity for distributed energy  
2495 resources. Each such additional distribution infrastructure investment shall be: (i) consistent with

2496 the requirements and criteria set forth in section 92B of chapter 164 of the General Laws; (ii)  
2497 treated as small clean transmission and distribution infrastructure facilities as defined in chapter  
2498 25A of the General Laws; and (iii) subject to the statutes, regulations and processes attendant to  
2499 said chapter 25A.

2500 (5) Not later than 12 months after the completion of each assessment, each electric  
2501 distribution company may submit to the department of public utilities an application to increase  
2502 its base electric distribution rates to account for the additional distribution infrastructure included  
2503 in the plan pursuant to paragraph (4). Such application shall be approved by the department of  
2504 public utilities not later than 3 months after submission so long as the requested increase is  
2505 consistent with the department's accounting practices and incremental costs are not otherwise  
2506 accounted for in the electric distribution company's existing rates. The department's review of  
2507 such application shall not be construed as a prudence review. The electric distribution company's  
2508 application shall be deemed approved if the department does not act within 3 months.

2509 (6) The department of public utilities shall conduct a prudence review of the additional  
2510 distribution infrastructure investments planned pursuant to paragraph (4) during the next general  
2511 rate case of the electric distribution company or in reviewing the electric distribution company's  
2512 electric-sector modernization plan submitted pursuant to section 92B of chapter 164 of the  
2513 General Laws, at the department's discretion. Each electric distribution company shall be entitled  
2514 to full cost recovery of all such infrastructure investments deemed prudent. To demonstrate  
2515 prudence, the electric distribution company shall clearly outline how it evaluated advanced  
2516 transmission technologies, other infrastructure investments and alternatives other than  
2517 infrastructure investments to satisfy projected demand. The electric distribution company shall  
2518 also demonstrate that the proposed infrastructure investments were cost effective compared with

2519 the alternatives, provide net benefits for customers and meet the criteria enumerated in clauses (i)  
2520 to (vi), inclusive, of subsection (a) of said section 92B of said chapter 164. If the department  
2521 finds that such investments were imprudent, it may, at its discretion, order customers to be  
2522 credited for any increase in base distribution rates made pursuant to paragraph (5) with interest,  
2523 as appropriate.

2524 SECTION 104. Said section 81 of said chapter 179, as amended by section 165 of  
2525 chapter 77 of the acts of 2023, is hereby further amended by adding the following subsection:-

2526 (f) The council shall be responsible for providing leadership and direction for the  
2527 deployment of electric vehicle charging infrastructure and electric vehicle chargers and shall  
2528 strive to ensure a network of convenient, affordable, reliable and equitable electric vehicle  
2529 chargers in the commonwealth. Responsibilities of the council shall include, but not be limited  
2530 to: (i) achieving the objectives and serving the purposes enumerated in this section; (ii)  
2531 monitoring the preparedness, staffing level, staff training and overall effectiveness of public and  
2532 private initiatives, activities, programs, agencies, offices and divisions involved in siting,  
2533 permitting, financing, installing, inspecting, maintaining or protecting consumer interactions  
2534 with electric vehicle chargers in the commonwealth; (iii) facilitating intergovernmental  
2535 coordination and effectiveness with respect to achieving the objectives and serving the purposes  
2536 enumerated in this section; (iv) achieving timely compliance with, and implementation and  
2537 administration of, standards, requirements and regulations promulgated by the National Electric  
2538 Vehicle Infrastructure Formula Program established pursuant to the Infrastructure Investment  
2539 and Jobs Act of 2021, Public Law No. 117-58; and (v) ensuring wayfinding signage on highways  
2540 and on streets adjacent to charging locations with information on such locations.

2541 Not later than July 31, 2025, or as part of the next periodic assessment compiled pursuant  
2542 to subsection (d), whichever occurs later, and every 2 years thereafter, the council shall report on  
2543 its efforts to lead and direct such deployment and its results to the senate and house committees  
2544 on ways and means and the joint committee on telecommunications, utilities and energy. The  
2545 council shall make such reports publicly available on the website of each secretariat with a  
2546 member serving on the council.

2547 SECTION 105. Said chapter 179 is hereby further amended by striking out section 82  
2548 and inserting in place thereof the following section:-

2549 Section 82. The department of energy resources may coordinate with 1 or more New  
2550 England states to consider competitive solicitations for long-term clean energy generation,  
2551 including nuclear power generation that is located in the ISO-NE control area and commenced  
2552 commercial operation before January 1, 2011, associated environmental attributes, transmission  
2553 or capacity for the benefit of residents of the commonwealth and the region. If the department of  
2554 energy resources, in consultation with the electric distribution companies and the office of the  
2555 attorney general, determines not later than December 31, 2025 that a project would satisfy all of  
2556 the benefits listed below, the electric distribution companies shall enter into cost-effective long-  
2557 term contracts. In its determination, the department of energy resources shall determine if any  
2558 proposals: (i) provide cost-effective clean energy generation to electric ratepayers in the  
2559 commonwealth and the region over the term of the contract; (ii) provide the benefits of clean  
2560 energy and associated transmission towards meeting the commonwealth's decarbonization goals;  
2561 (iii) where possible, avoid, minimize or mitigate, to the maximum extent practicable,  
2562 environmental impacts and impacts to low income populations; or (iv) reduce ratepayer costs in  
2563 winter months and improve energy security during winter months. For the purposes of this

2564 section, a long-term contract shall be a contract with a term of 10 to 20 years. Eligible clean  
2565 energy generation must contribute to achieving compliance with limits and sublimits established  
2566 pursuant to sections 3 and 3A of chapter 21N of the General Laws. Associated transmission costs  
2567 must be incorporated into a proposal. All proposed contracts shall be subject to the review and  
2568 approval of the department of public utilities. The department of public utilities shall consider  
2569 both potential costs and benefits of such contracts and shall only approve a contract upon a  
2570 finding that it is cost-effective, taking into account the factors provided in this section.

2571 SECTION 106. Notwithstanding any general or special law, rule, regulation or order to  
2572 the contrary, the department of public utilities shall investigate expanding access to net crediting  
2573 solutions for net metering facilities and solar facilities eligible to receive bill credits under any  
2574 programs established pursuant to section 11 of chapter 75 of the acts of 2016. Such net crediting  
2575 solutions may facilitate the allocation of credits between owners of facilities and customers,  
2576 including any payment mechanism that requires an electric distribution company, at the request  
2577 of a host customer or eligible facility to: (i) include the monthly subscription charge of a host  
2578 customer or eligible facility on the customer's bills; and (ii) remit payment for those charges to  
2579 the host customer or eligible facility. The department shall consider whether an electric  
2580 distribution company may require a fee for a host customer or eligible facility that uses net  
2581 crediting.

2582 SECTION 107. Notwithstanding any general or special law, rule or regulation to the  
2583 contrary, the department of public utilities, in consultation with the department of energy  
2584 resources, shall: (i) amend any applicable rules, regulations and tariffs to permit the transfer of  
2585 credits from an alternative on-bill credit generation unit, as defined by regulations of the  
2586 department of energy resources, to customers of any electric distribution company located in the

2587 commonwealth; and (ii) require the electric distribution companies to implement consolidated  
2588 billing on Alternative On-Bill Credit (AOBC) Low Income Community Shared Solar (LICSS)  
2589 generation units. In implementing said consolidated billing, the electric distribution companies  
2590 shall apply the net value of the bill credit directly to customer's accounts and remit the developer  
2591 or owner portion of the payment directly to the developer or owner. The net value of the bill  
2592 credits the electric distribution companies would apply to customer accounts may be calculated  
2593 in a manner determined by the department.

2594 SECTION 108. There shall be a special legislative commission to recommend to the  
2595 general court extended producer responsibility policies for the commonwealth. The commission  
2596 shall include: the commissioner of environmental protection or a designee, who shall serve as  
2597 chair; the secretary of economic development or a designee; the commissioner of public health or  
2598 a designee; 1 person to be appointed by the attorney general, who shall have expertise in  
2599 consumer protection; 1 person to be appointed by the senate chair of the joint committee on  
2600 environment and natural resources; 1 person to be appointed by the senate chair of the joint  
2601 committee on telecommunications, utilities and energy; 1 person to be appointed by the minority  
2602 leader of the senate; 1 person to be appointed by the house chair of the joint committee on  
2603 environment and natural resources; 1 person to be appointed by the house chair of the joint  
2604 committee on telecommunications, utilities and energy; 1 person to be appointed by the minority  
2605 leader of the house of representatives; 1 person to be appointed by the Massachusetts Association  
2606 of Regional Planning Agencies; and 10 additional persons to be appointed by the chair, 1 of  
2607 whom shall represent an organization representing product or packaging producers, 1 of whom  
2608 shall represent retailers, 1 of whom shall represent waste haulers and material recovery facility  
2609 operators, 1 of whom shall represent municipal officials or employees, 1 of whom shall represent



2610 a statewide or regional environmental protection organization, 3 of whom shall represent  
2611 environmental justice organizations, 1 of whom shall represent a statewide recycling advocacy  
2612 organization and 1 of whom shall represent an environmental health and public health  
2613 organization. The chair shall consider geographic diversity in making appointments to the  
2614 commission. The chair may select a third-party facilitator for the commission.

2615           The extended producer responsibility policy recommendations shall include, but not be  
2616 limited to: (i) recommendations on specific extended producer responsibility approaches and  
2617 other strategies for product and packaging categories including, but not limited to, paint,  
2618 mattresses, electronics, lithium-ion batteries, plastics and other packaging; (ii) a proposed  
2619 structure for each product and packaging category including collection, processing and financial  
2620 responsibility; (iii) information on cost impacts of residential curbside collection or transfer  
2621 station operations, on-site processing costs for each readily recyclable material type,  
2622 management costs of non-readily recyclable materials and other cost factors; (iv) methods for  
2623 incentivizing product and packaging production, including material reduction, reuse and lifecycle  
2624 extensions; and (v) impacts on waste generation and waste stream contamination reduction. The  
2625 commission shall host not less than 4 public meetings and solicit public comment regarding  
2626 extended producer responsibility. Not later than January 15, 2026, the commission shall issue  
2627 initial recommendations and related findings to the senate and house committees on ways and  
2628 means, the joint committee on environment and natural resources, the joint committee on  
2629 telecommunications, utilities and energy and the clerks of the senate and house of  
2630 representatives. The department of environmental protection shall publish said recommendations  
2631 and related findings on its website.

2632 SECTION 109. There shall be a special commission to study the impacts on the fossil  
2633 fuel workforce caused by public and private efforts to reduce greenhouse gas emissions and  
2634 transition from fossil fuels to clean energy. The commission shall seek to measure and monitor  
2635 the impact on fossil fuel workers and industries and examine ways to increase access to  
2636 employment, training and workforce opportunities in clean energy industries and related fields.  
2637 The commission shall consist of: the secretary of labor and workforce development or a  
2638 designee, who shall serve as co-chair; the commissioner of energy resources or a designee, who  
2639 shall serve as co-chair; the secretary of economic development or a designee; the director of  
2640 environmental justice and equity or a designee; the executive director of the Massachusetts clean  
2641 energy technology center or a designee; 8 members to be appointed by the governor, 1 of whom  
2642 shall be a representative of employers in the gas utility sector, 1 of whom shall be a  
2643 representative of employers in the electric power generation sector, 1 of whom shall be a  
2644 representative of employers in the renewable electricity sector, 1 of whom shall be a  
2645 representative of employers in the energy efficiency sector, 1 of whom shall be a representative  
2646 of employers in the clean transportation sector, 1 of whom shall be a representative of employers  
2647 in the clean heating sector and 2 of whom shall work in or be affiliated with a higher education  
2648 university with educational expertise in labor policy and the fossil fuel or clean energy workforce  
2649 and 5 of whom shall be recommended by the president of the Massachusetts AFL-CIO, 1 of  
2650 whom shall be a representative of employees in the gas utility sector, 1 of whom shall be a  
2651 representative of employees in the electric power generation sector, 2 of whom shall be  
2652 representatives of employees in the clean energy sector and 1 of whom shall be a representative  
2653 of employees in the transportation sector; the president of the Massachusetts Building Trades;

2654 and 2 representatives of environmental justice communities appointed by the director of  
2655 environmental justice and equity.

2656 The work of the commission shall include, but not be limited to, identifying workers  
2657 currently employed in the energy sector by industry, trade and job classification, including an  
2658 analysis of wage and benefit packages and current licensing, certification and training  
2659 requirements. The commission shall recommend education and training programs to enhance re-  
2660 employment opportunities within the energy sector and services to support dislocated workers  
2661 displaced from jobs within the energy sector as a result of public or private efforts to reduce  
2662 greenhouse gas emissions or transition from fossil fuels to clean energy and advancements in  
2663 clean energy technology. The commission shall, not later than December 31, 2025, issue a  
2664 report, including any plans and recommendations, to the clerks of the senate and house of  
2665 representatives.

2666 SECTION 110. The initial regulations required to be promulgated by the executive office  
2667 of energy and environmental affairs or its designated agency under section 31 of chapter 21A of  
2668 the General Laws and the initial regulations required to be promulgated by the division of  
2669 standards in the office of consumer affairs and business regulation under section 59 of chapter 98  
2670 of the General Laws shall be completed not later than February 1, 2026 and shall apply to  
2671 chargers installed on or after June 1, 2026.

2672 SECTION 111. The Massachusetts clean energy technology center shall conduct and  
2673 publish a study of prospects and opportunities for carbon dioxide removal innovation and  
2674 operations within the commonwealth or in waters not more than 50 nautical miles off the  
2675 commonwealth. Methods of carbon dioxide removal shall include, but not be limited to: (i)

2676 sequestration and storage involving terrestrial mineralization or enhanced rock weathering; (ii)  
2677 sequestration and storage involving biochar, woody waste, agricultural waste or other waste  
2678 products; (iii) ocean-based solutions including electro-chemical alkalinity enhancement, marine  
2679 permaculture, deep-ocean sequestration and storage of biomass and coastal enhanced  
2680 weathering; (iv) construction materials and products, the production of which directly contributes  
2681 to the sequestration and storage of carbon dioxide or other greenhouse gases, including mass  
2682 timber; and (v) direct air capture paired with either durable geologic sequestration and storage or  
2683 durable sequestration and storage in the built environment including in concrete.

2684           The study shall include, but not be limited to: (i) cost considerations, including ranges of  
2685 likely prices per ton of carbon dioxide removed; (ii) the scale potential of various potential  
2686 carbon dioxide removal processes; (iii) the likely duration of various potential carbon dioxide  
2687 removal operations; (iv) projected start times of various activities and operations; (v) the  
2688 conservation efficiency of various activities and operations in terms of their use of water, land  
2689 and energy resources with explicit consideration of projects with low water, land and energy  
2690 requirements and of projects that exclusively employ renewable energy; (vi) the number of  
2691 potential jobs within the commonwealth, including research and development jobs, that are likely  
2692 to be created by various activities and operations; (vii) the potential of various activities and  
2693 operations to involve purchases of equipment and supplies from businesses located in the  
2694 commonwealth; (viii) the potential of various activities and operations to generate significant  
2695 agricultural, ecological or ecosystem co-benefits, harms or effects of ocean acidification on the  
2696 marine environment, habitats and species, including shellfish, lobsters and other commercially-  
2697 important fisheries in the waters of the commonwealth; (ix) the extent to which various activities  
2698 and operations may generate economic benefit to 1 or more disadvantaged communities; (x)

2699 methods of measuring, reporting and verifying carbon dioxide removal technologies; and (xi)  
2700 recommended next steps, if any, for legislative or executive branch action.

2701           The center shall publish a draft study for comment not later than December 31, 2025 and  
2702 a final study not later than April 30, 2026.

2703           SECTION 112. Notwithstanding any general or special law to the contrary and subject to  
2704 availability of sufficient proceeds, the department of energy resources shall expend amounts  
2705 from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws  
2706 to fund the green communities program established in section 10 of chapter 25A of the General  
2707 Laws and the Electric Vehicle Adoption Incentive Trust Fund established in section 19 of said  
2708 chapter 25A through June 30, 2027. Payments made from the fund shall be prioritized by  
2709 directing initial payments to the green communities program and the Electric Vehicle Adoption  
2710 Incentive Trust Fund; provided, however, that not less than \$27,000,000 shall be available for the  
2711 Electric Vehicle Adoption Incentive Trust Fund each fiscal year.

2712           SECTION 113. Notwithstanding any general or special law to the contrary and not later  
2713 than July 31, 2025, the executive office of housing and livable communities, in consultation with  
2714 the executive office of energy and environmental affairs, shall promulgate regulations to  
2715 implement a cradle-to-grave life cycle assessment in accordance with International Organization  
2716 for Standardization ISO 14040 and ISO 14044 of state-funded housing projects. The assessment  
2717 shall encompass the full life cycle including, but not limited to: (i) resource extraction through  
2718 demolition and disposal; and (ii) on-site construction, operations, maintenance and replacement  
2719 and material-and product-embodied acquisition, processing and transportation energy.

2720 SECTION 114. Notwithstanding any general or special law to the contrary, the  
2721 department of energy resources, in consultation with the department of public utilities and the  
2722 Massachusetts clean energy technology center, shall issue technical guidance on how a  
2723 municipality or group of municipalities with an approved municipal load aggregation plan  
2724 authorized pursuant to section 134 of chapter 164 of the General Laws or with approved  
2725 aggregations authorized pursuant to section 137 of said chapter 164, may enter into a long-term  
2726 contract to purchase electricity from an offshore wind developer. The guidance shall be publicly  
2727 posted on the department’s website not later than June 1, 2025.

2728 SECTION 115. The embodied carbon intergovernmental coordinating council shall  
2729 submit the initial embodied carbon reduction plan under section 73 of chapter 7C of the General  
2730 Laws to the clerks of the senate and house of representatives not later than July 31, 2025.

2731 SECTION 116. (a) Notwithstanding any general or special law to the contrary, the  
2732 department of energy resources shall conduct a review to determine the effectiveness of the  
2733 commonwealth’s existing solicitations and procurements required by sections 83 to 83E,  
2734 inclusive, of chapter 169 of the acts of 2008 and shall make recommendations regarding the  
2735 future procurement of clean energy resources for the purposes of ensuring compliance with  
2736 statewide greenhouse gas emissions limits and sublimits under chapter 21N of the General Laws.

2737 (b) The department’s recommendations shall include a review of: (i) prior clean energy  
2738 solicitations; (ii) best practices and models utilized by other states to procure clean energy; (iii)  
2739 best practices and models utilized by other states and the federal government to ensure high labor  
2740 standards in clean energy; (iv) with respect to sections 83C, 83D, and 83E of chapter 169 of the  
2741 acts of 2008, the optimal length of long-term contracts as defined in section 83B of said chapter

2742 169; (v) the use of energy services in future solicitations and procurements, which shall include  
2743 operation of advanced transmission infrastructure, including transmission, energy storage  
2744 systems as defined in section 1 of chapter 164 of the General Laws and demand response  
2745 technologies, that increases the deliverability or reliability of clean energy generation or reduces  
2746 the cost of clean energy generation; (vi) authorization of surplus interconnection service as an  
2747 available transmission option in future solicitations and procurements required by said section  
2748 83C of said chapter 169; and (vii) strategies to minimize total carbon emissions generated by  
2749 vessels during both the construction phase and the operation and maintenance phase of a project  
2750 and any legislative recommendations needed to amend or replace existing statutory authority.

2751 (c) The department's review of best practices and models for labor standards shall  
2752 include an investigation of reporting requirements for future solicitations and procurements  
2753 pursuant to section 83C of chapter 169 of the acts of 2008 regarding information relative to  
2754 compliance with chapters 149, 151, 151A, 151B and 152 of the General Laws, 29 U.S.C. section  
2755 201, et seq. and applicable federal anti-discrimination laws by offshore wind developers as  
2756 defined in said section 83B of said chapter 169, their contractors and subcontractors,  
2757 documentation of such parties' history with picketing, work stoppages, boycotts or other  
2758 economic actions and documentation relative to whether such parties have been found in  
2759 violation of any state or federal safety regulations in the previous 10 years. The review shall  
2760 further include information regarding the use of state or federally certified apprenticeship  
2761 programs and the use of prevailing or union wages on clean energy projects.

2762 (d) The department shall consult with the clean energy industry, the office of the attorney  
2763 general, the Massachusetts clean energy technology center, environmental justice organizations,  
2764 labor organizations representing workers in the offshore wind industry and other impacted

2765 stakeholders as part of this review process. Such review and recommendations shall be submitted  
2766 to the joint committee on telecommunications, utilities and energy not later than July 1, 2025.

2767 SECTION 117. The executive office of energy and environmental affairs shall conduct a  
2768 study on the feasibility of the electric vehicle only sales mandate that becomes effective in 2035.  
2769 The study shall include, but not be limited to, an examination of a realistic timeline to implement  
2770 the mandate, the infrastructure needed to implement the mandate, including ample charging  
2771 stations throughout the commonwealth and where and how enough electricity will be needed and  
2772 generated into the power grid to sustain such a mandate by 2035. The study shall also seek input  
2773 on the impacts of the mandate from relevant industries including, but not limited to, the  
2774 automobile industry, auto sales industry, auto repair industry, transportation industry, shipping  
2775 and construction industries and travel and tourism. The executive office shall collect information  
2776 on the feasibility of installing and providing access to charging stations in rural, suburban and  
2777 urban areas. The executive office shall also collect and study information on the costs associated  
2778 with the repair and general maintenance of electric vehicles compared to gas-fueled vehicles.

2779 The executive office shall report its findings to the joint committee on  
2780 telecommunications, utilities and energy, the chairs of the house and senate committees on  
2781 global warming and climate change and the chairs of the house and senate committees on ways  
2782 and means not later July 31, 2025.

2783 SECTION 118. (a) Notwithstanding any general or special law to the contrary, an energy  
2784 storage system as defined in section 1 of chapter 164 of the General Laws that is not less than  
2785 100 megawatt hours and has received a comprehensive exemption from local zoning by-laws  
2786 pursuant to section 3 of chapter 40A of the General Laws or pursuant to section 6 of chapter 665



2787 of the acts of 1956 may petition the energy facilities siting board to obtain a certificate of  
2788 environmental impact and public interest if the petition is filed prior to the date when regulations  
2789 are promulgated pursuant to section 132.

2790 (b) The energy facilities siting board shall consider a petition pursuant to subsection (a) if  
2791 the applicant is prevented from building the energy storage system because: (i) the applicant is  
2792 unable to meet standards imposed by a state or local agency with reasonable and commercially  
2793 available equipment; (ii) the processing or granting by a state or local agency of any approval,  
2794 consent, permit or certificate has been unduly delayed for any reason; (iii) the applicant believes  
2795 there are inconsistencies among resource use permits issued by such state or local agencies; (iv)  
2796 the applicant believes that a nonregulatory issue or condition has been raised or imposed by such  
2797 state or local agencies, including, but not limited to, aesthetics and recreation; (v) the generating  
2798 facility cannot be constructed due to any disapprovals, conditions or denials by a state or local  
2799 agency or body, except with respect to any lands or interests therein, excluding public ways,  
2800 owned or managed by any state agency or local government; or (vi) the facility cannot be  
2801 constructed because of delays caused by the appeal of any approval, consent, permit or  
2802 certificate.

2803 (c) The energy facilities siting board shall, upon petition, consider an application for a  
2804 certificate of environmental impact and public interest if it finds that any state or local agency  
2805 has imposed a burdensome condition or limitation on any license or permit. An energy storage  
2806 system, with respect to which a certificate is issued by the energy facilities siting board, shall  
2807 thereafter be constructed, maintained and operated in conformity with such certificate and any  
2808 terms and conditions contained therein.

2809 (d) Notwithstanding any general or special law to the contrary, such certificate may be so  
2810 issued; provided, however, that when so issued no state agency or local government shall require  
2811 any approval, consent, permit, certificate or condition for the construction, operation or  
2812 maintenance of the energy storage system with respect to which the certificate is issued and no  
2813 state agency or local government shall impose or enforce any law, ordinance, by-law, rule or  
2814 regulation nor take any action nor fail to take any action that would delay or prevent the  
2815 construction, operation or maintenance of such energy storage system except as required by  
2816 federal law; and provided further, that the energy facilities siting board shall not issue a  
2817 certificate, the effect of which would be to grant or modify a permit, approval or authorization,  
2818 which, if so granted or modified by the appropriate state or local agency, would be invalid  
2819 because of a conflict with applicable federal water or air standards or requirements. A certificate,  
2820 if issued, shall be in the form of a composite of all individual permits, approvals or  
2821 authorizations that would otherwise be necessary for the construction and operation of the energy  
2822 storage system and that portion of the certificate that relates to subject matters within the  
2823 jurisdiction of a state or local agency shall be enforced by said agency under the other applicable  
2824 laws of the commonwealth as if it had been directly granted by the said agency.

2825 (e) Energy storage systems that have not petitioned the department of public utilities for a  
2826 comprehensive exemption from local zoning by-laws pursuant to section 3 of chapter 40A of the  
2827 General Laws prior to July 1, 2026, shall not be eligible to petition the energy facilities siting  
2828 board to obtain a certificate of environmental impact and public interest under this section.

2829 (f) Notwithstanding any general or special law to the contrary, large clean energy storage  
2830 facilities that have: (i) submitted a petition under section 72 of chapter 164 of the General Laws;  
2831 (ii) submitted a petition under section 3 of chapter 40A of the General Laws; or (iii) requested

2832 local permits or a grant of location prior to the date when regulations are promulgated pursuant  
2833 to section 132 shall not be required to submit an application or petition to the energy facility  
2834 siting board pursuant to section 69T of chapter 164 of the General Laws.

2835 SECTION 119. (a) For purposes of this section, the following words shall have the  
2836 following meanings unless the context clearly requires otherwise:-

2837 “Approval”, except as otherwise provided in subsection (b), any permit, certificate, order,  
2838 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,  
2839 building permit or other approval or determination of rights from any municipal, regional or state  
2840 governmental entity, including any agency, department, commission or other instrumentality of  
2841 the municipal, regional or state governmental entity, concerning the use or development of real  
2842 property, including certificates, licenses, certifications, determinations, exemptions, variances,  
2843 waivers, building permits or other approvals or determination of rights issued or made under  
2844 chapter 21 of the General Laws or chapter 21A of the General Laws; provided, however  
2845 “approval” shall not mean any permit, certificate, order, excluding enforcement orders, license,  
2846 certification, determination, exemption, variance, waiver, building permit or other approval or  
2847 determination of rights issued or made under section 16 of chapter 21D of the General Laws,  
2848 sections 61 to 62H, inclusive, of chapter 30 of the General Laws, chapters 30A, 40 and 40A to  
2849 40C, inclusive, of the General Laws, chapters 40R, 41 and 43D of the General Laws, section 21  
2850 of chapter 81 of the General Laws, chapters 91, 131, 131A and 143 of the General Laws,  
2851 sections 4 and 5 of chapter 249 of the General Laws or chapter 258 of the General Laws or  
2852 chapter 665 of the acts of 1956 or any local by-law or ordinance.

2853 “Clean energy infrastructure project”, a project involving the construction,  
2854 reconstruction, conversion, relocation or enlargement of any renewable energy generating  
2855 source, as defined in subsection (c) of section 11F of chapter 25A of the General Laws, any  
2856 energy storage system, as defined in section 1 of chapter 164 of the General Laws, any  
2857 transmission facility or distribution facility, as defined in said section 1 of said chapter 164, or  
2858 related infrastructure, including substations and any other project that may be so designated as a  
2859 clean energy infrastructure project by the department of energy resources.

2860 (b)(1) Notwithstanding any general or special law to the contrary, any approval granted  
2861 for a clean energy generation or storage project that was in effect from October 22, 2020, to  
2862 August 1, 2024, inclusive, shall be extended to August 1, 2029.

2863 (2) A clean energy infrastructure project shall be governed by the applicable provisions  
2864 of any state, regional or local statute, regulation, ordinance or by-law, if any, in effect at the time  
2865 of the initial approval granted for such project, unless the owner or petitioner of such project  
2866 elects to waive this section.

2867 (3) Nothing in this section shall extend or purport to extend: (i) a permit or approval  
2868 issued by the government of the United States or an agency or instrumentality of the government  
2869 of the United States or to a permit or approval of which the duration of effect or the date or terms  
2870 of its expiration are specified or determined by or under law or regulation of the federal  
2871 government or any of its agencies or instrumentalities; or (ii) a permit, license, privilege or  
2872 approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws  
2873 for hunting, fishing or aquaculture.

2874 (4) If an owner or petitioner sells or otherwise transfers a property or project to receive  
2875 approval for an extension, the new owner or petitioner shall agree to assume all commitments  
2876 made by the original owner or petitioner under the terms of the approval, otherwise the approval  
2877 shall not be extended under this section.

2878 SECTION 120. The department of public utilities shall commission a management study  
2879 to assess: (i) the likely workload of the energy facilities siting board based on the new  
2880 requirements of this act and the commonwealth's clean energy and climate plans; (ii) the  
2881 workforce qualifications needed to implement this act; (iii) the cost associated with the hiring  
2882 and retention of qualified professionals and consultants to successfully complete that work  
2883 required pursuant to this act; and (iv) the design, population and maintenance of a real-time,  
2884 online clean energy infrastructure dashboard, as required to be maintained by the facility siting  
2885 division pursuant to section 12N of chapter 25 of the General Laws. The funding and staffing  
2886 resource requirements identified in the management study shall be reported to the joint  
2887 committee on ways and means, the joint committee on telecommunications, utilities and energy,  
2888 the secretary of energy and environmental affairs and the secretary of administration and finance  
2889 not later than August 1, 2025. The secretary of energy and environmental affairs and the  
2890 secretary of administration and finance shall within 60 days of their receipt of the study provide  
2891 recommendations to the senate and house committees on ways and means and the joint  
2892 committee on telecommunications, utilities and energy on options to implement any proposed  
2893 recommendations of the study.

2894 SECTION 121. (a) The department of public utilities, in coordination with the  
2895 department of energy resources, shall conduct an independent investigation that examines the use  
2896 of advanced conductors, grid-enhancing technologies and other advanced transmission

2897 technologies to enhance the performance of the commonwealth's transmission system in  
2898 applications that are subject to federal jurisdiction. Such advanced conductors, grid-enhancing  
2899 technologies and other advanced transmission technologies may include, but shall not be limited  
2900 to, reconductoring of transmission and distribution lines and the use of dynamic line ratings,  
2901 advanced power flow control and topology optimization software.

2902 (b) In conducting its investigation, the department shall: (i) review industry trends for the  
2903 implementation and use of advanced conductors, grid-enhancing technologies, and other  
2904 advanced transmission technologies and determine which technologies are cost-effective and in  
2905 the public interest and under what conditions those technologies could be utilized for  
2906 transmission and distribution infrastructure within the state; and (ii) for any technologies  
2907 determined to be cost effective and in the public interest, identify any jurisdictional and cost-  
2908 sharing issues related to requiring a transmission and distribution utility to implement such  
2909 advanced transmission technologies. The investigation shall consider the costs of such  
2910 technologies and consider their benefits including, but not limited to: (A) access to lower cost  
2911 and zero carbon electricity; (B) acceleration of distributed energy resource interconnection; (C)  
2912 reduced generator curtailment or congestion; (D) reduced environmental impacts; (E)  
2913 maximization of the value of planned investments; (F) improved resilience; and (G) improved  
2914 outage coordination and mitigation.

2915 (c) The department of public utilities shall submit its report to the joint committee on  
2916 telecommunications, utilities and energy not later than September 1, 2025.

2917 SECTION 122. The department of environmental protection, in consultation with the  
2918 board of fire prevention and regulations and the department of energy resources, shall issue

2919 guidance on the public health, safety and environmental impacts of electric battery storage and  
2920 electric vehicle chargers not more than 6 months after the effective date of this act.

2921 SECTION 123. (a) Notwithstanding 225 CMR 15.07(2) or any general or special law,  
2922 rule or regulation to the contrary, the RPS Class II Waste Energy Minimum Standard in the year  
2923 2026 and all subsequent compliance years shall be equal to 3.7 per cent of total annual electrical  
2924 energy sales.

2925 (b) Notwithstanding 225 CMR 15.08(4)(a)(2) or any general or special law, rule or  
2926 regulation to the contrary, the alternative compliance payment rate for the RPS Class II Waste  
2927 Energy Minimum Standard in the year 2026 and all subsequent compliance years shall be equal  
2928 to the alternative compliance payment rate for the RPS Class II Renewable Energy Minimum  
2929 Standard set pursuant to 225 CMR 15.08(3)(a)(2).

2930 SECTION 124. The department of energy resources shall convene a stakeholder working  
2931 group to develop recommendations for regulatory and legislative changes that may be necessary  
2932 to encourage the construction and operation of solar power generating canopies. The  
2933 recommendations shall be designed to contribute to the state's greenhouse gas emission limits  
2934 and sublimits established pursuant to chapter 21N of the General Laws and facilitate the  
2935 development and deployment of solar canopies in a cost-effective manner. The working group  
2936 shall be convened not later than March 30, 2025. The working group shall consist of the  
2937 commissioner of energy resources or a designee, who shall serve as chair, and the following  
2938 members to be appointed by the secretary of energy and environmental affairs: a representative  
2939 of the commercial real estate sector; a representative of the residential real estate sector; a  
2940 representative of the organized labor industry; a representative of the solar energy industry; a

2941 representative of an environmental group concerned with energy; a representative of the  
2942 construction industry; a representative of an electric utility or organization representing electric  
2943 utilities; a representative of local government; a person with expertise in energy siting; and a  
2944 person with expertise in solar energy and energy efficiency. The working group shall submit its  
2945 report to the joint committee on telecommunications, utilities and energy, the senate and house  
2946 committees on global warming and climate change and the clerks of the senate and house of  
2947 representatives not later than June 31, 2025.

2948 SECTION 125. The secretary of energy and environmental affairs shall review existing  
2949 flood risk mapping resources and assess the need for and feasibility of creating additional flood  
2950 risk mapping resources to identify areas vulnerable to current and future flooding across the  
2951 commonwealth.

2952 The secretary shall develop recommendations, including any legislation or funding  
2953 necessary, to support any additional required flood risk mapping resources and shall submit its  
2954 recommendations to the joint committee on environment and natural resources, the climate chief,  
2955 the house and senate committees on ways and means and the clerks of the senate and house of  
2956 representatives not later than 6 months after the effective date of this act. The recommendations  
2957 shall also be made available to the public on the website of the executive office of energy and  
2958 environmental affairs.

2959 SECTION 126. Orders restricting coastal wetlands recorded pursuant to section 105 of  
2960 chapter 130 of the General Laws prior to July 1, 2024, and orders restricting inland wetlands  
2961 recorded pursuant to section 40A of chapter 131 of the General Laws prior to July 1, 2024, shall  
2962 permit or allow ecological restoration projects as defined in 310 CMR 10.04; provided, however,



2963 that such ecological restoration project is permitted by the department of environmental  
2964 protection or local issuing authority pursuant to section 40 of said chapter 131 and applicable  
2965 regulations.

2966 SECTION 127. Subsection (a) of section 116C of chapter 164 of the General Laws shall  
2967 be implemented not later than 1 year after the effective date of this act.

2968 SECTION 128. All distribution companies operating within the commonwealth shall  
2969 submit a plan for the implementation of advanced metering data access protocols pursuant to  
2970 section 116C of chapter 164 of the General Laws to the department of public utilities for  
2971 approval not later than 1 year after the effective date of this act.

2972 SECTION 129. The office of environmental justice and equity established pursuant to  
2973 section 29 of chapter 21A of the General Laws shall establish standards and guidelines for  
2974 community benefit plans and agreements as required by said section 29 of said chapter 21A not  
2975 later than March 1, 2026, and shall issue the cumulative impacts analysis guidance pursuant to  
2976 said section 29 of said chapter 21A before the energy facilities siting board regulations are  
2977 promulgated pursuant to section 133.

2978 SECTION 130. The executive office of energy and environmental affairs shall coordinate  
2979 and convene a stakeholder process with the agencies and offices under its jurisdiction and any  
2980 other relevant local, regional and state agencies with a permitting role in energy related  
2981 infrastructure to establish the methodology for determining the suitability of sites and associated  
2982 guidance required by section 30 of chapter 21A of the General Laws not later than March 1,  
2983 2026.

2984 SECTION 131. The department of energy resources shall promulgate regulations to  
2985 implement section 21 of chapter 25A of the General Laws not later than March 1, 2026.

2986 SECTION 132. The energy facilities siting board shall promulgate regulations to  
2987 implement the changes to sections 69G to 69J1/4, inclusive, sections 69O and 69P, sections 69R  
2988 and 69S and sections 69T to 69W, inclusive, of chapter 164 of the General Laws not later than  
2989 March 1, 2026. Such regulations shall apply to all jurisdictional projects submitted to the energy  
2990 facilities siting board on and after July 1, 2026. In promulgating said regulations, the board shall  
2991 consult with the department of public utilities, the department of energy resources, the  
2992 department of environmental protection, the department of fish and game, the department of  
2993 conservation and recreation, the department of agricultural resources, the Massachusetts  
2994 environmental policy act office, the Massachusetts Department of Transportation, the executive  
2995 office of public safety and security and all other agencies, authorities and departments whose  
2996 approval, order, order of conditions, permit, license, certificate or permission in any form is  
2997 required prior to or for construction of a facility, small clean energy infrastructure facility or  
2998 large clean energy infrastructure facility.

2999 SECTION 133. The department of public utilities and the energy facilities siting board, in  
3000 consultation with the office of environmental justice and equity established by section 29 of  
3001 chapter 21A of the General Laws and the office of the attorney general, shall promulgate  
3002 regulations to implement section 149 of chapter 164 of the General Laws not later than March 1,  
3003 2026.

3004 SECTION 134. Not later than July 31, 2025, the department of public utilities shall open  
3005 a proceeding to facilitate right-of-way or pole-mounted electric vehicle supply equipment

3006 throughout the commonwealth and shall require certain parties as it may identify, including, but  
3007 not limited to, electric distribution companies as defined in section 1 of chapter 164 of the  
3008 General Laws, to submit plans to facilitate the deployment of such equipment. Not later than  
3009 December 31, 2025, electric distribution companies and such other parties as the department may  
3010 identify shall file plans with the department for establishing such equipment throughout the  
3011 commonwealth. Such plans may: (i) include schedules and calendar dates for deploying the  
3012 equipment, making chargers operational and meeting other requirements as set by the  
3013 department; (ii) promote partnerships between companies and municipalities or other  
3014 governmental entities; (iii) ensure accessibility and affordability for rural communities and low  
3015 and moderate income populations, including renters; (iv) favor chargers at Level 2 and higher  
3016 capacity; (v) promote the use of poles owned by, or under the control of, electric distribution  
3017 companies; (vi) review potential funding mechanisms and sources including, but not limited to,  
3018 off-peak charging rate structures; (vii) review potential funding mechanisms, sources and  
3019 liability provisions for ensuring routine maintenance and a state of good repair; and (viii) require  
3020 annual reporting and tabulations including, but not limited to: (A) the number of equipment  
3021 installations completed, identified by specific location; (B) pricing and consumer costs; (C) the  
3022 number of supply equipment outages, identified by specific location, together with estimates of  
3023 downtime; and (D) identification of software and hardware malfunctions or characteristics or  
3024 labor or parts shortages that may have contributed to excessive equipment outages or downtimes;  
3025 provided, however, that such annual reporting and tabulations may be coordinated with, or  
3026 delegated to, the division of standards. Not later than July 31, 2026, the department shall  
3027 approve, approve with conditions or reject such plans; provided, however, that nothing in this

3028 section shall conflict with or delay pole-mounted electric vehicle supply equipment installations  
3029 that are underway before a relevant departmental approval.

3030 SECTION 135. The department of public utilities shall promulgate regulations to  
3031 implement section 48 including, but not limited to, the establishment of a moderate income  
3032 discount eligibility rate following an investigation thereof.

3033 SECTION 136. Not later than June 1, 2029, the director of public participation  
3034 established in section 12T of chapter 25 of the General Laws shall complete a review of the  
3035 intervenor support grant program established in section 149 of chapter 164 of the General Laws  
3036 and provide an opportunity for public comment to determine whether the program and  
3037 corresponding regulations should be amended.

3038 SECTION 137. Sections 12 to 15, inclusive, shall take effect on January 1, 2028.

3039 SECTION 138. Section 35 shall take effect on June 30, 2029.

3040 SECTION 139. Sections 64 to 68, inclusive, 70 to 76, inclusive, 83, 87, 91, 118 and 119,  
3041 129 and 132 and section 149 of chapter 164 of the General Laws shall take effect on March 1,  
3042 2026.

3043 SECTION 140. Section 88 shall take effect on March 1, 2027.