

**HOUSE . . . . . No. 5175**

House bill No. 5151, as amended and as adopted by the House. February 26, 2026.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to energy affordability, clean power and economic competitiveness.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide energy affordability, independence and innovation in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1           SECTION 1. Chapter 25 of the General Laws is hereby amended by adding the following  
2 section:-

3           Section 24. (a) The department shall maintain a real-time, online, retail residential  
4 customer bill assessment dashboard. The dashboard shall provide: (i) visual representations,  
5 including, but not limited to, bar charts or line charts, to facilitate public understanding of both  
6 current and historical rate components charged to retail residential customers by each gas  
7 company and electric company, as defined in section 1 of chapter 164; and (ii) a summary  
8 explanation of each customer bill component and the corresponding utility cost recovery  
9 mechanism. The department shall make the dashboard publicly available in a machine-readable  
10 format.

11 (b) The department shall include an analysis of the benefits of the clean energy,  
12 greenhouse gas reduction, energy efficiency and demand response programs and procurements  
13 and any other programs, procurements or investments funded, in whole or in part, by electric or  
14 gas utility customers on the dashboard pursuant to subsection (a), as deemed appropriate by the  
15 department. Any quantitative analysis shall include the direct and indirect electric system  
16 benefits of such programs, procurements and investments, including, but not limited to, system  
17 reliability and avoided energy costs, and the indirect climate, health and economic benefits and  
18 any other benefits deemed appropriate by the department. The department shall develop such  
19 analysis with the department of energy resources, in consultation with the office of the attorney  
20 general.

21 SECTION 2. Section 2 of chapter 25A of the General Laws, as appearing in the 2024  
22 Official Edition, is hereby amended by striking out, in line 5, the words “4 divisions”.

23 SECTION 3. Said section 2 of said chapter 25A, as so appearing, is hereby further  
24 amended by striking out, in line 17, the words “of energy resources”.

25 SECTION 4. Said section 2 of said chapter 25A, as so appearing, is hereby further  
26 amended by striking out, in lines 19 to 26, inclusive, the words “and (iv) a division of clean  
27 energy siting and permitting, which shall establish standard conditions, criteria and requirements  
28 for the siting and permitting of small clean energy infrastructure facilities by local governments  
29 and provide technical support and assistance to local governments, small clean energy  
30 infrastructure facility project proponents and other stakeholders impacted by the siting and  
31 permitting of small clean energy infrastructure facilities at the local government level” and  
32 inserting in place thereof the following words:- (iv) a division of clean energy procurement,

33 which shall develop resource solicitation plans, administer procurements for clean energy  
34 generation and energy services and negotiate and manage contracts with clean energy generation  
35 and energy service facilities; and (v) a division of clean energy siting and permitting, which shall  
36 establish standard conditions, criteria and requirements for the siting and permitting of small  
37 clean energy infrastructure facilities by local governments and provide technical support and  
38 assistance to local governments, small clean energy infrastructure facility project proponents and  
39 other stakeholders impacted by the siting and permitting of small clean energy infrastructure  
40 facilities at the local government level.

41 SECTION 5. Section 6 of said chapter 25A, as so appearing, is hereby amended by  
42 striking out clauses (14) and (15) and inserting in place thereof the following 3 clauses:-

43 (14) develop and promulgate, in consultation with the state board of building regulations  
44 and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited  
45 to, net-zero building performance standards and a definition of net-zero building, designed to  
46 achieve compliance with the commonwealth's statewide greenhouse gas emission limits and  
47 sublimits established pursuant to chapter 21N;

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

51 (16) develop resource solicitation plans, conduct procurements for resource solicitation  
52 plans as approved by the department of public utilities and negotiate and execute contracts with  
53 clean energy generation and energy services providers pursuant to section 22.

54 SECTION 6. Section 7 of said chapter 25A, as so appearing, is hereby amended by  
55 striking out the third paragraph and inserting in place thereof the following 2 paragraphs:-

56 All electric and gas companies, transmission companies, distribution companies,  
57 suppliers and aggregators, as defined in section 1 of chapter 164, and suppliers of natural gas,  
58 including aggregators, marketers, brokers and marketing affiliates of gas companies, excluding  
59 gas companies, as defined in said section 1 of said chapter 164, engaged in distributing or selling  
60 electricity or natural gas in the commonwealth shall make accurate reports to the department in  
61 such form and at such times, which shall be at least quarterly, as the department shall require  
62 pursuant to this section. Each such company, supplier and aggregator shall report semi-annually  
63 to the department the average of all rates charged for default, low-income and standard offer  
64 service to each customer class and for each sub-class within the residential class, respectively;  
65 provided, however, that all such rate information so reported pursuant to this paragraph shall be  
66 deemed public information only in its aggregate form. Each company, supplier and aggregator  
67 shall report to the department, in a form and at such times as the department shall require,  
68 detailed and accurate information, including, but not limited to, data regarding the: (i) number of  
69 customers; (ii) load served; (iii) amounts billed to customers in dollars; (iv) renewable and clean  
70 energy attribute certificate purchases; and (v) supply product offerings. The department may  
71 make such information, or aggregates of such information, available to the public on its website.

72 SECTION 7. Said chapter 25A is hereby further amended by inserting after section 11F  
73 the following section:-

74 Section 11F<sup>1</sup>/<sub>4</sub>. (a) The department, in consultation with the Massachusetts clean energy  
75 center shall return to electric ratepayers not less than 70 per cent of alternative compliance

76 payments pursuant to sections 11F, 11F½, 17 and any portfolio standard adopted by the  
77 department of environmental protection pursuant to chapter 21N.

78 (b) The department, in consultation with the department of public utilities, shall establish  
79 a mechanism to ensure that: (i) all payments are returned to ratepayers in the service territory of  
80 the retail electricity supplier or municipal aggregator that submitted the payment on a per  
81 kilowatt-hour basis or other equitable crediting method; and (ii) the credits appear as annual bill  
82 reductions or refunds to ratepayers within 90 days of the close of the compliance year in which  
83 the payment was made.

84 (c) Any administrative costs associated with implementing subsection (a) shall be  
85 minimized and may be deducted from such payments prior to their return to ratepayers;  
86 provided, that such deductions shall not exceed reasonable expenses as approved by the  
87 department of public utilities.

88 (d) The department, in consultation with the department of public utilities, shall  
89 promulgate regulations to implement subsection (b).

90 SECTION 8. Said chapter 25A is hereby further amended by striking out section 11F1/4,  
91 inserted by section 7, and inserting in place thereof the following section:-

92 Section 11F ¼. (a) The department, in consultation with the Massachusetts clean energy  
93 center, shall return to electric ratepayers not less than 70 per cent of alternative compliance  
94 payments pursuant to sections 11F, 11F½, 17 and any portfolio standard adopted by the  
95 department of environmental protection pursuant to chapter 21N in any year where money in the  
96 funds exceeds the predicted level by 2 per cent and energy costs are a substantial burden to  
97 residents of the commonwealth.

98 (b) The department, in consultation with the department of public utilities, shall establish  
99 a mechanism to ensure that: (i) all payments are returned to ratepayers in the service territory of  
100 the retail electricity supplier or municipal aggregator that submitted the payment on a per  
101 kilowatt-hour basis or other equitable crediting method; and (ii) the credits appear as annual bill  
102 reductions or refunds to ratepayers within 90 days of the close of the compliance year in which  
103 the payment was made.

104 (c) The department, in consultation with the department of public utilities, shall  
105 promulgate regulations to implement subsection (b).

106 SECTION 9. Section 11F½ of said chapter 25A, as appearing in the 2024 Official  
107 Edition, is hereby amended by adding the following subsection:-

108 (f)(i) For the purposes of this subsection, “complete application” shall mean an  
109 application that includes all information and documentation required by the department’s  
110 regulations for qualification under this section, as in effect on the date the application is  
111 submitted.

112 (ii) An alternative energy generating source shall remain eligible to generate alternative  
113 energy credits and to participate in the alternative portfolio standard, subject to the requirements  
114 and limitations in effect on the date of its qualification, if the alternative energy generating  
115 source: (A) was qualified by the department under this section prior to January 1, 2028; or (B)  
116 submitted a complete application for qualification to the department prior to January 1, 2028, and  
117 subsequently receives such qualification.

118 (iii) The department shall not accept or process an application for qualification submitted  
119 on or after January 1, 2028.

120 (iv) An alternative energy generating source that does not satisfy clause (ii) shall not be  
121 eligible to generate alternative energy credits or participate in the alternative portfolio standard.

122 SECTION 10. Section 11F <sup>3</sup>/<sub>4</sub> of said chapter 25A is hereby amended by striking out, in  
123 line 39, the words “(10) biomass fuel; and (11)” and inserting in place thereof the following  
124 words:- and (10).

125 SECTION 10A. Section 14 of said chapter 25A, as appearing in the 2024 Official  
126 Edition, is hereby amended by inserting after the word “subcontractors”, in lines 4 and 5, the  
127 following words:- , contractors certified by the division of capital asset management and  
128 maintenance.

129 SECTION 10B. Said section 14 of said chapter 25A, as so appearing, is hereby further  
130 amended by inserting after the word “project”, in line 21, the following words:- , applicable to a  
131 discrete building or property.

132 SECTION 10C. Said section 14 of said chapter 25A, as so appearing, is hereby further  
133 amended by inserting after the word “subcontractors”, in line 37, the following words:- ,  
134 contractors certified by the division of capital asset management and maintenance.

135 SECTION 11. Said chapter 25A is hereby further amended by inserting after section 17  
136 the following section:-

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

141 which: (i) promote the orderly transition to a stable and self-sustaining energy storage market at  
142 a reasonable cost to ratepayers; (ii) consider underlying system costs, including, but not limited  
143 to, storage costs, balance of system costs, installation costs and soft costs; (iii) take into account  
144 any federal or state incentives; (iv) minimize direct and indirect program costs and barriers; (v)  
145 consider environmental benefits, energy demand reduction, distribution system benefits and  
146 other avoided costs provided by energy storage resources; (vi) encourage energy storage resource  
147 deployment where it can provide benefits to the distribution system; (vii) ensure that the costs of  
148 the program are shared collectively among all ratepayers of the distribution companies; and (viii)  
149 promote investor confidence through long-term incentive revenue certainty and market stability.

150 (b) If the department proposes a tariff-based mechanism for the incentive program under  
151 this section, such program may include, to the extent feasible, both energy and environmental  
152 attributes, as defined in section 22. Environmental attributes of the energy storage resources  
153 receiving incentives pursuant to this section shall be eligible for use by retail electric suppliers  
154 for compliance with their obligations pursuant to section 17.

155 SECTION 12. Section 21 of said chapter 25A, as appearing in the 2024 Official Edition,  
156 is hereby amended by inserting after the word “include”, in line 84, the following words:- a  
157 demonstrated consideration of the use of surplus interconnection service, as defined in section  
158 69G of chapter 164, and.

159 SECTION 13. Said chapter 25A is hereby further amended by adding the following 5  
160 sections:-

161 Section 22. (a) As used in this section and section 23, the following words shall, unless  
162 the context clearly requires otherwise, have the following meanings:

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

167 “Clean energy solicitation”, a competitive solicitation for clean energy associated  
168 environmental attributes or energy services completed by the department under this section.

169 “Distribution company”, as defined in section 1 of chapter 164.

170 “Energy services”, operation of infrastructure that increases the deliverability or  
171 reliability of clean energy generation or reduces the cost of clean energy generation, including,  
172 but not limited to, transmission, energy storage, firm balancing resources and demand response  
173 technologies.

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

179 “Long-term contract”, a contract for a period of not more than 30 years.

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

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

187 (c) The department shall publish a resource solicitation plan, which shall include, but  
188 shall not be limited to: (i) a description of the clean energy generation and energy services needs  
189 sufficient to maximize the commonwealth's ability to achieve compliance with the limits and  
190 sublimits established pursuant to sections 3 and 3A of chapter 21N, including resource type,  
191 nameplate capacity amounts and commercial operation dates for new resources; (ii) a schedule  
192 recommendation for clean energy solicitations that the department shall conduct within the  
193 subsequent 3 years following the department of public utilities approval of the resource  
194 solicitation plan; provided, however, that the resource solicitation plan shall include  
195 procurements for offshore wind energy generation that in total shall equal not less than 10  
196 gigawatts of aggregate nameplate capacity not later than December 31, 2040; provided further,  
197 that the resource solicitation plan shall include procurements for solar energy generation that in  
198 total shall equal to approximately 10 gigawatts of aggregate nameplate capacity not later than  
199 December 31, 2040; (iii) economic development objectives and requirements for the clean  
200 energy solicitations; (iv) a mechanism to recover the costs associated with long-term contracts  
201 for environmental attributes or energy services entered into by the department under this section,  
202 including any administrative costs to support the department's requirements under this section;  
203 and (v) a review of the previous clean energy solicitations, if applicable. The department shall  
204 consult with the department of public utilities and attorney general's office in the development of  
205 the resource solicitation plan prior to filing at the department of public utilities; provided, that  
206 any ex parte rules established by the department of public utilities shall not apply to the

207 consultation process. The department may revise and resubmit the resource solicitation plan to  
208 the department of public utilities if the department seeks a revised schedule of procurements or  
209 seeks additional procurements.

210 (d) As part of the resource solicitation plan, the department shall review the impact of any  
211 contracted environmental attributes on portfolio standards and existing clean energy generation  
212 resources and shall provide any legislative recommendations as appropriate.

213 (e) The department shall file the resource solicitation plan and its recommendations with  
214 the department of public utilities. The department of public utilities shall review the resource  
215 solicitation plan and recommendations to determine whether the resource solicitation plan is a  
216 reasonable, appropriate and cost-effective mechanism to achieve the goals of this section. The  
217 department of public utilities shall approve, approve with modifications or reject the plan within  
218 7 months of submission. Upon approval of the resource solicitation plan, the department of  
219 public utilities shall implement the cost recovery mechanism consistent with the approved  
220 resource solicitation plan to recover costs associated with all contracts pursuant to this section  
221 not later than 3 months following the approval; provided, however, that the distribution  
222 companies shall not receive any remuneration, benefit or fee to compensate for costs associated  
223 with such contracts.

224 (f) The method for clean energy solicitations shall be proposed by the department and  
225 shall utilize a competitive bidding process. The department shall consult with the attorney  
226 general and may consult with other state agencies as applicable regarding the choice of  
227 solicitation methods. The department may coordinate any solicitation under this section with  
228 other states, municipal light plants, a municipality or group of municipalities with an approved

229 municipal load aggregation plan pursuant to section 134 of chapter 164, or other governmental  
230 and non-governmental organizations; provided, however, that the department shall describe any  
231 impacts coordination may have on the solicitation, including any impacts to nameplate capacity  
232 amounts or quantities of clean energy generation attributes sought in its solicitation. After notice  
233 and the opportunity for public comment, the department shall proceed with the clean energy  
234 solicitation. The department may competitively solicit proposals for long-term contracts for  
235 environmental attributes or energy services. The department may consult with other states,  
236 federal agencies and regional organizations, including, but not limited to, ISO New England Inc.  
237 or its successor; provided, however, that reasonable proposals have been received, the  
238 department shall make or cause to be made filings as necessary through the appropriate  
239 jurisdictional mechanism and enter into long-term contracts that are consistent with the roadmap  
240 plans published pursuant to chapter 21N.

241 (g) Each solicitation shall require that bidders provide: (i) documentation reflecting the  
242 bidder's demonstrated commitment to workforce or economic development within the  
243 commonwealth; (ii) a statement of intent concerning efforts that the bidder and its contractors  
244 and subcontractors shall make to promote workforce or economic development through the  
245 project; (iii) documentation reflecting the bidder's demonstrated commitment to expand  
246 workforce and supplier diversity, equity and inclusion; (iv) documentation as to whether the  
247 bidder and its contractors and subcontractors participate in a state or federally certified  
248 apprenticeship program and the number of apprentices the apprenticeship program has trained to  
249 completion for each of the last 5 years; (v) a statement of intent concerning how or if the bidder  
250 and its contractors and subcontractors intend to utilize apprentices on the project; (vi)  
251 documentation relative to the bidder and its contractors and subcontractors regarding their

252 history of compliance with chapters 149, 151, 151A, 151B and 152, 29 U.S.C. § 201, et seq. and  
253 applicable federal antidiscrimination laws; (vii) documentation that the bidder and its contractors  
254 and subcontractors are currently, and shall remain, in compliance with chapters 149, 151, 151A,  
255 151B and 152, 29 U.S.C. § 201, et seq. and applicable federal anti-discrimination laws for the  
256 duration of the project; (viii) documentation of the bidder's history with picketing, work  
257 stoppages, boycotts or other economic actions against the bidder and a description or plan on  
258 how the bidder intends to prevent or address such actions; (ix) a description or plan for how the  
259 bidder intends to prevent or address such actions during all phases of the construction,  
260 reconstruction, renovation, development and operation of the project, including, but not limited  
261 to, the bidder's intended use of a project labor agreement; (x) documentation relative to whether  
262 the bidder and its contractors have been found in violation of state or federal safety regulations in  
263 the previous 10 years; (xi) documentation relative to the bidder's past use of project labor  
264 agreements and the bidder's compliance with sections 26 to 27F, inclusive, of chapter 149; (xii)  
265 plans for mitigation, minimization and avoidance of detrimental environmental and  
266 socioeconomic impacts, including through meaningful consultation with impacted environmental  
267 and socioeconomic stakeholders, including federally recognized and state acknowledged tribes  
268 and, in the case of offshore wind, commercial and recreational fishing; and (xiii) a plan for  
269 benefits from the project for low-income ratepayers and environmental justice populations, as  
270 defined in section 62 of chapter 30, in the commonwealth. The department may require a wage  
271 bond or other comparable form of insurance in an amount to be set by the department to ensure  
272 compliance with law, certifications or department obligations. The department shall give  
273 preference for proposals that demonstrate that their plans provide benefits to the commonwealth.  
274 The department shall give preference for proposals that demonstrate commitment to secure those

275 benefits through firm and binding agreements or contracts. The department may require a wage  
276 bond or other comparable form of insurance in an amount to be set by the department to ensure  
277 compliance with law, certifications or department obligations. The electric distribution  
278 companies may provide the department with technical advice on proposals' costs and benefits.

279 (h) Each solicitation or proposal issued by the department shall notify bidders that  
280 bidders shall be disqualified from the project if the bidder has been debarred by the federal  
281 government or commonwealth for the entire term of the debarment.

282 (i)(1) Bidders shall, in a timely manner, provide documentation and certifications as  
283 required by law or otherwise directed by the department. Incomplete or inaccurate information  
284 may be grounds for disqualification, dismissal or other action deemed appropriate by the  
285 department.

286 (2) Proposals received pursuant to a solicitation under this section shall be subject to  
287 review by the department, in consultation with the executive office of economic development,  
288 the executive office of energy and environmental affairs, the supplier diversity office and other  
289 state agencies as applicable. The department may request that other state agencies consulted  
290 pursuant to this subsection review and score proposals on specific criteria as established in the  
291 clean energy solicitation.

292 (3) Proposals received pursuant to a solicitation under this section may be subject to  
293 review by the electric distribution companies in order to develop and provide technical advice.

294 (j) The department shall issue a final, binding determination of the selected bid or bids;  
295 provided, however, that the final contract or contracts executed shall be subject to review by the  
296 department of public utilities. The department shall propose draft contracts and take all

297 reasonable actions to structure the contracts, pricing or administration of the products purchased  
298 under this section to contribute towards achieving compliance with limits and sublimits  
299 established pursuant to sections 3 and 3A of chapter 21N in a cost-effective manner that  
300 minimizes rate-payer impacts. The department shall consider the use of pricing mechanisms or  
301 pricing structures, including, but not limited to, indexed pricing.

302 (k) Long-term contracts executed pursuant to this section shall be subject to the approval  
303 of the department of public utilities. The department of public utilities shall consider the  
304 potential costs and benefits of the proposed long-term contract and shall approve a long-term  
305 contract if the department finds that the contract is cost-effective and consistent with the  
306 roadmap plans published pursuant to chapter 21N, taking into account the factors outlined in this  
307 section, consistency with the approved resource solicitation plan and the department's  
308 recommendations. The department of public utilities shall complete its review of long-term  
309 contracts submitted for its approval not later than 90 days after the contracts are filed by the  
310 department.

311 (l) The department may retire any environmental attributes purchased pursuant to  
312 approved long-term contracts under this section on behalf of the commonwealth to be used  
313 toward satisfying compliance with the limits and sublimits established pursuant to sections 3 and  
314 3A of chapter 21N and any regulations or programs established pursuant to sections 3 and 6 of  
315 said chapter 21N or sections 11F and 17. If any retired environmental attributes are eligible  
316 under a clean, renewable, clean peak or other energy portfolio standard established by the  
317 department or the department of environmental protection, the portfolio standard minimum  
318 obligations of suppliers subject to such standards may be reduced in proportion to any eligible

319 environmental attributes retired pursuant to this section, subject to the discretion of the  
320 department and the department of environmental protection.

321           Section 23. (a) There shall be a separate, non-budgeted special revenue fund known as  
322 the central procurement fund, which shall be administered by the department, without further  
323 appropriation, for funding long-term contracts consistent with this section.

324           (b) The fund shall be credited with: (i) funds or revenue collected by distribution  
325 companies pursuant to a tariff approved by the department of public utilities in furtherance of the  
326 objectives and requirements of this section; (ii) revenue from appropriations or other money  
327 authorized by the general court and specifically designated to be credited to the fund; (iii)  
328 interest earned on such funds or revenues; (iv) bid fees collected by the department from  
329 participants in clean energy solicitations conducted pursuant to this section; (v) other revenue  
330 from public and private sources, including gifts, grants and donations; and (vi) any funds  
331 provided from other sources.

332           (c) All amounts credited to the fund shall be used solely for activities and expenditures  
333 consistent with the public purposes of this section, section 22 and section 24, including the  
334 ordinary and necessary administrative and personnel expenses of the department related to the  
335 administration and operation of the fund and performance of the duties established by this  
336 section and section 22. Revenues deposited in the fund that are unexpended at the end of a fiscal  
337 year shall not revert to the General Fund and shall be available for expenditure in the following  
338 fiscal year. No expenditure made from the fund shall cause the fund to be in deficit at any point.

339           Section 24. (a) The department shall establish a state-led offshore wind pre-development  
340 and project acceleration program.

341 (b) The offshore wind pre-development and project acceleration program shall enable the  
342 commonwealth to partner with offshore wind developers through co-investment or other suitable  
343 state financing mechanisms in pre-development activities specific to individual projects. The  
344 primary objectives of the program shall be to: (i) accelerate project timelines; (ii) streamline the  
345 readiness of offshore wind generation projects; (iii) reduce project risk, including, but not limited  
346 to, concerns related to federal permitting, supply chain and interconnection obstacles; (iv)  
347 support workforce growth and community buy-in; and (iv) enhance price competitiveness and  
348 transparency for clean energy solicitations conducted pursuant to section 22.

349 (c) The offshore wind pre-development and project acceleration program shall enable the  
350 department to partner with developers to maintain project progress and ensure that developers  
351 are ready to advance rapidly to construction and commercial operation, consistent with the  
352 schedules and resource needs identified in the resource solicitation plan pursuant to section 22.

353 (d) Eligible pre-development activities for state co-investment shall be prioritized for  
354 projects having previously participated in the department's procurement process. Eligible pre-  
355 development activities may include, but shall not be limited to: (i) permitting and site assessment  
356 studies; (ii) fisheries and environmental science studies; (iii) pre-front end engineering design;  
357 (iv) engineering and design work that informs permitting and project procurement; (v) necessary  
358 transmission planning; (vi) engineering required prior to the execution of a contract; and (vii)  
359 support for the timely utilization of regional supply chain and port infrastructure.

360 (e)(1) The department may fund the offshore wind pre-development and project  
361 acceleration program through the central procurement fund established pursuant to section 23,  
362 appropriations by the general court, federal funds or other public or private sources.

363 (2) Any financial arrangement under the offshore wind pre-development and project  
364 acceleration program shall include a mechanism to ensure recovery of any co-investment capital  
365 provided by the commonwealth upon the project reaching commercial operation.

366 Section 25. (a) For the purposes of this section, the term “state smart solar permitting  
367 platform” shall mean an internet-based platform that automates plan review, produces a code-  
368 compliant approval and immediately issues a permit or permit revision in response to the receipt  
369 of an acceptable application to construct a residential solar energy system and associated  
370 equipment.

371 (b)(1) The department shall establish and administer a state smart solar permitting  
372 platform for the purpose of expediting plan review of applications submitted to municipalities to  
373 construct and issue permits for residential solar energy systems and associated equipment.

374 (2) The state smart solar permitting platform shall be capable of performing the  
375 following:

376 (i) performing robust code compliance checks using algorithms to evaluate characteristics  
377 of the proposed residential solar energy system to determine whether the proposed system aligns  
378 with the requirements of the state electrical code and the state building code;

379 (ii) producing construction documents to be used for the inspection of a residential solar  
380 energy system and for recordkeeping purposes;

381 (iii) immediately releasing permits and permit revisions to construct a residential solar  
382 energy system;

383 (iv) providing users with the ability to submit an application to construct a residential  
384 solar energy system 24 hours a day, except when the platform is unavailable due to an upgrade or  
385 maintenance;

386 (v) allowing the use of electronic signatures, stamps, seals and other certifications and  
387 documents on all applications and submitted materials necessary for issuance of a permit; and

388 (vi) processing permit applications for residential solar energy systems and associated  
389 equipment, including, but not limited to, photovoltaic panels, energy storage systems, main  
390 electrical panel upgrades and main breaker deratings, that provide electrical power to detached 1-  
391 and 2-family dwellings.

392 (c) A municipality shall either allow for the submission of applications to construct a  
393 residential solar energy system and associated equipment through the smart solar permitting  
394 platform or through an alternative automated solar permitting platform that satisfies the functions  
395 pursuant to subsection (b) in an equivalent manner as the smart solar permitting platform. A  
396 municipality that adopts an alternative automated solar permitting platform shall not require an  
397 applicant to submit documentation to receive a permit to construct a residential solar energy  
398 system and associated equipment that is not required by the state smart solar permitting platform.

399 (d) A municipality that does not allow for the submission of applications to construct a  
400 residential solar energy system through the state smart solar permitting platform shall submit an  
401 annual compliance report to the department with sufficient information for the department to  
402 determine whether their alternative automated solar permitting platform adopted by the  
403 municipality satisfies all of the functions pursuant to subsection (b). The department may  
404 establish guidelines for submission of a local compliance report, may assess whether the

405 alternative automated solar permitting platform implemented by the municipality satisfies all the  
406 requirements set forth in this section and shall provide public access to the compliance reports  
407 and any assessments of compliance on the department's website.

408 (e) If the department determines that a municipality has elected to utilize an alternative  
409 automated solar permitting platform and is not in compliance with this section, contractors may  
410 utilize the state smart solar permitting platform for residential solar energy systems in that  
411 municipality's jurisdiction.

412 (f) To defray the cost of developing and administering the state smart solar permitting  
413 platform, the department may establish fees to be collected by the department, a municipality or  
414 a third-party entity acting on behalf of the department or a municipality. A municipality shall  
415 remit to the department all monies collected by the authority through solar permit surcharge fees.

416 Section 26. (a) The department shall develop and implement a statewide solar incentive  
417 program to encourage the continued development of solar renewable energy generating sources  
418 by residential, commercial, governmental and industrial electricity customers throughout the  
419 commonwealth. The department shall, after notice and the opportunity for public comment,  
420 promulgate regulations implementing a solar incentive program that promotes a stable solar  
421 development market at a reasonable cost to ratepayers and supports the commonwealth's ability  
422 to achieve compliance with limits and sublimits established pursuant to sections 3 and 3A of  
423 chapter 21N.

424 (b) The solar incentive program established by the department pursuant to subsection (a)  
425 shall: (i) consider underlying system development costs, including, but not limited to, module  
426 costs, balance of system costs, installation and interconnection costs and soft costs; (ii) take into

427 account electricity revenues and any federal or state incentives; (iii) rely on market-based  
428 mechanisms or price signals as much as possible to set incentive levels; (iv) minimize direct and  
429 indirect program costs and barriers; (v) feature a known or easily estimated budget to achieve  
430 program goals through use of an adjustable block incentive, a competitive procurement model,  
431 tariff or other declining incentive framework; (vi) differentiate incentive levels to support diverse  
432 installation types and sizes that provide unique benefits, including, but not limited to,  
433 community-shared solar facilities, low-income solar facilities and municipal or other  
434 governmental entity-owned solar facilities, and which may include differentiation by utility  
435 service territory, location or size of the solar renewable energy generating source; (vii) ensure  
436 that the utility ratepayer realizes the direct benefits of the solar incentive program; (viii) include  
437 land use restrictions that align with the commonwealth's land use priorities; (ix) consider  
438 environmental benefits, energy demand reduction and other avoided costs provided by solar  
439 renewable energy generating facilities; (x) encourage solar generation where it can provide  
440 benefits to the distribution system; (xi) ensure that the costs of the program are shared  
441 collectively among all ratepayers of the distribution companies; (xii) promote investor  
442 confidence through long-term incentive revenue certainty and market stability; and (xiii) include  
443 reasonable and appropriate protections for ratepayers.

444 (c) Environmental attributes, as defined in section 22, of the solar photovoltaic facilities  
445 receiving incentives pursuant to this section shall be eligible for use by retail electric suppliers  
446 pursuant to their obligations pursuant to section 11F and section 17, as applicable.

447 (d) The department may establish a land use and mitigation plan, including establishing  
448 fees for mitigating impacts caused by solar development and projects participating in the  
449 program and receiving incentives pursuant to this section. The department may establish

450 requirements for the solar incentive program and eligibility requirements for pollinator-friendly  
451 solar installations participating in the program pursuant to this section.

452 (e) The department shall review solar incentive rates and overall cost impact to ratepayers  
453 to determine if any revisions to the program are necessary. The review shall occur on a timetable  
454 to be established by the department; provided, that the review shall occur not less frequently than  
455 every 3 years.

456 SECTION 13A. Section 4A of chapter 40 of the General Laws, as appearing in the 2024  
457 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “and in a district  
458 by the prudential committee” and inserting in place thereof the following words:- , in a district  
459 by the prudential committee and in a municipal light plant by the board or commission.

460 SECTION 13B. Said section 4A of said chapter 40, as so appearing, is hereby further  
461 amended by inserting after the word “county”, in line 28, the following words:- , a municipal  
462 light plant established under chapter 164 or by special law.

463 SECTION 14. Said chapter 40 is hereby further amended by adding the following  
464 section:-

465 Section 72. Any city or town which accepts this section may by a vote of its town  
466 meeting or legislative body, whichever is applicable, prohibit by ordinance, by-law or vote any  
467 supplier, energy marketer or energy broker, as those terms are defined in section 1 of chapter  
468 164, from executing a new contract or renewing an existing contract for generation services with  
469 any individual residential retail customer within such city or town. Such prohibition shall not  
470 apply to suppliers serving residential retail customers as part of a municipal aggregation plan  
471 pursuant to section 134 of chapter 164, and shall not apply to, or otherwise affect, any entity

472 organizing or administering a program pursuant to section 137 of chapter 164. The attorney  
473 general may bring an action under section 4 of chapter 93A to enforce this section and to obtain  
474 restitution, civil penalties, injunctive relief or any other relief available under chapter 93A.

475 SECTION 15. Chapter 81 of the General Laws is hereby amended by inserting after  
476 section 7M the following section:-

477 Section 7N. (a)(1) For the purposes of this section, the word “department” shall mean the  
478 Massachusetts Department of Transportation.

479 (2) The department may permit the installation, construction and maintenance of high  
480 voltage transmission lines along state highways with full and limited control of access, including  
481 the interstate system, as defined in 700 CMR 3.01, subject to such limitations as the department  
482 deems necessary to protect public safety or ensure the proper function of the state highway. Any  
483 electric company, as defined in section 1 of chapter 164, that seeks to install a high voltage  
484 transmission line along a state highway shall, in each case, submit an application, along with the  
485 report required under subsection (b), to the department and the energy facilities siting board,  
486 established pursuant to section 69H of said chapter 164, that demonstrates that: (i) the  
487 installation shall not adversely affect the safety, durability, construction, traffic operations,  
488 maintenance or service life of the state highway; (ii) the installation shall not unduly interfere  
489 with or impair the present use or future expansion of the state highway; (iii) access for  
490 constructing and servicing the high voltage transmission line shall not adversely affect safety and  
491 traffic operations or damage any state highway facility; (iv) the electric company conducted a  
492 transmission line corridor analysis pursuant to paragraph (1) of subsection (c); and (v) the  
493 installation aligns with the criteria in paragraph (2) of subsection (c).

494 (b)(1) When a permissible route along a state highway has been identified by the  
495 department and the electric company or developer, a constructability, access and maintenance  
496 report shall be prepared by the electric company or developer. The department shall consult with  
497 the electric company or developer in the preparation of the report and shall include the terms and  
498 conditions for constructing the high voltage transmission line. The report shall include an agreed-  
499 upon timeframe during which the department shall not request relocation of the high voltage  
500 transmission line. The report shall be approved by both the department and the electric company  
501 or developer prior to the department issuing a permit for use of the state highway right-of-way.

502 (2) If the department requires a high voltage transmission line located within its right-of-  
503 way to be relocated, the department shall notify the electric company not less than 1 year before  
504 any required relocation.

505 (3) In all cases of new installations of high voltage transmission lines along state  
506 highways, the electric company shall obtain a state highway access permit and install the high  
507 voltage transmission line in accordance with the approved permit.

508 (4) If the energy facilities siting board denies a high voltage transmission line co-location  
509 request, the reasons for the denial shall be submitted to the department, the department of public  
510 utilities and be made publicly available, within 90 days of the denial.

511 (c)(1) Prior to selecting a route for any high voltage transmission line, the electric  
512 company shall conduct a transmission line corridor analysis, which shall consider the following  
513 corridors in order of priority: (i) existing utility corridors; (ii) interstate, freeway and state  
514 highways and railroad corridors; and (iii) new utility corridors.

515 (2) Permitting on such corridors shall be consistent, to the greatest extent feasible, to the  
516 following criteria: (i) economic and engineering considerations; (ii) reliability of the electric  
517 system; (iii) public safety; and (iv) the protection of the environment.

518 SECTION 16. Chapter 149 of the General Laws is hereby amended by inserting after  
519 section 27H the following section:-

520 Section 27I. (a) As used in this section, the following words shall, unless the context  
521 clearly requires otherwise, have the following meanings:

522 “Commissioner”, director of the department of labor standards.

523 “Construction”, as defined in section 27D; provided, however, that “construction” shall  
524 include the excavation, construction, reconstruction, installation, demolition, maintenance,  
525 alteration or repair of a thermal energy network and any construction required to satisfy a  
526 thermal network operator’s or owner’s obligations to the owner of property under which the  
527 thermal network is built.

528 “Electric company”, as defined in section 1 of chapter 164.

529 “Gas company”, as defined in section 1 of chapter 164.

530 “Public commissioner”, the commissioner of the department of public utilities.

531 “Thermal energy network”, a system of interconnected ground-source heat pumps that  
532 uses the subsurface temperature of the earth to deliver heating and cooling to buildings on a  
533 closed loop of pipeline.

534 (b) All construction on a thermal energy network or on any utility infrastructure impacted  
535 by the construction of a thermal energy network requiring the excavation, construction,  
536 reconstruction or repair of public lands, rights of way, public works or buildings that is not  
537 performed by workers directly employed by a gas company or electric company shall be  
538 performed and procured in accordance with this section.

539 (c)(1) No public authority, including, but not limited to, the commonwealth, its  
540 subdivisions, a county, district or a municipality, shall permit or agree to construction by a gas  
541 company or electric company requiring the excavation, construction, reconstruction or repair of  
542 public lands, rights of way, public works or buildings unless said agreement contains a  
543 stipulation requiring workers not directly employed by a gas company or electric company to be  
544 paid prescribed rates of wages, as determined by the commissioner, for performing work related  
545 to the construction of a thermal energy network. Any such approval that does not contain said  
546 stipulation shall be invalid and no construction may commence under that approval. Said rates of  
547 wages shall be requested of the commissioner by the public commissioner or public body  
548 together with the gas company or electric company on whose service territory the public  
549 infrastructure lies and shall be furnished by the commissioner in a schedule containing the  
550 classifications of jobs and the rate of wages to be paid for each job. Said rates of wages shall  
551 include payments to health and welfare plans, pension plans and supplementary unemployment  
552 plans. If no such said plans are in effect between employers and employees, the amount of such  
553 payments shall be paid directly to employees. Such requests for rates shall be made every 6  
554 months.

555 (2) Any entity paying less than the rates of wages determined pursuant to paragraph (1),  
556 including payments to health and welfare funds, pension plans and supplementary

557 unemployment plans or the equivalent in wages, on said works, and any entity accepting for their  
558 own use, or for the use of any other person, as a rebate, gratuity or in any other guise, any part or  
559 portion of said wages or health and welfare funds, pension plans and supplementary  
560 unemployment plans shall have violated this section and shall be punished or shall be subject to a  
561 civil citation or order as provided in section 27C.

562 (d) A worker claiming to be aggrieved by a violation of this section may, within 90 days  
563 after the filing of a complaint with the attorney general, or sooner if the attorney general assents  
564 in writing, and within 3 years after the violation, institute and prosecute in their own name and  
565 on their own behalf, or for themselves and for others similarly situated, a civil action for injunctive  
566 relief, for any damages incurred and for any lost wages and other benefits pursuant to section  
567 150. An employee so aggrieved, who prevails in such an action, shall be awarded: (i) treble  
568 damages, as liquidated damages, for any lost wages and other benefits and (ii) the costs of the  
569 litigation and reasonable attorneys' fees.

570 SECTION 17. Section 1 of chapter 164 of the General Laws, as appearing in the 2024  
571 Official Edition, is hereby amended by inserting after the definition of "Energy management  
572 services" the following definition:-

573 "Energy marketer", any entity, firm, partnership, association, private corporation or other  
574 third-party entity who contracts with or is otherwise directly engaged and compensated by a  
575 supplier to sell electric generation services, or who contracts with and is directly compensated by  
576 a third-party marketer of the supplier to sell electric generation services on behalf of a supplier,  
577 that markets, advertises or otherwise offers to sell generation service to retail customers,  
578 including, but not limited to, entities engaged in door-to-door, telemarketing or tabletop

579 interactions with retail customers. “Energy marketer” shall not include contractors, agents or  
580 employees engaged in incidental activities where compensation is not tied to customer  
581 enrollment.

582 SECTION 18. Said section 1 of said chapter 164, as so appearing, is hereby further  
583 amended by striking out the definition of “Gas company” and inserting in place thereof the  
584 following definition:-

585 “Gas company”, a corporation originally organized for the purpose of making and selling  
586 or distributing and selling gas within the commonwealth, even though subsequently authorized to  
587 make or sell electricity. A gas company may make, sell or distribute utility-scale non-emitting  
588 thermal energy, including networked geothermal and deep geothermal energy. A gas company  
589 may make, sell or distribute geothermal energy to individual customers, if approved by the  
590 department.

591 SECTION 19. Said section 1 of said chapter 164, as so appearing, is hereby further  
592 amended by inserting after the definition of “Petroleum products” the following definition:-

593 “Portable solar generation device”, a moveable photovoltaic generation device that: (i)  
594 has a maximum power output of not more than 1,200 watts; (ii) is designed to be connected to a  
595 building’s electrical system through a standard 120-volt alternating current outlet; (iii) is  
596 intended primarily to offset part of the customer’s electricity consumption; (iv) includes a device  
597 or feature that prevents the system from energizing the building’s electrical system during a  
598 power outage; (v) meets the standards of the most recent version of the National Electrical Code;  
599 and (vi) is certified by Underwriters Laboratories, Inc. or an equivalent nationally recognized  
600 testing laboratory.

601 SECTION 20. Said chapter 164 is hereby further amended by striking out section 1B, as  
602 so appearing, and inserting in place thereof the following section:-

603 Section 1B. (a) The department shall define service territories for each distribution  
604 company by March 1, 1998, based on the service territories actually served on July 1, 1997, and  
605 following, to the extent possible, municipal boundaries. After March 1, 1998, until terminated by  
606 effect of law or otherwise, the distribution company shall have the exclusive obligation to  
607 provide distribution service to all retail customers within its service territory and no other person  
608 shall provide distribution service within such service territory without the written consent of such  
609 distribution company which shall be filed with the department and the clerk of the municipality  
610 so affected.

611 (b) Each distribution company shall provide its customers with default service and shall  
612 offer a default service rate to its customers who have chosen retail electricity service from a non-  
613 utility-affiliated generation company or supplier but who require electric service because of a  
614 failure of such company or the supplier to provide contracted service or who, for any reason,  
615 have never chosen or have stopped receiving such service. The distribution company shall  
616 procure supply for such service through competitive bidding or through such other process  
617 approved by the department, including procurements of varying lengths and in combination with  
618 other distribution companies; provided, however, that standard default service rates, excluding  
619 time-varying rates and monthly variable service rates, for residential customers shall be changed  
620 not more than once every 6 months. Any department-approved provider of service, including an  
621 affiliate of a distribution company, shall be eligible to participate in the competitive bidding  
622 process. The department may require a separate mechanism for recovering certain charges, to be  
623 itemized separately on a customer bill, including, but not limited to, those in connection with the

624 wholesale electric markets as administered by ISO New England, Inc. or federal tariffs on  
625 imports to such markets. In implementing this section, the department shall ensure universal  
626 service for all ratepayers and sufficient funding to meet the need therefor.

627 (c) Notwithstanding section 5D of chapter 25, the department and the department of  
628 energy resources shall have access to all information associated with the bids selected by the  
629 distribution company pursuant to the competitive bidding process in this section; provided,  
630 however, that such information shall not be deemed to be a public record as defined in clause  
631 Twenty-sixth of section 7 of chapter 4 and shall not be subject to demand for production  
632 pursuant to section 10 of chapter 66; and provided further, that aggregates of such information  
633 may be prepared and such aggregates shall be public records.

634 (d) The department shall adopt rules and promulgate regulations necessary to carry out  
635 this section, including a procedure for default service procurement and governing a customer's  
636 ability to return to the default service after choosing retail access from a non-utility-affiliated  
637 generation company.

638 SECTION 21. Section 1D of said chapter 164, as so appearing, is hereby amended by  
639 striking out the fourth paragraph and inserting in place thereof the following paragraph:-

640 For electric suppliers who have chosen the complete billing method, the electric  
641 distribution company shall make timely payments to such suppliers in accordance with this  
642 paragraph. The distribution company shall: (a) bill all of the electric supplier's customers in a  
643 service class according to complete billing; and (b) pay such suppliers the full amounts due from  
644 customers for generation services in a time period consistent with the average payment period of  
645 the participating class of customer, less a percentage of such amounts that reflects the average of

646 the uncollectible bills for the participating customer classes of the electric distribution company  
647 and other reasonable development, operating or carrying costs incurred, as approved by the  
648 department; provided, however, that the department may establish different percentage discounts  
649 for suppliers based on the supplier's amount of uncollectible bills or percentage of customers in  
650 arrears relative to the average of the uncollectible bills for the participating classes of the electric  
651 distribution company or the average number of customers in arrears.

652 SECTION 22. Paragraph (1) of section 1F of said chapter 164, as so appearing, is hereby  
653 amended by striking out subparagraphs (ii) and (iii) and inserting in place thereof the following 4  
654 subparagraphs:-

655 (ii) All private, non-profit or co-operative aggregators established pursuant to sections  
656 135, 136 or 137 seeking to do business in the commonwealth shall submit a license application  
657 to the department, subject to rules and regulations promulgated by the department and subject to  
658 the payment of a fee, the amount of which shall be determined by the department.

659 (iii) All energy brokers, energy marketers and suppliers seeking to do business in the  
660 commonwealth shall submit a license application to the department, subject to rules and  
661 regulations promulgated by the department, and shall be subject to the payment of an annual fee,  
662 the amount of which shall be determined by the department; provided, that said amount shall be  
663 not more than \$10,000 and may be set at different amounts for energy brokers, energy marketers  
664 and suppliers.

665 (iv) Each energy marketer or other supplier that applies for a retail license shall execute  
666 and maintain a bond, issued by a qualifying surety or insurance company authorized to conduct  
667 business in the commonwealth, in favor of the commonwealth. The amount of the bond shall

668 equal \$5,000,000 per retail license or per parent company of multiple marketers or suppliers  
669 licensed by the department, issued by the department. The bond shall be conditioned upon the  
670 full and faithful performance of all duties and obligations of the applicant as a retail supplier and  
671 shall be valid for a period of not less than 1 year. The cost of the bond shall be paid by the  
672 applicant. The applicant shall file a copy of this bond, with a notarized verification page from the  
673 issuer, as part of its application for certification.

674 (v) Any energy marketer shall be a legal agent of the supplier. No energy marketer may  
675 sell electric generation services on behalf of a supplier unless such energy marketer has received  
676 appropriate training directly from such supplier. This subparagraph shall not apply to third-party  
677 brokers or consultants or agents acting on behalf of customers that are compensated by the  
678 customer as part of the customer's electric contract price.

679 SECTION 23. Said section 1F of said chapter 164, as so appearing, is hereby further  
680 amended by striking out paragraph (4).

681 SECTION 24. Paragraph (7) of said section 1F of said chapter 164, as so appearing, is  
682 hereby amended by striking out the fifth through seventh sentences, inclusive, and inserting in  
683 place thereof the following 3 sentences:- The department may impose a civil penalty and such  
684 other terms or conditions as the department considers appropriate, including, but not limited to,  
685 restitution to customers harmed by the violation and suspension or revocation of an entity's retail  
686 license if the department, after a hearing or other proceeding, determines that a distribution  
687 company, person, firm, supplier or other corporation doing business in the commonwealth has  
688 violated: (i) the code of conduct established pursuant to this paragraph; (ii) any rule or regulation  
689 promulgated by the department pursuant to sections 1A to 1H, inclusive, or section 1L; (iii)

690 chapter 93A; or (iv) any rule or regulation promulgated by the attorney general pursuant to  
691 section 102C. Civil penalties imposed pursuant to this paragraph shall not exceed \$100,000 for  
692 each violation, up to a maximum of \$10,000,000 in the aggregate for multiple violations and  
693 shall not be inclusive of any financial restitution the department requires to be provided to  
694 specific customers determined to be harmed by such violation. Each day during which a  
695 violation continues shall constitute a separate offense.

696 SECTION 25. Said section 1F of said chapter 164, as so appearing, is hereby further  
697 amended by striking out, in line 336, the words “30 days” and inserting in place thereof the  
698 following words:- 2 years.

699 SECTION 26. Said chapter 164 is hereby further amended by inserting after section 1K  
700 the following 2 sections:-

701 Section 1L. (a) For the purposes of this section, the following words shall, unless the  
702 context clearly requires otherwise, have the following meanings:

703 “Clean energy generation”, as defined in section 22 of chapter 25A.

704 “Environmental attributes”, as defined in section 22 of chapter 25A.

705 “Low-income residential customer”, a customer currently enrolled in a discounted  
706 residential rate class, commonly known as an R2 electric rate tariff.

707 “Renewable energy certificates” or “RECs”, certificates associated with unit specific  
708 energy provided for in regulations promulgated pursuant to section 11F of chapter 25A.

709 “Renewable energy generating source”, as defined in subsection (b) of section 11F of  
710 chapter 25A.

711 (b) A licensed supplier other than a municipal aggregation supplier shall not provide  
712 electric supply service to a low-income residential customer.

713 (c) A licensed supplier offering electric service to a residential customer other than a  
714 municipal aggregation supplier:

715 (i) shall not automatically renew a residential customer's fixed-rate contract to a  
716 variable-rate contract;

717 (ii) may automatically renew a residential customer's contract; provided, that:

718 (1) the customer provides affirmative consent to automatic renewal at the time of  
719 enrollment or anytime thereafter; and

720 (2) the supplier provides multiple renewal notices, which shall clearly disclose the  
721 renewal rate, term and instructions on how to opt-out of the renewal, prior to contract expiration,  
722 as follows: (A) the first notice not less than 60 days prior to contract expiration; (B) the second  
723 notice not less than 30 days prior to contract expiration; and (C) the final notice not less than 15  
724 days prior to contract expiration;

725 (iii) shall not offer to a residential customer a variable rate other than a rate that adjusts  
726 for seasonal variation more than twice in a single year or a time-of-use rate that establishes  
727 different rates for periods within a single day or as otherwise approved by the department;

728 (iv) shall, for all in-person sales and telephonic sales, conduct third-party verification  
729 confirming the customer's affirmative and informed consent to the terms of enrollment;

730 (v) shall not impose on a residential customer a fee for cancellation or early termination  
731 of an electricity supply agreement; and

732 (vi) may offer a voluntary renewable or green energy product; provided, that:

733 (1) the supplier shall disclose to the residential customer, in plain language and prior to  
734 enrollment, that the customer shall not receive electricity directly from renewable energy  
735 generating sources or clean energy generation and that the supplier shall acquire and retire  
736 renewable energy certificates or other eligible environmental attributes in an amount equal to the  
737 customer's usage;

738 (2) the disclosure shall identify the resource types and geographic origins of the RECs to  
739 be retired; provided, that if such information is not available at the time of enrollment, the  
740 supplier shall disclose the resource types and geographic origins of RECs retired for a  
741 substantially similar product over the prior 12 months, and shall provide the specific product's  
742 REC details to the residential customer not later than 60 days after the first billing cycle;

743 (3) the RECs shall be sourced from any certificate tracking system that records issuance,  
744 transfer and retirement, assigns unique serial numbers and prevents double counting; and

745 (4) the supplier shall annually report to the department the amount, type and location of  
746 environmental attributes retired on behalf of residential customers and the percentage retired in  
747 excess of applicable portfolio requirements.

748 (d) The department shall establish and maintain a public website for residential customers  
749 to compare available retail electricity supply products. Suppliers shall list at least 1 product  
750 available to residential customers on said website. The department shall ensure that the website  
751 includes, but shall not be limited to: (i) the current and, where possible, future default service  
752 rate available to a customer pursuant to section 1B; (ii) the default supply rate of any municipal  
753 aggregation offering available to a customer pursuant to section 134; (iii) the contract term for all

754 products listed; (iv) the percentage of renewable or clean energy content included in the product,  
755 including information on the source or location of such content, as determined by the  
756 department; (v) all additional products and services included as part of the product; and (vi) the  
757 estimated monthly cost to the customer. The website shall allow for products to be sorted and  
758 compared to each other.

759 (e) Not less than quarterly, suppliers shall provide to the department: (i) a list detailing  
760 each rate the supplier charged to residential retail customers in the previous quarter; and (ii) the  
761 number of low-income and non-low-income residential customers charged each rate included in  
762 such list by rate class. The department shall publish average rates charged to customer classes  
763 and the aggregate number of customers served on the department's website. Any information  
764 regarding competitive supply that the department makes available to the public shall be  
765 presented only in aggregated or anonymized form and shall not include supplier-specific pricing,  
766 offers or terms. Supplier-submitted pricing and other commercially sensitive information shall be  
767 treated as confidential and used solely for regulatory oversight and market monitoring.

768 (f) Not less than annually, suppliers shall provide data to the department concerning any  
769 environmental attributes retired in connection with the generation service provided to individual  
770 residential retail customers. The data shall include the geographic location and fuel type of each  
771 such attribute and the percentage of the supply purchased in excess of the supplier's annual  
772 obligations under the clean and renewable energy portfolio standards established by the  
773 department of environmental protection and department of energy resources, respectively. The  
774 department shall publish this information from each supplier on its website. Any information  
775 regarding competitive supply that the department makes available to the public shall be  
776 presented only in aggregated or anonymized form and shall not include supplier-specific pricing,

777 offers or terms. Supplier-submitted pricing and other commercially sensitive information shall be  
778 treated as confidential and used solely for regulatory oversight and market monitoring.

779 (g) A licensed supplier shall provide written notice to the department prior to any  
780 assignment or transfer of their supplier license. Notice shall be provided to the department at  
781 least 30 days prior to the effective date of the proposed assignment or transfer. The department  
782 may, upon its review of such notice, require certain conditions or deny assignment or transfer of  
783 the license.

784 (h) Not less than quarterly, the department shall publish each supplier's and electric and  
785 gas distribution company's complaint data, sourced from complaints made to the department and  
786 complaints made to the attorney general, as provided to the department annually, on the  
787 department's website.

788 (i) Notwithstanding any general or special law to the contrary, nothing in this section  
789 shall be construed to apply to any entity organizing or administering a program pursuant to  
790 section 137.

791 Section 1M. (a) For the purposes of this section, the following words shall, unless the  
792 context clearly requires otherwise, have the following meanings:

793 "Agreement", a contract between a distributed energy resource provider and a consumer  
794 for a distributed energy resource or a related product, including, but not limited to: (i) the  
795 purchase of a residential solar electric system; (ii) a lease for a third-party owned residential  
796 solar electric system; (iii) a residential power purchase agreement; or (iv) a community solar  
797 subscription agreement.

798 “Community solar facility”, a solar facility that serves 1 or more residential electric  
799 customers through the allocation of net metering credits or other types of bill credits in exchange  
800 for compensation to the solar facility owner; provided, that a solar facility that provides credits to  
801 a consumer that is also the owner of the solar facility shall not be considered a community solar  
802 facility.

803 “Community solar provider”, an entity that organizes, owns or operates a community  
804 solar facility, or that is otherwise engaged in soliciting consumers, members or subscribers for 1  
805 or more community solar facilities, through its own employees or agents, on its own behalf.

806 “Community solar subscription agreement”, an agreement between a community solar  
807 provider and a consumer for the sale and purchase of net metering credits or other types of bill  
808 credits generated by a community solar facility.

809 “Comparable equipment”, similar equipment to the proposed system design that  
810 maintains at least the same kilowatt-AC and kilowatt DC system size.

811 “Consumer”, a natural person who seeks or acquires goods or services for personal,  
812 family or household use.

813 “Distributed energy resources energy marketer”, any person, firm, partnership,  
814 association, private corporation or other third-party that contracts with or is otherwise directly  
815 engaged and compensated by a distributed energy resource provider to generate customer leads,  
816 sell distributed energy resources or that contracts with and is directly compensated by a third-  
817 party marketer of the distributed energy resource provider to sell products enabled by distributed  
818 energy resources on behalf of a distributed energy resource provider, that markets, advertises or  
819 otherwise offers to sell distributed energy resources and related products to consumers that is

820 acting as an agent for a distributed energy resource provider, including, but not limited to,  
821 individuals or entities engaged in door-to-door, telemarketing, direct mail or in-person sales with  
822 consumers.

823 “Distributed energy resource provider”, a provider of distributed energy resources to  
824 consumers including distributed generation, energy storage systems and demand response  
825 products. “Distributed energy resource provider” shall include, but shall not be limited to,  
826 community solar providers and solar companies.

827 “Environmental attributes”, as defined in section 22 of chapter 25A.

828 “Lease”, a contract, as provided by 12 C.F.R. 1013.2, in the form of a bailment or lease  
829 for the use of personal property by a natural person primarily for personal, family or household  
830 purposes, for a period not less than 4 months and for a total contractual obligation not more than  
831 the applicable threshold amount, whether or not the lessee has the option to purchase or  
832 otherwise become the owner of the property at the expiration of the lease.

833 “Power purchase agreement”, a financial agreement where a distributed energy resource  
834 provider arranges for the design, permitting, financing and installation of a residential solar  
835 electric system and sells the power generated to the consumer.

836 “Residential solar electric system”, a facility for the generation of electricity that: (i) uses  
837 solar energy to generate electricity; (ii) is located on the property of a consumer of an electric  
838 utility; (iii) is connected on the customer’s side of the electricity meter; (iv) provides electricity  
839 primarily to offset customer load on that property; and (v) is primarily for personal, family or  
840 household purposes.

841           “Salesperson”, an employee or independent contractor hired by a licensed distributed  
842 energy resource provider or distributed energy resources energy marketer and who solicits, sells,  
843 negotiates or executes agreements for distributed energy resources and related products,  
844 including, but not limited to, residential solar electric systems and community solar facilities.  
845 “Salesperson” shall not include: (i) an officer of record of a corporation licensed pursuant to this  
846 section or a manager, member or officer of record of a limited liability company; (ii) a general  
847 partner listed on record with the secretary of the commonwealth; (iii) a person who contacts the  
848 prospective buyer for the exclusive purpose of scheduling appointments for a salesperson; (iv)  
849 persons or businesses who solely provide referrals to a licensed distributed energy resource  
850 provider or contact information for licensed distributed energy resource providers; or (v) a  
851 person listed in the records of the office of consumer affairs and business regulation as then  
852 associated with a licensee.

853           “Solar company” or “solar installation company”, any form of business organization or  
854 any other nongovernmental legal entity, including, but not limited to, a corporation, partnership,  
855 association, trust or unincorporated organization, that engages in transactions directly with  
856 residential consumers to sell and install residential solar electric systems or energy storage  
857 systems or to install residential solar electric systems or energy storage systems owned by third  
858 parties from whom consumers will lease residential solar electric systems or energy storage  
859 systems or purchase electricity generated by such systems. “Solar company” shall not include an  
860 entity that is a third-party owner of systems or a financier of such systems who does not sell or  
861 install residential solar electric systems or energy storage systems or individuals who self-install  
862 a system.

863 (b)(1) All distributed energy resource providers seeking to do business in the  
864 commonwealth shall submit a license application to the department, subject to: (i) rules and  
865 regulations promulgated by the department; and (ii) an application fee, the amount to be  
866 determined by the department. The application process shall not require the submission of an  
867 application in a docket or a public comment period.

868 (2) Distributed energy resource providers shall be subject to an annual licensing fee in an  
869 amount not more than \$1,000 per license.

870 (3) The department shall maintain a list of all licensed distributed energy resource  
871 providers, which shall be available to any consumer requesting such information. The  
872 department shall keep confidential any information it receives regarding the volume of sales  
873 from a distributed energy resource provider.

874 (4) The department may deny a license to any applicant or suspend or revoke a license if  
875 the applicant or licensee has: (i) knowingly made a false statement of a material fact to the  
876 department; (ii) had a license revoked by any governmental authority responsible for regulation  
877 of the applicant or licensee; or (iii) violated this section or otherwise not met the requirements of  
878 this section or any regulation promulgated pursuant to this section.

879 (c)(1) All salespersons of residential solar electric systems or community solar  
880 subscription agreements shall be annually registered with the department. An independent  
881 contractor may be retained as a salesperson by 1 or more licensed distributed energy resource  
882 providers or distributed energy resources energy marketers. A salesperson may be employed by 1  
883 or more licensed distributed energy resource providers or distributed energy resources energy  
884 marketers. Any salesperson selling residential solar electric systems or community solar

885 subscription agreements without obtaining a certificate of registration as required by this section  
886 or without completing any future required training, as applicable, shall be punished with a fine  
887 not exceeding \$5,000 for each violation.

888 (2) Every salesperson of a residential solar electric system or community solar  
889 subscription agreement shall pay an annual registration fee in an amount established by the  
890 department as necessary to administer the registration and renewal of such salespersons;  
891 provided, that the registration fee shall not be more than \$250 annually. The registration fee shall  
892 be payable upon application for registration and renewal.

893 (3) The department may deny a registration to any applicant or suspend or revoke a  
894 registration if the applicant or registered salesperson has: (i) knowingly made a false statement of  
895 a material fact to the department; (ii) had a registration revoked by any governmental authority  
896 responsible for regulation of the applicant or registered salesperson; or (iii) violated this section  
897 or otherwise not met the requirements of this section or any regulation promulgated pursuant to  
898 this section.

899 (4) Prior to engaging in any sales or marketing of a residential solar electric system or  
900 community solar subscription agreement, a salesperson shall state the name of the distributed  
901 energy resource provider and, if applicable, distributed energy resources energy marketer, that  
902 they are selling on behalf of and the purpose of the engagement. A salesperson shall wear an  
903 identification badge with their name, photo, company name, company license number and  
904 salesperson registration number.

905 (5) In the absence of a local ordinance to the contrary, a salesperson of residential solar  
906 electric systems or community solar subscription agreements shall not visit any residence to

907 conduct sales except between the hours of 9:00 a.m. and 8:00 p.m.; provided, however, that a  
908 consumer may schedule an in-person meeting time with a salesperson between the hours of 8:00  
909 p.m. and 9:00 a.m..

910 (6) A salesperson of residential solar electric systems or community solar subscription  
911 agreements shall not wear apparel, carry equipment or distribute materials that includes the logo  
912 or emblem of an electric distribution company, retail energy supply company or government  
913 agency, or use any language suggesting a relationship with an electric distribution company,  
914 retail energy supply company or government agency where no actual relationship exists.

915 (7) The department may require training and certification as a requirement for  
916 salesperson registration.

917 (d)(1) The department shall establish a code of conduct and any necessary regulations  
918 applicable to distributed energy resource providers, salespersons and the marketing and sale of  
919 distributed energy resources and related products to consumers pursuant to the requirements  
920 established in subsection (c).

921 (2) Any distributed energy resource provider or distributed energy resources energy  
922 marketer doing business in the commonwealth who violates any provision of the code of  
923 conduct, any rule or regulation promulgated by the department pursuant to this section or chapter  
924 93A shall be subject to having conditions placed on its license by the department, including, but  
925 not limited to, the revocation of their license and a civil penalty not to exceed \$2,500 for each  
926 violation for each day that the violation persists; provided, however, that the maximum civil  
927 penalty shall not exceed \$50,000 for any related series of violations. Any such civil penalty shall  
928 be determined by the department after a public hearing, except for a civil penalty agreed to as

929 part of an informal review or consent agreement. In determining the amount of the penalty, the  
930 department shall consider the appropriateness of the penalty to the size of the business of the  
931 person, firm or corporation charged, the gravity of the violation and the good faith of the person,  
932 firm or corporation charged in attempting to achieve compliance after notification of a violation.  
933 Civil penalties shall not include any financial restitution the department requires to be provided  
934 to specific customers determined to be harmed by the violation.

935 (e) Before entering into an agreement with any consumer, a distributed energy resource  
936 provider shall provide the consumer with a separate written disclosure in no smaller than 10  
937 point font and not more than 4 pages in length. The department shall develop forms for the  
938 consumer disclosures required by this section through a process with input from distributed  
939 energy resource providers and the public and may consider use of any existing disclosure forms  
940 for transactions published by the commonwealth and any national standards regarding disclosure  
941 forms. The department may establish different types of disclosure forms for different types of  
942 residential solar electric systems products, including, but not limited to, community solar  
943 subscriptions, solar leases, power purchase agreements and direct purchases of residential solar  
944 electric systems. This subsection shall not apply to: (i) the transfer of title or rental of real  
945 property on which a residential solar electric system is or is expected to be located; (ii) a lender,  
946 governmental entity or other third-party that enters into an agreement with a customer to finance  
947 a residential solar electric system but is not a party to a system purchase agreement, power  
948 purchase agreement or lease agreement; (iii) an agreement for a solar electric system that is not  
949 for residential use; or (iv) an agreement for a residential solar electric system that is installed as a  
950 feature on new construction.

951 (f)(1) All disclosure forms for residential solar energy systems installed at a residence  
952 shall contain: (i) the name, address, telephone number, email address and state contractor license  
953 or registration number of the solar company; (ii) the name, address, telephone number, email  
954 address and state contractor license or registration number of the installer if different from the  
955 solar company; (iii) the name, address, telephone number, email address and state contractor  
956 license or registration number of the system maintenance provider if different from the solar  
957 company; (iv) the payment schedule for upfront costs, including any payments due at signing,  
958 commencement of installation and completion of installation, if applicable; (v) system design  
959 assumptions, including system size, estimated first year production, estimated annual system  
960 production degradation, presence of energy storage, energy storage capacity and a description of  
961 the equipment needed to provide backup power; (vi) a disclosure notifying the consumer whether  
962 and to what extent system maintenance and repairs are included in the agreement and any system  
963 maintenance costs for which the consumer will be responsible; (vii) if applicable, a statement in  
964 close proximity to the description of the project that shall be separately acknowledged by the  
965 customer and that reads: “I understand comparable equipment may be installed but the proposed  
966 kilowatts-AC system size and kilowatts-DC system size will not decrease.”; (viii) a disclosure  
967 describing warranties for the repair of any damage to the consumer’s residence in connection  
968 with the system installation or removal; (ix) a description or location in the agreement of any  
969 performance or production guarantees, if applicable; (x) an estimated start and completion date  
970 for installation and a statement in close proximity that reads; “The actual start and completion  
971 date depends on many factors such as delays related to permitting and interconnection approvals  
972 which are controlled by your local jurisdiction and local utility respectively.”; (xi) a brief  
973 description of the basis for any savings estimates that were provided to the consumer, if

974 applicable, which shall include, at a minimum, the applicable utility rates, assumptions for  
975 increases to future electricity rates and estimated system production and status of utility  
976 compensation for excess energy generated by the system at the time of contract signing; (xii) a  
977 disclosure concerning the retention or ownership of any renewable energy certificates or other  
978 environmental attributes; and (xiii) a statement using the following language: “The assumptions  
979 used to estimate savings such as utility rates may change. There may be fees that cannot be offset  
980 with solar. Excess electricity sent back to the grid may be credited at rates below what you pay  
981 for electricity. For further information regarding rates, you may contact your local utility or the  
982 Department of Public Utilities. Tax and other state and federal incentives are subject to change or  
983 termination by executive, legislative or regulatory action, which may impact savings estimates.  
984 Please read your contract carefully for more details.”.

985 (2) In the case of a purchase of a residential solar electric system, the disclosure form  
986 required in paragraph (1) shall include at a minimum: (i) the purchase price for the system; (ii)  
987 the amount of any dealer fees or other finance related charges that would not be charged to a  
988 consumer in a similar cash transaction, if applicable; (iii) the estimated start and completion  
989 dates for installation; and (iv) a disclosure notifying the purchaser of the responsible party or  
990 parties for obtaining interconnection approval.

991 (3) In the case of a lease for a residential solar electric system, the disclosure form  
992 required in paragraph (1) shall include at a minimum: (i) the length of the lease; (ii) monthly  
993 payments for the term of the lease; (iii) total estimated lease payments over the term of the lease;  
994 (iv) any payment increases and the timing of any such increases, if applicable; (v) the total  
995 number of lease payments; (vi) payment due dates and the manner in which the consumer shall  
996 receive invoices; (vii) any 1 time or recurring fees, including, but not limited to, the

997 circumstances triggering any late fees, if applicable; (viii) a disclosure notifying the consumer  
998 whether the lessor will be filing a fixture filing on the system; and (ix) a disclosure describing  
999 the transferability of the lease and any conditions for lease transfers in connection with a  
1000 consumer selling their home.

1001 (4) In the case of a power purchase agreement, the disclosure form required in paragraph  
1002 (1) shall include at a minimum: (i) the length of the power purchase agreement; (ii) rates for the  
1003 term of the power purchase agreement; (iii) any rate or payment increases and the timing of any  
1004 such increase, if applicable; (iv) the total number of power purchase agreement payments; (v)  
1005 payment due dates and the manner in which the consumer shall receive invoices; (vi) any 1 time  
1006 or recurring fees, including, but not limited to, the circumstances triggering any late fees, if  
1007 applicable; (vii) a disclosure notifying the purchaser if the owner of the system will be filing a  
1008 fixture filing on the system; and (viii) a disclosure describing the transferability of the system in  
1009 connection with the consumer selling their home.

1010 (5) All disclosure forms for community solar subscription agreements shall include at a  
1011 minimum: (i) the name, address, telephone number and email address of the community solar  
1012 provider; (ii) the payment schedule for upfront costs, including any payments due at signing or  
1013 enrollment costs, if applicable; (iii) the size of the subscription; (iv) rates or expected payments  
1014 owed for the first year of the community solar subscription agreement; (v) any rate or payment  
1015 increases and the timing of any such increases, if applicable; (vi) a description or location in the  
1016 agreement of any performance guarantees, if applicable; (vii) a brief description of the basis for  
1017 any savings estimates that were provided to the purchaser, if applicable, which shall include, at a  
1018 minimum, the applicable utility rates, assumptions for increases to future electricity rates and  
1019 estimated system production and status of utility compensation at the time of contract signing;

1020 (viii) a disclosure concerning the retention or ownership of any renewable energy certificates or  
1021 other environmental attributes; and (ix) a statement using the following language: “The  
1022 assumptions used to estimate savings such as utility rates may change. There may be fees that  
1023 cannot be offset with solar. For further information regarding rates, you may contact your local  
1024 utility or the Department of Public Utilities. Tax and other state and federal incentives are subject  
1025 to change or termination by executive, legislative or regulatory action, which may impact  
1026 savings estimates. Please read your contract carefully for more details.”

1027 (g)(1) Agreements offered by distributed energy resource providers to consumers shall  
1028 adhere to the requirements set forth in section 2 of chapter 142A and the additional contracting  
1029 requirements in this subsection. This subsection shall not apply to: (i) the transfer of title or  
1030 rental of real property on which a residential solar electric system is or is expected to be located;  
1031 (ii) a lender, governmental entity or other third party that enters into an agreement with a  
1032 customer to finance a residential solar electric system but is not a party to a system purchase  
1033 agreement, power purchase agreement or lease agreement; (iii) an agreement for a solar electric  
1034 system that is not for residential use; or (iv) an agreement for a residential solar electric system  
1035 that is installed as a feature on new construction.

1036 (2) An agreement for the purchase of a residential solar electric system shall also include:  
1037 (i) the name, license or registration number, address, telephone number and email address of the  
1038 solar company and the installer, if different; (ii) if applicable, the name, license or registration  
1039 number, telephone number and email address of the salesperson who solicited or negotiated the  
1040 agreement; (iii) the purchase price for the system; (iv) the payment schedule for the system, if  
1041 any; (v) a description of the project system size expressed in kilowatts-DC and kilowatts-AC, the  
1042 solar modules to be installed, the inverters to be installed, the monitoring to be installed and, if

1043 applicable, the energy storage system to be installed; (vi) if applicable, a statement in close  
1044 proximity to the description of the project that shall be separately acknowledged by the  
1045 customer, which shall read: “I understand comparable equipment may be installed but the  
1046 proposed kilowatts-AC system size and kilowatts-DC system size will not decrease.”; and (vii)  
1047 an explanation of which parties are responsible for filing the interconnection application and  
1048 permits.

1049 (3) An agreement for the lease of a residential solar electric system shall also include: (i)  
1050 the name, license or registration number, address, telephone number and email address of the  
1051 lessor and the installer, if different; (ii) if applicable, the name, telephone number, license or  
1052 registration number and email address of the salesperson who solicited or negotiated the  
1053 agreement; (iii) the total number of payments under the lease and the payment schedule for the  
1054 leased system, including the number, amount and due dates or periods of payments; (iv) a  
1055 description of the project, including the system size expressed in kilowatts-DC, the solar  
1056 modules to be installed, the inverters to be installed and, if applicable, the residential energy  
1057 storage system to be installed; (v) a description of any maintenance and repair responsibilities for  
1058 each party; (vi) a description of whether the consumer has the right to purchase the leased system  
1059 either during the lease term or at the term of the lease and the purchase price; (vii) a description  
1060 of the options to transfer the lease to third-parties and the conditions for the transfer; (viii) which  
1061 parties are responsible for filing interconnection application and permits; and (ix) a description  
1062 of any security interest filed against the system, including Uniform Commercial Code-1 filings.

1063 (4) A power purchase agreement shall also include: (i) the name, license or registration  
1064 number, address, telephone number and email address of the solar company and the solar  
1065 installation company, if different from the company who sells a solar power purchase agreement;

1066 (ii) if applicable, the name, telephone number, license or registration number and email address  
1067 of the salesperson who solicited or negotiated the agreement; (iii) the payment schedule for the  
1068 sale of output of the residential solar electric system, including the number, amount and due  
1069 dates or periods of payments; (iv) a description of the project, including the residential solar  
1070 electric system size expressed in kilowatts-DC and kilowatts-AC, the solar modules to be  
1071 installed, the inverters to be installed, the monitoring to be installed and, if applicable, the  
1072 residential energy storage system to be installed; (v) a description of any maintenance and repair  
1073 responsibilities for each party; (vi) a description of whether the owner has the right to purchase  
1074 the residential solar electric system either during the term of the solar power purchase agreement  
1075 or at term of the solar power purchase agreement and the purchase price; (vii) a description of  
1076 the options for the owner to transfer the contract to third-parties and the conditions for the  
1077 transfer; (viii) which parties are responsible for filing interconnection application and permits;  
1078 and (ix) a description of any security interest filed against the residential solar electric system,  
1079 including Uniform Commercial Code-1 filings.

1080 (5) A community solar subscription agreement shall also include: (i) the name, license or  
1081 registration number, address, telephone number and email address of the community solar  
1082 provider; (ii) if applicable, the name, telephone number, license or registration number and email  
1083 address of the salesperson who solicited or negotiated the agreement; (iii) an explanation of  
1084 billing procedures, subscription sizing and expected impacts to the consumer's utility bill; (iv) all  
1085 possible fees or charges under the agreement; (v) terms and conditions for early termination on  
1086 the part of the consumer and community solar provider; (vi) an explanation of contract renewal  
1087 terms and procedures, if applicable; and (vii) a description of the options for the community solar  
1088 provider to transfer the contract to third-parties and the conditions for the transfer. No

1089 community solar subscription agreement shall contain an early termination fee. Early  
1090 terminations initiated by a consumer shall be processed within 60 days.

1091 (6) A distributed energy resource provider shall retain a copy of all signed agreements for  
1092 the duration of the agreement but not less than 4 years after the date of execution.

1093 (7) Notwithstanding any general or special law to the contrary, in connection with any  
1094 sale of a residential solar electric system or community solar subscription agreement, a consumer  
1095 shall have at least 5 business days after the date of the transaction and receipt of the signed  
1096 agreement to cancel the agreement without any financial penalty. A salesperson shall verbally  
1097 explain to the consumer their right to rescind the agreement without penalty upon the consumer  
1098 signing the agreement.

1099 (h) Any distributed energy resource provider that sells itself to another company, whether  
1100 through stock sale, asset sale or bankruptcy, shall notify the department and all consumers it has  
1101 an agreement with of the transaction and shall provide both the department and all consumers  
1102 with the contact address, telephone number, electronic mail and website of the new company  
1103 within 90 days upon the transaction completion. A consumer may seek recovery pursuant to  
1104 chapter 93A against a distributed energy resource provider for failure to comply with this  
1105 subsection.

1106 (i) The department shall retain license and registration fees collected pursuant to  
1107 subsections (b) and (c) to cover its administrative expenses associated with carrying out its  
1108 responsibilities under this section.

1109 SECTION 27. Said chapter 164 is hereby further amended by striking out section 15, as  
1110 appearing in the 2024 Official Edition, and inserting in place thereof the following section:-

1111 Section 15. A gas or electric company under the supervision of the department that is  
1112 selling, offering for sale or issuing bonds, debentures, notes or other evidence of indebtedness,  
1113 exclusive of stock, payable at periods of more than 5 years after the date thereof, shall invite  
1114 proposals for the purchase thereof; provided, however, that the manner of solicitation of such  
1115 proposals shall be competitive and in the public interest, as determined by the department; and  
1116 provided further, that a gas or electric company may reserve the right to reject any and all  
1117 proposals.

1118 SECTION 28. Section 15A of said chapter 164, as so appearing, is hereby amended by  
1119 striking out, in line 5, the word “than” and inserting in place thereof the following word:- that.

1120 SECTION 28A. Section 47B of said chapter 164, as so appearing, is hereby amended by  
1121 adding the following 2 paragraphs:-

1122 Any municipality acting by and through its municipal light board may provide services  
1123 and assistance to any municipal or state utility, tribal utility as defined in 25 CFR § 169.2, or any  
1124 other publicly-owned or operated utility, whether located inside or outside of the commonwealth,  
1125 and governmental units as defined in section 4A of chapter 40, to construct, install, alter, operate,  
1126 maintain or repair utility poles and conduit, wires, cables, equipment, streetlights and traffic  
1127 signals to the same extent such municipality acting by and through its municipal light board may  
1128 provide such services within its service territory. Any such municipality acting by and through  
1129 its municipal light board may sell, rent or lease merchandise, equipment, fixtures, utensils and  
1130 chattels of any description related to the provision of such services. Any employee providing  
1131 such services entered into between the municipality acting by and through its municipal light  
1132 board and such other public entity shall be subject to sections 1 to 28, inclusive, of chapter 32,

1133 and shall have the same rights and privileges thereunder, as if performing the same duties within  
1134 the scope of his employment including voluntary assignments.

1135 SECTION 29. Section 69G of said chapter 164, as so appearing, is hereby amended by  
1136 inserting after the word “project”, in line 52, the following words:- , including the use of surplus  
1137 interconnection service.

1138 SECTION 30. Said section 69G of said chapter 164, as so appearing, is hereby further  
1139 amended by striking out the definition of “Director” and inserting in place thereof the following  
1140 definition:-

1141 “Director”, the director of the energy facilities siting division appointed pursuant to  
1142 section 12N of chapter 25, who shall serve as the director of the board; provided, however, that  
1143 the director may issue decisions on de novo adjudications of local permit applications pursuant to  
1144 section 69W; and provided further, that the director may issue determinations to require a project  
1145 applicant to submit an application for a consolidated permit as a large clean transmission and  
1146 distribution infrastructure facility under sections 69H and 69T, pursuant to section 69X.

1147 SECTION 31. Said section 69G of said chapter 164, as so appearing, is hereby further  
1148 amended by striking out the definition of “Large clean transmission and distribution  
1149 infrastructure facility” and inserting in place thereof the following definition:-

1150 “Large clean transmission and distribution infrastructure facility”, electric transmission  
1151 and distribution infrastructure and related ancillary infrastructure that is: (i) a new electric  
1152 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1  
1153 mile in length on a new transmission corridor, including any ancillary structure that is an integral  
1154 part of the operation of the transmission line; (ii) a new electric transmission line having a design

1155 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing  
1156 transmission corridor except reconducted or rebuilt transmission lines at the same voltage,  
1157 including any ancillary structure that is an integral part of the operation of the transmission line;  
1158 (iii) any other new electric transmission infrastructure requiring zoning exemptions, including  
1159 standalone transmission substations and upgrades and any ancillary structure that is an integral  
1160 part of the operation of the transmission line; (iv) any proposed reconductoring, replacement or  
1161 rebuilding of a transmission facility or group of transmission facilities, including any ancillary  
1162 structure that is an integral part of the operation of the transmission line, that is reviewed  
1163 pursuant to section 69X; and (v) facilities needed to interconnect offshore wind to the grid;  
1164 provided, however, that the large clean transmission and distribution facility shall be: (A)  
1165 designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of  
1166 clean energy infrastructure to the electric grid; (B) approved by the regional transmission  
1167 operator in relation to interconnecting clean energy infrastructure; (C) proposed to ensure electric  
1168 grid reliability and stability; or (D) shall help facilitate the electrification of the building and  
1169 transportation sectors. “Large clean transmission and distribution infrastructure facility” shall not  
1170 include new transmission and distribution infrastructure that solely interconnects new and  
1171 existing energy generation powered by fossil fuels on or after January 1, 2026.

1172 SECTION 32. Said section 69G of said chapter 164, as so appearing, is hereby further  
1173 amended by inserting after the definition of “Solar facility” the following definition:-

1174 “Surplus interconnection service”, a form of interconnection service that allows a  
1175 generation facility to use any unused capability, as defined in Schedule 22 to Section II of the  
1176 ISO New England Inc. Transmission, Markets, and Services Tariff, established in an  
1177 interconnection agreement for an existing generating facility that has achieved commercial

1178 operation such that if surplus interconnection service is utilized, the total amount of  
1179 interconnection service at the same point of interconnection, as defined in Schedule 22 to Section  
1180 II of the ISO New England Inc. Transmission, Markets, and Services Tariff, would remain the  
1181 same.

1182 SECTION 33. Section 69H of said chapter 164, as so appearing, is hereby amended by  
1183 inserting after the word “alternatives”, in line 42, the following words:- , including the use of  
1184 surplus interconnection service,.

1185 SECTION 34. Clause (iii) of the third paragraph of section 69J of said chapter 164, as  
1186 appearing in section 76 of chapter 14 of the acts of 2025, is hereby amended by inserting after  
1187 the word “energy” the following words:- , use of surplus interconnection service.

1188 SECTION 35. Section 69T of said chapter 164, as appearing in the 2024 Official Edition,  
1189 is hereby amended by inserting after the word “including”, in line 52, the following words:-  
1190 surplus interconnection service and other.

1191 SECTION 36. Said chapter 164 is hereby further amended by inserting after section 69W  
1192 the following section:-

1193 Section 69X. (a) A transmission company shall file with the board any proposed  
1194 reconductoring, replacement or rebuilding of a transmission facility or group of transmission  
1195 facilities on an existing transmission corridor that has an estimated cost of not less than  
1196 \$25,000,000 prior to commencing construction.

1197 (b) Not later than 90 days following a submission pursuant to subsection (a), the director,  
1198 at their sole discretion, may require a project applicant to submit an application for a

1199 consolidated permit as a large clean transmission and distribution infrastructure facility pursuant  
1200 to section 69H and 69T; provided, that the applicant shall seek and obtain a consolidated permit  
1201 from the board before it may proceed with construction. The director shall notify the project  
1202 applicant within 5 days of determining that the director shall require submission of an application  
1203 pursuant to said section 69H and 69T. The board may establish rules that permit an applicant for  
1204 a project reviewed pursuant to this section to forego certain pre-filing requirements pursuant to  
1205 said section 69T.

1206 (c) In determining whether to require submission of an application under subsection (b),  
1207 the director shall consider: (i) the identified need for the project; (ii) the project scope, timing,  
1208 cost and alternatives considered, including, but not limited to, the deployment of advanced  
1209 conductors, grid-enhancing technologies and other advanced transmission technologies; (iii)  
1210 whether the proposed project would address a near-term reliability risk; and (iv) whether there  
1211 are sufficient mechanisms in the regional transmission planning process to evaluate projects  
1212 subject to this section.

1213 (d) Projects selected by ISO-NE for inclusion in its regional system plan shall not be  
1214 subject to this section.

1215 (e) The board may adopt such rules and regulations as necessary to implement this  
1216 section.

1217 SECTION 37. Said chapter 164 is hereby further amended by inserting after section 83  
1218 the following section:-

1219 Section 83A. (a)(1) Notwithstanding any general or special law, rule, regulation or order  
1220 to the contrary, the department may provide for management and operations audits of gas

1221 companies and distribution companies. Such audits shall be performed no more frequently than  
1222 once every 5 years for said companies; provided, however, that the department may order  
1223 supplemental, audits on specific aspects of gas company and distribution company operations  
1224 and performance, as necessary. The department shall order such audits be performed by its staff  
1225 or by an independent auditor.

1226 (2) If the department orders an audit to be performed by an independent auditor, the  
1227 department shall: (i) select the auditor, subject to the applicable procurement laws and  
1228 regulations; and (ii) require the company being audited to enter into a contract with the auditor  
1229 that shall include: (A) providing for their payment by the company at no cost to the ratepayers of  
1230 said company; and (B) that the independent auditor shall work for and be under the direction of  
1231 the department according to such terms as the department may determine are necessary and  
1232 reasonable.

1233 (b)(1) An audit report detailing the findings and recommendations of the audit shall be  
1234 filed with the department and a copy of the report shall be provided to the office of ratepayer  
1235 advocacy established pursuant to section 11E of chapter 12.

1236 (2) If the audit report findings provide any evidence that the company violated  
1237 department regulation or other applicable laws, the audit report may recommend an appropriate  
1238 penalty to be paid by the company. No penalty recommended in an audit report's findings shall  
1239 be recoverable from ratepayers.

1240 (3) The department shall solicit comments on the audit report from the company subject  
1241 to the audit, the office of ratepayer advocacy and other interested parties.

1242 (4) After review of the audit report and any comments received pursuant to paragraph (3),  
1243 the department shall make findings to determine whether the proposed recommendations should  
1244 be implemented by the company.

1245 (c)(1) Not later than 30 days after the department's findings pursuant to paragraph (4) of  
1246 subsection (b), each company subject to an audit shall submit to the department, in a form  
1247 prescribed by the department, a report detailing the company's plan to implement the  
1248 department's findings. The company shall provide a copy of the plan to the office of ratepayer  
1249 advocacy, which may submit comments to the department within 30 days of receipt of the  
1250 company's plan.

1251 (2) The department, after review of the company's plan and any comments received, may  
1252 require each company to amend its plan in a particular manner. Such plan shall thereafter  
1253 become enforceable upon approval by the department.

1254 (3) The department may commence a proceeding to examine any such company's  
1255 compliance with the recommendations of the audit pursuant to subsection (b) and may issue  
1256 reasonable and appropriate penalties for any noncompliance. The cost of any penalties shall be  
1257 borne solely by the company and shall not be recoverable by ratepayers.

1258 (d) Upon the petition of a gas or distribution company for approval of a general increase  
1259 in base distribution rates pursuant to section 94, or other proceedings in which a gas or  
1260 distribution company proposes capital improvements, the department shall review that  
1261 company's compliance with the directions and recommendations made previously by the  
1262 department, as a result of the most recently completed management and operations audit, if  
1263 applicable, as provided in this section.

1264 SECTION 38. Section 92B of said chapter 164, as appearing in the 2024 Official Edition,  
1265 is hereby amended by striking out subsections (c) through (e), inclusive, and inserting in place  
1266 thereof the following 4 subsections:-

1267 (c)(1) For the purposes of subsections (c) through (e), inclusive, “virtual power plant”  
1268 shall mean an actively coordinated aggregation of behind-the-meter distributed energy resources,  
1269 including, but not limited to, electric vehicles and chargers, electric water heaters, smart  
1270 thermostats, smart plugs, smart buildings and their controls, battery storage systems such as  
1271 those installed with rooftop solar systems, and flexible commercial and industrial loads, that are  
1272 dispatchable and can balance electricity demand and supply and reduce or shift demand.

1273 (2) An electric-sector modernization plan developed pursuant to subsection (a) shall  
1274 include the following:

1275 (i) a load management and virtual power plant plan that, based on the best available data,  
1276 minimizes ratepayer costs and maximizes ratepayer benefits of distributed energy resources and  
1277 distributed generation to the greatest extent possible, which shall include, but not be limited to:

1278 (A) a detailed summary and timeline for all current, proposed and under development  
1279 programs and investments, including all investments and programs developed as part of the  
1280 energy efficiency investment plan authorized pursuant to section 21 of chapter 25, all  
1281 investments and programs authorized by the department related to electric grid modernization,  
1282 building electrification, transportation electrification and distributed energy resources, and all  
1283 efforts to make use of advanced metering infrastructure, that: (1) directly or indirectly manage  
1284 energy demand to reduce its impact on and provide benefits to the electric power system; or (2)  
1285 utilize or otherwise enable dispatchable distributed energy resources to provide benefits or

1286 services to the electric grid, including, but not limited to, reducing, deferring or eliminating  
1287 transmission or distribution infrastructure investments, avoiding development of new fossil fuel-  
1288 based power generation, reducing wholesale energy market costs or enabling wholesale energy  
1289 market participation;

1290 (B) quantitative 5-year and 10-year targets for peak load reduction, including targets for  
1291 system-wide peak and separate targets for non-coincident sub-system peaks, and electric system  
1292 benefits for both load management and virtual power plants, including, but not limited to, targets  
1293 set as part of the statewide energy efficiency investment plan and any other plans approved by  
1294 the department;

1295 (C) a qualitative and quantitative evaluation of the benefits of such programs to reduce,  
1296 defer or eliminate the need for transmission or distribution infrastructure investments, including,  
1297 but not limited to, all cases where such programs reduce, defer or eliminate specific, future  
1298 infrastructure investment needs identified through the company's current or prior electric-sector  
1299 modernization plans or through the company's core capital planning process, as applicable;

1300 (D) a detailed methodology and approach for ensuring that such programs are optimized  
1301 to reduce, defer or eliminate infrastructure investment needs identified through the company's  
1302 current or prior electric-sector modernization plans or through the company's core capital  
1303 planning process; provided, that such methodology shall be as consistent as practicable with the  
1304 comparable methodology employed by each other electric company; and

1305 (E) a description and summary of current, proposed and under development plans and  
1306 processes to enable third-party providers to provide load management and virtual power plant  
1307 services, including, but not limited to, how such services shall be used to reduce, defer or

1308 eliminate infrastructure investment needs, the status of any past, current or planned procurements  
1309 of grid services from third parties and information on how third parties can participate in  
1310 programs and access customer electric usage data to enable load management and virtual power  
1311 plant services;

1312 (ii) information on the flexible interconnection program required pursuant to section 158,  
1313 including, but not limited to:

1314 (A) a detailed summary of the flexible interconnection program and a timeline for all,  
1315 additional proposed and under development alternative interconnection solutions, and associated  
1316 investments, that meet the definition of flexible interconnection pursuant to subsection (a) of  
1317 section 158, including, but not limited to, relevant efforts to make use of advanced metering  
1318 infrastructure and smart inverters; and

1319 (B) a qualitative and quantitative evaluation of the benefits of the flexible interconnection  
1320 program and proposed and under development alternative interconnection solutions to reduce,  
1321 defer or eliminate the need for transmission or distribution infrastructure investments, including,  
1322 but not limited to, all cases where the flexible interconnection program and proposed and under  
1323 development alternative interconnection solutions reduce, defer or eliminate specific  
1324 infrastructure investment needs identified through the company's current or prior electric-sector  
1325 modernization plans or through the company's core capital planning process, as applicable; and

1326 (iii) a comprehensive description and summary of how the load management and virtual  
1327 power plant plan provided pursuant to clause (i) and the flexible interconnection program  
1328 required pursuant to section 158 are integrated with other distribution system planning efforts to  
1329 most effectively reduce costs and maximize benefits to ratepayers, advance energy affordability

1330 and help the commonwealth realize its statewide greenhouse gas emissions limits and sublimits  
1331 pursuant to chapter 21N.

1332 (d) In developing a plan pursuant to subsection (a), an electric company shall:

1333 (i) prepare and use 3 planning horizons for electric demand, including a 5-year forecast, a  
1334 10-year forecast and a demand assessment through 2050 to account for future trends, including,  
1335 but not limited to, future trends in the adoption of renewable energy, distributed energy resources  
1336 and energy storage and electrification technologies necessary to achieve the statewide  
1337 greenhouse gas emission limits and sublimits pursuant to chapter 21N;

1338 (ii) consider and include a summary of all proposed and related investments, alternatives  
1339 to these investments and alternative approaches to financing these investments that have been  
1340 reviewed, are under consideration or have been approved by the department previously;

1341 (iii) solicit input from the Grid Modernization Advisory Council established in section  
1342 92C on topics, including planning scenarios and modeling and the requirements of subsection  
1343 (c), and respond to information and document requests from said council;

1344 (iv) solicit input from the permit regulatory office established in section 3H of chapter  
1345 23A, the interagency permitting board established in section 62 of said chapter 23A and the  
1346 Massachusetts office of business development established in section 1 of said chapter 23A  
1347 regarding the planning scenarios, modeling and proposed investments related to economic  
1348 development and new housing;

1349 (v) solicit input from third-party providers of services that directly or indirectly manage  
1350 energy demand to reduce its impact on and provide benefits to the electric power system or

1351 utilize or otherwise enable dispatchable distributed energy resources to provide benefits or  
1352 services to the electric grid;

1353 (vi) conduct technical conferences and not less than 2 stakeholder meetings to inform the  
1354 public, appropriate state and federal agencies, companies engaged in the development and  
1355 installation of distributed generation, energy storage, vehicle electrification systems and building  
1356 electrification systems, third-party providers of load management and virtual power plant  
1357 services and businesses and housing developers located in the commonwealth; and

1358 (vii) prepare and file a climate vulnerability and resilience plan with the electric-sector  
1359 modernization plan based on best available data, which shall include, but shall not be limited to:

1360 (A) an evaluation of the climate science and projected sea level rise, extreme  
1361 temperature, precipitation, humidity and storms and other climate-related risks for the service  
1362 territory;

1363 (B) an evaluation and risk assessment of potential impacts of climate change on existing  
1364 operation, planning and physical assets;

1365 (C) identification, prioritization and cost-benefit analysis of adaptation options to  
1366 increase asset and system-wide resilience over time;

1367 (D) a community engagement plan with targeted engagement for environmental justice  
1368 populations, as defined in section 62 of chapter 30, in the service territory; and

1369 (E) an implementation timeline for making changes in line with the findings of the study  
1370 such as modifying design and construction standards, modifying operations and planning

1371 processes and relocating or upgrading existing infrastructure to ensure reliability and resilience  
1372 of the grid.

1373 (e)(1) An electric company shall submit its first plan for review, input and  
1374 recommendations to the Grid Modernization Advisory Council established in section 92C by  
1375 September 1, 2023 and thereafter once every 5 years in accordance with a schedule determined  
1376 by the department; provided, however, that the plan shall be submitted to the Grid Modernization  
1377 Advisory Council not later than 150 days before the electric company files the plan with the  
1378 department; and provided further, that the Grid Modernization Advisory Council shall return the  
1379 plan to the company with recommendations not later than 70 days before the company files the  
1380 plan with the department.

1381 (2) An electric company shall submit its electric-sector modernization plan, together with  
1382 a demonstration of the Grid Modernization Advisory Council's review, input and  
1383 recommendations, including, but not limited to, a list of each individual recommendation, the  
1384 status of each recommendation and an explanation of whether and why each recommendation  
1385 was adopted, adopted as modified or rejected, along with a statement of any unresolved issues, to  
1386 the department in accordance with a schedule determined by the department. An electric  
1387 company shall submit any input received from entities pursuant to clauses (iv) and (v) of  
1388 subsection (d) and a summary of the input provided by such entities.

1389 (3) An electric company shall be permitted to include in base electric distribution rates all  
1390 prudently incurred plant additions that are used and are useful. The department shall promptly  
1391 consider the plan and shall provide an opportunity for interested parties to be heard in a public  
1392 hearing. The department shall approve, approve with modifications or reject the plan within 7

1393 months of submittal. To be approved, a plan shall provide net benefits for customers and meet  
1394 the criteria enumerated in clauses (i) to (vi), inclusive, of subsection (a).

1395 (f) An electric-sector modernization plan developed by an electric company pursuant to  
1396 subsection (a) shall propose discrete, specific, enumerated investments to the distribution and,  
1397 where applicable, transmission systems, alternatives to such investments and alternative  
1398 approaches to financing such investments, that facilitate grid modernization, greater reliability,  
1399 communications and resiliency, increased enablement of distributed energy resources, increased  
1400 transportation electrification, increased building electrification, accommodate increased  
1401 economic development and new housing and the minimization or mitigation of ratepayer  
1402 impacts, in order to meet the statewide greenhouse gas emissions limits and sublimits pursuant to  
1403 chapter 21N. An electric company shall submit 2 reports per year to the department and the joint  
1404 committee on telecommunications, utilities and energy on the deployment of approved  
1405 investments in accordance with any performance metrics included in the approved plans.

1406 SECTION 39. Said chapter 164 is hereby further amended by inserting after section 92C  
1407 the following section:-

1408 Section 92D. (a) An interconnection service agreement shall not require an  
1409 interconnecting customer to make a cash payment for interconnection costs prior to the  
1410 commencement of construction of required electric power system upgrades. An electric  
1411 distribution company may require an interconnecting customer to furnish a surety bond or letter  
1412 of credit for common system modification payments required under an interconnection service  
1413 agreement. Following the posting of a surety bond or letter of credit, the electric distribution  
1414 company shall invoice the interconnecting customer for cash payments that reflect actual

1415 spending and costs incurred by the electric distribution company, on a mutually agreed upon  
1416 timeline or following the completion of construction.

1417 (b) A provision in an interconnection service agreement between an electric distribution  
1418 company and an interconnecting customer that requires a cash payment for interconnection costs  
1419 to be paid prior to the commencement of construction shall be void, and electric distribution  
1420 companies shall accept a surety bond or letter of credit in lieu of cash.

1421 SECTION 40. Section 94 of said chapter 164, as appearing in the 2024 Official Edition,  
1422 is hereby amended by striking out the first paragraph and inserting in place thereof the following  
1423 paragraph:-

1424 Not less than every 5 years, electric companies and gas companies shall file with the  
1425 department schedules, under a filing schedule as prescribed by the department and in such form  
1426 as the department shall prescribe, showing all rates, prices and charges to be charged or collected  
1427 within the commonwealth for the sale and distribution of gas or electricity, together with all  
1428 forms of contracts to be used in connection with such schedules; provided, however, that the  
1429 requirement to file a schedule with the department not less frequently than every 5 years shall not  
1430 apply to a company or corporation as defined in section 1 of chapter 165. Rates, prices and  
1431 charges in such a schedule may be changed by any such company by filing a schedule setting  
1432 forth the changed rates, prices and charges; provided, however, that until the effective date of  
1433 any such change no different rate, price or charge shall be charged, received or collected by the  
1434 company filing such a schedule from those specified in the schedule then in effect; provided  
1435 further, that a company may: (i) continue to charge, receive and collect rates, prices and charges  
1436 under a contract lawfully entered into before the schedule takes effect or until the department

1437 otherwise orders, after notice to the company, a public hearing and makes a determination that  
1438 the public interest so requires; and (ii) sell and distribute gas or electricity under a special  
1439 contract hereafter made at rates or prices differing from those contained in a schedule in effect;  
1440 and provided further, that a copy of the contract, in each instance, shall be filed with the  
1441 department, except that a contract of a company whose sole business in the commonwealth is the  
1442 supply of electricity in bulk need not file, unless otherwise required by the department.

1443 SECTION 41. Said chapter 164 is hereby further amended by inserting after section 94I  
1444 the following section:-

1445 Section 94J. (a) For the purposes of this section, the term “default budget billing” shall  
1446 mean an equalized payment arrangement where the customer’s annual gas usage is projected and  
1447 the customer is billed in equal monthly charges; provided, that default budget billing shall be  
1448 calculated by dividing the 12-month gas usage of each customer into 12 equal monthly amounts  
1449 at retail rates in effect at the time of the calculation to be billed to the residential customer on the  
1450 customer’s monthly bill, unless a customer chooses to opt-out of the default budget billing.

1451 (b)(1) Each gas company shall implement default budget billing for residential  
1452 customers and residential customers shall be automatically enrolled in default budget billing.  
1453 Any residential customer with less than 12 months of historical usage at their current service  
1454 address or who has a past due balance shall not be eligible for default budget billing.

1455 (2) Each gas company shall notify budget billing customers whenever their gas  
1456 consumption for a billing month is substantially greater, as determined by the department, than  
1457 the billing month immediately prior. The notification shall include the customer’s gas

1458 consumption in each of the prior 2 billing months, appropriate recommendations for gas  
1459 conservation and any additional information as determined by the department.

1460 (c) The bill for a customer participating in default budget billing shall be reviewed in the  
1461 twelfth month and shall be reconciled to reflect the actual retail rates and usage applicable to  
1462 each customer over the prior 12-month budget billing period, with such reconciled amount  
1463 charged or credited to each customer during a non-peak billing cycle, as determined by the gas  
1464 company. Customers shall have the option of spreading the reconciliation amount over a 12-  
1465 month billing cycle. A gas company may normalize customer usage for weather fluctuations  
1466 during the prospective annual billing cycle to calculate level monthly payments or implement  
1467 other such methods to minimize the impact of year-end reconciliations on customers.

1468 (d) The department shall evaluate and modify any ratemaking procedures, service-quality  
1469 guidelines or other requirements, as appropriate, to ensure that default budget billing shall be  
1470 implemented without causing unintended financial disruptions to gas companies.

1471 SECTION 41A. Section 133 of said chapter 164, as appearing in the 2024 Official  
1472 Edition, is hereby amended in the definition of “Emergency mutual aid” by inserting after the  
1473 first sentence the following 2 sentences:- Any municipal lighting plant providing emergency  
1474 mutual aid may sell, rent or lease equipment, fixtures and goods of any description related to the  
1475 provision of emergency mutual aid. Any employee of a municipal lighting plant providing  
1476 emergency mutual aid shall be covered by sections 1 to 28, inclusive, of chapter 32 and shall  
1477 have the same rights and privileges thereunder, as if performing such duties within the scope of  
1478 their employment, including voluntary assignments authorized by the employer.

1479 SECTION 41B. Said section 133 of said chapter 164, as so appearing, is hereby further  
1480 amended by inserting after the word “utility”, in line 27, the following words:- or its employees.

1481 SECTION 42. Section 138 of said chapter 164, as appearing in the 2024 Official Edition,  
1482 is hereby amended by striking out the definition of “Class I net metering credit” and inserting in  
1483 place thereof the following definition:-

1484 “Class I net metering credit”, a credit equal to the excess kilowatt-hours by time of use  
1485 billing period, if applicable, multiplied by the sum of the distribution company’s: (i) default  
1486 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)  
1487 distribution kilowatt-hour charge; and (iii) transmission kilowatt-hour charge; provided,  
1488 however, that this shall not include the demand side management and renewable energy kilowatt-  
1489 hour charges set forth in sections 19 and 20 of chapter 25; and provided further, that credit for a  
1490 Class I net metering facility that is not an agricultural net metering facility or that is not using  
1491 solar, anaerobic digestion or wind as its energy source shall be the average monthly clearing  
1492 price at the ISO-NE.

1493 SECTION 43. Said section 138 of said chapter 164, as so appearing, is hereby further  
1494 amended by striking out the definition of “Class II net metering credit” and inserting in place  
1495 thereof the following definition:-

1496 “Class II net metering credit”, a credit equal to the excess kilowatt-hours by time of use  
1497 billing period, if applicable, multiplied by the sum of the distribution company’s: (i) default  
1498 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii)  
1499 distribution kilowatt-hour charge; and (iii) transmission kilowatt-hour charge; provided,

1500 however, that this shall not include the demand side management and renewable energy kilowatt-  
1501 hour charges set forth in sections 19 and 20 of chapter 25.

1502 SECTION 44. Said section 138 of said chapter 164, as so appearing, is hereby further  
1503 amended by striking out the definition of “Class III net metering credit” and inserting in place  
1504 thereof the following definition:-

1505 “Class III net metering credit”, a credit equal to the excess kilowatt-hours by time of use  
1506 billing period, if applicable, multiplied by the sum of the distribution company’s: (i) default  
1507 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; and (ii)  
1508 transmission kilowatt-hour charge; provided, however, that for a Class III net metering facility of  
1509 a municipality or other governmental entity, the credit shall be equal to the excess kilowatt-hours  
1510 multiplied by the sum of (i) and (ii) and the distribution kilowatt-hour charge; and provided  
1511 further, that this shall not include the demand side management and renewable energy kilowatt-  
1512 hour charges set forth in sections 19 and 20 of chapter 25.

1513 SECTION 45. Said section 138 of said chapter 164, as so appearing, is hereby further  
1514 amended by striking out the definition of “Market net metering credit” and inserting in place  
1515 thereof the following definition:-

1516 “Market net metering credit”, (i) a credit equal to 60 per cent of the excess kilowatt-hours  
1517 by time of use billing period, if applicable, multiplied by the sum of the distribution company’s:  
1518 (a) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located;  
1519 (b) distribution kilowatt-hour charge; and (c) transmission kilowatt-hour charge; provided,  
1520 however, this shall not include the demand side management and renewable energy kilowatt-  
1521 hour charges set forth in sections 19 and 20 of chapter 25; or (ii) for net metering facilities of a

1522 municipality or other governmental entity, a credit equal to the excess kilowatt-hours by time of  
1523 use billing period, if applicable, multiplied by the sum of the distribution company's: (a) default  
1524 service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (b)  
1525 distribution kilowatt-hour charge; and (c) transmission kilowatt-hour charge; provided, however,  
1526 that this shall not include the demand side management and renewable energy kilowatt-hour  
1527 charges set forth in said sections 19 and 20 of said chapter 25; and, provided further, that credits  
1528 shall only be allocated to an account of a municipality or government entity.

1529 SECTION 46. Said section 138 of said chapter 164, as so appearing, is hereby further  
1530 amended by striking out the definition of "Neighborhood net metering credit" and inserting in  
1531 place thereof the following definition:-

1532 "Neighborhood net metering credit", a credit equal to the excess kilowatt-hours by time  
1533 of use billing period, if applicable, multiplied by the sum of the distribution company's: (i)  
1534 default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; and  
1535 (ii) transmission kilowatt-hour charge; provided, however, that this shall not include the demand  
1536 side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of  
1537 chapter 25.

1538 SECTION 47. Said section 138 of said chapter 164, as so appearing, is hereby further  
1539 amended by inserting after the definition of "Solar net metering facility" the following 2  
1540 definitions:-

1541 "Supply rate net metering facility", a Class I, Class II or Class III net metering facility, or  
1542 neighborhood net metering facility, that is authorized to interconnect to the distribution system  
1543 by a distribution company on or after January 1, 2026, and that is not a cap exempt facility

1544 pursuant to subsection (i) of section 139; provided, however, that “supply rate net metering  
1545 facility” shall not include a Class I, Class II or Class III net metering facility, or neighborhood  
1546 net metering facility, that submitted an interconnection application to a distribution company  
1547 before November 1, 2025.

1548 “Supply rate net metering credit”, a credit equal to the excess kilowatt-hours by time of  
1549 use billing period, if applicable, multiplied by the difference between the distribution company’s  
1550 default service kilowatt-hour charge in the ISO-NE load zone where the customer is located and  
1551 the distribution company’s costs associated with: (i) the renewable energy portfolio standard  
1552 requirements established pursuant to section 11F of chapter 25A; (ii) the alternative energy  
1553 portfolio standard requirements established pursuant to section 11F1/2 of said chapter 25A; (iii)  
1554 the clean peak portfolio standard requirements established pursuant to section 17 of said chapter  
1555 25A; (iv) any portfolio standard requirements established by the department of environmental  
1556 protection pursuant to sections 3 and 6 of chapter 21N; and (v) the distribution company’s basic  
1557 service administrative cost factor.

1558 SECTION 48. Section 139 of said chapter 164, as so appearing, is hereby amended by  
1559 striking out, in line 106, the figure “10” and inserting in place thereof the following figure:- 20.

1560 SECTION 49. Said section 139 of said chapter 164, as so appearing, is hereby further  
1561 amended by striking out, in lines 137 and 138 and lines 145 to 147, inclusive, each time they  
1562 appear, the words “that are not net metering facilities of a municipality or other governmental  
1563 entity under subsection (f)”.

1564 SECTION 50. Said section 139 of said chapter 164, as so appearing, is hereby further  
1565 amended by adding the following subsection:-

1566 (m) A supply rate net metering facility shall generate supply rate net metering credits.

1567 SECTION 51. Section 139A of said chapter 164, as so appearing, is hereby amended by  
1568 striking out the definition of “Small hydroelectric power net metering facility” and inserting in  
1569 place thereof the following definition:-

1570 “Small hydroelectric power net metering facility”, a single turbine-generator unit facility  
1571 with either a nameplate or demonstrated operational capacity of 2 megawatts or less, using water  
1572 to generate electricity that is connected to a distribution company; provided, however, that  
1573 separate turbine-generator units sharing a common point of interconnection or parcel shall not be  
1574 aggregated to determine facility capacity.

1575 SECTION 52. Section 141 of said chapter 164, as so appearing, is hereby amended by  
1576 striking out the last sentence.

1577 SECTION 53. Said chapter 164 is hereby further amended by inserting after section 143  
1578 the following section:-

1579 Section 143A. (a) A portable solar generation device shall be exempt from: (i) the  
1580 interconnection requirements under this chapter; (ii) requirements to enter into an  
1581 interconnection agreement; and (iii) the net metering program requirements under this chapter.

1582 (b) A distribution company shall not require a customer using a portable solar generation  
1583 device to: (i) obtain the company’s approval before installing or using the system; (ii) pay any  
1584 fee or charge related to the system; or (iii) install any additional controls or equipment beyond  
1585 what is integrated into the system. A distribution company shall not be liable for any damage or  
1586 injury caused by a portable solar generation device.

1587 SECTION 54. Said chapter 164 is hereby further amended by adding the following 11  
1588 sections:-

1589 Section 152. (a) Gas companies may develop programs to build, own and operate  
1590 geothermal energy infrastructure for individual customers in their existing service territories, if  
1591 the infrastructure is designed and built to interconnect with future adjacent geothermal energy  
1592 infrastructure or the customer's energy use exceeds 1 megawatt. Gas companies shall prioritize  
1593 commercial customers that currently receive all or a significant amount of their energy from  
1594 natural gas-powered combined heat and power facilities.

1595 (b) The department shall review and approve any program pursuant to subsection (a).

1596 (c) A gas company shall recover all prudently incurred costs of offering a program  
1597 approved by the department pursuant to this section via tariffs designed to recover costs via rates  
1598 charged to participating customers.

1599 Section 153. (a) The department shall require that distribution companies and gas  
1600 companies provide discounted rates for low-income customers and eligible moderate-income  
1601 customers. The cost of such discounts shall be included in the bills charged to all customers of a  
1602 distribution company or gas company and the department shall establish a mandatory non-  
1603 bypassable fixed monthly charge to fund such discounts; provided, however, that such charge  
1604 shall be determined separately for each customer class. The department shall permit statewide  
1605 cost recovery of such discounts across distribution companies, and separately gas companies, to  
1606 promote rate equity across the state. Each distribution company and gas company shall guarantee  
1607 payment to the generation supplier for all power sold to low-income and eligible moderate-  
1608 income customers at the discounted rates.

1609 (b) Eligibility for the low-income discount rates provided for in this section shall be  
1610 established in a manner approved by the department, including, but not limited to, verification of  
1611 a low-income customer's receipt of any means-tested public benefit or verification of eligibility  
1612 for the home energy assistance program, or its successor program, for which eligibility does not  
1613 exceed 200 per cent of the federal poverty level based on a household's gross income. Such  
1614 public benefits may include, but shall not be limited to including, assistance that provides cash,  
1615 housing, food or medical care, including, but not limited to, transitional assistance for needy  
1616 families, supplemental security income, emergency aid to the elderly, disabled and children  
1617 program, food stamps, public housing, federally subsidized or state-subsidized housing, the  
1618 home energy assistance program, veterans' benefits and similar benefits. In a program year in  
1619 which maximum eligibility for the home energy assistance program, or its successor program,  
1620 exceeds 200 per cent of the federal poverty level, a household that is income eligible for the  
1621 home energy assistance program shall be eligible for the low-income discount rates required by  
1622 this subsection. Eligibility for the moderate-income discount rate provided for in this section  
1623 shall be established by criteria determined by the department for verification of an eligible  
1624 moderate-income customer. Following initial verification of eligibility for the low-income or  
1625 moderate-income discount rate, eligibility may be reevaluated no less than every 2 years  
1626 thereafter.

1627 (c) Each distribution company and gas company shall conduct substantial outreach efforts  
1628 to make the low-income or moderate-income discount available to eligible customers. Outreach  
1629 may include establishing an automated program of matching customer accounts with: (i) lists of  
1630 recipients of said means-tested public benefit programs and, based on the results of said  
1631 matching program, to presumptively offer a low income discount rate to eligible customers so

1632 identified; and (ii) criteria established by the department for verification of a moderate-income  
1633 customer to presumptively offer a moderate-income discount rate to eligible customers so  
1634 identified; provided, however, that the distribution company or gas company, within 60 days of  
1635 the presumptive enrollment, shall inform any such low-income customer or eligible moderate-  
1636 income customer of the presumptive enrollment and all rights and obligations of a customer  
1637 under the program, including the right to withdraw from the program without penalty.

1638 (d) A residential customer eligible for low-income or moderate-income discount rates  
1639 shall receive the service on demand. Each distribution company and gas company shall  
1640 periodically notify all customers of the availability and method of obtaining low-income or  
1641 moderate-income discount rates.

1642 (e) Each distribution company and gas company shall produce information, in the form of  
1643 a mailing, webpage or other approved method of distribution, to their customers, to inform them  
1644 of available rebates, discounts, credits and other cost-saving mechanisms that may help lower  
1645 monthly utility bills and shall provide such information to customers semi-annually, unless  
1646 otherwise required by this chapter.

1647 (f) There shall be no charge to any residential customer for initiating or terminating low-  
1648 income or moderate-income discount rates when the initiation or termination request is made  
1649 after a regular meter reading has occurred and the customer is in receipt of the results of the  
1650 reading.

1651 (g) The department may promulgate rules and regulations as necessary to implement this  
1652 section.

1653           Section 154. The department shall supervise thermal energy facilities operated by gas  
1654 companies to ensure the public safety of utility-scale non-emitting thermal energy systems,  
1655 including networked geothermal and deep geothermal energy facilities, and any equipment used  
1656 in the manufacturing of thermal energy infrastructure and transportation of thermal energy. The  
1657 department shall monitor and evaluate the methods, practices and condition of all such facilities  
1658 and equipment and shall make such examinations and investigations as necessary to ensure the  
1659 safety of operations. The department may promulgate regulations to implement this section.

1660           Section 155. (a) Every gas company shall develop, submit and periodically amend a  
1661 comprehensive just transition plan, which shall be included as part of any climate compliance  
1662 plan submission directed by the department. Each just transition plan shall be amended every 2  
1663 years.

1664           (b) Each gas company plan shall provide projections for any attrition among its  
1665 employees and among its outside contractors over both the 2-year period of the just transition  
1666 plan, and over the course of the gas company's efforts to comply with the 2050 statewide  
1667 greenhouse gas emissions limit under section 3 of chapter 21N, or its complete retirement of its  
1668 gas pipeline, whichever is later.

1669           (c) As part of their just transition plans, all gas companies shall identify training and  
1670 employment opportunities and initiatives for workers who may be displaced by the gas  
1671 company's compliance with the commonwealth's greenhouse gas emissions goals, which shall  
1672 include, but shall not be limited to, any agreement reached with labor organizations representing  
1673 a gas company's employees or the employees of its outside contractors.

1674 Section 156. (a) For the purposes of this section and section 157, the following words  
1675 shall, unless the context clearly requires otherwise, have the following meanings:

1676 “Distribution asset entitlement”, an entitlement held by a non-utility third party to use a  
1677 distribution company’s infrastructure to move electricity across the distribution grid, with  
1678 approval by the department.

1679 “Non-utility third party”, a third-party entity that enters into a lease agreement pursuant  
1680 to this section; provided, that a non-utility third party shall not be an affiliate of a distribution  
1681 company.

1682 “Thermal heat loop asset entitlement”, an entitlement held by a non-utility third party to  
1683 use a gas company’s infrastructure to move geothermal energy across a gas company’s thermal  
1684 heat loop, with approval by the department.

1685 “Thermal network asset entitlement”, an entitlement held by a non-utility third party to  
1686 use a gas company’s thermal network infrastructure to move geothermal energy across the gas  
1687 company’s thermal network system, with approval by the department.

1688 “Transmission asset entitlement”, an entitlement held by a non-utility third party to use a  
1689 distribution company’s infrastructure to move electricity across the transmission grid, with  
1690 approval by the department.

1691 (b) A distribution company may, subject to approval by the department, enter into a lease  
1692 agreement for either distribution asset entitlements or transmission asset entitlements with a non-  
1693 utility third party.

1694 (c)(1) The department shall review an application by a distribution company to enter into  
1695 a lease agreement for either distribution asset entitlements or transmission asset entitlements with  
1696 a non-utility third party to provide:

1697 (i) financing and other money for investment in distribution projects or transmission  
1698 projects; and

1699 (ii) direct benefits to the distribution company's customers above and beyond the direct  
1700 distribution-related or transmission-related services provided through the assets funded through  
1701 the financing arrangement.

1702 (2) The information in the application may include a framework that sets forth the  
1703 manner in which the distribution company and its non-utility third party shall opt into specific  
1704 leases under the framework in a future filing and with the department reviewing the terms of that  
1705 framework filing.

1706 (3) Not later than 9 months after filing by a distribution company, the department shall,  
1707 following an adjudicatory hearing pursuant to chapter 30A, review the application to determine  
1708 whether it provides net benefits to the customers of the distribution company, and based on that  
1709 review, determine whether to approve, approve conditionally, reject without prejudice or reject  
1710 the application with prejudice.

1711 (4) The department's determination of whether an application provides net benefits to  
1712 customers of the distribution company shall consider the charitable financial contributions  
1713 required under clause (vi) of subsection (d) as customer benefits.

1714 (d) Any agreements for leasing entitlements to distribution assets or transmission assets  
1715 that are entered into through such negotiations and signed by the distribution company and a  
1716 non-utility third party may contain provisions allowing the non-utility third party to lease  
1717 distribution asset entitlements to distribution projects or transmission asset entitlements to  
1718 transmission projects of the distribution company; provided, that the actual distribution asset  
1719 entitlement leases or the transmission asset entitlement leases under the agreement shall include  
1720 the following:

1721 (i) the distribution projects covered by the distribution asset entitlement lease or the  
1722 transmission projects covered by the transmission asset entitlement lease shall remain under the  
1723 ownership, operational control, maintenance and regulatory compliance responsibility of the  
1724 distribution company; provided, that the maximum value of the non-utility third party's  
1725 investment interest in distribution projects covered by the distribution asset entitlement lease  
1726 shall be 49.9 per cent of the total value of the distribution projects and the maximum value of the  
1727 non-utility third party's investment interest in transmission projects covered by the transmission  
1728 asset entitlement lease shall be 49.9 per cent of the total value of the transmission projects;

1729 (ii) the distribution company shall have the necessary permits and approvals for the  
1730 projects covered by the distribution asset entitlement lease or transmission asset entitlement  
1731 lease, including, but not limited to, any and all approvals by the department, that the projects  
1732 have been constructed and have commenced commercial operation;

1733 (iii) the specific terms of any distribution asset entitlement lease or transmission asset  
1734 entitlement lease covered by the application, including the length of the lease, the rental  
1735 payments for the lease, any prepayment terms, including, but not limited to, the dollar amount,

1736 and for the rental payments, and the maximum percentage interest the non-utility third party shall  
1737 hold in the assets covered by the distribution asset entitlement lease;

1738 (iv) a requirement that the non-utility third party pay its pro-rata share of operating and  
1739 maintenance expenses for the covered distribution assets or the covered transmission assets over  
1740 the term of the lease;

1741 (v) the ratemaking methodology that is proposed to be used to calculate the rate that the  
1742 non-utility third party shall charge to the distribution company's ratepayers to recover the non-  
1743 utility third party's costs associated with its distribution entitlement or its transmission  
1744 entitlement;

1745 (vi) a binding commitment by the non-utility third party to make charitable financial  
1746 contributions tied to a share of its annual after-tax profits that result from revenues it receives  
1747 from the distribution company's ratepayers' use of the distribution asset entitlements or the  
1748 transmission asset entitlements; provided, that not less than 50 per cent of said profits shall be  
1749 committed to providing energy affordability for low- and moderate-income families;

1750 (vii) ratepayer protections to ensure that: (a) the distribution asset entitlement lease or the  
1751 transmission asset entitlement lease shall not lead to double recovery of the costs associated with  
1752 the covered assets and that the distribution company shall not charge rates that recover any of the  
1753 costs that are otherwise being recovered in the distribution rate charged by the non-utility third  
1754 party that holds the distribution asset entitlement lease; and (b) the rate that the non-utility third  
1755 party is able to charge for recovering the costs associated with its distribution asset entitlement  
1756 lease or the transmission rate charged by the non-utility third party that holds the transmission  
1757 asset entitlement lease shall not exceed the rate that would otherwise be charged by the

1758 distribution company for its cost to recover the investment in assets covered by the lease in the  
1759 absence of the lease agreement;

1760 (viii) the list of projects covered by the application if the application includes 1 or more  
1761 specific leases being proposed for departmental review and approval;

1762 (ix) the process proposal for any department approvals of specific projects and specific  
1763 future leases if the application includes a framework for the distribution asset entitlement leases  
1764 or for the transmission asset entitlement leases but contemplates subsequent filings to the  
1765 department to submit actual leases that are subject to an approved framework; and

1766 (x) where a distribution asset entitlement lease or a transmission asset entitlement lease  
1767 allows for prepayment of rent by the non-utility third party to the distribution company, the lease  
1768 shall include a requirement that the non-utility third party be responsible for obtaining its own  
1769 financing for the prepaid rent.

1770 (e) In reviewing the methodology proposed under clause (v) of subsection (d) for an  
1771 application filed by a distribution company in which the non-utility third party to the lease  
1772 agreement under paragraph (1) of subsection (c) is a non-profit entity or wholly owned  
1773 subsidiary of a non-profit third party, the department shall allow the use of the following  
1774 methodologies if requested in the application:

1775 (i) a hypothetical capital structure; provided, that requests for use of a hypothetical capital  
1776 structure consisting of 50 per cent equity and 50 per cent debt shall be considered presumptively  
1777 reasonable if the non-utility third party is a non-profit entity or the wholly owned subsidiary of a  
1778 non-profit entity, and if the non-utility third party shall use 100 per cent debt to finance its

1779 investment and therefore lacks a meaningful actual capital structure for the purpose of this  
1780 investment;

1781 (ii) a proxy return on equity; provided, that requests for use of the distribution company's  
1782 then-approved return on equity shall be considered presumptively just and reasonable;

1783 (iii) a levelized fixed rate to recover capital costs; provided, that requests for using a cost-  
1784 recovery structure based on a fixed and levelized rate over the term of the lease shall be  
1785 considered presumptively just and reasonable as long as the non-utility third party can provide  
1786 evidence that such recovery shall not violate the requirement under clause (vii) of subsection (d)  
1787 that the non-utility third party's rate recovery shall be no higher than what the distribution  
1788 company could recover in the absence of the lease; or

1789 (iv) a formula rate to recover operations and maintenance costs; provided, that requests  
1790 for using a formula rate design that includes an adjustment factor to recover the non-utility third  
1791 party's pro-rata share of the distribution company's actual annual operations and maintenance  
1792 costs shall be considered presumptively just and reasonable.

1793 (f) After a distribution asset entitlement lease agreement or transmission asset entitlement  
1794 lease agreement is entered into between a distribution company and a non-utility third party for a  
1795 particular set of approved projects, the non-utility third party shall file for departmental approval  
1796 of rates using the methodology approved in subsections (d) and (e), using a compliance filing  
1797 submission to the department. The department shall act within 60 days on the compliance filing  
1798 submission.

1799 (g) Within 1 year of approval of an application and for every year thereafter, until the end  
1800 of the lease-entitlement agreement, the non-utility third party shall submit to the department an

1801 annual report on the dollar amount of charitable financial contributions provided that includes, at  
1802 a minimum, the uses of those financial charitable contributions, and a copy of its Internal  
1803 Revenue Service Form 990.

1804 (h) The non-utility third party shall notify the department within 24 hours of receiving  
1805 any notices by state or federal governments to cease and desist or if its tax-exempt status has  
1806 been revoked, including remedies to hold ratepayers harmless.

1807 (i) The department shall promulgate regulations establishing the eligible uses of  
1808 charitable financial contributions under this section and section 157. Categories for eligible uses  
1809 may include, but shall not be limited to: (i) support for low- and moderate-income energy  
1810 assistance programs; (ii) programs that support the deployment of energy efficiency, solar,  
1811 storage, building electrification or transportation electrification for environmental justice  
1812 populations, as defined in section 62 of chapter 30; (iii) direct benefits for communities that are  
1813 hosting the infrastructure being financed through these funds; or (iv) other eligible uses as  
1814 identified by the department through a public process.

1815 Section 157. (a) A distribution company may, subject to approval by the department,  
1816 enter into a lease agreement for either thermal network asset entitlements or thermal heat loop  
1817 asset entitlements with a non-utility third party.

1818 (b)(1) The department shall review an application by a gas company to enter into a lease  
1819 agreement for a thermal network asset entitlement or thermal heat loop asset entitlement with a  
1820 non-utility third party to provide:

1821 (i) financing and other money for investment in thermal projects; and

1822 (ii) direct benefits to the gas company's customers above and beyond the direct thermal-  
1823 related services provided through the assets funded through the financing arrangement.

1824 (2) The information in the application may include a framework that sets forth the  
1825 manner in which the gas company and its non-utility third party shall opt into specific leases  
1826 under the framework in a future filing and with the department reviewing the terms of that  
1827 framework filing.

1828 (3) Not later than 9 months after filing, the department shall, following an adjudicatory  
1829 hearing pursuant to chapter 30A, review the application to determine whether it provides net  
1830 benefits to the customers of the gas company and, based on that review, determine whether to  
1831 approve, approve conditionally, reject without prejudice or reject the application with prejudice.

1832 (4) The department's determination of whether an application provides net benefits to  
1833 customers of the gas company shall consider the charitable financial contributions required under  
1834 clause (vi) of subsection (c) as customer benefits.

1835 (c) Any agreements for leasing entitlements to thermal network assets or thermal loop  
1836 assets that are entered into through such negotiations and signed by the gas company and a non-  
1837 utility third party may contain provisions allowing the non-utility third party to lease thermal  
1838 network asset entitlements to thermal network projects or thermal heat loop asset entitlements to  
1839 thermal heat loop projects of the gas company; provided, that the actual thermal network asset  
1840 entitlement leases or the thermal heat loop asset entitlement leases under the agreement shall  
1841 include the following:

1842 (i) the thermal network projects covered by the thermal network asset entitlement lease or  
1843 the thermal heat loop projects covered by the thermal heat loop asset entitlement lease shall

1844 remain under the ownership, operational control, maintenance and regulatory-compliance  
1845 responsibility of the gas company; provided, that the maximum value of the non-utility third  
1846 party's investment interest in thermal network projects covered by the thermal network-  
1847 entitlement lease shall be 49.9 per cent of the total value of the thermal network projects and the  
1848 maximum value of the non-utility third party's investment interest in thermal heat loop projects  
1849 covered by the thermal heat loop asset entitlement lease shall be 49.9 per cent of the total value  
1850 of the thermal heat loop projects;

1851 (ii) the gas company shall have all necessary permits and approvals for the projects  
1852 covered by the thermal network asset entitlement lease or thermal heat loop asset entitlement  
1853 lease, including, but not limited to, any and all approvals by the department, that the projects  
1854 have been constructed and have commenced commercial operation;

1855 (iii) the specific terms of any thermal network asset entitlement lease or thermal heat loop  
1856 asset entitlement lease covered by the application, including the length of the lease, the rental  
1857 payments for the lease, any prepayment terms, including, but not limited to, the dollar amount,  
1858 and for the rental payments, and the maximum percentage interest the non-utility third party shall  
1859 hold in the assets covered by the thermal network asset entitlement lease or thermal heat loop  
1860 asset entitlement lease;

1861 (iv) a requirement that the non-utility third party pay its pro-rata share of operating and  
1862 maintenance expenses for the covered thermal network assets or the covered thermal heat loop  
1863 assets over the term of the lease;

1864 (v) the ratemaking methodology that is proposed to be used to calculate the rate that the  
1865 non-utility third party shall charge to the gas company's ratepayers to recover the non-utility

1866 third party's costs associated with its thermal network entitlement or, in the case of a thermal  
1867 heat loop for a single customer, the ratemaking methodology that is proposed to be used to  
1868 calculate the rate at which the non-utility third party shall charge to the gas company's ratepayer  
1869 that is using the thermal heat loop to recover the non-utility third party's cost associated with its  
1870 thermal heat loop entitlement;

1871 (vi) a binding commitment by the non-utility third party to make charitable financial  
1872 contributions tied to a share of its annual after-tax profits that result from revenues it receives  
1873 from the gas company's customers' use of the thermal network asset entitlements or the thermal  
1874 heat loop asset entitlements; provided, that not less than 50 per cent of said profits shall be  
1875 committed to providing energy affordability for low- and moderate-income families;

1876 (vii) ratepayer protections to ensure that: (a) the thermal network asset entitlement lease  
1877 or the thermal heat loop asset entitlement lease shall not lead to double recovery of the costs  
1878 associated with the covered assets and that the gas company shall not charge rates that recover  
1879 any of the costs that are otherwise being recovered in the thermal rate charged by the non-utility  
1880 third party that holds the thermal network asset entitlement lease; and (b) the rate that the non-  
1881 utility third party is able to charge for recovering the costs associated of its thermal network asset  
1882 entitlement lease or the thermal heat loop rate charged by the non-utility third party that holds the  
1883 thermal heat loop asset entitlement lease shall not exceed the rate that would otherwise be  
1884 charged by the gas company for its cost to recover the investment in assets covered by the lease  
1885 in the absence of the lease agreement;

1886 (viii) the list of projects covered by the application if the application includes 1 or more  
1887 specific leases being proposed for departmental review and approval;

1888 (ix) the process proposal for any department approvals of specific projects and specific  
1889 future leases if the application includes a framework for the thermal network asset entitlement  
1890 leases or for the thermal heat loop asset entitlement leases but contemplates subsequent filings to  
1891 the department to submit actual leases entered into subject to an approved framework; and

1892 (x) where a thermal network asset entitlement lease or a thermal heat loop asset  
1893 entitlement lease allows for prepayment of rent by the non-utility third party to the gas company,  
1894 the lease shall include a requirement that the non-utility third party be responsible for obtaining  
1895 its own financing for the prepaid rent.

1896 (d) In reviewing the methodology proposed under clause (v) of subsection (c) for an  
1897 application filed by a gas company in which the non-utility third party to the lease agreement  
1898 under subsection (b) is a non-profit entity or wholly owned subsidiary of a non-profit third party,  
1899 the department shall allow the use of the following methodologies if requested in the application:

1900 (i) a hypothetical capital structure; provided, that requests for use of a hypothetical capital  
1901 structure consisting of 50 per cent equity and 50 per cent debt shall be considered presumptively  
1902 reasonable if the non-utility third party is a non-profit entity or the wholly owned subsidiary of a  
1903 non-profit entity, and if the non-utility third party shall use 100 per cent debt to finance its  
1904 investment and therefore lacks a meaningful actual capital structure for the purpose of this  
1905 investment;

1906 (ii) a proxy return on equity; provided, that requests for use of the gas company's then-  
1907 approved return on equity shall be considered presumptively just and reasonable;

1908 (iii) a levelized fixed rate to recover capital costs; provided, that requests for using a cost-  
1909 recovery structure based on a fixed and levelized rate over the term of the lease shall be

1910 considered presumptively just and reasonable as long as the non-utility third party can provide  
1911 evidence that such recovery shall not violate the requirement under clause (vii) of subsection (c)  
1912 that the non-utility third party's rate recovery shall be no higher than what the gas company  
1913 could recover in the absence of the lease; or

1914 (iv) a formula rate to recover operations and maintenance costs; provided, that requests  
1915 for using a formula rate design that includes an adjustment factor to recover the non-utility third  
1916 party's pro-rata share of the gas company's actual annual operations and maintenance costs shall  
1917 be considered presumptively just and reasonable.

1918 (e) After a thermal network asset entitlement lease agreement or thermal heat loop asset  
1919 entitlement lease agreement is entered into between a gas company and a non-utility third party  
1920 for a particular set of approved projects, the non-utility third party shall file for departmental  
1921 approval of rates using the methodology approved in subsections (c) and (d), using a compliance  
1922 filing submission to the department. The department shall act within 60 days on the compliance  
1923 filing submission.

1924 (f) Within 1 year of approval of an application and for every year thereafter, until the end  
1925 of the lease entitlement agreement, the non-utility third party shall submit to the department an  
1926 annual report on the dollar amount of charitable financial contributions provided that includes, at  
1927 a minimum, the uses of those financial charitable contributions and a copy of its Internal  
1928 Revenue Service Form 990.

1929 (g) The non-utility third party shall notify the department within 24 hours of receiving  
1930 any notices by state or federal governments to cease and desist or if its tax-exempt status has  
1931 been revoked, including remedies to hold ratepayers harmless.

1932           Section 158. (a) For the purposes of this section, “flexible interconnection” shall mean a  
1933 process by which a distribution company allows new customer load to connect, and distributed  
1934 energy resources to interconnect, to the electric distribution grid based on an agreed upon  
1935 curtailment schedule or protocols and associated tariff, contract or technical requirements, as  
1936 applicable.

1937           (b) Each distribution company shall offer, and the department shall approve, a  
1938 comprehensive flexible interconnection program designed to enable the efficient connection of  
1939 new customer loads and to maximize the deployment of distributed energy resources, while  
1940 minimizing associated electric infrastructure costs. The program shall: (i) be as consistent as  
1941 practicable across all distribution company service territories; (ii) utilize existing technologies  
1942 and capabilities deployed by the distribution company; and (iii) offer additional solutions over  
1943 time as the distribution company deploys additional technologies.

1944           (c) Each distribution company may request modifications to any approved flexible  
1945 interconnection program from the department provided that the modifications are presented to  
1946 stakeholders, including, but not limited to, commercial and industrial customers, higher  
1947 education campuses, hospital campuses, housing and other real estate developers, solar  
1948 developers, battery developers and entities pursuing electrified transportation, impacted by the  
1949 planned modifications at least 3 months prior to filing requested modifications with the  
1950 department. Upon presenting such modifications to stakeholders, the distribution company shall,  
1951 at a minimum: (i) accept comments on the modifications; (ii) allow stakeholders to propose  
1952 modifications; (iii) develop consensus language among stakeholders, to the extent possible; and  
1953 (iv) include in their filing a summary of all alternative proposals provided by stakeholders and an

1954 explanation of why the distribution company did not choose to adopt such proposals. Each  
1955 distribution company shall include a list of the stakeholders that provided feedback in its filing.

1956 Section 159. (a) For the purposes of this section, the following words shall, unless the  
1957 context clearly requires otherwise, have the following meanings:

1958 “Bidirectional electric vehicle”, an electric vehicle that is capable of both receiving and  
1959 discharging electricity.

1960 “Electric vehicle supply equipment” or “EVSE”, a device or system designed and used  
1961 specifically to transfer electrical energy between an electric vehicle and the electric grid.

1962 “V2G AC”, a bidirectional electric vehicle that discharges AC power from a vehicle by  
1963 converting DC energy from the battery to AC power via an onboard inverter.

1964 “V2G DC”, a bidirectional electric vehicle that discharges DC power from a vehicle  
1965 which is then converted to AC power via an offboard inverter.

1966 “V2G system interconnection”, a process by which a distribution company allows a V2G  
1967 system to interconnect to the electric distribution grid for the purpose of operating in parallel  
1968 with the grid.

1969 “Vehicle-to-grid system” or “V2G system”, a combination of hardware and software in  
1970 or around the EVSE and bidirectional electric vehicle that forms a distributed energy resource for  
1971 the purposes of communication with and programmed flow of energy into an out-of-the-vehicle  
1972 battery in support of electrical loads or systems offboard the electric vehicle, including the  
1973 electric grid.

1974 (b) Each distribution company shall offer a comprehensive process for the  
1975 interconnection of a V2G system at residential buildings which shall:

1976 (i) provide a pathway for interconnection for V2G systems supporting V2G AC and V2G  
1977 DC electric vehicles;

1978 (ii) utilize standards adopted by a nationally recognized testing laboratory certified by the  
1979 United States Occupational Safety and Health Administration, including, but not limited to, the  
1980 standards developed by Underwriters Laboratories, Inc., UL 1741 CRD for Grid Support  
1981 Distributed Energy Resource Systems and UL 1741 SC;

1982 (iii) be as consistent as practicable across all distribution company service territories;

1983 (iv) not require an interconnection application or interconnection agreement for  
1984 bidirectional electric vehicles and associated electric vehicle supply equipment that are not  
1985 configured to operate in parallel with the grid; and

1986 (v) utilize best practices from comprehensive V2G system interconnection processes  
1987 adopted by other states and utilities, as practicable.

1988 (c) The department shall issue guidance to the distribution companies as needed  
1989 regarding the development of the V2G system interconnection process.

1990 (d) The distribution companies shall file proposed tariff provisions or tariff revisions and  
1991 any other documents necessary to implement the required V2G system interconnection process  
1992 with the department.

1993 Section 160. (a) As used in this section the term “labor peace agreement” shall mean an  
1994 agreement between an employer and labor organization that, at a minimum, protects the

1995 commonwealth's proprietary interest by prohibiting the labor organization and its members from  
1996 engaging in picketing, work stoppages, boycotts, strikes and any other economic interference  
1997 with the employer's business operations for the duration of the agreement.

1998 (b) Where the commonwealth or any political subdivision thereof conveys ownership or  
1999 possession of land within its control to an end user, developer or operator of public lands for the  
2000 construction, operation, or maintenance of a thermal energy network, heat loop and related  
2001 renewable energy generation, distribution and transmission infrastructure project work, those  
2002 conveyances shall be conditioned upon the grantee's agreement to enter into fully executed labor  
2003 peace agreements with a bona fide labor organization that seeks to represent the grantee's  
2004 employees working on the project as their exclusive bargaining representative, as permitted by  
2005 federal law.

2006 (c) Any funding, including grants and loans made by the commonwealth, including, but  
2007 not limited to, those made through the Massachusetts clean energy technology center established  
2008 under chapter 23J, to support the construction, operation or maintenance of a thermal energy  
2009 network or heat loop within the commonwealth shall be conditioned upon the recipient's  
2010 agreement to enter into a fully executed labor peace agreement with a bona fide labor  
2011 organization that seeks to represent the grantee's employees working on the project as their  
2012 exclusive bargaining representative, as permitted by federal law.

2013 Section 161. (a) For the purposes of this section, "energy project" shall refer to non-fossil  
2014 fuel related energy efficiency upgrades, high-efficiency electric heat pumps, energy storage  
2015 systems, demand response equipment, on-site solar energy generation equipment or any

2016 combination thereof, inclusive of ancillary equipment or upgrades needed to complete the  
2017 installation of said equipment or upgrades.

2018 (b) Electric distribution companies shall develop inclusive utility investment program  
2019 proposals designed to permit customers to finance the construction of energy projects through an  
2020 optional tariff payable directly through their electric bill.

2021 (c) Programs developed by the electric distribution companies under this section shall  
2022 enable the distribution companies to offer to make investments in energy projects to customer  
2023 properties with low-cost capital and use an opt-in tariff to recover the costs from customers that  
2024 participate. Programs shall be designed to provide customers with immediate and ongoing  
2025 electric bill savings relative to baseline electric bill costs if they choose to participate. Programs  
2026 shall allow residential electric customers that own the property, or renters that have permission  
2027 from the property owner, to agree to the installation of an energy project. Programs shall ensure:  
2028 (i) that eligible projects shall not require upfront payments; provided, however, that customers  
2029 may pay down the costs for projects with a payment to the installing contractor in order to  
2030 qualify projects that cannot be justified through the available energy cost savings; (ii) that  
2031 participants shall agree the distribution company may recover its costs for the projects at their  
2032 location by paying for the project through an optional tariff directly through the participant's  
2033 electricity bill, allowing participants to benefit from installation of energy projects without  
2034 traditional loans; (iii) accessibility by low-income residents and environmental justice  
2035 populations, as defined in section 62 of chapter 30; and (iv) that all other available financial  
2036 incentives are maximized by participants to the greatest extent possible.

2037 (d) In developing inclusive utility investment program proposals, the distribution  
2038 companies shall review existing models and programs in other jurisdictions, including, but not  
2039 limited to, the Pay As You Save system, developed by the Energy Efficiency Institute, Inc.  
2040 Distribution companies shall actively coordinate with and integrate programs under this section  
2041 with the 3-year energy efficiency plans established pursuant to section 21 of chapter 25.

2042 (e) The distribution companies shall propose conditions under which they shall secure  
2043 capital to fund the energy projects. The department may allow distribution companies to raise  
2044 capital independently, work with third-party lenders to secure the capital for participants or a  
2045 combination thereof. Any process the department approves shall use a market mechanism to  
2046 identify the least costly sources of capital funds to pass on maximum savings to participants.

2047 (f) The distribution companies shall propose customer protection standards, which  
2048 should be informed by and be designed consistent with best practices developed in other  
2049 jurisdictions to date.

2050 (g) In approving distribution company program proposals, the department shall establish  
2051 conditions by which distribution companies may connect program participants to energy project  
2052 vendors. In setting conditions for connection, the department may prioritize vendors that have a  
2053 history of good relations with the commonwealth, including, but not limited to, vendors that have  
2054 hired participants from commonwealth-created job training programs.

2055 (h) Program designs shall guarantee that conservative estimates of financial savings shall  
2056 immediately and significantly exceed program costs for program participants. The department  
2057 may establish minimum financial savings to costs targets.

2058 (i) Distribution companies shall consult with the department of energy resources, the  
2059 Massachusetts clean energy technology center and the attorney general in developing program  
2060 proposals under this section and shall release draft program design proposals for public comment  
2061 not less than 60 days before filing with the department.

2062 (j) The department shall establish program design parameters or guidelines.

2063 (k) A distribution company shall recover all prudently incurred costs of offering a  
2064 program approved by the department via base distribution rates. The department may approve  
2065 the establishment of performance incentives designed to meet department-approved thresholds  
2066 for the number of and types of customers served or the number and types of energy projects  
2067 deployed.

2068 Section 162. The department shall accept and review tariffs proposed by gas companies  
2069 to enable renewable natural gas produced by anaerobic digesters or landfills to be delivered to  
2070 individual commercial and industrial customers through a gas company's distribution system  
2071 under bilateral agreements between commercial and industrial customers and such facilities. The  
2072 department shall approve such tariffs only upon a showing that all costs associated with the  
2073 covered activities are recovered in tariffed rates and no costs are imposed on non-participating  
2074 customers.

2075 Section 163. (a) As used in this section, "data center" shall mean a facility that is  
2076 designed to have a load of not less than 20 megawatts and whose primary purpose is the storage,  
2077 management and processing of digital data via the interconnection and operation of information  
2078 technology and network telecommunications equipment, including all related facilities and

2079 infrastructure for backup electricity generation, power distribution, environmental control,  
2080 cooling and security.

2081 (b) Any new or expanded data center seeking any permit from the department or the  
2082 energy facilities siting board shall procure sufficient electricity supply to meet their operational  
2083 needs using not less than 80 per cent renewable energy resources.

2084 (c) Any new or expanded data center seeking any permit from the department of  
2085 environmental protection for operation of fossil-fuel generation equipment as backup source of  
2086 power shall first demonstrate infeasibility of battery energy storage facilities on their site.

2087 (d) Each electric company shall file an application with the department to establish a  
2088 tariff for the provision of electricity to data centers. The tariff shall be designed to: (i) ensure that  
2089 non-data center ratepayers are protected from any increased costs that result from increased  
2090 electricity demand caused by data centers; and (ii) incentivize data centers to develop and utilize  
2091 methods to increase energy efficiency, including through the use of technologies that capture and  
2092 utilize the heat produced by the data centers.

2093 (e) The department shall review each application submitted pursuant to this section and  
2094 shall approve the application if it determines that it complies with the requirements of this  
2095 section and all other applicable laws, rules and regulations.

2096 SECTION 55. Chapter 503 of the acts of 1982 is hereby repealed.

2097 SECTION 56. Section 83B of chapter 169 of the acts of 2008, as most recently amended  
2098 by section 97 of chapter 239 of the acts of 2024, is hereby further amended by striking out the

2099 definition of “Firm energy delivery”, inserted by section 60 of chapter 179 of the acts of 2022,  
2100 and inserting in place thereof the following definition:-

2101 “Firm energy delivery”, dispatchable non-emitting energy provided in a long-term  
2102 contract with guaranteed continuous availability at rated power for 1 or more discrete multi-day  
2103 periods of extreme heat and cold weather, low non-dispatchable power production or other grid  
2104 contingencies, as designated by the department of energy resources, to ensure electric reliability  
2105 and security in a zero-carbon electric system; provided, however, that “firm energy delivery”  
2106 may include, but shall not be limited to, energy from multiple non-emitting energy generation  
2107 resources, surplus interconnection service and energy storage systems managed in a coordinated  
2108 manner, in addition to other market services.

2109 SECTION 57. Said section 83B of said chapter 169, as so amended, is hereby further  
2110 amended by inserting after the definition of “Offshore wind energy generation” the following  
2111 definition:-

2112 “Surplus interconnection service”, a form of interconnection service that allows a  
2113 generation facility to use any unused capability, as defined in Schedule 22 to Section II of the  
2114 ISO-New England, Inc. Transmission, Markets and Services Tariff, established in an  
2115 interconnection agreement for an existing generating facility that has achieved commercial  
2116 operation such that if surplus interconnection service is utilized, the total amount of  
2117 interconnection service at the same point of interconnection, as defined in Schedule 22 to Section  
2118 II of the ISO-New England, Inc. Transmission, Markets, and Services Tariff, would remain the  
2119 same.

2120 SECTION 58. Subsection (b) of section 83C of said chapter 169, as appearing in section  
2121 61 of chapter 179 of the acts of 2022, is hereby amended by striking out the figure “2027” and  
2122 inserting in place thereof the following figure:- 2029.

2123 SECTION 59. Subsection (c) of said section 83C of said chapter 169, as so appearing, is  
2124 hereby amended by inserting after the word “costs” the following words:- , including surplus  
2125 interconnection service,.

2126 SECTION 60. Said subsection (c) of said section 83C of said chapter 169, as so  
2127 appearing, is hereby further amended by inserting after the word “delivery” the following  
2128 words:- , including surplus interconnection service.

2129 SECTION 61. Paragraph (1) of subsection (e) of said section 83C of said chapter 169, as  
2130 so appearing, is hereby amended by inserting after the word “costs”, the second time it appears,  
2131 the following words:- , including surplus interconnection service costs,.

2132 SECTION 62. Said paragraph (1) of said subsection (e) of said section 83C of said  
2133 chapter 169, as so appearing, is hereby further amended by inserting after the word “possible”  
2134 the following words:- , including the use of surplus interconnection service,.

2135 SECTION 63. Subsection (c) of section 83E of said chapter 169, inserted by section 98 of  
2136 chapter 239 of the acts of 2024, is hereby amended by inserting after the word “locations” the  
2137 following words:- and the efficient utilization of existing transmission infrastructure by the use  
2138 of surplus interconnection service.

2139 SECTION 64. Section 11 of chapter 75 of the acts of 2016 is hereby repealed.

2140 SECTION 65. Section 11A of said chapter 75, inserted by section 63 of chapter 179 of  
2141 the acts of 2022, is hereby repealed.

2142 SECTION 66. (a) There is hereby established an electric rates task force to advise and  
2143 make recommendations to the joint committee on telecommunications, utilities and energy and  
2144 the executive office of energy and environmental affairs on the current and future cost of  
2145 electricity in the commonwealth.

2146 (b) The task force shall consist of the following members: the executive director of the  
2147 office of energy transformation, who shall serve as chair, the secretary of energy and  
2148 environmental affairs or a designee; the commissioner of energy resources or a designee; 1  
2149 representative from the department of public utilities; 2 members appointed by the speaker of the  
2150 house of representatives who shall have a background in and understanding of electric rates; 2  
2151 members appointed by the president of the senate who shall have a background in and  
2152 understanding of electric rates; 1 member appointed by the minority leader of the house who has  
2153 a background in and understanding of electric rates; 1 member appointed by the minority leader  
2154 of the senate who has a background in and understanding of electric rates; the chairs of the joint  
2155 committee on telecommunications, utilities and energy; the attorney general, or a designee; 1  
2156 representative from each investor-owned electric utility with a combined service territory of  
2157 more than 100,000 retail and commercial customers; and 1 representative from ISO New  
2158 England, Inc.

2159 (c) The executive director of the office of energy transformation may assign staff and  
2160 resources, as necessary, for the work of the task force.

2161 (d)(1) Not later than September 30, 2027, the task force shall produce a report which  
2162 shall: (i) identify each cost component that comprises the electric bill of residential and  
2163 commercial customers of each investor-owned electric distribution company in the  
2164 commonwealth with a combined service territory of more than 100,000 retail and commercial  
2165 customers; (ii) include the total revenue raised statewide from each cost component separated by  
2166 utility and customer class; (iii) include the current total cost to each customer class on a kilowatt-  
2167 hour basis and monthly basis for a typical user in each rate class; (iv) include the annual rate  
2168 increase for each cost component for the previous 10 years and the projected annual rate  
2169 increases or range of rate increases expected over the next 5 years; (v) include recommendations  
2170 that provide both short-term and long-term rate relief for residential and commercial ratepayers;  
2171 and (vi) include a comparison of ratepayer affordability in the commonwealth with neighboring  
2172 and similarly situated states, including, but not limited to, policy, infrastructure and market cost  
2173 drivers. The report shall compare individual rate components to current and projected rate  
2174 components of all other New England states and at least 3 other states considered to be economic  
2175 competitors of the commonwealth.

2176 (2) The cost components identified pursuant to clause (i) of paragraph (1) shall include  
2177 the date of origin and purpose of each cost component and whether said cost components are  
2178 related to electric utility distribution costs, regional transmission costs or energy supply costs and  
2179 whether the cost components were added as a result of compliance with meeting greenhouse gas  
2180 reduction goals established pursuant to section 3 of chapter 21N of the General Laws; provided,  
2181 that the report shall include and identify any cost components that are expected to be added to  
2182 ratepayer bills over the next 10 years. The cost components identified pursuant to clause (i) of  
2183 paragraph (1) may be combined if they serve a similar purpose; provided, that the cost

2184 components shall not be currently listed separately on a customer bill or necessary to meet  
2185 greenhouse gas reduction goals pursuant to said section 3 of said chapter 21N.

2186 (e)(1) The report pursuant to subsection (d) shall be made publicly available on the  
2187 websites of the attorney general and the executive office of energy and environmental affairs for  
2188 public comment for 30 days.

2189 (2) The task force shall consider all public comments and may make any changes to the  
2190 report based on public comment, if applicable, as determined by the task force.

2191 (f) Not later than 30 days after the closing of the public comment period pursuant to  
2192 subsection (e) for the report pursuant to subsection (d), the task force shall submit a final report  
2193 to the governor, the speaker of the house, the president of the senate, the house and senate  
2194 committees on ways and means, the chairs of the joint committee on telecommunications,  
2195 utilities and energy and the clerks of the house and senate.

2196 (g) The report pursuant to subsection (d) and the final report pursuant to subsection (f)  
2197 shall be made publicly available on the websites of the attorney general and the executive office  
2198 of energy and environmental affairs.

2199 SECTION 67. (a) The inspector general shall conduct a comprehensive review of the  
2200 Mass Save program focused on ensuring that the program is running effectively and efficiently.  
2201 The inspector general shall conduct a comprehensive review of program administrators'  
2202 practices and review of the Mass Save budgets, including administrative and marketing budgets,  
2203 to ensure ratepayer funds are being used efficiently and effectively.

2204 (b) The inspector general shall review: (i) methods of supporting the energy efficiency  
2205 goals of the Mass Save program while increasing ratepayer affordability; (ii) program growth  
2206 over time, including whether the program is effectively and efficiently using ratepayer dollars to  
2207 support the goals of the program; (iii) whether the program has transformed beyond the original  
2208 goals of the program and whether the program can continue to be supported by ratepayers or has  
2209 become unsustainable as currently structured; (iv) the administrative needs of the program  
2210 including the role of the program administrators; (v) the growth of the budget of the Mass Save  
2211 program from 1 year to the next, including, but not limited to, a review of the appropriate size of  
2212 the program to ensure ratepayers are not overburdened; (vi) how the program is prioritizing  
2213 incorporating peak load management to provide ratepayer savings; (vii) incorporating smart  
2214 home programs and how to effectively and efficiently promote programs within the program;  
2215 and (viii) any other matters the inspector general deems relevant to supporting the operations and  
2216 efficiency of the Mass Save program.

2217 (c) The inspector general shall hold not fewer than 4 public hearings in diverse  
2218 geographic locations throughout the commonwealth to identify ways to improve the efficiency  
2219 and effectiveness of the Mass Save program.

2220 (d) Not later than July 1, 2027, the inspector general shall file a report of its findings and  
2221 recommendations with the secretary of energy and environmental affairs, the commissioner of  
2222 energy resources, the clerks of the house of representatives and the senate, the chairs of the house  
2223 and senate committees on ways and means and the chairs of the joint committee on  
2224 telecommunications, utilities and energy. Recommendations shall include any remodeling of the  
2225 program to reorganize, as necessary.

2226 SECTION 68. (a) Notwithstanding any general or special law, rule or regulation to the  
2227 contrary, program administrators of the approved energy efficiency investment plan, authorized  
2228 pursuant to section 21 of chapter 25 of the General Laws, shall require household income  
2229 verification for all eligible customers and renters in designated equity communities, as  
2230 designated pursuant to the 2025-2027 3-year plan to qualify for comprehensive moderate-income  
2231 rebates and incentives; provided, however, that household income verification shall not be  
2232 required for low-income eligible customers and renters; and provided further, that incentives  
2233 shall remain accessible to residents in affordable housing.

2234 (b) To qualify for comprehensive moderate-income rebates and incentives under  
2235 subsection (a), a landlord of a rental property located in a designated equity community shall  
2236 provide sufficient documentation to the program administrators demonstrating that not less than  
2237 50 per cent of the occupied dwelling units in the property are rented to households that meet the  
2238 applicable income eligibility requirements.

2239 SECTION 68A. (a) Notwithstanding any special or general law to the contrary, any bid  
2240 submitted under section 83C of chapter 169 of the acts of 2008 in connection with the August 30,  
2241 2023 request for proposals may be adjusted to account for changes in law occurring after the bid  
2242 submission, or changes in costs for the project that are beyond the reasonable control of the bid  
2243 awardee and occurring after the bid submission. The 83C bid evaluation team shall require the  
2244 developer to provide documentation supporting any proposed price adjustments, including, but  
2245 not limited to, documentation identifying how the assumptions pertaining to capital costs,  
2246 financing costs, inflation rates, tax benefits, energy production profiles and similar information  
2247 changed since the submission of the bid. The price adjustments shall be reviewed by the

2248 department of public utilities as part of the overall review pursuant to subsection (k) of said  
2249 section 83C of said chapter 169.

2250 (b)(1) Contracts entered into as a result of a bid submitted under section 83C of chapter  
2251 169 of the acts of 2008 in connection with the August 30, 2023 request for proposals shall  
2252 include a mechanism to allow for the upward or downward adjustment to the contract price to  
2253 account for changes in law occurring after the contract signing, or changes in costs for the  
2254 project that are the beyond the control of the bid awardee occurring after the contract signing,  
2255 and in each case occurring prior to the time the project achieves its commercial operation date.  
2256 Any adjustment in price under this section that occurs after the department of public utilities'  
2257 initial approval of the contract shall be filed and approved for recovery in rates by the electric  
2258 distribution companies.

2259 (2) The contract shall also allow for the project developer to request a delay of  
2260 milestones, such as the commercial operation date, or terminate the contract without penalty if  
2261 there are interconnection, transmission, or permitting delays, or if changes in law or changes in  
2262 costs, beyond the control of the project developer, cause the project not to be financeable or  
2263 otherwise viable.

2264 (c) The department of public utilities shall require the developer or the electric  
2265 distribution companies to provide documentation supporting any proposed price adjustments,  
2266 including, but not limited to, documentation identifying how the assumptions pertaining to  
2267 capital costs, financing costs, inflation rates, tax benefits, energy production profiles and similar  
2268 information have changed since the contract award. Upon receipt of a filing for an adjustment  
2269 from the developer or the electric distribution companies under this subsection, the department of

2270 public utilities shall allow for a notice and comment period of not more than 30 days from the  
2271 date of the filing and shall issue a decision not later than 60 days from the filing.

2272 SECTION 68B. Notwithstanding any general or special law to the contrary, the  
2273 department of public utilities shall conduct a study on the feasibility of establishing a municipal  
2274 light plant in the city of Fitchburg and the town of Lunenburg. The study shall include, but shall  
2275 not be limited to: (i) anticipated costs, benefits and operational effectiveness associated with the  
2276 acquisition of electric distribution assets; (ii) projected financial performance and feasibility over  
2277 a period of not less than 30 years; and (iii) examining the feasibility, costs and benefits of  
2278 implementing municipal lighting plants in Fitchburg and Lunenburg and the possible benefits of  
2279 doing so in concert with an existing or newly created municipal light plant or independent  
2280 municipal light plant entities. Not later than January 1, 2027, the secretary of the department of  
2281 public utilities shall report the findings of the study and any actions taken pursuant to this section  
2282 to the joint committee on telecommunications, utilities and energy and the house and senate  
2283 committees on ways and means.

2284 SECTION 68C. (a) There shall be established a commission on solar rooftop energy on  
2285 new buildings. The commission shall review policies and procedures related to solar energy  
2286 systems, battery storage systems and building construction pursuant to the base energy code,  
2287 stretch energy code and specialized stretch energy code established under section 6 of chapter  
2288 25A of the General Laws and sections 93 to 100, inclusive, of chapter 143 of the General Laws.

2289 (b) The commission shall consist of the following 11 members: the commissioner of  
2290 energy resources, or a designee, and the following members to be appointed by the secretary of  
2291 energy and environmental affairs: a representative of the commercial real estate sector; a

2292 representative of the residential real estate sector; a representative of the organized labor  
2293 industry; a representative of the solar energy industry; a representative of an environmental  
2294 group concerned with energy; a representative of the construction industry; a representative of an  
2295 electric utility or organization representing electric utilities; a representative of local government;  
2296 a person with expertise in energy siting; and a person with expertise in solar energy and energy  
2297 efficiency.

2298 (c) The commission shall submit a report on the requirement of solar energy system  
2299 installations systems on new buildings. The report shall include, but shall not be limited to: (i)  
2300 the feasibility of allowing the installation of a rooftop solar energy system in new buildings; (ii)  
2301 the feasibility of an energy storage system in conjunction with solar energy systems; (iii) how the  
2302 department of public utilities may provide services to advance the commonwealth's goals under  
2303 chapter 298 of the acts of 2008 and the statewide greenhouse gas emissions limits under chapter  
2304 21N of the General Laws; and (iv) recommendations, including, but not limited to, policy or  
2305 legislative changes, related to solar energy system installations and battery storage systems on  
2306 new buildings.

2307 (d) Not later than January 1, 2028, the commission shall submit its report and  
2308 recommendations, together with drafts of any legislation necessary to carry its recommendations  
2309 into effect, by filing the report with the clerks of the house of representatives and the senate and  
2310 the chairs of the joint committee on telecommunications, utilities and energy.

2311 SECTION 68D. The department of energy resources, in consultation with the department  
2312 of environmental protection, shall conduct a review and analysis of the renewable energy  
2313 portfolio standard program in the commonwealth. The review shall consider the effectiveness of

2314 the program to date and identify ways to make improvements to further facilitate the  
2315 development of affordable renewable energy in the commonwealth. Not later than 12 months  
2316 after the effective date of this act, the department of energy resources, in consultation with the  
2317 department of environmental protection, shall submit a report summarizing these findings and  
2318 recommendations to the joint committee on telecommunications, utilities and energy and the  
2319 clerks of the house of representatives and the senate.

2320 SECTION 68E. (a) Not later than 1 year after the effective date of this act, all electric  
2321 companies, as defined in section 1 of chapter 164 of the General Laws, shall apply the tariff  
2322 developed pursuant to section 163 of said chapter 164 to each data center within the electric  
2323 company's service area.

2324 (b) Not later than 180 days after the effective date of this act, each electric company shall  
2325 file an application with the department of public utilities to establish a tariff for the provision of  
2326 electricity to data centers pursuant to said section 163 of said chapter 164.

2327 SECTION 69. (a) Not later than July 1, 2026, each electric or gas company, as defined in  
2328 section 1 of chapter 164 of the General Laws, and municipal aggregator with a 2025 to 2027  
2329 energy efficiency plan approved by the department of public utilities pursuant to section 21 of  
2330 chapter 25 of the General Laws, shall file with the department of public utilities a mid-term  
2331 modification to its approved energy efficiency plan that results in savings for ratepayers;  
2332 provided, that said savings shall be not less than \$1,000,000,000. The mid-term modification  
2333 shall prioritize reducing the plan's marketing, advertising and administrative budgets.

2334 (b) Not later than 60 days after receiving such filings, the department of public utilities  
2335 shall approve mid-term modifications that result in aggregate savings of not less than  
2336 \$1,000,000,000.

2337 SECTION 70. The offshore wind pre-development and project acceleration program  
2338 established pursuant to section 24 of chapter 25A of the General Laws, inserted by section 13,  
2339 shall further the commonwealth's goal to contract for offshore wind energy generation equal to  
2340 approximately 5,600 megawatts of aggregate nameplate capacity not later than June 30, 2029,  
2341 pursuant to section 83C of chapter 169 of the acts of 2008.

2342 SECTION 71. (a) Not later than 1 year after the effective date of this act, a municipality  
2343 shall notify the department of energy resources of its intent to implement an alternative  
2344 automated solar permitting platform pursuant subsection (c) of section 25 of chapter 25A of the  
2345 General Laws, inserted by section 13.

2346 (b) Not later than 18 months after the effective date of this act, any municipality that  
2347 notifies the department of energy resources pursuant to subsection (a) shall enable access to the  
2348 alternative platform.

2349 SECTION 72. Not later than 2 years after the effective date of this act, a municipal  
2350 authority that allows submission of residential solar permit applications through the state smart  
2351 solar permitting platform pursuant to paragraph (1) of subsection (b) of section 25 of chapter  
2352 25A of the General Laws, inserted by section 13, shall revise its permitting fee schedule to  
2353 reflect the reduction in resources expended to permit residential solar energy systems.

2354 SECTION 73. The department of energy resources, in consultation with the department  
2355 of public utilities, shall develop, through a public process, a consumer educational brochure that

2356 shall be provided to the consumer not later than when the disclosure form required by section 1M  
2357 of chapter 164 of the General Laws, inserted by section 26, is provided to the consumer. The  
2358 brochure may include, but shall not be limited to, information regarding solar photovoltaic  
2359 technology, solar compensation policies such as net metering, federal tax credits, questions to  
2360 ask solar companies, consumer rights and sources of additional information that are available to  
2361 assist consumers. Use of the consumer educational brochure shall be required 90 days after it is  
2362 made available by the department of energy resources and the department of public utilities.

2363 SECTION 74. A disclosure form pursuant to section 1M of chapter 164 of the General  
2364 Laws, inserted by section 26, shall be required for use with all new agreements entered into  
2365 beginning 180 days after the initial final disclosure form is published by the department of public  
2366 utilities.

2367 SECTION 75. The department of public utilities shall evaluate salesperson training and  
2368 certification programs, including the American National Standards for “Solar Salesperson  
2369 Training,” ANSI SEIA 401, beginning January 1, 2027, and determine if such training and  
2370 certification shall be a requirement for salesperson registration pursuant to section 1M of chapter  
2371 164 of the General Laws, inserted by section 26, effective January 1, 2028.

2372 SECTION 76. Not later than 1 year after the effective date of this act, each electric  
2373 company shall submit a supplement to the electric-sector modernization plan approved by the  
2374 department of public utilities. The supplement shall account for the changes to subsections (c)  
2375 and (d) of section 92B of chapter 164 of the General Laws made pursuant to section 38. An  
2376 electric company shall consult with the Grid Modernization Advisory Council established in  
2377 section 92C of said chapter 164 not later than 120 days before the electric company files the

2378 supplement with the department, and the Grid Modernization Advisory Council shall return the  
2379 supplement to the company with recommendations not later than 70 days before the company  
2380 files the supplement with the department.

2381 SECTION 77. The department of public utilities shall allow gas company schedules  
2382 pursuant to section 94 of chapter 164 of the General Laws to update the filing schedule on a  
2383 rolling basis.

2384 SECTION 78. (a) Not later than July 1, 2026, gas companies shall file program proposals  
2385 with the department of public utilities pursuant to section 152 of chapter 164 of the General  
2386 Laws, inserted by section 54.

2387 (b) The department of public utilities shall complete its review of the filed program  
2388 proposals not later than January 31, 2027.

2389 SECTION 79. (a) Not later than 60 days after the effective date of this act, the  
2390 department of public utilities shall issue guidance to distribution companies regarding the  
2391 development of the flexible interconnection program required by section 158 of chapter 164 of  
2392 the General Laws, inserted by section 54.

2393 (b) Not later than 180 days after the effective date of this act, the distribution companies  
2394 shall file with the department of public utilities initial proposed model tariff provisions or tariff  
2395 revisions and any other documents necessary to implement the required flexible interconnection  
2396 program required by said section 158 of said chapter 164.

2397 SECTION 80. (a) Not later than 120 days after the effective date of this act, the  
2398 department of public utilities shall issue guidance to the distribution companies as needed

2399 regarding the development of the V2G system interconnection process pursuant to subsection (c)  
2400 of section 159 of chapter 164 of the General Laws, inserted by section 54.

2401 (b) Not later than 180 days after the effective date of this act, distribution companies shall  
2402 file with the department of public utilities proposed tariff provisions or tariff revisions and any  
2403 other documents necessary to implement the V2G interconnection process, pursuant to  
2404 subsection (d) of said section 159 of said chapter 164, inserted by section 54.

2405 (c) Not later than 1 year after the effective date of this act, the department of public  
2406 utilities shall approve, deny or modify and approve the proposed tariff provisions or tariff  
2407 revisions submitted by the distribution companies pursuant to subsection (d) of said section 159  
2408 of said chapter 164, inserted by section 54. A V2G system proposal filed pursuant to said  
2409 subsection (d) shall be deemed approved if the department does not approve, deny or modify and  
2410 approve such proposed tariff provisions or tariff revisions not later than 1 year after the effective  
2411 date of this act.

2412 SECTION 81. (a) The department of public utilities shall publish guidance required  
2413 pursuant to section 161 of chapter 164 of the General Laws, inserted by section 54, not later than  
2414 January 1, 2027.

2415 (b) Electric distribution companies shall submit inclusive utility investment program  
2416 proposals pursuant to said section 161 of chapter 164 to the department of public utilities for its  
2417 review not later than September 1, 2026, and the department shall complete its review of said  
2418 proposals not later than July 1, 2027.

2419 (c) Any program proposal approved by the department of public utilities pursuant to said  
2420 section 161 of chapter 164 shall be made available to eligible customers of the distribution  
2421 company not later than January 1, 2028.

2422 SECTION 82. Section 8 shall take effect on July 1, 2029.

2423 SECTION 83. Section 25 of chapter 25A of the General Laws, inserted by section 13,  
2424 shall take effect 1 year after the effective date of this act.

2425 SECTION 84. Sections 23 and 52 and section 153 of chapter 164 of the General Laws,  
2426 inserted by section 54, shall take effect 1 year after the effective date of this act.

2427 SECTION 85. Section 41 shall take effect on November 1, 2026.