



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF PHASE II PROCEEDINGS AND EXTENDED REQUEST FOR PUBLIC COMMENT

D.P.U. 20-145

September 13, 2021

Joint Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, and NSTAR Electric Company d/b/a Eversource Energy for Approval of Revised Model Solar Massachusetts Renewable Target Program Provision.

On December 3, 2020, NSTAR Electric Company d/b/a Eversource Energy, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, and Fitchburg Gas and Electric Light Company d/b/a Unitil (collectively, the “Distribution Companies”) filed a petition with the Department of Public Utilities (“Department”) for approval of a revised model Solar Massachusetts Renewable Target (“SMART”) Tariff (“Filing”). The SMART regulations at 225 CMR 20.00 (“SMART Regulations”) set forth a voluntary statewide solar incentive program (“SMART Program”) to implement an Act Relative to Solar Energy, St. 2016, c. 75 (“Act”). In 2018, the Department approved the model SMART Provision. In their Filing, the Distribution Companies propose two sets of changes to be made to the SMART Provision. The Distribution Companies’ first set of changes propose revisions required to bring the SMART Provision into compliance with revisions made to the SMART Regulations at 225 CMR 20.00, which the Department of Energy Resources (“DOER”) filed with the Secretary of State on July 10, 2020. The Distribution Companies’ second set of changes to the SMART Provision propose revisions that are not explicitly required for compliance with the updated SMART Regulations. The Distribution Companies recommend that the first set of revisions be reviewed by the Department on an expedited basis on a separate procedural track. The Department has docketed this matter as D.P.U. 20-145.

On January 22, 2021, the Department issued a Notice of Filing and Public Hearing, in which the Department stated that it had made a preliminary determination that it was appropriate and most efficient to proceed with a phased approach to its review of the Filing. The Department therefore sought public comments on the proposed “Phase I Revisions,” including whether any such revisions are more properly considered in a second phase of this proceeding (Notice of Filing and Public Hearing at 3 (January 22, 2021)). In a March 24, 2021 Hearing Officer Memorandum, the Department established an additional public comment period regarding the proposed phasing of this proceeding, and which topics should

be included in each phase, with a public comment deadline of April 2, 2021. The Department received four additional public comments.

On May 21, 2021, the Department issued an Interlocutory Order on Scope of Proceeding (“Scoping Order”). Revised Model SMART Provision, D.P.U. 20-145-A (May 21, 2021). In the Scoping Order, among other things, the Department provided a list of issues it intends to examine in Phase II of this proceeding.¹ In addition, the Department noted that certain stakeholders who had not intervened or otherwise participated in this matter may have been interested in participating in light of the scope of the proceeding set forth in the Scoping Order. D.P.U. 20-145-A at 18. On May 21, 2021, the Department issued a Memorandum providing for an additional intervention period. On June 11, 2021, the parties submitted a joint proposed procedural schedule. On June 14, 2021, the Department issued a Ruling granting petitions to intervene filed by the City of Boston, the City of Chelsea, the City of Newton, Colonial Power Group, Inc., Cape Light Compact JPE, PrairieGold Energy, LLC, and NRG Energy, Inc., and the petition by Zero-Point Development, Inc. for limited participant status. On June 18, 2021, Colonial Power Group, Inc. submitted comments on the proposed procedural schedule submitted to the Department.

On June 23, 2021, the Department issued a preliminary procedural schedule via Hearing Officer Memorandum. On June 28, 2021, the Department received comments on the preliminary procedural schedule from the Office of the Attorney General (“Attorney General”), NRG Energy, Inc., PrairieGold Energy, LLC, and the Solar Energy Industries Association. After review and consideration of the comments filed in response to the preliminary procedural schedule, the Department established a two-phase procedural schedule in a July 7, 2021 Hearing Officer Memorandum (“Procedural Schedule”).

The Procedural Schedule establishes that Phase II is proceeding concurrently with Phase I, and Phase II discovery is ongoing. On August 31, 2021, the Department issued a Notice of Phase II Proceedings and Request for Comment with a public comment deadline of September 15, 2021. The Department now extends the public comment deadline on those issues identified in the Scoping Order and July 30, 2021 Hearing Officer Memorandum as being investigated in Phase II.²

¹ The Department also noted that any additional topics that are not explicitly listed as being part of Phase I or Phase II may also be considered in Phase II. D.P.U. 20-145-A at 18.

² The July 30, 2021 Hearing Officer Memorandum provides:

In establishing the procedural schedule, the Department acknowledged that the Attorney General requested clarification on the timing of when the Department intends to address the topic of municipal aggregation (Attorney General June 28th Comments

As part of Phase II, the Department will review the new alternative programs for community shared solar and low-income community solar programs, including those programs proposed by National Grid and Eversource. See SMART Guidelines, available at mass.gov/doc/alternative-licss-and-css-programs-guideline-october-2020/download (last visited August 31, 2021). Specifically, the Department will review National Grid's proposed Solar Access Initiative ("SAI")³ and Eversource's proposed Community Solar Access Program ("ECSAP").⁴

at 1, citing Scoping Order at n.12, n.14). At that time, the Department stated that, consistent with the Scoping Order, we intended to address the issue as stated in Phase I; but also that the issue may be moved to Phase II depending on analysis of the information provided in response to discovery. Having reviewed the responses to discovery issued by the Department and parties, the Department has determined that additional investigation is necessary into the topic of municipal aggregation. The Department therefore will address the new alternative programs for community shared solar and low-income community solar programs in Phase II. See SMART Guidelines, available at mass.gov/doc/alternative-licss-and-css-programs-guideline-october-2020/download (last visited August 31, 2021). As previously stated, this review will include consideration of whether the new specialized municipal aggregation community solar and low-income community solar program are consistent with the rules and policies related to competitive supply. An Act Relative to Restructuring the Electric Utility Industry in the Commonwealth, Regulating the Provision of Electricity and Other Services, and Promoting Enhanced Consumer Protection Therein, St. 1997, c. 164, and G.L. c. 164, § 134.

³ National Grid contends that its proposed SAI Program consists of two components, (1) a Solar Simplified Billing platform ("SSB") to transfer AOBCs between LICSS and CSS Tariff Generation Unit owners ("Owners") and R-2 and R-2 customers ("Subscribers"); and (2) a Solar Enrollment Program ("SEP") platform to enroll and manage R-2 and R-4 customer Subscribers to new LICSS facilities (D.P.U. 20-145, Exh. NG-1, at 5).

⁴ Eversource contends that its proposed ECSAP consists of a simplified billing structure to transfer AOBCs between LICSS and CSS Tariff Generation unit owners ("Owners") and the Eversource R-2 and R-4 customers ("Subscribers") (D.P.U. 20-145, Exh. ES-ACB-IH-1, at 4, 23). Eversource will also be responsible for enrollment of the R-2 and R-4 customer Subscribers and Subscriber management of its ECSAP (D.P.U. 20-145, Exh. ES-ACB-IH-1, at 23).

Any person interested in commenting on the Phase II issues identified in the Scoping Order, July 30, 2021 Hearing Officer Memorandum, and this Notice⁵ may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, October 8, 2021**. At this time, all filings will be submitted only in electronic format consistent with the Commission's June 15, 2021 directive related to modified filing requirements. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)); however, until further notice, parties must retain the original paper version and the Department will later determine when the paper version must be filed with the Department Secretary. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20MB.

In addition, one copy of all written comments should be emailed to counsel for the Distribution Companies:

- Gary Epler, Esq., 6 Liberty Lane West, Hampton, NH 03842, counsel for Fitchburg Gas and Electric Light Company d/b/a Unitil – epler@unitil.com;
- Laura C. Bickel, Esq., 40 Sylvan Road, Waltham, MA 02451, counsel for Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid – Laura.Bickel@nationalgrid.com; and
- John K. Habib, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, MA 02110, counsel for NSTAR Electric Company d/b/a Eversource Energy – jhabib@keeganwerlin.com.

All documents should also be submitted to the Department in **PDF format** by e-mail attachment to dpu.efiling@mass.gov and krista.hawley@mass.gov. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 20-145); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website as soon

⁵ In a Hearing Officer Memorandum issued August 19, 2021, the Department acknowledged that it received public comments regarding Phase II issues from Arcadia and ProjectEconomics, Inc. d/b/a PowerMarket (August 9, 2021); the City of Worcester (August 10, 2021); the City of North Adams (August 17, 2021); the Town of Charlemont (August 17, 2021); the Town of Stockbridge (August 17, 2021); the Town of Sheffield (August 18, 2021); and the Town of Williamstown (August 18, 2021). The Department stated that it will consider these comments to be entered into the record along with those comments received during the comment period established in this Notice (Hearing Officer Memorandum at 2 (August 19, 2021)). The Department did not address the pending Motion to Strike filed by Colonial Power Group, Inc. (August 16, 2021).

as practicable at <http://www.mass.gov/dpu>. The e-mail must also include the name, title, and telephone number of a person to contact in the event of questions about the filing. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us.

The Distribution Companies' Filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as soon as is practicable at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "20-145"). A paper copy of the filing will not be available for public viewing at the Companies' offices or the Department's office consistent with the Commission's June 15, 2021 directive related to modified filing requirements. Any person desiring further information regarding the Filing or a paper copy of the Filing should contact Gary Epler for Unitil at (603) 773-6440; John K. Habib for Eversource at (617) 951-1400; or Laura Bickel for National Grid at (781) 907-2126. For further information regarding this Notice, please contact Krista Hawley, Hearing Officer, Department of Public Utilities, at krista.hawley@mass.gov.

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