



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
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Secretary

**Patrick C. Woodcock**  
Commissioner

VIA EMAIL AND HAND DELIVERY

December 4, 2020

To: Clerk of the House of Representatives  
CC: Chairs of the Joint Committee on Telecommunications, Utilities, and Energy  
RE: Submission of amended Renewable Energy Portfolio Standard – Class I & II –225 CMR 14.00 and 225 CMR 15.00 to General Court

Dear Clerk:

Pursuant to M.G.L. Chapter 25A Section 12, please find enclosed:

- 225 CMR 14.00 and 15.00 – Renewable Energy Portfolio Standard Regulations (as amended)
- Summary of the amended Regulations in layman's terms

In the development of amendments to 225 CMR 14.00 and 225 CMR 15.00, the pertinent provisions of Chapter 30A, except section five, have been complied with.

In addition to the requirements of Section 12, the Department of Energy Resources has made additional information, including a response to public comments received, available to the public regarding these amendments. That information is accessible through the Department's website:

<https://www.mass.gov/service-details/rps-class-i-ii-rulemaking>

Please direct questions and comments on this regulation to:

Johannes Buchanan  
Legislative Director  
857-268-0011  
Johannes.K.Buchanan@mass.gov

Sincerely,

*s/Patrick C. Woodcock*

Patrick C. Woodcock  
Commissioner

## **Summary Renewable Energy Portfolio Standards – Class I & II –225 CMR 14.00 and 225 CMR 15.00**

The Class I Renewable Energy Portfolio Standard (“RPS Class I”) was established as part of the Electricity Restructuring Act of 1997 and is codified at M.G.L. c. 25A, § 11F (“Statute”). The Department of Energy Resources (“DOER”) first promulgated 225 CMR 14.00: Renewable Energy Portfolio Standard – Class I (“Regulations”) in 2002 to implement the Statute.

The Class II Renewable Energy Portfolio Standard (“RPS Class II”) was established as part of the Green Communities Act of 2008 and is also codified at M.G.L. c. 25A, § 11F. DOER first promulgated 225 CMR 15.00: Renewable Energy Portfolio Standard – Class II in 2009 to implement the Statute.

Both the RPS Class I and Class II allow for qualified renewable energy generators to earn Renewable Energy Certificates (RECs) for every megawatt hour of renewable electricity that they produce. These certificates may then be purchased by retail electricity suppliers, who are required to document annually that they have procured a certain quantity of RECs each year. These resources contribute to the Commonwealth's clean energy goals by increasing renewable energy generation, reducing the need for conventional fossil fuel-based power generation, and assisting the Commonwealth in meeting its obligations under the Global Warming Solutions Act.

In 2019, retail electricity suppliers were obligated to procure Class I RECs equal to an amount of 14% of their total electricity sales to end-use customers. This requirement increases by 2% each following year until 2029, when it will then increase 1% each following year. Under RPS Class II, retail electricity suppliers are required to procure Class II RECs equal to an amount of 3.2056% of their total electricity sales to end-use customers in 2020. This requirement increases each year pursuant to a formula in the regulation, though is capped at 3.6%. Lastly, retail electricity suppliers are also required to procure Class II Waste Energy Certificates (WECs) from qualified waste energy generators. The 2020 retail electricity supplier requirement for Class II WECs is currently equal to an amount of 3.5% of their total electricity sales to end-use customers, but DOER is proposing to increase this requirement to 3.7% to reflect changes in retail load since the requirement was first established in 2009. This obligation remains constant from year to year.

The proposed changes to the RPS Class I and Class II Regulations are designed to meet the objectives of Executive Order 562. The changes streamline the RPS Class I and Class II Regulations, align the rules to other programs, reduce costs to ratepayers, and address specific policy objectives.

The draft RPS Class I and Class II Regulations were released for public comment April 5, 2019. Public comment period was extended to allow more time for comments to be submitted and subsequently closed on July 26, 2019. During that time, DOER held four public hearings on May 13, May 16, May 17, and June 5, 2019. DOER received over 2,500 written public comments. On November 13, 2019, DOER sent a notice to stakeholders to seek comments on the frequency of compliance requirements and closed the public comment period on the matter on December 4, 2019. DOER received seven (7) written public comments.

Following a review of the public comments, DOER undertook additional analysis to assesses the impacts of the proposed regulations. The DOER revised the draft RPS Class I and Class II

Regulations and associated guidelines after review of the public comments and the additional analysis.

The draft RPS Class I Regulations include previously proposed provisions such as capping future Alternative Compliance Payment rates, ensuring that retail electricity suppliers cannot avoid discharging obligations in the event of non-compliance, modifying and simplifying provisions related to biomass generation, eliminating capacity commitment obligation requirements that are applicable to certain types of generators, eliminating certain requirements for generators outside of ISO-NE, and reducing the number of Solar Renewable Energy Certificates (SREC) that can be generated after 2020. Following the review of the public comments and the additional analysis, DOER made additional minor modifications to the biomass provisions, including clarifying feedstock eligibility, increasing the overall efficiency requirement for biomass Generation Units, reducing the time period to achieve a reduction in lifecycle greenhouse gas emissions and explicitly prohibiting generation of certificates if lifecycle greenhouse gas emission reductions are not achieved. DOER also amended the draft regulations to incorporate a phased reduction in the the ACP to align with Connecticut RPS Class I ACP, continue to require recertification with LIHI for hydroelectric facilities, and allow DOER to modify a SREC factor.

The draft RPS Class II Regulations include previously proposed provisions such as adjusting the RPS Class II Waste Energy minimum standard, increasing the ACP for RPS Class II Waste Energy, and aligning with proposed changes in RPS Class I regulations. Following the review of the public comments and the additional analysis, DOER has aligned the RPS Class II Regulations with changes made in RPS Class I Regulations, and has adjusted the starting year for Waste Energy minimum standard and ACP to 2021.

# HOUSE . . . . . No. 5169

Communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 225 CMR 15.00, Renewable Energy Portfolio Standard – Class I & II. Telecommunications, Utilities and Energy.

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court  
(2019-2020)

225 CMR: DEPARTMENT OF ENERGY RESOURCES 225 CMR 14.00: RENEWABLE ENERGY PORTFOLIO STANDARD - CLASS I

Section

- 14.01 : Authority
- 14.02 : Definitions
- 14.03 : Administration
- 14.04 : Applicability
- 14.05 : Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units
- 14.06 : Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units
- 14.07 : Renewable Energy Portfolio Standard - Class I
- 14.08 : Compliance Procedures for Retail Electricity Suppliers
- 14.09: Annual Compliance Filings for Retail Electricity Suppliers
- 14.10: Reporting Requirements
- 14.11 : Inspection
- 14.12 : Non-compliance
- 14.13 : Severability

14.01 : Authority

225 CMR 14.00 is promulgated pursuant to M.G.L. c. 25A, § 11F.

14.02 : Definitions

Aggregation. A group of one or more Generation Units that receives a single Statement of Qualification from the Department under criteria and procedures set forth in 225 CMR 14.05(6).

Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon making an Alternative Compliance Payment. Such credit is used to document compliance with 225 CMR 14.07. One unit of credit shall be equivalent to one RPS Class I Renewable Generation Attribute, Solar Carve-out Renewable Generation

35 Attribute, or Solar Carve-out II Renewable Generation Attribute.

36  
37 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per  
38 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail  
39 Electricity Supplier may submit to the Department in lieu of providing RPS Class I  
40 Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes,  
41 or Solar Carve-out II Renewable Generation Attributes required under 225 CMR  
42 14.07.

43  
44 Assurance of Qualification. A communication issued by the Department to Solar  
45 Carve-out II Renewable Generation Units that provides Solar Carve-out II Renewable  
46 Generation Units with an assurance of qualification prior to being granted the approval  
47 to interconnect by their local Distribution Company, and sets deadlines for receiving  
48 the approval to interconnect to the grid in order to maintain this Assurance of  
49 Qualification.

50  
51 Authorized Agent. A person or entity that serves under an agreement entered into by  
52 each of the Owners or Operators of Generation Units within an Aggregation for all  
53 dealings with the Department and with the NEPOOL GIS.

54  
55 Biomass Fuel Certificate. A certificate issued in accordance with rules established by  
56 the Department in the *Guideline on Eligible Biomass Fuel for Renewable Generation*  
57 *Units* that:

- 58 (a) quantifies the supply of Eligible Biomass Woody Fuel or Manufactured  
59 Biomass Fuel;
- 60 (b) specifies the source of the Eligible Biomass Woody Fuel or Manufactured  
61 Biomass Fuel; and
- 62 (c) specifies the eligibility of the Eligible Biomass Woody Fuel or Manufactured  
63 Biomass Fuel as Forest Derived Residues, Forest Derived Thinnings, Forest  
64 Salvage, or Non-forest Derived Residues.

65  
66 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS Class I  
67 Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical energy output  
68 may qualify as RPS Class I Renewable Generation under criteria set forth in 225 CMR  
69 14.05(3).

70  
71 Brownfield. A disposal site that has received a release tracking number from  
72 MassDEP pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the  
73 redevelopment or reuse of which is hindered by the presence of oil or hazardous  
74 materials, as determined by the Department, in consultation with MassDEP. For the  
75 purposes of this definition, the terms "disposal site," "release tracking number," "oil,"  
76 and "hazardous materials" shall have the meanings giving to such terms in 310 CMR  
77 40.0006: *Terminology, Definitions and Acronyms*. No disposal site that otherwise  
78 meets the requirements of 225 CMR 14.02: Brownfield shall be excluded from  
79 consideration as a Brownfield because its cleanup is also regulated by the  
80 Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.  
81 §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 -

82 6939g, or any other federal program.

83  
84 Building Mounted Solar Generation Unit. A solar photovoltaic Generation Unit with  
85 at least 75% of the nameplate capacity of the solar modules used for generating power  
86 installed on a building.

87  
88 Business Day. A business day shall mean Monday through Friday, exclusive of state  
89 and federal legal holidays.

90  
91 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at Rule  
92 4.1(b).

93 Clean Wood. Means Clean Wood as defined in 310 CMR 19.006: Definitions.

94  
95 Commercial Operation Date. The date that a Generation Unit first produces electrical  
96 energy for sale within the ISO-NE Control Area or within an adjacent Control Area.  
97 In the case of a Generation Unit that has been moved from a location within the ISO-  
98 NE Control Area or within an adjacent Control Area to another location in one of those  
99 Control Areas, the date that such Generation Unit first produced electrical energy for  
100 sale at its earliest location in those Control Areas. In the case of a Generation Unit that  
101 is connected to the End-use Customer's side of the electric meter, the date on which  
102 the local Distribution Company grants approval for the Generation Unit to  
103 interconnect with the grid. In the case of a Generation Unit that produces Off-grid  
104 Generation, the date that such Generation Unit first produces electrical energy. In the  
105 case of a Generation Unit that meets the eligibility requirements of 225 CMR 14.05  
106 and co-fires an Eligible RPS Class I Renewable Fuel, the date when the Generation  
107 Unit first co-fires such Eligible RPS Class I Renewable Fuel.

108  
109 Community Shared Solar Generation Unit. A solar photovoltaic Generation Unit that  
110 provides net metering credits to three or more utility accounts, whose participants have  
111 an interest in the production of the Generation Unit or the entity that owns the  
112 Generation Unit, in the form of formal ownership, a lease agreement, or a net metering  
113 contract. No more than two participants may receive net metering credits in excess of  
114 those produced annually by 25 kW of nameplate DC capacity, and the combined share  
115 of said participants' capacity shall not exceed 50% of the total capacity of the  
116 Generation Unit.

117  
118 Compliance Filing. A document filed annually by a Retail Electricity Supplier with  
119 the Department documenting compliance with 225 CMR 14.07, consistent with the  
120 format set forth in the Guidelines and submitted no later than the first day of July, or  
121 the first Business Day thereafter, of the subsequent Compliance Year.

122  
123 Compliance Year (CY). A calendar year beginning January 1<sup>st</sup> and ending December  
124 31<sup>st</sup>, for which a Retail Electricity Supplier must demonstrate that it has met the  
125 requirements of 225 CMR 14.07 and 14.08.

126  
127 Control Area. A geographic region in which a common generation control system is  
128 used to maintain scheduled interchange of electrical energy within and without the

129 region.

130  
131 DCR. The Massachusetts Department of Conservation and Recreation (DCR)  
132 established by M.G.L. c. 21 § 1.

133  
134 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.  
135

136 Department. The Massachusetts Department of Energy Resources (DOER),  
137 established by M.G.L. c. 25A.

138 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous  
139 bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible  
140 Biogas Fuel does not include natural gas, but does include renewable natural gas,  
141 which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.  
142

143 Eligible Biomass Fuel. Fuel sources consisting of the following:

- 144 (a) Eligible Biomass Woody Fuel;  
145 (b) Manufactured Biomass Fuel;  
146 (c) Eligible Biogas Fuel;  
147 (d) by-products or waste from animals or agricultural crops;  
148 (e) food or vegetative material;  
149 (f) algae;  
150 (g) organic refuse derived fuel; and  
151 (h) Eligible Liquid Biofuel.  
152

153 Eligible Biomass Woody Fuel. Woody fuels that are derived from the following  
154 sources, consistent with the requirements of 225 CMR 14.05(8):

155 (a) Forest Derived Residues.

156 1. Tops, crooks and other portions of trees produced as a byproduct, and trees  
157 collaterally damaged, during the normal course of harvesting material, such  
158 as timber, pulpwood or cordwood in the implementation of a silvicultural  
159 prescription as administered by a licensed or certified forester as prescribed  
160 in the Department's *Guideline on Eligible Biomass Fuel for Renewable*  
161 *Generation Units.*

162 2. Trees and portions of trees harvested for the purposed of the restoration  
163 and management of habitat for rare & endangered species as listed by the  
164 Massachusetts Division of Fisheries and Wildlife. Qualifying harvest areas  
165 must be approved by the Massachusetts Division of Fisheries and Wildlife  
166 Natural Heritage Program.

167 3. Other woody vegetation that interferes with regeneration or the natural  
168 growth of the forest, limited to locally invasive native species and non-native  
169 invasive woody vegetation.

170 (b) Forest Derived Thinnings

171 1. Unacceptable growing stock which is defined as trees considered  
172 structurally weak or have low vigor and do not have the potential to  
173 eventually yield an eight foot sawlog or survive for at least the next ten years.

174 2. Trees removed during thinning operations, the purpose of which is to  
175 reduce stand density and enhance diameter growth and volume of the



176 residual stand.

177 (c) Forest Salvage.

178 1. Damaged, dying or dead trees removed due to injurious agents, such as  
179 wind or ice storms or the spread of invasive epidemic forest pathogens,  
180 insects and diseases or other epidemic biological risks to the forest, but not  
181 removed due to competition. Such eligible trees may be removed without  
182 limitation for biomass fuel, only if the injurious agent is a threat to forest  
183 health or risk to private or public resources, and if the United States  
184 Department of Agriculture Animal and Plant Health Inspection Service, the  
185 United States Department of Agriculture Forest Service, or appropriate  
186 federal or state governmental agency has issued a declaration, rule, or order  
187 declaring a major threat to forest health or risk to private or public resources,  
188 or if they are harvested through a DCR approved cutting plan.

189 2. Trees removed to reduce fire hazard within fire-adapted forest ecosystems,  
190 as certified by a letter to the Department from the state agency responsible  
191 for forestry in consultation with the appropriate environmental state agencies.

192 (d) Non-forest Derived Residues.

193 1. Forest products industry: Residues derived from wood products  
194 manufacturing consisting of Clean Wood.

195 2. Land use change – agricultural: Trees cut or otherwise removed in the  
196 process of converting forest land to agricultural usage, either for new or  
197 restored farm land.

198 3. Wood waste: Post-consumer wood products from Clean Wood; pruned  
199 branches, stumps, and whole trees removed during the normal course of  
200 maintenance of public or private roads, highways, driveways, utility lines,  
201 rights of way, and parks.

202 4. Agricultural wood waste. Pruned branches, stumps, and whole trees  
203 resulting from maintenance activities directly related to the production of an  
204 agricultural product that is not Clean Wood.

205  
206 Eligible Landfill. A landfill that has received an approval from MassDEP for the use  
207 of a solar photovoltaic Generation Unit at the landfill as a post-closure use pursuant to  
208 310 CMR 19.143: *Post-closure Use of Landfills*.

209  
210 Eligible Liquid Biofuel. A liquid fuel that is derived from organic waste feedstock and  
211 meets the standards for advanced biofuels under the Environmental Protection  
212 Agency’s Renewable Fuel Standard (RFS2) program. Organic waste feedstocks shall  
213 include, but not be limited to, waste vegetable oils, waste animal fats, or grease trap  
214 waste. Eligible Liquid Biofuel shall not include petroleum-based waste or Hazardous  
215 Waste as defined in 310 CMR 40.0006: *Terminology, Definitions, and Acronyms*,  
216 unless otherwise determined by the Department in consultation with MassDEP.

217  
218 Eligible RPS Class I Renewable Fuel. An Eligible Biomass Fuel, hydrogen derived  
219 from such fuels or hydrogen derived from water using the electrical output of a  
220 Renewable Generation Unit, but not hydrogen derived using RPS Class I Renewable  
221 Generation if the RPS Class I Renewable Generation Attributes of such Generation  
222 are sold, retired, claimed, used or represented as part of electrical energy output or

223 sales, or used to satisfy regulatory obligations in any jurisdictions, and not hydrogen  
224 derived directly or indirectly from ineligible fuels.

225  
226 Emergency Power Generation Unit. A solar photovoltaic Generation Unit installed for  
227 the purpose of providing 67% or more of its annual electric output to be used on-site  
228 as prescribed by 225 CMR 14.09(a) at critical infrastructure that can be utilized in the  
229 event of an emergency or power outage. For purposes of Emergency Power  
230 Generation Unit, critical infrastructure includes, but is not limited to, the following:  
231 hospitals, police and fire stations, airports, emergency management agencies,  
232 acute/post-acute medical facilities with life sustaining equipment, water and sewer  
233 treatment facilities, pump stations, evacuation centers, and emergency  
234 communications centers that serve a life safety function.

235  
236 End-use Customer. A person or entity in Massachusetts that purchases electrical  
237 energy at retail from a Retail Electricity Supplier, except that a Generation Unit taking  
238 station service at wholesale from ISO-NE or self-supplying from its owner's other  
239 generating stations, shall not be considered an End-use Customer.

240  
241 Generation Attribute. A non-price characteristic of the electrical energy output of a  
242 Generation Unit including, but not limited to, the Generation Unit's fuel type,  
243 emissions, vintage and RPS eligibility.

244  
245 Generation Unit. A facility that converts a fuel or an energy resource into electrical  
246 energy.

247  
248 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for  
249 electric power generation.

250  
251 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies  
252 Generation Attributes of each MWh accounted for in the NEPOOL GIS.

253  
254 Guideline. A set of clarifications, interpretations, and procedures, including forms,  
255 developed by the Department to assist in compliance with the requirements of 225  
256 CMR 14.00. The Department may issue new or revised Guidelines from time to time.  
257 Each Guideline shall be effective on its date of issuance or on such date as is specified  
258 therein, except as otherwise provided in 225 CMR 14.00.

259  
260 Historical Generation Rate. The average annual electrical production from a Vintage  
261 Generation Unit that meets the requirements of 225 CMR 14.05(1)(a), stated in  
262 MWhs, for the three calendar years 1995 through 1997, or for the first 36 months after  
263 the Commercial Operation Date if that date is after January 1, 1995.

264  
265 Hydroelectric Energy. Electrical energy from a Generation Unit that uses flowing  
266 freshwater as the primary energy resource, with or without a dam structure or other  
267 means of regulating water flow, and that is not located at a facility that uses mechanical  
268 or electrical energy to pump water into a storage facility (*i.e.*, a so-called "pumped-  
269 storage facility").

270  
271 Impacted Watershed. All water bodies or areas of land hydrologically connected to a  
272 hydroelectric facility, whether located upstream or downstream, which may  
273 experience any alteration of their physical, biological, or ecological characteristics as  
274 a result of the operation or increased capacity expansion of a hydroelectric Generation  
275 Unit.

276  
277 ISO-NE. ISO New England Inc., the independent system operator for New England,  
278 the regional transmission organization for most of New England, which is authorized  
279 by the Federal Energy Regulatory Commission (FERC) to exercise for the New  
280 England Control Area the functions required pursuant to the FERC's Order No. 2000,  
281 the FERC's corresponding regulations.

282  
283 ISO-NE Settlement Market System. The ISO-NE's electronic database system into  
284 which all real-time load and generation data are entered and from which such data are  
285 provided to the NEPOOL GIS.

286  
287 Low Impact Hydropower Institute (LIHI). A non-profit 501(c)(3) organization whose  
288 stated purpose is to reduce the impacts of hydropower generation through the  
289 certification of hydropower projects that have avoided or reduced their environmental  
290 impacts pursuant to the Low Impact Hydropower Institute's criteria.

291  
292 Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means of  
293 fuel drying, through a fuel processing facility that is separate from a Generation Unit  
294 and that utilizes Eligible Biomass Woody Fuel for production. Examples include, but  
295 are not limited to, the mechanical production of wood pellets or bio-dust, and the  
296 refinement of bio-oil through pyrolysis.

297  
298 Marine or Hydrokinetic Energy. Electrical energy derived from waves, tides and  
299 currents in oceans, estuaries and tidal areas; free-flowing water in rivers, lakes,  
300 streams, and human-made channels, provided that such water is not diverted,  
301 impounded, or dammed; or differentials in ocean temperature, called ocean thermal  
302 energy conversion.

303  
304 Massachusetts Clean Energy Technology Center (MassCEC). The center established  
305 in M.G.L. c. 23J, § 2.

306  
307 Massachusetts Renewable Energy Trust. The Trust under M.G.L. c. 23J, § 9, which  
308 administers renewable energy programs for the Commonwealth.

309  
310 MassDEP. The Massachusetts Department of Environmental Protection established  
311 by M.G.L. c. 21A, § 7.

312  
313 Megawatt (MW). A unit of power equal to one million watts.

314  
315 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million  
316 watts of power operating for one hour, or, for the purpose of thermal energy, a unit of

317 energy equal to 3,412,000 British Thermal Units (Btu).

318 Merchantable Bio-products. Products that are refined from a biomass fuel by a bio-  
319 refinery project in which the Generation Unit is integral. Products include but are not  
320 limited to merchantable chemicals such as additives, lubricants, or specialty  
321 chemicals, and other products which can be permanently sequestered for carbon  
322 reductions.

323  
324 NEPOOL GIS. The NEPOOL Generation Information System, which includes a  
325 generation information database and certificate system, operated by the New England  
326 Power Pool (NEPOOL), its designee or successor entity, that accounts for Generation  
327 Attributes of electrical energy consumed and generated within, imported into, or  
328 exported from the ISO-NE Control Area.

329  
330 Off-grid Generation. The electrical energy produced by a Generation Unit that is not  
331 connected to a utility transmission or distribution system.

332  
333 Operator. Any person or entity that has charge or control of a Generation Unit subject  
334 to 225 CMR 14.00, including without limitation a duly authorized agent or lessee of  
335 the Owner, or a duly authorized independent contractor.

336  
337 Opt-In Term. The number of calendar quarters that a Solar Carve-out Renewable  
338 Generation Unit may generate Solar Carve-out Renewable Generation Attributes that  
339 are eligible to be deposited into the Solar Credit Clearinghouse Auction Account, as  
340 described in 225 CMR 14.05(4)(c) through (j).

341  
342 Owner. Any person or entity that, alone or in conjunction with others, has legal  
343 ownership, a leasehold interest, or effective control over the real property or property  
344 interest upon which a Generation Unit is located, or the airspace above said real  
345 property, including without limitation a duly authorized agent of the Owner. For the  
346 purposes of 225 CMR 14.02, Owner does not mean a person or entity holding legal  
347 title or security interest solely for the purpose of providing financing.

348  
349 Power Conversion Technology. The design, process, and equipment by which an  
350 energy resource is converted into useful energy, as specified in Guidelines.

351  
352 Relevant Hydroelectric Agency. A federal, state or provincial agency with oversight  
353 over fish and wildlife, water quality, river flows, fish passage and protection,  
354 mitigation and enhancement opportunities, related to a hydroelectric facility located  
355 in the Impacted Watershed or that impacts downstream or upstream passage of fish  
356 and wildlife.

357  
358 Renewable Generation. The electrical energy output of a Renewable Generation Unit.

359  
360 Renewable Generation Attribute. The Generation Attribute of the electrical energy  
361 output of a specific Generation Unit that derives from the Generation Unit's production  
362 of Renewable Generation.

363 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class I  
364 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of  
365 conventional municipal solid waste plant technology in commercial use, or any of the  
366 fuels, energy resources or technologies set forth in 225 CMR 14.05(1)(a).

367  
368 Retail Electricity Product. An electrical energy offering that is distinguished by its  
369 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to  
370 End-use Customers.

371  
372 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use  
373 Customers in Massachusetts, including but not limited to Distribution Companies  
374 supplying basic service or any successor service to End-use Customers. A Municipal  
375 Lighting Plant shall be considered a Retail Electricity Supplier; however, it shall be  
376 exempt from the obligations of a Retail Electricity Supplier under 225 CMR 14.00 so  
377 long as and insofar as it is exempt from the requirements to allow competitive choice  
378 of generation supply pursuant to M.G.L. c. 164, § 47A.

379  
380 RPS Class I Renewable Generation. The electrical energy output excluding any  
381 electrical energy utilized for parasitic load of a RPS Class I Renewable Generation  
382 Unit, or that portion of the electrical energy output excluding any electrical energy  
383 utilized for parasitic load of an RPS Class I Renewable Generation Unit that qualifies  
384 under:

- 385 (a) the Special Provisions for Incremental Generating Capacity, pursuant to 225  
386 CMR 14.05(2) issued on or after January 1, 2009;
- 387 (b) a Vintage Waiver, pursuant to 225 CMR 14.05(2) issued before January 1,  
388 2009;
- 389 (c) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 14.05(3);
- 390 (d) the Special Provisions for a Generation Unit Located in a Control Area  
391 Adjacent to the ISO-NE Control Area, pursuant to 225 CMR 14.05(5); or
- 392 (e) any other applicable provision of 225 CMR 14.00.

393  
394 RPS Class I Renewable Generation Attribute. The Generation Attribute of the  
395 electrical energy output of a specific RPS Class I Renewable Generation Unit that  
396 derives from the Generation Unit's production of RPS Class I Renewable Generation.

397  
398 RPS Class I Renewable Generation Unit. A Generation Unit or Aggregation that has  
399 received a Statement of Qualification from the Department, including a Generation  
400 Unit or Aggregation termed a New Renewable Generation Unit in a Statement of  
401 Qualification issued by the Department pursuant to 225 CMR 14.00 before January 1,  
402 2009, but does not include Solar Carve-out Renewable Generation Units.

403  
404 Solar Canopy. A solar photovoltaic Generation Unit with at least 75% of the nameplate  
405 capacity of the solar modules used for generating power installed on top of a parking  
406 surface or above a pedestrian walkway, so as to maintain the parking or pedestrian  
407 function of the surface.

408 Solar Carve-out Program Capacity Cap. The capacity, in MW, of Solar Carve-Out  
409 Renewable Generation Units qualified by the Department through June 30, 2014, and  
410 as announced on its website by the Department no later than July 31, 2014.

411  
412 Solar Carve-out II Program Capacity Cap. The aggregate eligible capacity, in MW, of  
413 Solar Carve-out II Renewable Generation Units qualified by the Department upon the  
414 establishment of a new incentive program, minus the Solar Carve-out Program  
415 Capacity Cap.

416  
417 Solar Carve-out Renewable Generation. The electrical output of a Solar Carve-out  
418 Renewable Generation Unit that qualifies for the Solar Carve-out under 225 CMR  
419 14.05(4), excluding any electrical energy utilized for parasitic load.

420  
421 Solar Carve-out II Renewable Generation. The electrical output of a Solar Carve-out  
422 II Renewable Generation Unit that qualifies for the Solar Carve-out II under 225 CMR  
423 14.05(9), excluding any electrical energy utilized for parasitic load.

424  
425 Solar Carve-out Renewable Generation Attribute. The Generation Attribute of the  
426 electrical energy output of a specific Solar Carve-out Renewable Generation Unit that  
427 derives from the Generation Unit's production of Solar Carve-out Renewable  
428 Generation.

429  
430 Solar Carve-out II Renewable Generation Attribute. The Generation Attribute of the  
431 electrical energy output of a specific Solar Carve-out II Renewable Generation Unit  
432 that derives from the Generation Unit's production of Solar Carve-out II Renewable  
433 Generation.

434  
435 Solar Carve-out Renewable Generation Unit. A Generation Unit or Aggregation that  
436 has received a Statement of Qualification from the Department that specifies its  
437 qualification for participation in the Solar Carve-out under 225 CMR 14.05(4).

438  
439 Solar Carve-out II Renewable Generation Unit. A Generation Unit or Aggregation that  
440 has received a Statement of Qualification from the Department that specifies its  
441 qualification for participation in the Solar Carve-out II under 225 CMR 14.05(9).

442  
443 Solar Renewable Energy Certificate II (SREC II). A GIS Certificate that represents  
444 the RPS Class I Renewable Generation Attributes and Solar Carve-out II Renewable  
445 Generation Attributes of the Renewable Generation from a Solar Carve-out II  
446 Renewable Generation Unit.

447  
448 Statement of Qualification. A written document from the Department that qualifies a  
449 Generation Unit or Aggregation as an RPS Class I Qualified Generation Unit, a Solar  
450 Carve-out Renewable Generation Unit, or a Solar Carve-out II Renewable Generation  
451 Unit, or that qualifies a portion of the annual electrical energy output of a Generation  
452 Unit or Aggregation as RPS Class I Renewable Generation Solar Carve-out  
453 Renewable Generation, or Solar Carve-out II Renewable Generation.

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Sustainable Forestry Management. Practicing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics and the stewardship and use of forests and forest lands in a way, and a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality, and potential to fulfill, now and in the future, relevant ecological, economic, and social functions at local, national, and global levels, and that does not cause damage to other ecosystems. Criteria for sustainable forestry include:

- (a) conservation of biological diversity;
- (b) maintenance of productive capacity of forest ecosystems;
- (c) maintenance of forest ecosystem health and vitality;
- (d) conservation and maintenance of soil and water resources;
- (e) maintenance of forest contributions to global carbon cycles;
- (f) maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies; and
- (g) a legal, institutional, and economic framework for forest conservation and sustainable management.

Useful Thermal Energy. Energy in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements, for which fuel or electricity would otherwise be consumed. Thermal energy used to produce a dried or refined biomass fuel shall not be considered Useful Thermal Energy if the biomass fuel produced is used to fuel the Generation Unit that dried or refined the biomass fuel.

Valid Air Permit. Within the United States, a current and effective authorization, license, certificate, or like approval to construct and/or operate a source of air pollution, issued or required by the regulatory agency designated in the applicable State Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.* In jurisdictions outside of the United States, it shall be a document demonstrating an equivalent authorization.

Vintage Generation. The electrical energy output of a Vintage Generation Unit during the period of the Generation Unit's Historical Generation Rate.

Vintage Generation Unit. A Generation Unit that meets the requirements of 225 CMR 14.05(1), that has a Commercial Operation Date of December 31, 1997, or earlier, and for which the Department issued a Statement of Qualification under the Vintage Waiver provision in 225 CMR 14.05(2) before January 1, 2009.

14.03 : Administration

225 CMR 14.00 shall be administered by the Department.

499 14.04 : Applicability  
500

501 225 CMR 14.00 applies to Retail Electricity Suppliers and to the Owners or  
502 Operators of RPS Class I Renewable Generation Units, Solar Carve-out Renewable  
503 Generation Units, and Solar Carve-out II Renewable Generation Units.  
504

505 14.05 : Eligibility Criteria for RPS Class I, Solar Carve-out Renewable Generation Units, and  
506 Solar Carve-out II Renewable Generation Units  
507

508 (1) Eligibility Criteria. A Generation Unit may qualify as an RPS Class I Renewable  
509 Generation Unit, a Solar Carve-out Renewable Generation Unit, or Solar Carve-out  
510 II Renewable Generation Unit subject to the limitations in 225 CMR 14.05.  
511

512 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use  
513 one or more of the fuels, energy resources and/or technologies listed in 225 CMR  
514 14.05(1)(a)1. through 9.  
515

516 1. Solar photovoltaic or solar thermal electric energy.  
517

518 2. Wind energy.  
519

520 3. Ocean thermal, wave or tidal energy.  
521

522 4. Fuel cells using an Eligible RPS Class I Renewable Fuel.  
523

524 5. Landfill methane gas, provided that such gas is either conveyed directly to  
525 the Generation Unit without the use of facilities used as common carriers of  
526 natural gas, or transported to a Generation Unit within the ISO-NE Control  
527 Area or an adjacent Control Area via a common carrier of natural gas, in  
528 which instance the gas would be subject to the following provisions:  
529

530 a. the gas is produced entirely within the ISO-NE Control Area or an  
531 adjacent Control Area;  
532

533 b. documentation is provided, satisfactory to the Department, regarding  
534 the gas transportation and related contracts; and  
535

536 c. demonstration is provided, satisfactory to the Department, that the gas  
537 can be physically delivered to the Generation Unit.  
538

539 6. Hydroelectric. An Generation Unit that uses Hydroelectric Energy may  
540 qualify as an RPS Class I Generation Unit, subject to the limitations in 225  
541 CMR 14.05(1)(a)6.  
542

543 a. The Generation Unit has a nameplate capacity up to 30 megawatts, or  
544 increased capacity installed or efficiency improvements implemented



545 after December 31, 1997, the aggregate of which increased capacity or  
546 efficiency improvements does not exceed 30 megawatts.

547  
548 b. The Generation Unit does not involve any dam or water diversion  
549 structure constructed after December 31, 1997, or pumped storage of  
550 water.

551  
552 c. The Generation Unit does not generate Marine or Hydrokinetic Energy.

553  
554 d. The Generation Unit meets appropriate and site-specific standards that  
555 address adequate and healthy river flows, water quality standards, fish  
556 passage and protection measures and mitigation and enhancement  
557 opportunities in the Impacted Watershed, as determined by the  
558 Department in consultation with Relevant Hydroelectric Agencies. The  
559 Generation Unit shall demonstrate compliance with such standards by  
560 submitting the documentation required in either 225 CMR  
561 14.05(1)(a)6.d.i or ii.

562  
563 i. LIHI Certification of the Generation Unit; except that in either of  
564 the two circumstances provided in 225 CMR 14.05(1)(a)6.d.i, the  
565 Department may request further information from the applicant and  
566 the Relevant Hydroelectric Agencies as part of its review of the  
567 applicant's Statement of Qualification Application. The Department  
568 shall notify the applicant of any such input from a Relevant  
569 Hydroelectric Agency not later than 30 days after receiving such  
570 input and shall provide the applicant an opportunity to respond to the  
571 Department not later than 30 days after the applicant's receipt of such  
572 notice from the Department.

573  
574 (i). If a Relevant Hydroelectric Agency identified an  
575 environmental concern and a proposed remedy to LIHI during the  
576 LIHI certification process, and such concern was not addressed in  
577 the LIHI certification to the satisfaction of the Agency, and the  
578 Agency consulted with the Owner or Operator of the Generation  
579 Unit; or

580  
581 (ii). If, between issuance of the LIHI certification and the  
582 Department's determination of the Generation Unit's eligibility, a  
583 Relevant Hydroelectric Agency submits to the Department  
584 evidence of a significant environmental problem not previously  
585 known by such Agency, after consulting with the Owner or  
586 Operator of the Generation Unit.

587  
588 ii. A denial of certification from LIHI specifying the reasons the  
589 certification was denied and the applicant's proposed rationale for  
590 why the project should nevertheless receive a Statement of

591 Qualification. In this instance, the Department shall notify and seek  
592 input from the Relevant Hydroelectric Agencies, which shall have 30  
593 days from the date of their receipt of such notification to provide  
594 feedback to the Department. The Owner or Operator of the  
595 Generation Unit shall be notified of any such input and shall have 30  
596 days from receipt of such notice to respond to the satisfaction of the  
597 Department as to why its Application should be approved. The  
598 Department thereafter shall make finding of whether the Generation  
599 Unit meets appropriate environmental safeguards despite the lack of  
600 LIHI certification.

601  
602 e. The Owner or Operator of the Generation Unit must serve notice to all  
603 Relevant Hydroelectric Agencies of its application for LIHI certification.  
604 The Owner or Operator of the Generation Unit also must serve notice to  
605 all Relevant Hydroelectric Agencies, and provide opportunity for  
606 comment within 30 days of such notice, with regard to its submission of a  
607 Statement of Qualification Application. Notice of such service must be  
608 provided to the Department.

609  
610 f. If LIHI fails to act to certify or deny certification within 180 days from  
611 the date of submission of the Generation Unit's application to LIHI, the  
612 Owner or Operator shall file notice of such event with the Department.  
613 The Department shall review the federal, state or provincial permits for  
614 the Generation Unit and any submissions to LIHI by Relevant  
615 Hydroelectric Agencies, and shall make a final determination as to  
616 whether the Generation Unit meets environmental standards specified in  
617 225 CMR 14.05(1)(a)6.d.

618  
619 g. If LIHI is unable to review for certification a Generation Unit that is  
620 located in a Control Area adjacent to the ISO-NE Control Area and  
621 outside the United States of America, the Owner or Operator of such  
622 Generation Unit may petition the Department for certification using the  
623 LIHI standards by an independent third party acceptable to the  
624 Department.

625  
626  
627 7. Low-emission, Advanced Biomass Power Conversion Technologies Using  
628 an Eligible Biomass Fuel. A Generation Unit may qualify as an RPS Class I  
629 Renewable Generation Unit, provided it uses an Eligible Biomass Fuel, subject  
630 to the limitations in 225 CMR 14.05(1)(a)7.

631  
632 a. A Generation Unit utilizing an Eligible Biomass Fuel, that is required  
633 to obtain an air permit in its jurisdiction, must possess a Valid Air Permit.

634  
635 b. The Department shall set forth in Guidelines low-emission eligibility  
636 criteria which will become effective on their date of issuance. Any

637 emission eligibility criteria in subsequently revised regulations or  
638 Guidelines shall become effective 12 months from their date of issuance.  
639 A Generation Unit utilizing an Eligible Biomass Fuel that is not a solid  
640 fuel, such as Eligible Liquid Biofuel, or does not use a steam boiler, shall  
641 follow the low-emission eligibility criteria process described in the  
642 Departments' *Guideline on Eligible Biomass Fuel for Renewable*  
643 *Generation Units*. In the case of a Generation Unit for whose size, type,  
644 or fuel the Department's Guidelines do not provide applicable emission  
645 limits, the Department will determine appropriate limits in consultation  
646 with the MassDEP.

647  
648 c. A Generation Unit utilizing an Eligible Biomass Woody Fuel or  
649 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from  
650 Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage  
651 must achieve an overall efficiency of at least 60% on a quarterly basis. A  
652 Generation Unit utilizing an Eligible Biomass Woody Fuel or  
653 Manufactured Biomass Fuel that has over 95% of its fuel sourced from  
654 Non-Forest Derived Residues on a quarterly basis shall have no  
655 applicable overall efficiency requirement. The procedure for calculating  
656 whether the Generation Unit meets the 60% overall efficiency  
657 requirement can be found in the Department's *Guideline on Overall*  
658 *Efficiency and Greenhouse Gas Analysis*.

659  
660 d. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass  
661 Woody Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel shall  
662 reduce lifecycle greenhouse gas emissions, over a 20-year lifecycle, by at  
663 least 50% compared to the operation of a new combined cycle natural gas  
664 electric generating facility using the most efficient commercially available  
665 technology as of the date of the Statement of Qualification Application for  
666 the portion of electricity delivered by the Generation Unit and, if  
667 applicable, the operation of the fossil fuel fired thermal energy unit being  
668 displaced, or in the case of new Useful Thermal Energy, a gas-fired thermal  
669 energy unit using the most efficient commercially available technology as  
670 of the date of Statement of Qualification Application for the portion of the  
671 Useful Thermal Energy delivered by the Generation Unit. The procedure  
672 for calculating whether a Generation Unit meets the 50% reduction can be  
673 found in the Department's *Guideline on Overall Efficiency and*  
674 *Greenhouse Gas Analysis*.

675 i. A Generation Unit that does not achieve a lifecycle greenhouse gas  
676 emissions reduction of at least 50% over a 20-year lifecycle in a  
677 particular calendar quarter of the Compliance Year, pursuant to 225  
678 CMR 14.05(1)(a)7.d., shall not be eligible to report RPS Class I  
679 Renewable Generation Attributes to the NEPOOL GIS for that  
680 Calendar Quarter.

681 e. In the case of a Generation Unit that uses Eligible Biogas Fuel, the  
682 Eligible Biogas Fuel may be either conveyed directly to the Generation  
683 Unit without the use of facilities used as common carriers of natural gas,  
684 or transported to a Generation Unit within the ISO-NE Control Area or an  
685 adjacent Control Area via a common carrier of natural gas, in which  
686 instance the gas would be subject to the following provisions:

687  
688 i. the gas is produced entirely within the ISO-NE Control Area or an  
689 adjacent Control Area;

690  
691 ii. documentation is provided, satisfactory to the Department,  
692 regarding the gas transportation and related contracts; and

693  
694 iii. demonstration is provided, satisfactory to the Department, that the  
695 gas can be physically delivered to the Generation Unit.  
696

697 8. Marine or hydrokinetic energy.

698  
699 9. Geothermal energy.  
700

701 (b) Commercial Operation Date. The Commercial Operation Date shall be after  
702 December 31, 1997, unless the Generation Unit received a Statement of  
703 Qualification with a Vintage Waiver prior to January 1, 2009. In the case of a  
704 Solar Carve-out Renewable Generation Unit, the Commercial Operation Date  
705 shall be after December 31, 2007. In the case of a Solar Carve-out II Renewable  
706 Generation Unit, the Commercial Operation Date shall be after December 31,  
707 2012.  
708

709 (c) Metering. The electrical energy output from a Generation Unit shall be  
710 verified by the ISO-NE or by an independent verification system or person  
711 participating in the NEPOOL GIS accounting system as an independent Third  
712 Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating  
713 Rules, or any successor rule, and approved by the Department.  
714

715 (d) Location. The Generation Unit location is subject to the limitations in 225  
716 CMR 14.05(1)(d).  
717

718 1. Off-grid Generation. If the Generation Unit produces Off-grid Generation,  
719 such Generation Unit must be located in Massachusetts.  
720

721 2. Behind-the-meter Generation. If the Generation Unit is wired to the  
722 electrical system on the End-use Customer's side of a retail electric meter,  
723 such Generation Unit must be located within the ISO-NE Control Area.  
724

725 (2) Special Provisions for Incremental Generation. An increase in electrical energy  
726 output of a Generation Unit with a Commercial Operation Date on or before

727 December 31, 1997, may qualify as RPS Class I Renewable Generation, subject to  
728 the limitations in CMR 14.05(2).

729  
730 (a) The Generation Unit must meet the eligibility requirements of 225 CMR  
731 14.05 with the exception of 225 CMR 14.05(1)(b).

732  
733 (b) The portion of the total electrical energy output of the Generation Unit that  
734 qualifies as RPS Class I Renewable Generation in a given calendar year shall be  
735 the portion attributable to incremental new generating capacity or efficiency  
736 improvements installed or implemented after December 31, 1997, using  
737 equipment that was not utilized in any Renewable Generation Unit within the  
738 ISO-NE Control Area or within Control Areas adjacent thereto on or before  
739 December 31, 1997.

740  
741 (c) The portion of the electrical energy output of a Generation Unit that does not  
742 qualify as RPS Class I Renewable Generation under the provisions of 225 CMR  
743 14.05(2)(c) or under a Statement of Qualification granted to a Vintage  
744 Generation Unit prior to January 1, 2009, may qualify as RPS Class II  
745 Renewable Generation if it applies for and meets the eligibility standards of the  
746 RPS Class II Regulations set forth in 225 CMR 15.00: *Renewable Energy*  
747 *Portfolio Standard – Class II*.

748  
749 (d) The portion of electrical energy output of a Generation Unit that replaces the  
750 output of an RPS Class I Renewable Generation Unit qualified under 225 CMR  
751 14.05(1)(a)5. at the same location, or proximate thereto, and utilizes the fuel  
752 resource of that location, shall not be qualified as Incremental Generation, unless  
753 a Generation Unit meets the requirements of 225 CMR 14.05(7)(d).

754  
755 (3) Co-firing and Blended Fuel Waiver. All or a portion of the electrical energy  
756 output of a Generation Unit that uses ineligible fuel in conjunction with an Eligible  
757 RPS Class I Renewable Fuel, whether by co-firing such fuels or by using a Blended  
758 Fuel, may qualify as RPS Class I Renewable Generation provided the Generation  
759 Unit meets the eligibility requirements of 225 CMR 14.05, subject to the limitations  
760 in 225 CMR 14.05(3).

761  
762 (a) The portion of the total electrical energy output that qualifies as RPS Class I  
763 Renewable Generation in a given time period shall be equal to the ratio of the net  
764 heat content of the Eligible RPS Class I Renewable Fuel consumed to the net  
765 heat content of all fuel consumed in that time period.

766  
767 (b) If using a Blended Fuel of which the eligible portion is an Eligible Biomass  
768 Fuel or if co-firing an ineligible fuel with an Eligible Biomass Fuel, the entire  
769 Generation Unit must meet the requirements set forth in 225 CMR 14.05(1)(a)7.

770  
771 (c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to  
772 the satisfaction of the Department that the emission rates for the entire

773 Generation Unit are consistent with rates prescribed by the MassDEP for  
774 comparably fueled Generation Units in the Commonwealth. The Department  
775 may require the Generation Unit Owner or Operator to retain at its own expense  
776 a third-party consultant deemed satisfactory to the Department, to provide the  
777 Department and the MassDEP with assistance in this determination.  
778

779 (d) The Generation Unit must provide with its Statement of Qualification  
780 Application a fuel supply plan that specifies each and every fuel that it intends to  
781 use, in what relative proportions either in co-firing or in a Blended Fuel, and with  
782 what individual input heat values. Such plan shall include the procedures by  
783 which the Unit will document to the satisfaction of the Department its  
784 compliance with the plan.  
785

786 (e) The provisions of 225 CMR 14.05(3) shall not apply to the incidental use of  
787 ineligible fuels for the purpose of cold starting a Generation Unit that otherwise  
788 exclusively uses an Eligible RPS Class I Renewable Fuel.  
789

790 (4) Special Provisions for a Solar Carve-out Generation Unit. All references to kW or  
791 MW in 225 CMR 14.05(4) shall be measured on a nameplate capacity basis in direct  
792 current (DC).  
793

794 (a) The Solar Carve-out Renewable Generation Unit must use solar photovoltaic  
795 technology, be used on-site, located in the Commonwealth of Massachusetts, and  
796 be interconnected with the electric grid. On-site use includes any new or existing  
797 load located at the site of the Generation Unit including any parasitic load that  
798 may result from the installation of the Generation Unit, and that is wired to  
799 receive a portion of the electrical energy output from the Generation Unit before  
800 the balance of such output passes through the Generation Unit's metered  
801 interconnection onto the electric grid. The maximum capacity of a Generation  
802 Unit shall be 6 MW, as measured on a nameplate capacity basis in direct current  
803 and shall be determined based on the total capacity located on a single parcel of  
804 land. For any parcel of land for which a Solar Carve-out Generation Unit has  
805 submitted a Statement of Qualification Application, if its current boundaries are  
806 the result of a subdivision recorded after January 1, 2010, the Owner or Operator  
807 shall make a demonstration to the Department that the subdivision was not for  
808 the purpose of eligibility in the Solar Carve-out Program. If the Department is  
809 not satisfied by such showing, the 6 MW limit shall apply to the metes and  
810 bounds of the parcel as recorded prior to the subdivision. Any subsequent  
811 additional solar photovoltaic Generation Units that would result in excess of 6  
812 MW of capacity installed on the same parcel of land and meeting all other  
813 requirements under 225 CMR 14.00 may qualify only for RPS Class I  
814 Renewable Generation Attributes.  
815

816 (b) If the construction and installation of a Generation Unit was funded through a  
817 program administered prior to January 1, 2010, by the Massachusetts Renewable  
818 Energy Trust, or if the Generation Unit was funded substantially from American

819 Recovery and Reinvestment Act, P.L. 111-5 (ARRA) for the installation of that  
820 Generation Unit, the Generation Unit shall not be eligible to participate in the  
821 Solar Carve-out. Substantial shall mean for this purpose more than 67% of total  
822 installed cost. Notwithstanding 225 CMR 14.05(4)(b), if the substantial funding  
823 that a Generation Unit receives is from a payment in *lieu* of tax credit under §  
824 1603 of ARRA, the Generation Unit shall be eligible for Solar Carve-out  
825 Renewable Generation Attributes.

826  
827 (c) Any entity that owns Solar Carve-out Renewable Generation Attributes is  
828 eligible to make deposits into the Solar Credit Clearinghouse Auction provided  
829 the Attributes deposited into the Auction were generated during the Opt-in  
830 Term specified in the Statement of Qualification of the Generation Unit. The  
831 Department or its agent shall maintain an account, known as Solar Credit  
832 Clearinghouse Auction Account on the NEPOOL GIS into which Solar Carve-  
833 out Renewable Generation Attributes may be deposited. The Solar Credit  
834 Clearinghouse Auction Account shall be available for deposit of Attributes only  
835 from May 16 to June 15.

836  
837 (d) An entity that opts to deposit Solar Carve-out Generation Renewable Attributes  
838 into the Solar Credit Clearinghouse Auction Account shall be assessed, at the  
839 completion of the auction, a usage fee of 5% of the auction price for each such  
840 Attribute deposited into Solar Credit Clearinghouse Auction Account. This usage  
841 fee shall be deposited into the Alternative Compliance Payment fund under 225  
842 CMR 14.08(3). This usage fee will not apply to Attributes that remain unsold  
843 following the final round of the Solar Credit Clearinghouse Auction as provided  
844 in 225 CMR 14.05(4)(i).

845  
846 (e) Those Attributes deposited into Solar Credit Clearinghouse Auction Account  
847 shall then be retired and reissued by NEPOOL GIS as Re-minted Auction Account  
848 Attributes. These Attributes shall be eligible in either of the two subsequent  
849 Compliance Years from the year in which they were generated to meet obligations  
850 under the Massachusetts Solar Carve-out Minimum Standard. The Department or  
851 its agent shall conduct an auction for those Attributes. Any entity wishing to  
852 purchase Re-minted Auction Account Attributes may participate and enter a bid.  
853 Each bid shall be for the number of Re-minted Auction Account Attributes that  
854 the bidder wishes to purchase at a fixed price of \$300 per Re-minted Auction  
855 Account Attribute.

856  
857 (f) The Solar Credit Clearinghouse Auction shall be held not later than July 31. If  
858 the Auction clears, meaning that the total number of Re-minted Auction Account  
859 Attributes bid for in the auction was equal to or more than the number of Solar  
860 Carve-out Renewable Generation Attributes deposited, then the total amount of  
861 deposited Attributes will be distributed to the bidders in a pro-rated manner such  
862 that each bidder receives the same percentage of their bid volume. If the auction  
863 does not clear, meaning that the total number of Re-minted Auction Account  
864 Attributes bid for in the auction was less than the number of Solar Carve-out

865 Renewable Generation Attributes deposited, the Department or its agent shall  
866 void the auction.

867  
868 (g) If the auction under 225 CMR 14.05(4)(f) does not clear, the Department  
869 shall conduct a new auction within three Business Days, in which any Attributes  
870 purchased shall be eligible in any of the three subsequent Compliance Years  
871 from the year in which they were generated to meet obligations under the  
872 Massachusetts Solar Carve-out Minimum Standard. If the auction does not clear,  
873 the Department or its agent shall void the auction.

874  
875 (h) If the auction under 225 CMR 14.05(4)(g) does not clear, the Department or  
876 its agent shall conduct another auction within three Business Days, at which  
877 point the Attributes shall be eligible in any of the three subsequent Compliance  
878 Years from the year in which they were generated to meet obligations under the  
879 Massachusetts Solar Carve-out Minimum Standard. Prior to this Auction, the  
880 Department shall also re-calculate the Massachusetts Solar Carve-out Minimum  
881 Standard under 225 CMR 14.07(2).

882  
883 (i) If the auction under 225 CMR 14.05(4)(h) does not clear, the Re-minted  
884 Auction Account Attributes deposited in the Solar Credit Clearinghouse Auction  
885 Account shall be allocated to the bidders in a pro-rated manner so that an equal  
886 percentage of Re-minted Auction Account Attributes are allocated from each  
887 Generation Unit that deposited Solar Carve-out Renewable Generation  
888 Attributes. The remaining Re-minted Auction Account Attributes shall be  
889 returned to the entity that made the deposit. These Attributes shall be eligible in  
890 any of the three subsequent Compliance Years from the year in which they were  
891 generated to meet obligations under the Massachusetts Solar Carve-out  
892 Minimum Standard.

893  
894 (j) Re-minted Auction Account Attributes may not be placed into the Solar  
895 Credit Clearinghouse Auction Account in subsequent years.

896  
897 (k) Within two weeks from June 28, 2013, the Department shall establish and  
898 provide on its website a list of all projects that are within the 400 MW capacity  
899 limit and the set of Generation Units that are outside of the 400 MW capacity  
900 limit. The Department shall provide Statement of Qualifications to all Generation  
901 Units with Statement of Qualification Applications as follows, provided such  
902 Generation Units meet all other eligibility criterion of 225 CMR 14.00.

903  
904 1. A Generation Unit greater than 100 kW that has received a Statement of  
905 Qualification or has submitted a Statement of Qualification Application that  
906 is within the 400 MW capacity limit shall be provided a Statement of  
907 Qualification only if the Generation Unit meets the project construction  
908 timelines prescribed in 225 CMR 14.05(4)(k)4. Notwithstanding 225 CMR  
909 14.06(4), the RPS Effective Date of the Generation Unit shall be no later than



910 December 31, 2013, regardless of when the Unit's Commercial Operation  
911 Date occurs.  
912

913 2. A Generation Unit greater than 100 kW that has submitted a Statement of  
914 Qualification Application that is outside the 400 MW capacity limit shall be  
915 provided a Statement of Qualification only if the Generation Unit is  
916 authorized to interconnect by its local Distribution Company on or before  
917 June 28, 2013 or has received an interconnection service agreement from its  
918 local Distribution Company that is fully executed by both the interconnecting  
919 customer and the Distribution Company and dated on or before June 7, 2013,  
920 and meets the project construction timelines prescribed in 225 CMR  
921 14.05(4)(k)4. The Generation Unit shall have one week after June 28, 2013  
922 to provide the Department with a copy of the executed Interconnection  
923 Service Agreement or its Statement of Qualification Application will be  
924 rejected. Notwithstanding 225 CMR 14.06(4), the RPS Effective Date of the  
925 Generation Unit shall be no later than December 31, 2013, regardless of  
926 when the Generation Unit's Commercial Operation Date occurs.  
927

928 3. A Generation Unit that has a rated capacity equal to or less than 100 kW,  
929 or has qualified as a Community Solar Project by the MassCEC under its  
930 Commonwealth Solar II Rebate Program, which has received its  
931 authorization to interconnect or permission to operate from its local  
932 Distribution Company by the effective date of a new solar carve-out program  
933 established by the Department, or by June 30, 2014, whichever is earlier, and  
934 has submitted a Statement of Qualification Application shall be provided a  
935 Statement of Qualification. Notwithstanding 225 CMR 14.06(4), the RPS  
936 Effective Date of the Generation Unit shall be no later than December 31,  
937 2013, regardless of when the Generation Unit's Commercial Operation Date  
938 occurs. For the purpose of 225 CMR 14.05(4)(k)3., the Generation Unit's  
939 capacity shall be measured as the total capacity of qualified Solar Carve-out  
940 Renewable Generation on a single parcel of land or on a roof of a single  
941 building, whichever is less.  
942

943 4. A Generation Unit greater than 100 kW must meet the following  
944 construction timelines to receive a Statement of Qualification.  
945

946 a. A Generation Unit must receive its authorization to interconnect or  
947 permission to operate from its local Distribution Company on or before  
948 December 31, 2013.  
949

950 b. A Generation Unit that has not received an authorization to  
951 interconnect or permission to operate on or before December 31, 2013  
952 will be provided an extension to June 30, 2014 only if it can demonstrate  
953 to the satisfaction of the Department that the project has expended at least  
954 50% of its total construction costs by December 31, 2013. A Generation

955 Unit provided such an extension must receive its authorization to  
956 interconnect or permission to operate on or before June 30, 2014.

957  
958 c. If a Generation Unit can demonstrate to the Department's satisfaction  
959 that either of these two timelines have been met, but that interconnection  
960 depends only on the receipt of notice of authorization to interconnect or  
961 its permission to operate, and such receipt is delayed only by the local  
962 Distribution Company or due to remaining steps required by other parties  
963 for safe and reliable interconnection, then the Generation Unit will be  
964 provided an extension until the authorization to interconnect or  
965 permission to operate is received.

966  
967 5. Any Solar Carve-out Renewable Generation Unit that has submitted a  
968 Statement of Qualification Application or received a Statement of  
969 Qualification as of June 28, 2013 will not be eligible to generate Solar Carve-  
970 out Renewable Generation Attributes for incremental new generating  
971 capacity that is in excess of the capacity that was applied for in its Statement  
972 of Qualification Application.

973  
974 (5) Special Provisions for a Generation Unit Located in a Control Area Adjacent to  
975 the ISO-NE Control Area. The portion of the total electrical energy output of an RPS  
976 Class I Renewable Generation Unit located in a Control Area adjacent to the ISO-NE  
977 Control Area that qualifies as RPS Class I Renewable Generation shall meet the  
978 requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS  
979 Operating Rules, and the requirements in 225 CMR 14.05(5).

980  
981 (a) The Generation Unit Owner or Operator shall provide documentation,  
982 satisfactory to the Department that the RPS Class I Renewable Generation  
983 Attributes have not otherwise been, nor will be, sold, retired, claimed, used  
984 or represented as part of electrical energy output or sales, or used to satisfy  
985 obligations in jurisdictions other than Massachusetts.

986  
987 (b) The Generation Unit Owner or Operator must provide an attestation in a form  
988 to be provided by the Department that it will not itself or through any affiliate or  
989 other contracted party, knowingly engage in the process of importing RPS Class  
990 I Renewable Generation into the ISO-NE Control Area for the creation of RPS  
991 Class I Renewable GIS Certificates, and then exporting that energy or a similar  
992 quantity of other energy out of the ISO-NE Control Area during the same hour.

993  
994 (c) The quantity of electrical energy output from an RPS Class I Renewable  
995 Generation Unit outside the ISO-NE Control Area that can qualify as RPS Class  
996 I Renewable Generation at the NEPOOL GIS during each hour is limited to the  
997 lesser of the RPS Class I Renewable Generation actually produced by the  
998 Generation Unit or the RPS Class I Renewable Generation actually scheduled  
999 and delivered into the ISO-NE Control Area.

1000 (6) Special Provisions for Aggregations. An Aggregation of Generation Units that  
1001 are located behind the customer meter or that are Off-grid Generation Units, each of  
1002 which could independently meet the relevant requirements of 225 CMR 14.05, may  
1003 receive a single Statement of Qualification and be treated as a single RPS Class I  
1004 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar  
1005 Carve-out II Renewable Generation Unit under the criteria and procedures in 225  
1006 CMR 14.05(6).

1007  
1008 (a) Each Generation Unit in such Aggregation must be located within the same  
1009 state and use the same fuel, energy resource and technology as all other  
1010 Generation Units in the Aggregation. In the instance of an Aggregation that  
1011 includes a Solar Carve-out Renewable Generation Unit, the Aggregation shall  
1012 only include Generation Units that are eligible for the Solar Carve-out under 225  
1013 CMR 14.05(4). In the instance of an Aggregation that includes a Solar Carve-out  
1014 II Renewable Generation Unit, the Aggregation shall only include Generation  
1015 Units that are eligible for the Solar Carve-out II under 225 CMR 14.05(9).

1016  
1017 (b) Each of the Owners or Operators of Generation Units within the Aggregation  
1018 must enter into an agreement with a person or entity that serves as the  
1019 Authorized Agent for the Aggregation in all dealings with the Department and  
1020 with the NEPOOL GIS, and such agreement must include procedures by which  
1021 the electrical energy output of each Generation Unit shall be monitored and  
1022 reported to the NEPOOL GIS.

1023  
1024 (c) The Authorized Agent of the Aggregation must establish and maintain a  
1025 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating  
1026 Rules, including all provisions for Non-NEPOOL Generator Representatives, as  
1027 that term is defined in Rule 2.1(a)(vi).

1028  
1029 (d) The electrical energy output of each of the Generation Units in the  
1030 Aggregation must be individually monitored and recorded, and it must be  
1031 reported to the NEPOOL GIS, by an independent Third Party Meter Reader as  
1032 defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, and approved by  
1033 the Department.

1034  
1035 (7) Special Provisions for Relocated, Repowered, and Replacement Generation  
1036 Units. The Department may provide a Statement of Qualification to a Generation  
1037 Unit that meets one of the following categories and criteria, as well as all other  
1038 relevant provisions of 225 CMR 14.05:

1039  
1040 (a) Relocated RPS Class I Renewable Generation Unit. A Generation Unit whose  
1041 Power Conversion Technology was used on or before December 31, 1997, to  
1042 generate electrical energy outside of both the ISO-NE Control Area and Control  
1043 Areas adjacent thereto, and that is relocated into one of said Control Areas after  
1044 December 31, 1997, provided that any components of the Power Conversion

1045 Technology that were not used outside of said Control Areas were first used in a  
1046 Generation Unit after December 31, 1997.

1047  
1048 (b) Repowered RPS Class I Renewable Generation Unit. A Generation Unit that  
1049 did not utilize an Eligible RPS Class I Renewable Fuel at any time on or before  
1050 December 31, 1997.

1051  
1052 (c) Replacement RPS Class I Renewable Generation Unit. A Generation Unit  
1053 that replaces a mothballed or decommissioned Generation Unit that had operated  
1054 on the same site on or before December 31, 1997, provided the entire Power  
1055 Conversion Technology of the existing Generation Unit is replaced with  
1056 equipment manufactured after December 31, 1997.

1057  
1058 (8) Special Provisions for Generation Units Using Eligible Biomass Woody Fuels or  
1059 Manufactured Biomass Fuels. An Owner, Operator, or Authorized Agent of a  
1060 Generation Unit that uses an Eligible Biomass Woody Fuel or a Manufactured  
1061 Biomass Fuel must meet the following provisions.

1062  
1063 (a) Sustainable Forest Management. Forest Derived Residues and Forest Derived  
1064 Thinnings shall only be sourced from forests meeting Sustainable Forestry  
1065 Management practices, as independently verified through the attestation of a  
1066 licensed forester, certified forester or independent certification.

1067  
1068 (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel  
1069 or Manufactured Biomass Fuel that does not comply with the overall efficiency  
1070 requirements in 225 CMR 14.05(1)(a)7.c. shall be subject the following:

1071  
1072 1. A Generation Unit utilizing Eligible Biomass Woody Fuel or  
1073 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from  
1074 Forest Derived Residues, Forest Derived Thinnings, and Forest Salvage and  
1075 does not achieve an overall efficiency of at least 60% in a particular calendar  
1076 quarter of the Compliance Year, pursuant to 225 CMR 14.05(1)(a)7.c., shall  
1077 not be eligible to report RPS Class I Renewable Generation Attributes to  
1078 the NEPOOL GIS for that calendar quarter.

1079  
1080 2. A Generation Unit utilizing Eligible Biomass Woody Fuel or  
1081 Manufactured Biomass Fuel that has over 95% of its fuel sourced from Non-  
1082 Forest Derived Residues in a particular calendar quarter of the Compliance  
1083 Year, shall only be eligible to receive RPS Class I Renewable Generation  
1084 Attributes at NEPOOL GIS in a proportion equal to the percentage of fuel  
1085 sourced from Non-Forest Derived Residues for that calendar quarter.

1086  
1087 (c) Reporting Requirements for Generation Units using Eligible Biomass Woody  
1088 Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent  
1089 of a Generation Unit using Eligible Biomass Woody Fuel or Manufactured  
1090 Biomass Fuel shall provide to the Department on a quarterly basis the Biomass

1091 Fuel Report as prescribed in the Department’s *Guideline on Eligible Biomass Fuel*  
1092 *for Renewable Generation Units*.

1093  
1094 (d) Verification of Eligible Biomass Woody Fuel. In order to verify the use of  
1095 Eligible Biomass Woody Fuel, an RPS Class I Renewable Generation Unit  
1096 utilizing Eligible Biomass Woody Fuel shall report the following to the  
1097 Department on a quarterly basis in a manner outlined in the Department’s  
1098 *Guideline on Eligible Biomass Fuel for Renewable Generation Units*:

- 1099 1. Supplier of the fuel;
- 1100 2. Amount of fuel delivered; and
- 1101 3. Date of delivery.

1102  
1103 (e) Biomass Fuel Certificate. The tonnage of all Eligible Biomass Woody Fuel or  
1104 Manufactured Biomass Fuel reported in the Quarterly Biomass Fuel Report shall  
1105 be documented by ownership of the Biomass Fuel Certificates. The tonnage input  
1106 for Eligible Biomass Fuel noted on the Biomass Fuel Certificate shall equal or be  
1107 greater than the tonnage of Eligible Biomass Fuel consumed at the Generation  
1108 Unit. For Manufactured Biomass Fuel, the Biomass Fuel Certificates shall be for  
1109 the required tonnage of Eligible Biomass Woody Fuel necessary for the production  
1110 of the delivered volume of Manufactured Biomass Fuel. The Biomass Fuel  
1111 Certificates shall be originated, procured, and transacted in accordance with the  
1112 *Guideline on Eligible Biomass Fuel for Renewable Generation Units*.

1113  
1114 (f) Forest Impact Assessment. Every five years, beginning in 2020, the  
1115 Department, in coordination with DCR, will conduct an assessment of the impacts  
1116 on Massachusetts and regional forests resulting from biomass fuel removals. The  
1117 five-year assessment shall also consider information on the Eligible Biomass  
1118 Woody Fuel utilized by qualified Generation Units and the extent to which such  
1119 fuels come from the categories of Non-forest Derived Residues, Forest Derived  
1120 Residues, Forest Derived Thinnings, and Forest Salvage. If the Department  
1121 concludes its findings would likely result in significant impacts on long term forest  
1122 sustainability, the Department shall consult with the MassDEP, and DCR on any  
1123 changes that may be required by the Department, MassDEP, or DCR to maintain  
1124 long term forest sustainability and climate change mitigation.

1125  
1126 (9) Special Provisions for a Solar Carve-out II Renewable Generation Unit. All  
1127 references to kW or MW in 225 CMR 14.05(9) shall be measured on a nameplate  
1128 capacity basis in direct current (DC).

1129  
1130 (a) The Solar Carve-out II Renewable Generation Unit must use solar  
1131 photovoltaic technology on-site and be interconnected with the electric grid in  
1132 the Commonwealth of Massachusetts. On-site use includes any new or existing  
1133 load located at the site of the Solar Carve-out II Renewable Generation Unit,  
1134 including any parasitic load that may result from the installation and operation of

1135 the Solar Carve-out II Renewable Generation Unit, and that is wired to receive a  
1136 portion of the electrical energy output from the Solar Carve-out II Renewable  
1137 Generation Unit before the balance of such output passes through the Solar  
1138 Carve-out II Renewable Generation Unit's metered interconnection onto the  
1139 electric grid. The maximum capacity of a Solar Carve-out II Renewable  
1140 Generation Unit shall be six MW and shall be determined based on the total  
1141 capacity of Solar Carve-out Renewable Generation Units and Solar Carve-out II  
1142 Renewable Generation Units located on a single parcel of land. For any parcel of  
1143 land for which a Solar Carve-out II Renewable Generation Unit has submitted a  
1144 Statement of Qualification Application, if its current boundaries are the result of  
1145 a subdivision recorded after January 1, 2010, the Owner or Operator shall  
1146 demonstrate to the Department that the subdivision was not for the purpose of  
1147 obtaining eligibility as a Solar Carve-out II Renewable Generation Unit. If the  
1148 Owner or Operator fails to make such a showing to the Department, the six MW  
1149 limit shall apply to the metes and bounds of the parcel as recorded prior to the  
1150 subdivision. Any solar photovoltaic Generation Units that would result in excess  
1151 of six MW of capacity installed on the same parcel of land and meeting all other  
1152 requirements under 225 CMR 14.00 may qualify only for RPS Class I  
1153 Renewable Generation Attributes.

1154  
1155 (b) A Solar Carve-out II Renewable Generation Unit must have a Commercial  
1156 Operation Date on or after January 1, 2013 and must not be qualified as a Solar  
1157 Carve-out Renewable Generation Unit under provisions in 225 CMR 14.05(4).

1158  
1159 (c) Any entity that owns Solar Carve-out II Renewable Attributes generated by a  
1160 Solar Carve-Out II Renewable Generation Unit is eligible to make deposits into  
1161 the Solar Credit Clearinghouse Auction-II. The Department or its agent shall  
1162 maintain a Solar Credit Clearinghouse Auction-II Account on the NEPOOL GIS  
1163 into which eligible Solar Carve-out II Renewable Generation Attributes may be  
1164 deposited. The Solar Credit Clearinghouse Auction-II Account shall be available  
1165 for deposit of Attributes only from May 16<sup>th</sup> through June 15<sup>th</sup>.

1166  
1167 (d) An entity that opts to deposit Solar Carve-out II Renewable Attributes into  
1168 the Solar Credit Clearinghouse Auction-II Account shall be assessed, at the  
1169 completion of the auction, a usage fee of five percent of the auction price for  
1170 each such Attribute deposited into Solar Credit Clearinghouse Auction-II  
1171 Account. This usage fee shall be deposited into the Alternative Compliance  
1172 Payment fund under 225 CMR 14.08(3). This usage fee will not apply to  
1173 Attributes that remain unsold following the final round of the Solar Credit  
1174 Clearinghouse Auction-II as provided in 225 CMR 14.05(9)(i).

1175  
1176 (e) Those Solar Carve-out II Renewable Generation Attributes deposited into the  
1177 Solar Credit Clearinghouse Auction-II Account shall then be retired and reissued  
1178 by NEPOOL GIS as re-minted auction-II account Generation Attributes. These  
1179 re-minted auction-II account Generation Attributes shall be eligible for  
1180 compliance in either of the two subsequent Compliance Years from the year in

1181 which they were generated to meet obligations under the Massachusetts Solar  
 1182 Carve-out II Minimum Standard. The Department or its agent shall conduct an  
 1183 auction for those re-minted auction-II account Generation Attributes. Any entity  
 1184 wishing to purchase re-minted auction-II account Generation Attributes may  
 1185 participate and enter a bid. Each bid shall be for the number of re-minted  
 1186 auction-II account Generation Attributes that the bidder wishes to purchase at a  
 1187 fixed price. The fixed price shall vary each Compliance Year according to the  
 1188 following schedule.  
 1189

<b>Compliance Year</b>	<b>Solar Credit Clearinghouse Auction-II Fixed Price, \$ per Generation Attribute</b>
2014	\$300
2015	\$300
2016	\$300
2017	\$285
2018	\$271
2019	\$257
2020	\$244
2021	\$232
2022	\$221
2023	\$210
2024	\$199
2025	\$189
2026	\$180
2027 and after	\$171

1190  
 1191 (f) The Solar Credit Clearinghouse Auction-II shall be held not later than July  
 1192 31<sup>st</sup> each year as necessary. If this Auction clears, meaning that the total number  
 1193 of re-minted auction-II account Generation Attributes bid for in the auction was  
 1194 equal to or more than the number of Solar Carve-out II Renewable Generation  
 1195 Attributes deposited, then the total amount of re-minted auction-II account  
 1196 Generation Attributes will be distributed to the bidders in a pro-rated manner  
 1197 such that each bidder receives the same percentage of their bid volume.  
 1198

1199 (g) If the auction under 225 CMR 14.05(9)(f) does not clear, meaning that the  
 1200 total number of re-minted auction-II account Generation Attributes bid for in the  
 1201 auction was less than the number of Solar Carve-out II Renewable Generation  
 1202 Attributes deposited, the Department or its agent shall void the auction. The  
 1203 Department shall then conduct a second auction within three Business Days of  
 1204 the first auction under 225 CMR 14.05(9)(f), in which any re-minted auction-II  
 1205 Generation Attributes purchased shall be eligible in any of the three subsequent  
 1206 Compliance Years from the year in which they were generated to meet  
 1207 obligations under the Massachusetts Solar Carve-out II Minimum Standard.

1208 (h) If the second auction under 225 CMR 14.05(9)(g) does not clear, the  
1209 Department or its agent shall void the auction. The Department shall then  
1210 conduct a third auction within three Business Days of the second auction under  
1211 225 CMR 14.05(9)(g), at which point the re-minted auction-II Generation  
1212 Attributes shall be eligible in any of the three subsequent Compliance Years  
1213 from the year in which they were generated to meet obligations under the  
1214 Massachusetts Solar Carve-out II Minimum Standard. Prior to the third auction  
1215 under 225 CMR 14.05(9)(h), the Department shall also re-calculate the  
1216 Massachusetts Solar Carve-out II Minimum Standard under 225 CMR 14.07(3).  
1217

1218 (i) If the third auction under 225 CMR 14.05(9)(h) does not clear, the re-minted  
1219 auction-II account Generation Attributes deposited in the Solar Credit  
1220 Clearinghouse Auction-II Account shall be allocated to the bidders in a pro-rated  
1221 manner so that an equal percentage of re-minted auction-II account Generation  
1222 Attributes are allocated from each Generation Unit that deposited Solar Carve-  
1223 out II Renewable Generation Attributes. The remaining re-minted auction-II  
1224 account Generation Attributes that were not allocated to the bidders shall be  
1225 returned to the entity that made the deposit. These re-minted auction-II account  
1226 Generation Attributes shall be eligible in any of the three subsequent Compliance  
1227 Years from the year in which they were generated to meet obligations under the  
1228 Massachusetts Solar Carve-out II Minimum Standard.  
1229

1230 (j) Re-minted auction-II account Generation Attributes may not be placed into  
1231 the Solar Credit Clearinghouse Auction-II Account in subsequent years.  
1232

1233 (k) For each MWh of electricity generation, a Solar Carve-out II Renewable  
1234 Generation Unit shall generate two types of GIS Certificates. The first type of  
1235 GIS Certificate shall be encoded as solar photovoltaic, but without RPS Class I  
1236 Renewable Generation Attributes or Solar Carve-out II Renewable Generation  
1237 Attributes. The second type of GIS Certificate shall be a Solar Renewable  
1238 Energy Certificate II (SREC II). The proportion of each of type of GIS  
1239 Certificate that a Solar Carve-out II Renewable Generation Unit shall generate  
1240 will be determined subject to the following:  
1241

- 1242 1. Beginning with the calendar quarter in which each Solar Carve-out II  
1243 Renewable Generation Unit's RPS Effective Date occurs, as prescribed in  
1244 225 CMR 14.06(4), the number of GIS Certificates encoded as solar  
1245 photovoltaic without RPS Class I Renewable Generation Attributes or Solar  
1246 Carve-out II Renewable Generation Attributes that each Generation Unit  
1247 generates shall be equal to one minus the SREC Factor, as determined under  
1248 225 CMR 14.05(9)(l), times the number of MWh generated. The number of  
1249 SREC IIs each Generation Unit generates shall be equal to the SREC Factor,  
1250 as determined under 225 CMR 14.05(9)(l), times the number of MWh  
1251 generated. This shall apply for as long as the Solar Carve-out II Renewable  
1252 Generation Unit is eligible to generate Solar Carve-out II Renewable  
1253 Generation Attributes pursuant to 225 CMR 14.05(9)(l)4.



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2. The Solar Carve-out II Renewable Generation Unit Owner or Operator must include within its Statement of Qualification Application an attestation that any GIS Certificate encoded as solar photovoltaic, but without RPS Class I Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes, shall be retired at NEPOOL GIS and its ownership shall not be transferred to any other party.

3. Upon the termination of the eligibility period established under 225 CMR 14.05(9)(l)4., a Solar Carve-out II Renewable Generation Unit shall cease to generate SREC IIs and will generate RPS Class I Renewable Generation Attributes for 100% of the MWh it generates.

(l) SREC Factor. The Department assigns to each Solar Carve-out II Renewable Generation Unit an SREC Factor that determines the proportion of the two types of GIS Certificates the Generation Unit will generate as prescribed in 225 CMR 14.05(9)(k). The SREC Factor for any Solar Carve-out II Renewable Generation Unit shall be established as follows:

1. The Department shall publish an SREC Factor Guideline that prescribes SREC Factors differentiated by solar market sectors as specified in 225 CMR 14.05(9)(l)2. to support solar policy objectives.

2. An SREC Factor under 225 CMR 14.05(9)(l)1. shall apply to Generation Units installed in the following market sectors:

a. Market Sector A. The following types of Generation Units will qualify as Solar Carve-out II Renewable Generation Units under Market Sector A provided they meet the eligibility criteria prescribed in 225 CMR 14.05(9)(a):

i. Generation Units with a capacity equal to or less than 25 kW;

ii. Solar Canopy Generation Units;

iii. Emergency Power Generation Units;

iv. Community Shared Solar Generation Units; or

v. Generation Units that provide all of their generation output in the form of electricity or net metering credits to low or moderate income housing, as defined under M.G.L. c. 40B, § 20.

For the purposes of 225 CMR 14.05(9)(l)2.a., a Generation Unit's capacity shall be measured as the total nameplate capacity of the

1299 qualified Solar Carve-out II Renewable Generation Unit on a single  
1300 parcel of land or on a roof of a single building.

1301  
1302 b. Market Sector B. The following types of Generation Units will  
1303 qualify as Solar Carve-out II Renewable Generation Units under  
1304 Market Sector B provided they meet the eligibility criteria prescribed in  
1305 225 CMR 14.05(9)(a):  
1306

1307 i. Building Mounted Generation Units with a capacity of greater  
1308 than 25 kW; or  
1309

1310 ii. Ground mounted Generation Units with a capacity of greater  
1311 than 25 kW for which 67% or more of its annual electric output  
1312 is used on-site as prescribed in 225 CMR 14.05(9)(a).  
1313

1314 c. Market Sector C. The following types of Generation Units will  
1315 qualify as Solar Carve-out II Renewable Generation Units under  
1316 Market Sector C provided they meet the eligibility criteria prescribed in  
1317 225 CMR 14.05(9)(a):  
1318

1319 i. Generation Units with 75% or more of the nameplate capacity  
1320 of the solar modules used for generating power installed at an  
1321 Eligible Landfill or Brownfield; or  
1322

1323 ii. Ground mounted Generation Units with a nameplate capacity  
1324 of less than or equal to 650 kW for which less than 67% of its  
1325 annual electrical output is used on-site as prescribed in 225  
1326 CMR 14.05(9)(a). For the purposes of 225 CMR 14.05(9)(1)2.c.,  
1327 a Unit's capacity shall be measured as the total capacity of  
1328 qualified Solar Carve-out II Renewable Generation Units on a  
1329 single parcel of land.  
1330

1331 d. Managed Growth Sector. Any Solar Carve-out II Renewable  
1332 Generation Unit that does not meet the solar market sectors specified in  
1333 225 CMR 14.05(9)(1)2.a. through c. shall eligible to qualify as  
1334 Managed Growth. There shall be no more than 126 MW of Managed  
1335 Growth Solar Carve-out II Renewable Generation Units.  
1336

1337 3. The SREC Factor assigned to a Unit in its Statement of Qualification shall  
1338 remain its SREC Factor for its entire term it is eligible to generate Solar  
1339 Carve-out II Renewable Generation Attributes subject to the limitations in  
1340 225 CMR 14.05(9)(1)4, unless otherwise approved at the Department's  
1341 discretion.  
1342

1343 4. Solar Carve-out II Renewable Generation Units with an RPS Effective  
1344 Date on or before March 31, 2018 will be eligible to receive Solar Carve-out

1345 II Renewable Generation Attributes for 40 quarters. However, no Solar  
1346 Carve-out II Renewable Generation Unit will generate Solar Carve-out II  
1347 Renewable Generation Attributes after Compliance Year 2027.  
1348

1349 5. Notwithstanding 225 CMR 14.05(9)(l)3, any Solar Carve-out II  
1350 Renewable Generation Unit that has a nameplate capacity equal to or less  
1351 than 25 kW and receives an authorization to interconnect after January 8,  
1352 2017 or that qualifies for an extension under 225 CMR 14.05(9)(p)4.a will  
1353 receive a lower SREC Factor that shall be established in a revision to the  
1354 SREC Factor Guideline on or before August 31, 2016.  
1355

1356 (m) The Department shall issue a Guideline outlining the process for providing  
1357 Assurance of Qualification or queuing position to Solar Carve-out II Renewable  
1358 Generation Units as outlined in 225 CMR 14.05(9)(n) and (o). The Guideline  
1359 may consider accommodations for small Generation Units and will provide a  
1360 queuing system for Generation Units awaiting an Assurance of Qualification.  
1361 The content of the Guideline will be subject to stakeholder review and comment.  
1362

1363 (n) A Generation Unit seeking a Statement of Qualification as a Solar Carve-out  
1364 II Renewable Generation Unit must submit a Statement of Qualification  
1365 Application.  
1366

1367 (o) The Department shall grant a Statement of Qualification to Solar Carve-out II  
1368 Renewable Generation Units that have submitted a complete Statement of  
1369 Qualification Application and meet the eligibility criteria prescribed in 225 CMR  
1370 14.05(9).  
1371

1372 (p) As of April 8, 2016, the Department shall provide Statements of  
1373 Qualifications to all Solar Carve-out II Renewable Generation Units with  
1374 submitted Statement of Qualification Applications as follows, provided such  
1375 Solar Carve-out II Renewable Generation Units meet all other eligibility criteria  
1376 of 225 CMR 14.00.  
1377

1378 1. A Solar Carve-out II Renewable Generation Unit with a rated capacity  
1379 greater than 25 kW that has received an Assurance of Qualification under the  
1380 Solar Carve-out II Program Capacity Cap as of April 8, 2016, shall  
1381 immediately be granted a Statement of Qualification. The Solar Carve-out II  
1382 Renewable Generation Unit will retain its Statement of Qualification only if  
1383 the Generation Unit meets the project construction timelines prescribed in  
1384 225 CMR 14.05(9)(p)4.  
1385

1386 2. A Solar Carve-out II Renewable Generation Unit with a rated capacity  
1387 greater than 25 kW that submits a complete Statement of Qualification  
1388 Application shall be provided a Statement of Qualification. The Solar Carve-  
1389 out II Renewable Generation Unit will retain its Statement of Qualification

1390 only if the Generation Unit meets the project construction timelines  
1391 prescribed in 225 CMR 14.05(9)(p)4.  
1392

1393 3. A Solar Carve-out II Renewable Generation Unit that has a rated capacity  
1394 equal to or less than 25 kW, which has both received its authorization to  
1395 interconnect or permission to operate from its local Distribution Company  
1396 and submitted a Statement of Qualification Application by the SMART  
1397 Program Effective Date, as defined in 225 CMR 20.05(2): *SMART Program*  
1398 *Effective Date*, shall be provided a Statement of Qualification provided it  
1399 meets all other applicable eligibility criteria of 225 CMR 14.00. For the  
1400 purpose of this subparagraph, the Generation Unit's capacity shall be  
1401 measured as the total capacity of qualified Solar Carve-Out Renewable  
1402 Generation and Solar Carve-Out II Renewable Generation on a single parcel  
1403 of land or on a roof of a single building, whichever is less.  
1404

1405 4. A Solar Carve-out II Renewable Generation Unit with a rated capacity  
1406 greater than 25 kW that has received a Statement of Qualification must  
1407 receive its authorization to interconnect or permission to operate from its  
1408 local Distribution Company on or before January 8, 2017, in order to retain  
1409 its Statement of Qualification. However, a Solar Carve-out II Renewable  
1410 Generation Unit that does not receive its authorization to interconnect or  
1411 permission to operate from its local Distribution Company on or before  
1412 January 8, 2017, may also retain its Statement of Qualification if it can meet  
1413 the following criteria:  
1414

1415 a. If a Solar Carve-out II Renewable Generation Unit can demonstrate  
1416 to the Department's satisfaction that it has expended at least 50% of its  
1417 total construction costs by January 8, 2017, it will be provided an  
1418 extension through May 8, 2017, at which point the Generation Unit  
1419 must provide evidence that it has received its authorization to  
1420 interconnect or permission to operate, or that it meets the criteria to  
1421 qualify for an additional extension under 225 CMR 14.05(9)(p)4.b or c.  
1422

1423 b. If a Solar Carve-out II Renewable Generation Unit can demonstrate  
1424 to the Department's satisfaction that its interconnection depends only  
1425 upon receipt of notice of authorization to interconnect from the  
1426 Distribution Company, its Statement of Qualification shall be extended  
1427 indefinitely until such notice is received or denied.  
1428

1429 c. If a Solar Carve-out II Renewable Generation Unit can demonstrate  
1430 to the Department's satisfaction that good cause warrants an extension  
1431 outside of that permitted under 225 CMR 14.05(9)(p)4.a or b, its  
1432 Statement of Qualification shall be extended by an amount of time to be  
1433 determined by the Department.

1434 d. Details on additional deadlines and eligibility criteria can be found in  
1435 the Department's *SREC Factor Guideline*.  
1436

1437 14.06 : Qualification Process for RPS Class I, Solar Carve-out Renewable Generation Units, and  
1438 Solar Carve-out II Renewable Generation Units  
1439

1440 (1) Statement of Qualification Application. A Statement of Qualification Application  
1441 shall be submitted to the Department by the Owner or Operator of the Generation  
1442 Unit or by the Authorized Agent for an Aggregation, as provided in 225 CMR  
1443 14.05(6)(b). The applicant must use the most current forms and associated  
1444 instructions provided by the Department, and must include all information,  
1445 documentation, and assurances required by such forms and instructions.  
1446

1447 (2) Review Procedures.  
1448

1449 (a) The Department will notify the applicant when the Statement of Qualification  
1450 Application is administratively complete or if additional information is required  
1451 pursuant to 225 CMR 14.06(1).  
1452

1453 (b) The Department may, in its sole discretion, provide an opportunity for public  
1454 comment on any Statement of Qualification Application.  
1455

1456 (3) Issuance or Non-issuance of a Statement of Qualification.  
1457

1458 (a) If the Department finds that all or a portion of the electrical energy output of  
1459 a Generation Unit or of an Aggregation meets the requirements for eligibility as  
1460 RPS Class I Renewable Generation, Solar Carve-out Renewable Generation, or  
1461 Solar Carve-out II Renewable Generation pursuant to 225 CMR 14.05, the  
1462 Department will provide the Owner or Operator of such Generation Unit or the  
1463 Authorized Agent for such Aggregation with a Statement of Qualification.  
1464

1465 (b) The Statement of Qualification shall include any applicable restrictions and  
1466 conditions that the Department deems necessary to ensure compliance by a  
1467 particular Generation Unit or Aggregation with the provisions of 225 CMR  
1468 14.00. After June 28, 2013, a Statement of Qualification shall be issued to a  
1469 Solar Carve-out Renewable Generation Unit only if it meets the conditions of  
1470 225 CMR 14.05(4)(k).  
1471

1472 (c) If the Generation Unit or Aggregation does not meet the requirements for  
1473 eligibility as an RPS Class I Renewable Generation Unit, a Solar Carve-out  
1474 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit,  
1475 the Department shall provide written notice to the Owner or Operator or to the  
1476 Authorized Agent for an Aggregation, including the Department's reasons for  
1477 such finding.

1478 (d) A Solar Carve-out Renewable Generation Unit shall receive a Statement of  
1479 Qualification that states that the Generation Unit is eligible for the Massachusetts  
1480 Solar Carve-out and that specifies a term of calendar quarters, referred to as the  
1481 Opt-in Term, during which period the Generation Unit is eligible to participate in  
1482 the Solar Credit Clearinghouse Auction. The Opt-in Term shall be set at the time  
1483 that the Generation Unit receives its Statement of Qualification, and the Opt-in  
1484 Term shall commence with the earlier of either the first day of the calendar  
1485 quarter during which occurs the RPS Effective Date, as such date is provided in  
1486 225 CMR 14.06(4), or, at the request of the applicant or in the case that the  
1487 Generation Unit has not yet been granted the approval to interconnect to the grid  
1488 by the local Distribution Company, the first day of the subsequent calendar  
1489 quarter from the date of the Statement of Qualification.

1491 (e) The length of the Opt-in Term shall be 40 quarters for all Solar Carve-out  
1492 Renewable Generation Units that receive a Statement of Qualification.

1494 (f) Starting in the calendar quarter after the end of a Solar Carve-out Renewable  
1495 Generation Unit's Opt-in Term, it shall no longer be eligible to generate Solar  
1496 Carve-out Renewable Generation Attributes, but will remain qualified to  
1497 generate RPS Class I Renewable Generation Attributes.

1499 (g) A Solar Carve-out II Renewable Generation Unit shall be issued a Statement  
1500 of Qualification provided that it meets the provisions of 225 CMR 14.05(9).

1502 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on or after  
1503 the Commercial Operation Date on which electrical energy output of an RPS Class I  
1504 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar  
1505 Carve-out II Renewable Generation Unit can result in the creation of RPS Class I  
1506 Renewable Generation Attributes, Solar Carve-out Renewable Generation  
1507 Attributes, or Solar Carve-out II Renewable Generation Attributes except that:

1509 (a) in the case of a Generation Unit using Eligible Biomass Fuel, the RPS  
1510 Effective Date shall not be earlier than the date on which the Department  
1511 determines that the Generation Unit has commenced compliance with the low-  
1512 emission conditions in its Statement of Qualification;

1514 (b) in the case of a Hydroelectric Energy Generation Unit, the RPS Effective  
1515 Date shall not be earlier than the date on which the Department determined that  
1516 the Generation Unit has commenced compliance with the environmental  
1517 conditions in its Statement of Qualification; and

1519 (c) in the case of Solar Carve-out II Renewable Generation Units, the Generation  
1520 Unit Owner may elect to have their RPS Effective Date established as the first  
1521 day of the calendar quarter following their Commercial Operation Date. In the  
1522 case of a Solar Carve-out II Renewable Generation Unit in the Managed Growth  
1523 Sector, its RPS Effective Date will be no earlier than the first day of the calendar

1524 year of the Annual Capacity Block under which the Solar Carve-out II  
1525 Renewable Generation Unit is qualified.

1526  
1527 (5) Notification Requirements for Change in Eligibility Status. The Owner or  
1528 Operator of an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable  
1529 Generation Unit, or Solar Carve-out II Renewable Generation Unit shall notify the  
1530 Department of any changes in the technology, operation, emissions, fuel sources,  
1531 energy resources, capacity commitment, or other characteristics of the Generation  
1532 Unit that may affect the eligibility of the Generation Unit as an RPS Class I  
1533 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar  
1534 Carve-out II Renewable Generation Unit. The Owner or Operator shall submit the  
1535 notification to the Department no later than five days following the end of the month  
1536 during which such changes were implemented. The notice shall state the date the  
1537 changes were made to the RPS Class I Renewable Generation Unit, Solar Carve-out  
1538 Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit and  
1539 describe the changes in sufficient detail to enable the Department to determine if a  
1540 change in eligibility is warranted.

1541  
1542 (6) Notification Requirements for Change in Ownership, Generation Capacity, or  
1543 Contact Information. The Owner or Operator of an RPS Class I Renewable  
1544 Generation Unit, Solar Carve-out Generation Unit, or Solar Carve-out II Renewable  
1545 Generation Unit shall notify the Department of any changes in the ownership,  
1546 operating entity, generation capacity, NEPOOL GIS account, independent  
1547 verification system for the Generation Unit's or Aggregation's electrical energy  
1548 output, or contact information for the Generation Unit or Aggregation. The Owner or  
1549 Operator shall submit the notification to the Department no later than five days  
1550 following the end of the month during which such changes were implemented.

1551  
1552 (7) Time Limit for Project Implementation. Any Statement of Qualification issued  
1553 on or after March 31, 2009 shall expire 24 months after the issuance date of the  
1554 Statement of Qualification (the Expiration Date) unless the Commercial Operation  
1555 Date of the Generation Unit or Aggregation is on or before the Expiration Date, with  
1556 the exception of any Statement of Qualification issued to a Solar Carve-out  
1557 Generation Unit, which shall expire per the terms outlined in 225 CMR 14.05(4)(k).  
1558 Any Statement of Qualification issued to a Solar Carve-out II Renewable Generation  
1559 Unit shall expire pursuant to the terms outlined in 225 CMR 14.05(9)(q). The  
1560 Department may, at its discretion, grant an extension of the Expiration Date of the  
1561 Statement of Qualification upon petition by the Owner or Operator of the Generation  
1562 Unit or Aggregation. If the Owner or Operator of such Generation Unit or  
1563 Aggregation desires an extension, such Owner or Operator must submit a new  
1564 Statement of Qualification Application, and the decision of the Department on such  
1565 new application may be made in accordance with the regulations and criteria that are  
1566 applicable on the date that the Department receives that application.

1567  
1568 (8) Expiration of Advisory Rulings. An advisory ruling issued by the Department for  
1569 any proposed Generation Unit for which an administratively complete Statement of

1570 Qualification Application has not been submitted as of January 7, 2011, shall be  
1571 deemed to have expired on January 7, 2011.

1572  
1573 (9) Suspension or Revocation of Statement of Qualification. The Department may  
1574 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS  
1575 Class I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or  
1576 Solar Carve-out II Renewable Generation Unit or Authorized Agent of an  
1577 Aggregation fails to comply with 225 CMR 14.00 or if a Generation Unit does not  
1578 operate during a consecutive 12-month period.

1579  
1580 14.07 : Renewable Energy Portfolio Standard - Class I  
1581

1582 (1) RPS Class I Minimum Standard. The total annual sales of each Retail Electricity  
1583 Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier  
1584 shall include a minimum percentage, as specified in the table in 225 CMR 14.07, of  
1585 electrical energy sales with RPS Class I Renewable Generation Attributes, Solar  
1586 Carve-out Renewable Generation Attributes, and Solar Carve-out II Renewable  
1587 Generation Attributes. The following table reflects annual total RPS Class I  
1588 Minimum Standard Percentage requirements, including the Solar Carve-out and  
1589 Solar Carve-out II Minimum Standards, in effect from 2003 through 2030:

Compliance Year	Cumulative Minimum Percentage, Including solar carve-out and solar carve-out II
2003	1.0%
2004	1.5%
2005	2.0%
2006	2.5%
2007	3.0%
2008	3.5%
2009	4.0%
2010	5.0%
2011	6.0%
2012	7.0%
2013	8.0%
2014	9.0%
2015	10.0%
2016	11.0%
2017	12.0%
2018	13.0%
2019	14.0%
2020	16.0%
2021	18.0%
2022	20.0%
2023	22.0%
2024	24.0%
2025	26.0%



2026	28.0%
2027	30.0%
2028	32.0%
2029	34.0%
2030	35.0%

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After 2030, the RPS Class I Minimum Standard shall increase by 1% in each subsequent Compliance Year unless modified by law.

(2) Solar Carve-out Minimum Standard. All references to kW or MW in 225 CMR 14.07(2) shall be measured on a nameplate capacity basis in direct current (DC).

(a) The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier shall include a minimum percentage of electrical energy sales with Solar Carve-out Renewable Generation Attributes. This percentage shall be a portion of the Supplier's obligation under 225 CMR 14.07(1) and not an additional obligation of the Supplier. For each Compliance Year, the Solar Carve-out Minimum Standard shall be calculated as the total Solar Carve-out compliance obligation (in MWh) as determined in 225 CMR 14.07(2)(b) and (c), divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in the Compliance Year two years prior, as such sales are defined in 225 CMR 14.09(2)(a). The following table reflects the Minimum Standards in effect from Compliance Years 2010 through 2021 by year and the execution date of a retail supply contract:

<b>Solar Carve-Out Minimum Standards</b>		
<b>Compliance Year</b>	<b>Retail Contract Execution Date</b>	<b>Minimum Standard</b>
2010	N/A	0.0679%
2011	N/A	0.1627%
2012	N/A	0.1630%
2013	On or before 6/7/2013	0.2744%
	After 6/7/2013	0.3833%
2014	N/A	0.9481%
2015	On or before 6/28/2013	1.5359%
	After 6/28/2013	2.1442%
2016	On or before 6/28/2013	0.9801%
	After 6/28/2013	1.7568%
2017	On or before 6/28/2013	0.9861%
	After 6/28/2013	1.6313%
2018	On or before 6/28/2013	1.1411%
	After 6/28/2013	1.7903%
2019	On or before 6/28/2013	1.0978%
	After 6/28/2013	1.7458%
2020	On or before 6/28/2013	0.9867%

	After 6/28/2013	1.6116%
2021	On or before 6/28/2013	1.6272%
	After 6/28/2013	0.9824%

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(b) For all Compliance Years subsequent to 2021, the Minimum Standards calculated for the Solar Carve-out, which shall be announced by the Department not later than August 31<sup>st</sup> of the preceding Compliance Year, shall be determined by first calculating the compliance obligation and setting it to either:

1. the total Solar Carve-out Renewable Generation Attributes projected to be generated for the previous Compliance Year (CY-1) minus the total Solar Carve-out Renewable Generation Attributes that will no longer be generated in the Compliance Year per 225 CMR 14.06(3)(e); or
2. the total Solar Carve-out Renewable Generation Attributes projected to be generated for the previous Compliance Year (CY-1) minus the total Solar Carve-out Renewable Generation Attributes that will no longer be generated in the Compliance Year per 225 CMR 14.06(3)(e), minus the quantity of solar carve-out Alternative Compliance Credits used for the Compliance Year two years prior (CY-2), plus the number of Solar Carve-out Renewable Generation Attributes from the Compliance Year two years prior (CY-2) banked as provided under 225 CMR 14.08(2), plus the number of Solar Carve-out Renewable Generation Attributes from the Compliance Year two years prior (CY-2) deposited into the Solar Credit Clearinghouse Auction Account, whichever is greater.

(c) Minimum Standard for Retail Load Served under Contracts Executed on or Before June 28, 2013. The Solar Carve-out Minimum Standard applied to Retail Electric Suppliers for that portion of electrical energy sales that were subject to a contract executed or extended prior to June 28, 2013 shall be calculated based on a compliance obligation calculated per 225 CMR 14.07(2)(b) as if the Solar Carve-Out Program Capacity Cap was 400 MW minus the capacity from Solar Carve-out Renewable Generation Units that will no longer be eligible per 225 CMR 14.06(3)(e). 225 CMR 14.07(2)(c) applies only if the Retail Electric Supplier provides documentation, satisfactory to the Department, identifying the terms of such contracts including but not limited to, the execution and expiration dates of the contract and the annual volume of electrical energy supplied.

(d) In the instance the Solar Credit Clearinghouse Auction under 225 CMR 14.05(4)(g) does not clear, prior to conducting an auction under 225 CMR 14.05(4)(h), the Department shall recalculate the Solar Carve-out Minimum Standards for the Compliance Year two years following the Compliance Year in which the Solar Carve-out Renewable Generation Attributes deposited into the Solar Credit Clearinghouse Auction Account were generated by adding to the previously calculated total compliance obligations under 225 CMR 14.07(2)(b) and (c) the number of Solar Carve-out Renewable Generation Attributes

1655 deposited into the Solar Credit Clearinghouse Auction Account such that the  
1656 number of Attributes deposited is counted twice.

1657  
1658 (e) Compliance Year 2023 shall be the final Compliance Year of the Solar  
1659 Carve-out program. In the event that a Solar Credit Clearinghouse Auction is  
1660 held for Compliance Year 2022 or 2023 and creates Re-minted Auction Account  
1661 Attributes that can be used for Compliance Years after 2023, the Department  
1662 shall extend the final Compliance Year by one additional Compliance Year. The  
1663 compliance obligation for this additional Compliance Year will be equal to the  
1664 number of Solar Carve-out Renewable Energy Generation Attributes deposited  
1665 into the Solar Credit Clearinghouse Auction Account plus the number of  
1666 remaining Re-Minted Auction Account Attributes and banked Solar Carve-out  
1667 Renewable Generation Attributes that have not been used for meeting any  
1668 compliance obligation. The Solar Carve-out Minimum Standard shall be set to  
1669 zero for the year after this additional Compliance Year.

1670  
1671 (f) In the event that there is an additional Compliance Year added as a result of  
1672 an Auction in the final Compliance Year, Solar Carve-out Renewable Energy  
1673 Generation Attributes shall cease to exist as of the start of the additional  
1674 Compliance Year, and all generation from qualified Solar Carve-out Generation  
1675 Units shall produce RPS Class I Generation Attributes.

1676  
1677 (g) In the event that there is no additional Compliance Year added as the result of  
1678 an Auction in the final Compliance Year, the Department shall set the Solar  
1679 Carve-out Minimum Standard to zero for the year after the final Compliance  
1680 Year. From this time forward, Solar Carve-out Renewable Energy Generation  
1681 Attributes shall cease to exist, and all generation from qualified Solar Carve-out  
1682 Renewable Generation Units shall produce RPS Class I Renewable Energy  
1683 Attributes.

1684  
1685 (3) Solar Carve-out II Minimum Standard. All references to MW in 225 CMR 14.07(3)  
1686 shall be measured on a nameplate capacity basis in direct current (DC).

1687  
1688 (a) The total annual sales of each Retail Electricity Product sold to Massachusetts  
1689 End-use Customers by a Retail Electricity Supplier shall include a minimum  
1690 percentage of electrical energy sales with Solar Carve-out II Renewable  
1691 Generation Attributes. This percentage shall be a portion of the Supplier's  
1692 obligation under 225 CMR 14.07(1) and not an additional obligation of the  
1693 Supplier. For each Compliance Year, the Department shall calculate the Solar  
1694 Carve-out II Minimum Standard by dividing the total Solar Carve-out II  
1695 compliance obligation (in MWh), as determined in 225 CMR 14.07(3)(b) and  
1696 (c), by the total MWh of electrical energy sales by Retail Electricity Suppliers to  
1697 End-use Customers in the Compliance Year two years prior, as such sales are  
1698 defined in 225 CMR 14.09(2)(a). The following table reflects the Minimum  
1699 Standards in effect from Compliance Years 2014 through 2021 by year and the  
1700 execution date of a retail supply contract:

1701

<b>Solar Carve-Out II Minimum Standards</b>		
<b>Compliance Year</b>	<b>Retail Contract Execution Date</b>	<b>Minimum Standard</b>
2014	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.0843%
2015	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.3288%
2016	On or before 4/25/2014	0.0000%
	After 4/25/2014	0.7851%
2017	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.0197%
	After 5/8/2016	2.8628%
2018	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.6823%
	After 5/8/2016	4.0683%
2019	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.3196%
	After 5/8/2016	3.9141%
2020	On or before 4/25/2014	0.0000%
	After 4/25/2014 and on or before 5/8/2016	2.2040%
	After 5/8/2016	3.8011%
2021	After 4/25/2014 and on or before 5/8/2016	2.2672%
	After 5/8/2016	3.9284%

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(b) For all Compliance Years subsequent to 2021 the Minimum Standard for the Solar Carve-out II shall be announced by the Department not later than August 31<sup>st</sup> of the preceding Compliance Year and shall be determined by the Department after calculating a compliance obligation as equal to the sum of the following quantities of generated and projected SREC IIs:

1. Installed SREC II Supply: For all Solar Carve-out II Renewable Generation Units installed at the time of the determination, the Department shall project the Compliance Year generation of SREC IIs based on assigned SREC Factors.

2. Qualified but not Installed SREC II Supply: For all Solar Carve-out II Renewable Generation Units that have received Statements of Qualification as Solar Carve-out II Renewable Generation Units from the Department, but whose Commercial Operation Dates have not yet been reached, the

1718 Department shall project the Compliance Year generation of SREC IIs based  
1719 on assigned SREC Factors and expected Commercial Operation Dates.

1720  
1721 3. Projected New Supply: The Department shall provide a projection of  
1722 SREC II supply in Compliance Year from new installations that have not yet  
1723 received Statements of Qualification based on prior growth trends by market  
1724 sectors and all other available information.

1725  
1726 4. Rollover Volume: The volume of SREC IIs generated in the Compliance  
1727 Year two and three years prior to the Compliance Year for which the  
1728 compliance obligation is being calculated that remain available for  
1729 compliance, including each of the following:

1730  
1731 a. re-minted auction-II account Generation Attributes as established in 225  
1732 CMR 14.05(9)(e) and (g); and

1733  
1734 b. banked Solar Carve-out II Renewable Generation Attributes as allowed  
1735 in 225 CMR 14.08(2).

1736  
1737 5. Third Round Auction Volume Doubling. In the case of a third round Solar  
1738 Credit Clearinghouse Auction-II under 225 CMR 14.05(9)(g), the volume of  
1739 SREC IIs deposited into the Solar Credit Clearinghouse Auction II Account  
1740 in the Compliance Year two years prior to the Compliance Year for which  
1741 the compliance obligation is being calculated, as prescribed by 225 CMR  
1742 14.07(3)(d).

1743  
1744 (c) Compliance Exemptions for Retail Load Served under Existing Contracts.

1745 The following methodologies will be used to calculate the compliance  
1746 obligations and resulting Minimum Standards that apply to electrical energy  
1747 sales that were subject to contracts executed or extended prior to certain dates as  
1748 prescribed in 225 CMR 14.07(3)(c)1. through 2. These provisions apply only if  
1749 the Retail Electric Supplier provides documentation, satisfactory to the  
1750 Department, identifying the terms of such contracts including but not limited to,  
1751 the execution and expiration dates of the contract and the annual volume of  
1752 electrical energy supplied.

1753  
1754 1. Minimum Standard for Retail Load Served under Contracts Executed on or  
1755 Before April 25, 2014. There shall be no Solar Carve-out II Minimum  
1756 Standard applied to Retail Electric Suppliers for that portion of electrical  
1757 energy sales that were subject to a contract executed or extended prior to  
1758 April 25, 2014.

1759  
1760 2. Minimum Standard for Retail Load Served under Contracts Executed  
1761 After April 25, 2014 and on or Before May 8, 2016. The Solar Carve-out II  
1762 Minimum Standard applied to Retail Electric Suppliers for that portion of  
1763 electrical energy sales that were subject to a contract executed or extended

1764 after April 25, 2014 and on or before May 8, 2016 shall be calculated based  
1765 on a compliance obligation calculated per 225 CMR 14.07(3)(b) as if the  
1766 combined Solar Carve-out Program Capacity Cap and Solar Carve-out II  
1767 Program Capacity Cap were 1,600 MW.  
1768

1769 (d) In the instance the Solar Credit Clearinghouse Auction-II under 225 CMR  
1770 14.05(9)(g) does not clear, prior to conducting an auction under 225 CMR  
1771 14.05(9)(h), the Department shall recalculate the Solar Carve-out II Minimum  
1772 Standard for the Compliance Year two years following the Compliance Year in  
1773 which the SREC IIs deposited into the Solar Credit Clearinghouse Auction-II  
1774 Account were generated. This recalculation shall add to the previously calculated  
1775 total compliance obligation under 225 CMR 14.07(b)(e)1. through 4. the number  
1776 of SREC IIs deposited into the Solar Credit Clearinghouse Auction-II Account.  
1777

1778 (e) The Department shall publish on its website a Guideline that provides clear  
1779 and precise methodologies by which it will calculate each of the quantities in 225  
1780 CMR 14.07(3)(b), and the compliance obligation. The Department shall maintain  
1781 within this Guideline up-to-date publicly available data that serve as input into  
1782 these calculations.  
1783

1784 (f) Compliance Year 2027 shall be the final Compliance Year of the Solar Carve-  
1785 out II program. In the event that a Solar Credit Clearinghouse Auction-II is held  
1786 for Compliance Year 2026 or 2027 and creates SREC IIs that can be used for  
1787 Compliance Years after 2027, the Department shall extend the final Compliance  
1788 Year by one additional Compliance Year to 2028 or 2029, respectively. The  
1789 compliance obligation for any additional Compliance Year will be equal to the  
1790 number of Solar Carve-out II Renewable Energy Generation Attributes deposited  
1791 into the Solar Credit Clearinghouse Auction-II account plus the number of  
1792 remaining SREC IIs and banked SREC IIs that have not been used for meeting  
1793 any prior compliance obligation. The Solar Carve-out II Minimum Standard shall  
1794 be set to zero for the year after this additional Compliance Year, unless a second  
1795 additional Compliance Year is required.  
1796

1797 (g) In the event that there is an additional Compliance Year added as a result of  
1798 an auction in the final Compliance Year, Solar Carve-out II Renewable Energy  
1799 Generation Attributes shall cease to exist as of the start of the additional  
1800 Compliance Year, and all generation from qualified Solar Carve-out II  
1801 Generation Units shall produce RPS Class I Generation Attributes only.  
1802

1803 (h) In the event that there is no additional Compliance Year added as the result of  
1804 an auction in the final two Compliance Years, the Department shall set the Solar  
1805 Carve-out II Minimum Standard to zero for the year after the final Compliance  
1806 Year. From this time forward, Solar Carve-out II Renewable Energy Generation  
1807 Attributes shall cease to exist, and all generation from qualified Solar Carve-out  
1808 II Renewable Generation Units shall produce RPS Class I Renewable Energy  
1809 Attributes only.

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14.08 : Compliance Procedures for Retail Electricity Suppliers

(1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in compliance with 225 CMR 14.00 if the information provided in the Compliance Filing submitted pursuant to 225 CMR 14.09 is true and accurate and demonstrates compliance with 225 CMR 14.07. A Retail Electricity Supplier shall demonstrate to the satisfaction of the Department that RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes used for compliance have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

(2) Banked Compliance. A Retail Electricity Supplier may use RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes produced in one Compliance Year for compliance in either or both of the two subsequent Compliance Years, subject to the limitations in 225 CMR 14.08(2) and provided that the Retail Electricity Supplier is in compliance with 225 CMR 14.00 for all previous Compliance Years. In addition, the Retail Electricity Supplier shall demonstrate to the satisfaction of the Department that such Attributes:

(a) were in excess of the RPS Class I Renewable Generation Attributes, Solar Carve-out Renewable Generation Attributes, or Solar Carve-out II Renewable Generation Attributes needed for compliance in the Compliance Year in which they were generated, and that such excess Attributes have not previously been used for compliance with 225 CMR 14.00;

(b) do not exceed 30% of the RPS Class I Renewable Generation Attributes or do not exceed 10% of the Solar Carve-out Renewable Generation Attributes or Solar Carve-out II Renewable Generation Attributes needed by the Retail Electricity Supplier for compliance with the RPS Class I Minimum Standard, the Solar Carve-out Minimum Standard, or the Solar Carve-out II Minimum Standard, respectively, in the year they were generated, subject to 225 CMR 14.09(2)(d);

(c) were produced during the Compliance Year in which they are claimed as excess by the generation of electrical energy sold to End-use Customers in the ISO-NE Control Area, by the generation of electrical energy on End-use Customers' sides of retail meters in the ISO-NE Control Area, or by the generation of electrical energy from Off-grid Generation Units in Massachusetts; and

(d) have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

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(3) Alternative Compliance. A Retail Electricity Supplier may discharge its obligations under 225 CMR 14.07, in whole or in part, for any Compliance Year by making an Alternative Compliance Payment (ACP) to the MassCEC. Such funds shall be held in an account separate from other accounts of the MassCEC.

(a) RPS Class I Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(1) shall be determined by calculating the ratio of the total of ACPs paid for the Compliance Year to the ACP Rate for that Compliance Year.

2. The ACP Rate for the RPS Class I Minimum Standard shall be \$50 per MWh for Compliance Year 2003. For each subsequent Compliance Year, the Department shall publish the ACP Rate by January 31 of the Compliance Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according to the previous year's Consumer Price Index, but shall be \$60 per MWh in Compliance Year beginning in 2021, \$50 per MWh in Compliance Year 2022, and \$40 per MWh, beginning in Compliance Year 2023. The following table reflects the ACP Rates in effect from 2003 through 2020:

<b>Compliance Year</b>	<b>ACP Rate per MWh</b>
2003	\$50.00
2004	\$51.41
2005	\$53.19
2006	\$55.13
2007	\$57.12
2008	\$58.58
2009	\$60.92
2010	\$60.93
2011	\$62.13
2012	\$64.02
2013	\$65.27
2014	\$66.16
2015	\$67.07
2016	\$66.99
2017	\$67.70
2018	\$68.95
2019	\$70.44
2020	\$71.57



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4. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for ACPs made to the MassCEC for the Compliance Year.

(b) Solar Carve-out Renewable Generation Procedures. A Retail Electricity Supplier shall receive solar carve-out Alternative Compliance Credits from the Department, subject to the following:

1. The quantity of solar carve-out Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(2) shall be determined by calculating the ratio of the total of solar carve-out ACPs paid for the Compliance Year to the solar carve-out ACP Rate for that Compliance Year.

2. The ACP Rate for the Solar Carve-out Minimum Standard shall be set annually according to the following schedule:

<b>Compliance Year</b>	<b>ACP Rate per MWh</b>
2010	\$600
2011	\$550
2012	\$550
2013	\$550
2014	\$523
2015	\$496
2016	\$472
2017	\$448
2018	\$426
2019	\$404
2020	\$384
2021	\$365
2022	\$347
2023	\$330
2024 (if necessary)	\$330
2025 (if necessary)	\$330

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3. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for solar carve-out ACPs made to the MassCEC for the Compliance Year.

(c) Solar Carve-out II Renewable Generation Procedures. A Retail Electricity Supplier shall receive solar carve-out II Alternative Compliance Credits from the Department, subject to the following:

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1. The quantity of solar carve-out II Alternative Compliance Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07(3) shall be determined by calculating the ratio of the total of solar carve-out II ACPs paid for the Compliance Year to the solar carve-out II ACP Rate for that Compliance Year.

2. The ACP Rate for the Solar Carve-out II Minimum Standard shall be set annually according to the following schedule:

<b>Compliance Year</b>	<b>ACP Rate per MWh</b>
2014	\$375
2015	\$375
2016	\$350
2017	\$350
2018	\$350
2019	\$333
2020	\$316
2021	\$300
2022	\$285
2023	\$271
2024	\$257
2025	\$244
2026	\$232
2027	\$220
2028 (if necessary)	\$209
2029 (if necessary)	\$199

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(d) Use of Funds. The Department shall oversee the use of ACP funds by the MassCEC, so as to:

1. further the commercial development of RPS Class I Renewable Generation Units, Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable Generation Units; or
2. promote projects or activities that reduce greenhouse gas emissions or ratepayer costs through electric load reduction, peak demand reduction, or strategic electrification.

(4) Financial Security Requirements for Retail Electricity Suppliers. A Retail Electricity Supplier that is not a Distribution Company must provide annually by January 31<sup>st</sup> evidence of financial security that:

- (a) is in the form of a surety bond or other financial instrument showing evidence of liquid funds, such as a certificate of deposit, an irrevocable letter of credit, a line of credit, a loan or a guarantee;

- 1934 (b) is the greater of:  
1935  
1936 1. \$100,000;  
1937  
1938 2. 20% of the Retail Electricity Supplier's estimated gross receipts for its first  
1939 full year of operation; or  
1940  
1941 3. 20% of the Retail Electricity Supplier's actual gross receipts for the  
1942 preceding year of operation, not including revenue from the provision of basic  
1943 service, for any year after the first year of operation;  
1944  
1945 (c) does not exceed \$1,000,000;  
1946  
1947 (d) names the Department as beneficiary, obligee, or guaranteed party, as  
1948 applicable and specifies that a notice of default issued under 225 CMR 14.12(5)  
1949 or 225 CMR 15.12(5) shall be sufficient grounds to withdraw or obtain funds from  
1950 the surety;  
1951  
1952 (e) has an expiration date not less than one year; and  
1953  
1954 (f) shall be adjusted annually, if based upon actual or estimated gross receipts,  
1955 under 225 CMR 14.08(4)(b)1. or 2.  
1956

1957 14.09 : Annual Compliance Filings for Retail Electricity Suppliers

1958 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail  
1959 Electricity Supplier annually shall file an annual Compliance Filing with the  
1960 Department no later than the first day of July, or the first Business Day thereafter, of  
1961 the subsequent Compliance Year.

1962  
1963  
1964 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product, the  
1965 Filing shall document compliance with the provisions of 225 CMR 14.07 and 14.08  
1966 to the satisfaction of the Department and shall include, but not be limited to, the  
1967 following:

1968  
1969 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the  
1970 total MWhs of electrical energy allocated by the Retail Electricity Supplier to  
1971 End-use Customers in the Compliance Year. Such allocation is defined as the  
1972 total quantity of the Supplier's Certificates Obligation that the Supplier correctly  
1973 allocated or should have allocated to all of the Supplier's Massachusetts retail  
1974 subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of  
1975 Part 4 of the NEPOOL GIS Operating Rules, or any successor rules, as specified  
1976 in the Guideline on the Determination of Sales to End-use Customers.

1977  
1978 (b) Electrical Energy Sales to End-use Customers by Product. Documentation of  
1979 the total MWhs of each Retail Electricity Product allocated to End-use

1980 Customers in the Compliance Year, verified by an independent third party  
1981 satisfactory to the Department, consistent with the Guidelines. Such allocation is  
1982 defined as the quantity of the Supplier's Certificates Obligation that the Supplier  
1983 correctly allocated or should have allocated to each of the Supplier's  
1984 Massachusetts retail subaccounts at the NEPOOL GIS, in compliance with all  
1985 relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any  
1986 successor rules, as specified in the Guideline on the Determination of Sales to  
1987 End-use Customers. The Department shall keep product information confidential  
1988 to the extent permitted by law.

1989  
1990 (c) Attributes Allocated from the Compliance Year. Documentation of the total  
1991 MWhs of each Retail Electricity Product allocated to End-use Customers that  
1992 were derived from RPS Class I Renewable Generation, Solar Carve-out  
1993 Renewable Generation, and Solar Carve-out II Renewable Generation during the  
1994 Compliance Year, and which may include electrical energy generated on End-use  
1995 Customers' sides of retail meters in the ISO-NE Control Area or by Off-grid  
1996 Generation Units in Massachusetts in the Compliance Year, as follows:

1997  
1998 1. For electrical energy transactions included in the ISO-NE Settlement  
1999 Market System, the Compliance Filings shall include documentation from the  
2000 NEPOOL GIS administrator of the Retail Electricity Supplier's ownership of  
2001 GIS Certificates representing RPS Class I Renewable Generation, Solar  
2002 Carve-out Renewable Generation, and Solar Carve-out II Renewable  
2003 Generation during the Compliance Year.

2004  
2005 2. For electrical energy transactions not included in the ISO-NE Settlement  
2006 Market System, but for which the Retail Electricity Supplier has secured GIS  
2007 Certificates from the NEPOOL GIS, the Compliance Filings shall include  
2008 documentation from the NEPOOL GIS of the Retail Electricity Supplier's  
2009 ownership of GIS Certificates representing RPS Class I Renewable  
2010 Generation, Solar Carve-out Renewable Generation, and Solar Carve-out II  
2011 Renewable Generation during the Compliance Year.

2012  
2013 (d) Attributes Allocated from Banked Compliance. Allocation by Retail  
2014 Electricity Product of any quantity of RPS Class I Renewable Generation  
2015 Attributes banked from one or both of the two previous years pursuant to 225  
2016 CMR 14.08(2) that are used to demonstrate compliance with the RPS Class I  
2017 Minimum Standard in the current Compliance Year, and allocation by Retail  
2018 Electricity Product of any quantity of Solar Carve-out Renewable Generation  
2019 Attributes banked from one or both of the two previous years pursuant to 225  
2020 CMR 14.08(2) that are used to demonstrate compliance with the Solar Carve-out  
2021 Minimum Standard or the RPS Class I Minimum Standard in the current  
2022 Compliance Year, and allocation by Retail Electricity Product of any quantity of  
2023 Solar Carve-out II Renewable Generation Attributes banked from one or both of  
2024 the two previous years pursuant to 225 CMR 14.08(2) that are used to

2025 demonstrate compliance with the Solar Carve-out II Minimum Standard or the  
2026 RPS Class I Minimum Standard in the current Compliance Year;

2027  
2028 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of  
2029 any Alternative Compliance Credits claimed pursuant to 225 CMR 14.08(3)(a),  
2030 along with a copy of any Alternative Compliance Payment receipt(s), and  
2031 allocation by Retail Electricity Product of any solar carve-Out Alternative  
2032 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(b), along with a  
2033 copy of any solar carve-out Alternative Compliance Payment receipt(s), and  
2034 allocation by Retail Electricity Product of any Solar Carve-out II Alternative  
2035 Compliance Credits claimed pursuant to 225 CMR 14.08(3)(c), along with a  
2036 copy of any Solar Carve-Out II Alternative Compliance Payment receipt(s); and  
2037

2038 (f) Attributes Banked for Future Compliance. Identification of any quantity of  
2039 Attributes from RPS Class I Renewable Generation, Solar Carve-out Renewable  
2040 Generation, or Solar Carve-out II Renewable Generation, that the Retail  
2041 Electricity Supplier anticipates claiming for purposes of Banked Compliance in  
2042 subsequent years under the Banked Compliance provisions of 225 CMR  
2043 14.08(2).  
2044

2045 (g) Contracts Subject to Lower ACP Rate under 225 CMR 14.08(3)(b)(3).  
2046 Identification of any contract for a specific term of years that was executed  
2047 before January 1, 2010, and its terms, including but not limited to, the execution  
2048 and expiration dates of the contract and the annual volume of electrical energy  
2049 supplied. Contracts eligible for the Lower ACP Rate shall include only those  
2050 contracts that were executed by a retail End-use Customer.  
2051

2052 14.10 : Reporting Requirements  
2053

2054 (1) Certification. Any person required by 225 CMR 14.00 to submit documentation  
2055 to the Department shall provide:

2056 (a) the person's name, title and business address;

2057  
2058 (b) the person's authority to certify and submit the documentation to the  
2059 Department; and  
2060

2061 (c) the following certification: "I hereby certify, under the pains and penalties of  
2062 perjury, that I have personally examined and am familiar with the information  
2063 submitted herein and based upon my inquiry of those individuals immediately  
2064 responsible for obtaining the information, I believe that the information is true,  
2065 accurate, and complete. I am aware that there are significant penalties, both civil  
2066 and criminal, for submitting false information, including possible fines and  
2067 imprisonment."  
2068

2069 (2) Annual Renewable Energy Resource Report. The Department shall produce and  
2070 make available to the public an annual report that summarizes information submitted  
2071 to the Department by Retail Electricity Suppliers in the Annual Compliance Filings  
2072 submitted to the Department pursuant to 225 CMR 14.09(2). Such report shall  
2073 include non-confidential data that provides the following:  
2074

2075 (a) the extent to which the Retail Electric Suppliers complied with the RPS Class  
2076 I Minimum Standard, the Solar Carve-out Minimum Standard, and Solar Carve-  
2077 out II Minimum Standard, both separately and combined; and  
2078

2079 (b) the extent to which the Retail Electric Suppliers used Standard Compliance,  
2080 Banked Compliance, and Alternative Compliance in meeting the Minimum  
2081 Standards.  
2082

2083 (3) Identification of Renewable Generation Units, RPS Class I Generation Units,  
2084 Solar Carve-out Renewable Generation Units, and Solar Carve-out II Renewable  
2085 Generation Units. The Department shall inform the NEPOOL GIS administrator  
2086 which Generation Units should be designated as Renewable Generation Units, RPS  
2087 Class I Generation Units, Solar Carve-out Renewable Generation Units, and Solar  
2088 Carve-out II Renewable Generation Units pursuant to 225 CMR 14.00.  
2089

#### 2090 14.11 : Inspection

2091

2092 (1) Document Inspection. The Department may audit the accuracy of all information  
2093 submitted pursuant to 225 CMR 14.00. The Department may request and obtain  
2094 from any Owner, Operator or Authorized Agent of an RPS Class I Renewable  
2095 Generation Unit or a Solar Carve-out Renewable Generation Unit or a Solar Carve-  
2096 out II Renewable Generation Unit, including Aggregations, supplier of Eligible  
2097 Biomass Fuel, and from any Retail Electricity Supplier information that the  
2098 Department determines necessary to monitor compliance with and enforcement of  
2099 225 CMR 14.00.  
2100

2101 (2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity  
2102 Supplier, supplier of Eligible Biomass Fuel, or to an RPS Class I Renewable  
2103 Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar Carve-out II  
2104 Renewable Generation Unit Owner, Operator or Authorized Agent, the Department  
2105 may conduct audits, which may include inspection and copying of records and/or  
2106 site visits to an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable  
2107 Generation Unit, Solar Carve-out II Renewable Generation Unit, supplier of Eligible  
2108 Biomass Fuel, or a Retail Electricity Supplier's facilities, including, but not limited  
2109 to, all files and documents that the Department determines are related to compliance  
2110 with 225 CMR 14.00.  
2111

#### 2112 14.12 : Non-compliance

2113 Any Retail Electricity Supplier or Owner, Operator or Authorized Agent of a RPS Class  
2114 I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, Solar Carve-  
2115 out II Renewable Generation Unit or Aggregation that fails to comply with the  
2116 requirements of 225 CMR 14.00 shall be subject to the provisions in 225 CMR 14.12(1)  
2117 through (4).  
2118

2119 (1) Notice of Non-compliance. A failure to comply with the requirements of 225  
2120 CMR 14.00 shall be determined by the Department. A written Notice of Non-  
2121 compliance shall be prepared and delivered by the Department to any Retail  
2122 Electricity Supplier or Owner, Operator or Authorized Agent of an RPS Class I  
2123 Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar  
2124 Carve-out II Renewable Generation Unit or Aggregation that fails to comply with  
2125 the requirements of 225 CMR 14.00. The Notice of Non-compliance shall describe  
2126 the Requirement(s) with which the Retail Electricity Supplier, Owner, Operator or  
2127 Authorized Agent failed to comply and the time period of such non-compliance.  
2128

2129 (2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be  
2130 published on the Department's website and in any other media deemed appropriate  
2131 by the Department. Such publication may remain posted until the Retail Electricity  
2132 Supplier or Owner, Operator or Authorized Agent returns to compliance as  
2133 determined by the Department.  
2134

2135 (3) Planning Requirement. A Retail Electricity Supplier that fails to meet the  
2136 requirements of 225 CMR 14.07 during a Compliance Year shall submit a plan for  
2137 achieving compliance for the subsequent three years. The plan shall be filed with the  
2138 Department no later than the first day of September of the Compliance Year  
2139 subsequent to the Compliance Year for which the Retail Electricity Supplier was out  
2140 of compliance or such date as the Department may specify.  
2141

2142 (4) Suspension or Revocation of License. The Department shall refer its findings of  
2143 noncompliance to the Massachusetts Department of Public Utilities. A Retail  
2144 Electricity Supplier that fails to comply with 225 CMR 14.00 may be subject to the  
2145 Massachusetts Department of Public Utilities Licensure Action under 220 CMR  
2146 11.07(4)(c)1.  
2147

2148 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier  
2149 fails to discharge its annual obligation by September 1<sup>st</sup> under 225 CMR 14.07, 225  
2150 CMR 15.07, or 225 CMR 16.07 by the means described in 225 CMR 14.08(1)  
2151 through (3), 225 CMR 15.08(1) through (4), or 225 CMR 16.08(1) through (3), the  
2152 Department will notify the Retail Electricity Supplier that it must provide the  
2153 Department with a payment using the financial security of which it provided  
2154 evidence the prior January 31<sup>st</sup>, pursuant to 225 CMR 14.08(4), unless a Retail  
2155 Electricity Supplier has an approved alternative payment plan to discharge its annual  
2156 obligations in full that has been approved by the Department prior to September 1<sup>st</sup>.  
2157 The payment shall, within 30-days of notification by the Department, be deposited

2158 into the Alternative Compliance Payment fund established in 225 CMR 14.08(3) and  
2159 shall be in an amount equal to the lesser of:

2160  
2161 (a) the amount of Alternative Compliance Payments that the Retail Electricity  
2162 Supplier must make in order to discharge its annual obligation under 225 CMR  
2163 14.07, 225 CMR 15.07, or 225 CMR 16.07 in full; or

2164  
2165 (b) the full amount of the financial security.

2166  
2167 (6) Partial Compliance. In the event that the collection of financial security under  
2168 225 CMR 14.12(5) results in the collection of an amount of Alternative Compliance  
2169 Payments that is insufficient to discharge a Retail Electricity Supplier's full annual  
2170 obligations under 225 CMR 14.07, 225 CMR 15.07, or 225 CMR 16.07, the Retail  
2171 Electricity Supplier will remain in a state of non-compliance, and the Department  
2172 will take the necessary actions to document and enforce this non-compliance,  
2173 pursuant to 225 CMR 14.12(1) through (4), 225 CMR 15.12(1) through (4), and 225  
2174 CMR 16.12(1) through (4).

2175  
2176 (7) The Department reserves all rights to take any and all appropriate actions to  
2177 ensure the collection of all Alternative Compliance Payments owed to ensure annual  
2178 compliance obligations are fully discharged by a Retail Electricity Supplier,  
2179 including, but not limited to, filing a petition with the Department of Public Utilities  
2180 requesting an investigation into a supplier that is deemed to be in non-compliance by  
2181 the Department.

2182  
2183 14.13 : Severability  
2184

2185 If any provision of 225 CMR 14.00 is declared invalid, such invalidity shall not affect  
2186 other provisions or applications that can be given effect without the invalid provision or  
2187 application.

2188  
2189 REGULATORY AUTHORITY

2190  
2191 225 CMR 14.00: M.G.L. c. 25A, § 11F.  
2192



2193 **225 CMR 15.00 RENEWABLE ENERGY PORTFOLIO STANDARD – CLASS II**

2194

2195 Section

2196

2197 15.01 : Authority

2198 15.02 : Definitions

2199 15.03 : Administration

2200 15.04 : Applicability

2201 15.05 : Eligibility Criteria for RPS Class II Renewable Generation

2202 Units

2203 15.06: Qualification Process for RPS Class II Renewable

2204 Generation Units

2205 15.07: Renewable Energy Portfolio Standard

2206 15.08: Compliance Procedures for Retail Electricity

2207 Suppliers

2208 15.09: Annual Compliance Filings for Retail Electricity

2209 Suppliers

2210 15.10: Reporting Requirements

2211 15.11 : Inspection

2212 15.12 : Non-compliance

2213 15.13 : Severability

2214

2215 15.01 : Authority

2216

2217 225 CMR 15.00 is promulgated pursuant to M.G.L. c. 25A, § 11F.

2218

2219 15.02 : Definitions

2220

2221 Aggregation. A group of one or more Generation Units that receives a single  
2222 Statement of Qualification from the Department under criteria and procedures set  
2223 forth in 225 CMR 15.05(4).

2224

2225 Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier  
2226 upon making an Alternative Compliance Payment. Such credit is used to document  
2227 compliance with 225 CMR 15.07. One unit of credit shall be equivalent to the RPS  
2228 Class II Renewable Generation Attribute associated with one MWh of electrical  
2229 energy output from an RPS Class II Renewable Generation Unit, excluding Waste  
2230 Energy Generation Units, and one unit of credit shall be equivalent to the RPS Class  
2231 II Waste Energy Generation Attribute associated with one MWh of electrical energy  
2232 output from an RPS Class II Waste Energy Generation Unit.

2233

2234 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per  
2235 MWh, resulting in the issuance of Alternative Compliance Credits, which a Retail  
2236 Electricity Supplier may submit to the Department in lieu of providing RPS Class II  
2237 Renewable Generation Attributes or RPS Class II Waste Energy Generation  
2238 Attributes required under 225 CMR 15.07.

2239

2240 Biomass Fuel Certificate. A certificate issued in accordance with rules established  
2241 by the Department in the *Guideline on Eligible Biomass Fuel for Renewable*  
2242 *Generation Units* that:  
2243 (a) quantifies the supply of Eligible Biomass Woody Fuel or Manufactured  
2244 Biomass Fuel;  
2245 (b) specifies the source of the Eligible Biomass Woody Fuel or Manufactured  
2246 Biomass Fuel; and  
2247 (c) specifies the eligibility of the Eligible Biomass Woody Fuel or Manufactured  
2248 Biomass Fuel as Forest Derived Residues, Forest Derived Thinnings, Forest  
2249 Salvage, Non-Forest Derived Residues, or Dedicated Energy Crops.  
2250

2251 Blended Fuel. A liquid or gaseous fuel that is blended from both Eligible RPS  
2252 Class II Renewable Fuel(s) and ineligible fuel(s), a portion of whose electrical  
2253 energy output may qualify as RPS Class II Renewable Generation under criteria set  
2254 forth in 225 CMR 15.05(2).  
2255

2256 Business Day. A business day shall mean Monday through Friday, exclusive of state  
2257 and federal legal holidays.  
2258

2259 Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at  
2260 Rule 4.1(b), or any successor rule.  
2261

2262 Clean Wood. Means Clean Wood as defined in 310 CMR 19.006: Definitions.  
2263

2264 Commercial Operation Date. The date that a Generation Unit first produced  
2265 electrical energy for sale within the ISO-NE Control Area or within an adjacent  
2266 Control Area. In the case of a Generation Unit that is connected to the End-use  
2267 Customer's side of the electric meter or produces Off-grid Generation, the date that  
2268 such Generation Unit first produced electrical energy.  
2269

2270 Compliance Filing. A document filed annually by a Retail Electricity Supplier  
2271 with the Department documenting compliance with 225 CMR 15.07, consistent  
2272 with the format set forth in the Guidelines and submitted no later than the first day  
2273 of July, or the first Business Day thereafter, of the subsequent Compliance Year.  
2274

2275 Compliance Year. A calendar year beginning January 1 and ending December 31,  
2276 for which a Retail Electricity Supplier must demonstrate that it has met the  
2277 requirements of 225 CMR  
2278 15.07 and 15.08.  
2279

2280 Control Area. A geographic region in which a common generation control system is  
2281 used to maintain scheduled interchange of electrical energy within and without the  
2282 region.  
2283

2284 Current Use Program. A state administered program that permits a property owner to  
2285 have a parcel of land taxed at a rate based on the current use of the land including but  
2286 not limited to open space, active forestry, or agriculture as opposed to the fair market

2287 or development value of the property.

2288  
2289 DCR. The Massachusetts Department of Conservation and Recreation (DCR)  
2290 established by  
2291 M.G.L. c. 21 § 1.

2292  
2293 Department. The Massachusetts Department of Energy Resources (DOER),  
2294 established by  
2295 M.G.L. c. 25A, § 1.

2296  
2297 Distribution Company. A distribution company as defined in M.G.L. c. 164 § 1.  
2298

2299 Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous  
2300 bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible  
2301 Biogas Fuel does not include natural gas, but does include renewable natural gas,  
2302 which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.

2303 Eligible Biomass Fuel. Fuel sources consisting of the following:

- 2304 (a) Eligible Biomass Woody Fuel;  
2305 (b) Manufactured Biomass Fuel;  
2306 (c) Eligible Biogas Fuel  
2307 (d) by-products or waste from animals or agricultural crops;  
2308 (e) food or vegetative material;  
2309 (f) algae;  
2310 (g) organic refuse-derived fuel; and  
2311 (h) Eligible Liquid Biofuel.

2312  
2313 Eligible Biomass Woody Fuel. Woody fuels that are derived from the following  
2314 sources, consistent with the requirements of 225 CMR 15.05(5):

- 2315  
2316 (a) Forest Derived Residues:
- 2317 1. Tops, crooks, and other portions of trees produced as a byproduct,  
2318 and trees collaterally damaged, during the normal course of  
2319 harvesting material, such as timber, pulpwood, or cordwood in the  
2320 implementation of a silvicultural prescription as administered by a  
2321 licensed or certified forester as prescribed in  
2322 the Department's *Guideline on Eligible Biomass Fuel for Renewable*  
2323 *Generation Units*.
  - 2324 2. Trees and portions of trees harvested for the purposed of the  
2325 restoration and management of habitat for rare & endangered  
2326 species as listed by the Massachusetts Division of Fisheries and  
2327 Wildlife. Qualifying harvest areas must be approved by the  
2328 Massachusetts Division of Fisheries and Wildlife Natural Heritage  
2329 Program.
  - 2330 3. Other woody vegetation that interferes with regeneration or the natural  
2331 growth of the forest, limited to locally invasive native species and non-  
2332 native invasive woody vegetation.
- 2333

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(b) Forest Derived Thinnings:

1. Unacceptable growing stock which is defined as trees considered structurally weak or have low vigor and do not have the potential to eventually yield an eight foot sawlog or survive for at least the next ten years.
2. Trees removed during thinning operations, the purpose of which is to reduce stand density and enhance diameter growth and volume of the residual stand.

(c) Forest Salvage:

1. Damaged, dying, or dead trees removed due to injurious agents, such as wind or ice storms or the spread of invasive epidemic forest pathogens, insects, and diseases or other epidemic biological risks to the forest, but not removed due to competition. Such eligible trees may be removed without limitation for biomass fuel, only if the injurious agent is a threat to forest health or risk to private or public resources, and if the United States Department of Agriculture Animal and Plant Health Inspection Service, the United States Department of Agriculture Forest Service, or appropriate federal or state governmental agency has issued a declaration, rule, or order declaring a major threat to forest health or risk to private or public resources, or if they are harvested through a DCR approved cutting plan.
2. Trees removed to reduce fire hazard within fire-adapted forest ecosystems, as certified by a letter to the Department from the state agency responsible for forestry in consultation with the appropriate environmental state agencies.

(d) Non-Forest Derived Residues:

1. Primary forest products industry: Residues derived from wood products manufacturing consisting of Clean Wood.
2. Land use change – agricultural: Trees cut or otherwise removed in the process of converting forest land to agricultural usage, either for new or restored farm land.
3. Wood waste: Post-consumer wood products from Clean Wood; pruned branches, stumps, and whole trees removed during the normal course of maintenance of public or private roads, highways, driveways, utility lines, rights of way, and parks.
4. Agricultural wood waste. Pruned branches, stumps, and whole trees resulting from maintenance activities directly related to the production of an agricultural product that is not Clean Wood.

Eligible Liquid Biofuel. A liquid fuel that is derived from organic waste feedstock and meets the standards for advanced biofuels under the Environmental Protection

2381 Agency's Renewable Fuel Standard (RFS2) program. Organic waste feedstocks  
2382 shall include, but not be limited to, waste vegetable oils, waste animal fats, or grease  
2383 trap waster. Eligible Liquid Biofuel shall not include petroleum-based waster or  
2384 Hazardous Waste as defined in 310 CMR 40.0006: *Terminology, Definitions, and*  
2385 *Acronyms*, unless otherwise determined by the Department in consultation with  
2386 MassDEP.

2387  
2388 Eligible RPS Class II Renewable Fuel. An Eligible Biomass Fuel, municipal solid  
2389 waste, hydrogen derived from such fuels or hydrogen derived from water using the  
2390 electrical output of a Renewable Generation Unit, but not hydrogen derived using  
2391 RPS Class I or Class II Renewable Generation if the RPS Class I or Class II  
2392 Renewable Generation Attributes of such Generation are sold, retired, claimed,  
2393 used or represented as part of electrical energy output or sales, or used to satisfy  
2394 regulatory obligations in any jurisdictions, and not hydrogen derived directly or  
2395 indirectly from ineligible fuels.

2396  
2397 End-use Customer. A person or entity in Massachusetts that purchases electrical  
2398 energy at retail from a Retail Electricity Supplier, except that a Generation Unit  
2399 taking station service at wholesale from ISO-NE or self-supplying from its owner's  
2400 other generating stations, shall not be considered an End-use Customer.

2401  
2402 Generation Attribute. A non-price characteristic of the electrical energy output  
2403 of a Generation Unit including, but not limited to, the Generation Unit's fuel  
2404 type, emissions, vintage and RPS eligibility.

2405  
2406 Generation Unit. A facility that converts a fuel or an energy resource into electrical  
2407 energy.

2408  
2409 Geothermal Energy. Heat energy stored in the Earth's crust that can be accessed for  
2410 electric power generation.

2411 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies  
2412 Generation Attributes of each MWh accounted for in the NEPOOL GIS.

2413  
2414 Guidelines. A set of clarifications, interpretations, and procedures, including  
2415 forms, developed by the Department to assist in compliance with the  
2416 requirements of 225 CMR  
2417 15.00. The Department may issue new or revised Guidelines from time to time.  
2418 Each Guideline shall be effective on its date of issuance or on such date as is  
2419 specified therein, except as otherwise provided in 225 CMR 15.00.

2420  
2421 Hydroelectric Energy. Electrical energy from a Generation Unit that uses flowing  
2422 freshwater as the primary energy resource, with or without a dam structure or other  
2423 means of regulating water flow, and that is not located at a facility that uses  
2424 mechanical or electrical energy to pump water into a storage facility.

2425  
2426 Impacted Watershed. All water bodies or areas of land hydrologically connected  
2427 to a hydroelectric facility, whether located upstream or downstream, which may

2428 experience any alteration of their physical, biological, or ecological characteristics  
2429 as a result of the operation or increased capacity expansion of a Generation Unit.

2430  
2431 ISO-NE. ISO New England Inc., the independent system operator for New  
2432 England, the regional transmission organization for most of New England, which  
2433 is authorized by the Federal Energy Regulatory Commission (FERC) to exercise  
2434 for the New England Control Area the functions required pursuant to the FERC's  
2435 Order No. 2000, the FERC's corresponding regulations, and any successor  
2436 FERC orders and regulations.

2437  
2438 ISO-NE Settlement Market System. The ISO-NE's electronic database system into  
2439 which all real-time load and generation data are entered and from which such data  
2440 are provided to the NEPOOL GIS.

2441  
2442 Low Impact Hydro Power Institute (LIHI). A non-profit 501(c)(3) organization,  
2443 whose stated purpose is to reduce the impacts of hydropower generation through  
2444 the certification of hydropower projects that have avoided or reduced their  
2445 environmental impacts pursuant to the Low Impact Hydropower Institute's criteria.

2446  
2447 Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means  
2448 of fuel drying, through a fuel processing facility that is separate from a Generation  
2449 Unit and that utilizes Eligible Biomass Woody Fuel for production. Examples  
2450 include, but are not limited to, the mechanical production of wood pellets or bio-  
2451 dust, and the refinement of bio-oil through pyrolysis.

2452  
2453 Marine or Hydrokinetic Energy. Electrical energy derived from waves, tides and  
2454 currents in oceans, estuaries and tidal areas; free-flowing water in rivers, lakes,  
2455 streams, and human- made channels, provided that such water is not diverted,  
2456 impounded, or dammed; or differentials in ocean temperature, called ocean thermal  
2457 energy conversion.

2458  
2459 Massachusetts Clean Energy Technology Center (MassCEC). The center established  
2460 in  
2461 M.G.L. c. 23J, § 2.

2462  
2463 MassDEP. The Massachusetts Department of Environmental Protection established  
2464 by M.G.L. c. 21A, § 7.

2465  
2466 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one  
2467 million watts of power operating for one hour, or, for the purpose of thermal  
2468 energy, a unit of energy equal to 3,412,000 British Thermal Units (Btu).

2469  
2470 Merchantable Bio-products. Products that are refined from a biomass fuel by a bio-  
2471 refinery project in which the Generation Unit is integral. Products include but are not  
2472 limited to merchantable chemicals such as additives, lubricants, or specialty  
2473 chemicals, and other products which can be permanently sequestered for carbon  
2474 reductions.

2475  
2476 NEPOOL GIS. The NEPOOL Generation Information System, which includes a  
2477 generation information database and certificate system, operated by the New  
2478 England Power Pool (NEPOOL), its designee or successor entity, that accounts for  
2479 Generation Attributes of electrical energy consumed within, imported into, or  
2480 exported from the ISO-NE Control Area.

2481  
2482 Off-grid Generation. The electrical energy produced by a Generation Unit that is  
2483 not connected to a utility transmission or distribution system.

2484  
2485 Operator. Any person or entity who has charge or control of a Generation Unit  
2486 subject to 225 CMR 15.00, including without limitation a duly authorized agent or  
2487 lessee of the Owner, or a duly authorized independent contractor.

2488  
2489 Owner. Any person or entity who, alone or in conjunction with others, has legal  
2490 ownership, a leasehold interest, or effective control over the real property or  
2491 property interest upon which a Generation Unit is located, or the airspace above  
2492 said real property, including without limitation a duly authorized agent of the  
2493 Owner. For the purposes of 225 CMR 15.02, Owner does not mean a person or  
2494 entity holding legal title or security interest solely for the purpose of providing  
2495 financing.

2496  
2497 Relevant Hydroelectric Agency. A federal, state or provincial agency with  
2498 oversight over fish and wildlife, water quality, river flows, fish passage and  
2499 protection, mitigation and enhancement opportunities, related to a hydroelectric  
2500 facility located in the Impacted Watershed or that impacts downstream or upstream  
2501 passage of fish and wildlife.

2502  
2503 Renewable Generation. The electrical energy output of a Renewable Generation Unit.  
2504

2505 Renewable Generation Attribute. The Generation Attribute of the electrical energy  
2506 output of a specific Generation Unit that derives from the Generation Unit's  
2507 production of Renewable Generation.

2508  
2509 Renewable Generation Unit. A Generation Unit that uses an Eligible RPS Class II  
2510 Renewable Fuel, Hydroelectric Energy, waste-to-energy that is a component of  
2511 conventional municipal solid waste plant technology in commercial use, or any of  
2512 the fuels, energy resources or technologies set forth in 225 CMR 15.04(1)(a).

2513  
2514 Retail Electricity Product. An electrical energy offering that is distinguished by its  
2515 Generation Attributes and that is offered for sale by a Retail Electricity Supplier to  
2516 End-use Customers.

2517  
2518 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use  
2519 Customers in Massachusetts, including but not limited to electric utility Distribution  
2520 Companies supplying basic service or any successor service to End-use Customers.

2521 A Municipal Lighting Plant shall be considered a Retail Electricity Supplier;  
2522 however, it shall be exempt from the obligations of a Retail Electricity Supplier  
2523 under 225 CMR 15.00 so long as and insofar as it is exempt from the requirements  
2524 to allow competitive choice of generation supply pursuant to M.G.L. c. 164, § 47A.  
2525

2526 RPS Class II Renewable Generation. The electrical energy output of an RPS Class  
2527 II Renewable Generation Unit, or that portion of the electrical energy output of an  
2528 RPS Class II Generation Unit that qualifies under

- 2529 (a) a Co-firing and Blended Fuel Waiver, pursuant to 225 CMR 15.05(2);
- 2530 (b) the Special Provisions for a Generation Unit Located in a Control Area  
2531 Adjacent to the ISO-NE Control Area, pursuant to 225 CMR 15.05(3); or
- 2532 (c) any other applicable provision of 225 CMR 15.00.

2533  
2534 RPS Class II Renewable Generation Attribute. The Generation Attribute of the  
2535 electrical energy output of a specific RPS Class II Generation Unit that derives  
2536 from the Generation Unit's production of RPS Class II Renewable Generation,  
2537 excluding Attributes derived from the production of Waste Energy.  
2538

2539 RPS Class II Renewable Generation Unit. A Generation Unit or Aggregation that  
2540 has received an RPS Class II Statement of Qualification from the Department.  
2541

2542 RPS Class II Waste Energy Generation Attribute. The Generation Attribute of the  
2543 electrical energy output of a specific Waste Energy Generation Unit that derives from  
2544 the Generation Unit's production of Waste Energy.  
2545

2546 Statement of Qualification (SQ). A written document from the Department that  
2547 qualifies a Generation Unit or Aggregation as an RPS Class II Qualified Generation  
2548 Unit, or that qualifies a portion of the annual electrical energy output of a  
2549 Generation Unit or Aggregation as RPS Class II Renewable Generation.  
2550

2551 Sustainable Forestry Management. Practicing a land stewardship ethic that integrates  
2552 the reforestation, managing, growing, nurturing, and harvesting of trees for useful  
2553 products with the conservation of soil, air and water quality, wildlife and fish  
2554 habitat, and aesthetics and the stewardship and use of forests and forest lands in a  
2555 way, and a rate, that maintains their biodiversity, productivity, regeneration capacity,  
2556 vitality, and potential to fulfill, now and in the future, relevant ecological, economic,  
2557 and social functions at local, national, and global levels, and that does not cause  
2558 damage to other ecosystems. Criteria for sustainable forestry include:

- 2559 (a) conservation of biological diversity;
- 2560 (b) maintenance of productive capacity of forest ecosystems;
- 2561 (c) maintenance of forest ecosystem health and vitality;
- 2562 (d) conservation and maintenance of soil and water resources;
- 2563 (e) maintenance of forest contributions to global carbon cycles; maintenance  
2564 and enhancement of long-term multiple socioeconomic benefits to meet the  
2565 needs of societies; and
- 2566 (f) a legal, institutional, and economic framework for forest  
2567 conservation and sustainable management.



2568  
2569 Useful Thermal Energy. Energy in the form of direct heat, steam, hot water, or other  
2570 thermal form that is used in  
2571 production and beneficial measures for heating, cooling, humidity control, process  
2572 use, or other valid thermal end use energy requirements, for which fuel or  
2573 electricity would  
2574 otherwise be consumed. Thermal energy used to produce a dried or refined biomass  
2575 fuel shall not be considered Useful Thermal Energy if the biomass fuel produced is  
2576 used to fuel the Generation Unit that dried or refined the biomass fuel.

2577  
2578 Valid Air Permit. Within the United States, a current and effective authorization,  
2579 license, certificate, or like approval to construct and/or operate a source of air  
2580 pollution, issued or required by the regulatory agency designated in the applicable  
2581 State Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§  
2582 7401, *et seq.* In jurisdictions outside of the United States, it shall be a document  
2583 demonstrating an equivalent authorization.

2584  
2585 Waste Energy. Electrical energy generated from the combustion of municipal solid  
2586 waste.

2587  
2588 Waste Energy Generation Unit. A Generation Unit that utilizes conventional  
2589 municipal solid waste plant technology in commercial use to generate Waste Energy.

2590  
2591 15.03 : Administration

2592  
2593 225 CMR 15.00 shall be administered by the Department.

2594  
2595 15.04 : Applicability

2596  
2597 225 CMR 15.00 applies to Retail Electricity Suppliers and to the Owners or  
2598 Operators of RPS Class II Generation Units.

2599  
2600 15.05 : Eligibility Criteria for RPS Class II Generation Units

2601  
2602 (1) Eligibility Criteria. A Generation Unit may qualify as an RPS Class II  
2603 Generation Unit subject to the limitations in 225 CMR 15.05.

2604  
2605 (a) Fuels, Energy Resources and Technologies. The Generation Unit shall use  
2606 one or more of the fuels, energy resources and/or technologies listed in 225  
2607 CMR 15.05(1)(a)1 through 10.

2608  
2609 1. Solar photovoltaic or solar thermal electric energy.

2610  
2611 2. Wind energy.

2612  
2613 3. Ocean thermal, wave or tidal energy.

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4. Fuel cells using an Eligible RPS Class II Renewable Fuel.
5. Landfill methane gas, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas.
6. Hydroelectric. A Generation Unit that uses Hydroelectric Energy may qualify as an RPS Class II Generation Unit, subject to the limitations in 225 CMR 15.05(1)(a)6.
  - a. The Generation Unit has a nameplate capacity up to 7.5 megawatts.
  - b. The Generation Unit does not involve any dam or water diversion structure constructed after December 31, 1997, or pumped storage of water.
  - c. The Generation Unit does not generate Marine or Hydrokinetic Energy.
  - d. The Generation Unit meets appropriate and site-specific standards that address adequate and healthy river flows, water quality standards, fish passage and protection measures and mitigation and enhancement opportunities in the Impacted Watershed, as determined by the Department in consultation with Relevant Hydroelectric Agencies. The Generation Unit shall demonstrate compliance with such standards by submitting the documentation required in either 225 CMR 15.05(1)(a)6.d.i or ii.
    - i. LIHI Certification of the Generation Unit; except that in either of the two circumstances provided in 225 CMR 15.05(1)(a)6.d.i, the Department may request further information from the applicant and the Relevant Hydroelectric Agencies as part of its review of the applicant's Statement of Qualification Application. The Department shall notify the applicant of any such input from a Relevant Hydroelectric Agency not later than 30 days after receiving such input and shall provide the applicant an opportunity to respond to the Department not later than 30 days after the applicant's receipt of such notice from the Department.
      - (i) If a Relevant Hydroelectric Agency identified an environmental concern and a proposed remedy to LIHI during the LIHI certification process, and such concern was not addressed in the LIHI certification to the satisfaction of the Agency, and the Agency consulted with the Owner or Operator of the Generation Unit; or
      - (ii) If, between issuance of the LIHI certification and the Department's determination of the Generation Unit's eligibility, a Relevant Hydroelectric Agency submits to the

2662 Department evidence of a significant environmental problem  
2663 not previously known by such Agency, after consulting with  
2664 the Owner or Operator of the Generation Unit.

2665  
2666 ii. A denial of certification from LIHI specifying the reasons the  
2667 certification was denied and the applicant's proposed rationale  
2668 for why the project should nevertheless receive a Statement of  
2669 Qualification. In this instance, the Department shall notify and  
2670 seek input from the Relevant Hydroelectric Agencies, which shall  
2671 have 30 days from the date of their receipt of such notification to  
2672 provide feedback to the Department. The

2673 Owner or Operator of the Generation Unit shall be notified of  
2674 any such input and shall have 30 days from receipt of such  
2675 notice to respond to the satisfaction of the Department as to why  
2676 its Statement of Qualification Application should be approved.  
2677 The Department thereafter shall make finding of whether the  
2678 Generation Unit meets appropriate environmental safeguards  
2679 despite the lack of LIHI certification.

2680  
2681 e. The Owner or Operator of the Generation Unit must serve notice to  
2682 all Relevant Hydroelectric Agencies of its application for LIHI  
2683 certification. The Owner or Operator of the Generation Unit also must  
2684 serve notice to all Relevant Hydroelectric Agencies, and provide  
2685 opportunity for comment within 30 days of such notice, with regard to  
2686 its submission of a Statement of Qualification Application. Notice of  
2687 such service must be provided to the Department.

2688  
2689 f. If LIHI fails to act to certify or deny certification within 180 days  
2690 from the date of submission of the Generation Unit's application to  
2691 LIHI, the Owner or Operator shall file notice of such event with the  
2692 Department. The Department shall review the federal, state or  
2693 provincial permits for the Generation Unit and any submissions to  
2694 LIHI by Relevant Hydroelectric Agencies, and shall make a final  
2695 determination as to whether the Generation Unit meets environmental  
2696 standards specified in 225 CMR 15.05(1)(a)6.d.

2697  
2698 g. If LIHI is unable to review for certification a Generation Unit that is  
2699 located in a Control Area adjacent to the ISO-NE Control Area and  
2700 outside the United States of America, the Owner or Operator of such  
2701 Generation Unit may petition the Department for certification using the  
2702 LIHI standards by an independent third party acceptable to the  
2703 Department.

2704  
2705 7. Waste to Energy. A Generation Unit that uses Waste Energy may  
2706 qualify as an RPS Class II Generation Unit subject to the following  
2707 limitations:  
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a. Has received approval from the MassDEP of the Unit's participation in or operation of an authorized recycling program;

b. Maintains participation in or operation of such recycling program and confirms this maintenance by submitting an annual report to the Department and MassDEP of its compliance.

c. Complies with the applicable requirements of 310 CMR 7.08(2): *Municipal Waste Combustors*.

d. Complies with the applicable requirements of 310 CMR 19.000: *Solid Waste Management*.

8. Low-emission, biomass power conversion technologies using an Eligible Biomass Fuel. A Generation Unit may qualify as an RPS Class II Generation Unit, provided it uses an Eligible Biomass Fuel, subject to the limitations in 225 CMR 15.05(1)(a)8.

a. A Generation Unit utilizing an Eligible Biomass Fuel, that is required to obtain an air permit in its jurisdiction, must possess a Valid Air Permit.

b. The Department shall set forth in Guidelines low-emission eligibility criteria which will become effective on their date of issuance. Any emission eligibility criteria in subsequently revised regulations or Guidelines shall become effective 12 months from their date of issuance. A Generation Unit utilizing an Eligible Biomass Fuel that is not a solid fuel, such as Eligible Liquid Biofuel, or does not use a steam boiler, shall follow the low-emission eligibility criteria process described in the Departments' *Guideline on Eligible Biomass Fuel for Renewable Generation Units*. In the case of a Generation Unit for whose size, type, or fuel the Department's Guidelines do not provide applicable emission limits, the Department will determine appropriate limits in consultation with the MassDEP.

c. A Generation Unit utilizing an Eligible Biomass Woody Fuel or Manufactured Biomass Fuel that has 5% or more of its fuel sourced from Forest Derived Residues, Forest Derived Thinnings and Forest Salvage must achieve an overall efficiency of at least 60% on a quarterly basis. A Generation Unit utilizing an Eligible Biomass Woody Fuel or Manufactured Biomass Fuel that has over 95% or more of its fuel sourced from Non-Forest Derived Residues on a quarterly basis shall have no applicable overall efficiency requirement. The procedure for calculating whether the Generation Unit meets the 60% overall efficiency requirement can be found in the Department's *Guideline on Overall Efficiency and Greenhouse Gas Analysis*.

d. A Generation Unit utilizing an Eligible Biogas Fuel, Eligible Biomass

2756 Woody Fuel, Eligible Liquid Biofuel or Manufactured Biomass Fuel  
2757 shall reduce lifecycle greenhouse gas emissions, over a 20-year lifecycle,  
2758 by at least 50% compared to the operation of a new combined cycle  
2759 natural gas electric generating facility using the most efficient  
2760 commercially available technology as of the date of the Statement of  
2761 Qualification Application for the portion of electricity delivered by the  
2762 Generation Unit and, if applicable, the operation of the fossil fuel fired  
2763 thermal energy unit being displaced, or in the case of new Useful  
2764 Thermal Energy, a gas- fired thermal energy unit using the most efficient  
2765 commercially available technology as of the date of Statement of  
2766 Qualification Application for the portion of the Useful Thermal Energy  
2767 delivered by the Generation Unit. The procedure for calculating whether  
2768 a Generation Unit meets the 50% reduction can be found in the  
2769 Department's *Guideline on Overall Efficiency and Greenhouse Gas*  
2770 *Analysis*.

2771 i. A Generation Unit that does not achieve a lifecycle greenhouse gas  
2772 emissions reduction of at least 50% over a 20-year lifecycle in a  
2773 particular calendar quarter of the Compliance Year, pursuant to 225  
2774 CMR 15.05(1)(a)8.d., shall not be eligible to report RPS Class II  
2775 Renewable Generation Attributes to the NEPOOL GIS for that  
2776 calendar quarter.

2777  
2778 e. In the case of a Generation Unit that uses Eligible Biogas Fuel, the  
2779 Eligible Biogas Fuel may be either conveyed directly to the Generation  
2780 Unit without the use of facilities used as common carriers of natural gas,  
2781 or transported to a Generation Unit within the ISO-NE Control Area or  
2782 an adjacent Control Area via a common carrier of natural gas, in which  
2783 instance the gas would be subject to the following provisions:

- 2784 i. the gas is produced entirely within the ISO-NE Control  
2785 Area or an adjacent Control Area; and  
2786 ii. documentation is provided, satisfactory to the Department,  
2787 regarding the gas transportation and related contracts; and  
2788 iii. demonstration is provided, satisfactory to the Department,  
2789 that the gas can be physically delivered to the Generation Unit.

2790  
2791 9. Marine or Hydrokinetic Energy.

2792  
2793 10. Geothermal Energy.

2794  
2795 (b) Commercial Operation Date. The Commercial Operation Date shall be on  
2796 or before December 31, 1997.

2797  
2798 (c) Metering. The electrical energy output from a Generation Unit shall be  
2799 verified by the ISO-NE or by an independent verification system or person  
2800 participating in the NEPOOL GIS accounting system as an independent Third  
2801 Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating  
2802 Rules, or any successor rule, and approved by the Department.

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(d) Location. The Generation Unit location is subject to the following limitations:

1. Off-grid Generation. If the Generation Unit produces Off-grid Generation, such Generation Unit must be located in Massachusetts.

2. Behind-the-meter Generation. If the Generation Unit is wired to the electrical system on the End-use Customer's side of a retail electric meter, such Generation Unit must be located inside the ISO-NE Control Area and have a nameplate capacity of 25 megawatts or less.

(2) Co-Firing and Blended Fuel Waiver. All or a portion of the electrical energy output of a Generation Unit that uses ineligible fuel in conjunction with an Eligible RPS Class II Renewable Fuel, whether by co-firing such fuels or by using a Blended Fuel, may qualify as RPS Class II Renewable Generation provided the Generation Unit meets the eligibility requirements of 225 CMR 15.05, subject to the limitations in 225 CMR 15.05(2).

(a) The portion of the total electrical energy output that qualifies as RPS Class II Renewable Generation in a given time period shall be equal to the ratio of the net heat content of the Eligible RPS Class II Renewable Fuel consumed to the net heat content of all fuel consumed in that time period.

(b) If using a Blended Fuel of which the eligible portion is an Eligible Biomass Fuel or if co-firing an ineligible fuel with an Eligible Biomass Fuel, the entire Generation Unit must meet the requirements of an advanced biomass Power Conversion Technology as set forth in 225 CMR 15.05(1)(a)8.

(c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to the satisfaction of the Department that the emission rates for the entire Generation Unit are consistent with rates prescribed by the MassDEP for comparably fueled Generation Units in the Commonwealth. The Department may require the Generation Unit Owner or

Operator to retain at its own expense a third-party consultant deemed satisfactory to the Department, to provide the Department and the MassDEP with assistance in this determination.

(d) The Generation Unit must provide with its Statement of Qualification Application a fuel supply plan that specifies each and every fuel that it intends to use, in what relative proportions either in co-firing or in a Blended Fuel, and with what individual input heat values. Such plan shall include the procedures by which the Unit will document to the satisfaction of the Department its compliance with the plan.

(e) The provisions of 225 CMR 15.05(2) shall not apply to the incidental use of ineligible fuels for the purpose of cold starting a

2850 Generation Unit that otherwise exclusively uses an Eligible RPS Class  
2851 II Renewable Fuel.

2852  
2853 (3) Special Provisions for a Generation Unit Located in a Control Area Adjacent to  
2854 the ISO- NE Control Area. The portion of the total electrical energy output of an  
2855 RPS Class II Generation Unit located in a Control Area adjacent to the ISO-NE  
2856 Control Area that qualifies as RPS Class II Renewable Generation shall meet the  
2857 requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS  
2858 Operating Rules or any successor rule, and the following requirements:

2859  
2860 (a) The Generation Unit Owner or Operator shall provide documentation,  
2861 satisfactory to the Department, that the RPS Class II Renewable Generation  
2862 Attributes or RPS Class II Waste Energy Generation Attributes have not  
2863 otherwise been, nor will be, sold, retired, claimed, used or represented as part of  
2864 electrical energy output or sales, or used to satisfy obligations in jurisdictions  
2865 other than Massachusetts.

2866  
2867 (b) The Generation Unit Owner or Operator must provide an attestation in a  
2868 form to be provided by the Department that it will not itself or through any  
2869 affiliate or other contracted party, engage in the process of importing RPS Class  
2870 II Renewable Generation into the ISO-NE Control Area for the creation of RPS  
2871 Class II Renewable GIS Certificates, and then exporting that energy or a similar  
2872 quantity of other energy out of the ISO-NE Control Area during the same hour.

2873  
2874 (c) The quantity of electrical energy output from an RPS Class II Generation  
2875 Unit outside the ISO-NE Control Area that can qualify as RPS Class II  
2876 Renewable Generation at the NEPOOL GIS during each hour is limited to the  
2877 lesser of the RPS Class II Renewable Generation actually produced by the Unit  
2878 or the RPS Class II Renewable Generation actually scheduled and delivered into  
2879 the ISO-NE Control Area.

2880  
2881 (4) Special Provisions for Aggregations. An Aggregation of Generation Units that  
2882 are located behind the customer meter or that are Off-grid Generation Units, each of  
2883 which could independently meet the relevant requirements of 225 CMR 15.05, may  
2884 receive a single Statement of Qualification and be treated as a single RPS Class II  
2885 Renewable Generation Unit under the following criteria and procedures:

2886  
2887 (a) Each Generation Unit in such Aggregation must use the same fuel, energy  
2888 resource and technology as all other Generation Units in the Aggregation.

2889  
2890 (b) Each of the Owners or Operators of Generation Units within the  
2891 Aggregation must enter into an agreement with a person or entity that serves  
2892 as the Authorized Agent for

2893 the Aggregation in all dealings with the Department and with the NEPOOL  
2894 GIS, and such agreement must include procedures by which the electrical  
2895 energy output of each Generation Unit shall be monitored and reported to the  
2896 NEPOOL GIS.

2897  
2898 (c) The Authorized Agent of the Aggregation must establish and maintain a  
2899 Generator account at the NEPOOL GIS under the NEPOOL GIS Operating  
2900 Rules, including all provisions for Non-NEPOOL Generator Representatives,  
2901 as that term is defined in Rule 2.1(a)(vi) of those Rules, or any successor rules.  
2902

2903 (d) The electrical energy output of each of the Generation Units in the  
2904 Aggregation must be individually monitored and recorded, and it must be  
2905 reported to the NEPOOL GIS as part of an aggregated total for the  
2906 Aggregation, by an independent Third Party Meter Reader, as defined in  
2907 Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule, and  
2908 approved by the Department.  
2909

2910 (5) Special Provisions for Generation Units Using Eligible Biomass Woody  
2911 Fuels, Co- Mingled Biomass Woody Fuels, or Manufactured Biomass Fuels. An  
2912 Owner, Operator, or Authorized Agent of a Generation Unit that uses an Eligible  
2913 Biomass Woody Fuel or a Manufactured Biomass Fuel must meet the following  
2914 provisions:  
2915

2916 (a) Sustainable Forest Management. Forest Derived Residues and Thinnings  
2917 shall only be sourced from forests meeting Sustainable Forestry Management  
2918 practices, as independently verified through the attestation of a licensed  
2919 forester, certified forester or independent certification.  
2920

2921 (b) Overall Efficiency. A Generation Unit utilizing Eligible Biomass Woody Fuel  
2922 or Manufactured Biomass Fuel that does not comply with the overall efficiency  
2923 requirements in 225 CMR 15.05(1)(a)8.c. shall be subject the following:  
2924

2925 1. A Generation Unit utilizing Eligible Biomass Woody Fuel or  
2926 Manufactured Biomass Fuel that has 5% or more of its fuel sourced from  
2927 Forest Derived Residues, Forest Derived Thinnings and Forest Salvage and  
2928 does not achieve an overall efficiency of at least 60% in a particular calendar  
2929 quarter of the Compliance Year, pursuant to 225 CMR 15.05(1)(a)8.c., shall  
2930 not be eligible to report RPS Class II Renewable Generation Attributes to  
2931 the NEPOOL GIS for that calendar quarter.  
2932

2933 2. A Generation Unit utilizing Eligible Biomass Woody Fuel or  
2934 Manufactured Biomass Fuel that has more than 95% of its fuel sourced from  
2935 Non-Forest Derived Residues in a particular calendar quarter of the  
2936 Compliance Year, shall only be eligible to receive RPS Class II Renewable  
2937 Generation Attributes at NEPOOL GIS in a proportion equal to the  
2938 percentage of fuel sourced from Non-Forest Derived Residues for that  
2939 calendar quarter.  
2940

2941 (c) Reporting Requirements for Generation Units using Eligible Biomass Woody  
2942 Fuel or Manufactured Biomass Fuel. An Owner, Operator, or Authorized Agent  
2943 of a Generation Unit using Eligible Biomass Woody Fuel or Manufactured  
2944 Biomass Fuel shall provide to the Department on a quarterly basis the Biomass



2945 Fuel Report as prescribed in the Department's *Guideline on Eligible Biomass*  
2946 *Fuel for Renewable Generation Units*.

2947  
2948 (d) Verification of Eligible Biomass Woody Fuel. In order to verify the use of  
2949 Eligible Biomass Woody Fuel, an RPS Class I Renewable Generation Unit  
2950 utilizing Eligible

2951 Biomass Woody Fuel shall report the following to the Department on a quarterly  
2952 basis in a manner outlined in the Department's *Guideline on Eligible Biomass*  
2953 *Fuel for Renewable Generation Units*:

- 2954
- 2955 1. Supplier of the fuel;
  - 2956
  - 2957 2. Amount of fuel delivered; and
  - 2958
  - 2959 3. Date of delivery.

2960  
2961 (e) Biomass Fuel Certificate. The tonnage of all Eligible Biomass Woody Fuel  
2962 or Manufactured Biomass Fuel reported in the Quarterly Biomass Fuel Report  
2963 shall be documented by ownership of the Biomass Fuel Certificates. The tonnage  
2964 input for Eligible Biomass Fuel noted on the Biomass Fuel Certificate shall equal  
2965 or be greater than the tonnage of Eligible Biomass Fuel consumed at the  
2966 Generation Unit. For Manufactured Biomass Fuel, the Biomass Fuel Certificates  
2967 shall be for the required tonnage of Eligible Biomass Woody Fuel necessary for  
2968 the production of the delivered volume of Manufactured Biomass Fuel. The  
2969 Biomass Fuel Certificates shall be originated, procured, and transacted in  
2970 accordance with the *Guideline on Eligible Biomass Fuel for Renewable*  
2971 *Generation Units*.

2972  
2973  
2974 15.06 : Statement of Qualification Process for RPS Class II Renewable Generation Units

2975  
2976 (1) Statement of Qualification Application (SQA). An SQA shall be submitted  
2977 to the Department by the Owner or Operator of the Generation Unit or  
2978 Aggregation. The applicant must use the most current forms and associated  
2979 instructions provided by the Department, and must include all information,  
2980 documentation, and assurances required by such forms and instructions.

2981  
2982 (2) Review Procedures.

2983  
2984 (a) The Department will notify the applicant when the SQA is administratively  
2985 complete or if additional information is required pursuant to 225 CMR 15.06(1).

2986  
2987 (b) The Department may, in its sole discretion, provide an opportunity  
2988 for public comment on any SQA.

2989  
2990 (3) Issuance or Non-Issuance of an SQ.

2991

2992 (a) If the Department finds that all or a portion of the electrical energy  
2993 output of a Generation Unit or of an Aggregation meets the requirements  
2994 for eligibility as RPS  
2995 Class II Renewable Generation pursuant to 225 CMR 15.05, the Department  
2996 will provide the Owner or Operator of such Generation Unit or Aggregation  
2997 with an SQ.

2998  
2999 (b) The Statement of Qualification shall include any applicable restrictions  
3000 and conditions that the Department deems necessary to ensure compliance  
3001 by a particular Generation Unit or Aggregation with the provisions of 225  
3002 CMR 15.00.

3003  
3004 (c) If the Generation Unit or Aggregation does not meet the requirements for  
3005 eligibility  
3006 as an RPS Class II Renewable Generation Unit, the Department shall provide  
3007 written notice to the Owner or Operator, including the Department's reasons  
3008 for such finding.

3009  
3010 (4) RPS Effective Date. The RPS Effective Date shall be the earliest date on which  
3011 electrical energy output of an RPS Class II Renewable Generation Unit or Waste  
3012 Energy Generation Unit can result in the creation of RPS Class II GIS Certificates,  
3013 with the following limitations:

3014  
3015 (a) In the case of a Generation Unit using Eligible Biomass Fuel, the RPS  
3016 Effective Date shall not be earlier than the date on which the Department  
3017 determines that the Biomass Generation Unit has commenced compliance with  
3018 the low-emission conditions in its SQ;

3019  
3020 (b) In the case of a Hydroelectric Energy Generation Unit, the RPS Effective  
3021 Date shall not be earlier than the date on which the Department determined that  
3022 the Generation Unit has commenced compliance with the environmental  
3023 conditions in its SQ;

3024  
3025 (c) In the case of a Waste Energy Generation Unit, the RPS Effective Date shall  
3026 not be earlier than the date on which the Department determines that the Waste  
3027 Energy Generation Unit has commenced compliance with the recycling program  
3028 conditions in its SQ.

3029  
3030 In no instance shall the RPS Effective Date occur before January 1, 2009.

3031  
3032 (5) Notification Requirements for Change in Eligibility Status. The Owner or  
3033 Operator of an RPS Class II Renewable Generation Unit or Waste Energy  
3034 Generation Unit shall notify the Department of any changes in the technology,  
3035 operation, emissions, fuel sources, energy resources, or other characteristics of the  
3036 Generation Unit that may affect the eligibility of the Generation Unit as an RPS  
3037 Class II Renewable Generation Unit or Waste Energy Generation Unit. The Owner  
3038 or Operator shall submit the notification to the Department no later than five days  
3039 following the end of the month during which such changes were implemented. The

3040 notice shall state the date the changes were made to the RPS Class II Renewable  
3041 Generation Unit or Waste Energy Generation Unit and describe the changes in  
3042 sufficient detail to enable the Department to determine if a change in eligibility is  
3043 warranted.

3044  
3045 (6) Notification Requirements for Change in Ownership, Generation Capacity, or  
3046 Contact Information. The Owner or Operator of an RPS Class II Renewable  
3047 Generation Unit or Waste Energy Generation Unit shall notify the Department of  
3048 any changes in the ownership, operating entity, generation capacity, NEPOOL GIS  
3049 account, independent verification system for the Generation Unit's or Aggregation's  
3050 electrical energy output, or contact information for the Generation Unit or  
3051 Aggregation. The Owner or Operator shall submit the notification to the Department  
3052 no later than five days following the end of the month during which such changes  
3053 were implemented.

3054  
3055 (7) Suspension or Revocation of Statement of Qualification. The Department may  
3056 suspend or revoke a Statement of Qualification if the Owner or Operator of an RPS  
3057 Class II Renewable Generation Unit or Waste Energy Generation Unit fails to  
3058 comply with 225 CMR  
3059 15.00 or if a Generation Unit does not operate during a consecutive 12-month period.

3060  
3061 15.07 : Renewable Energy Portfolio Standard – Class II  
3062

3063 (1) RPS Class II Renewable Generation Minimum Standard. The total annual sales  
3064 of each

3065 Retail Electricity Product sold to Massachusetts End-use Customers by a Retail  
3066 Electricity Supplier, under contracts executed or extended on or after January 1,  
3067 2009, shall include a minimum percentage of electrical energy sales with RPS  
3068 Class II Renewable Generation Attributes. The RPS Class II Renewable  
3069 Generation Minimum Standard shall be calculated as follows:

3070  
3071 (a) The following table reflects the RPS Class II Renewable Generation  
3072 Minimum Standards in effect from 2009 through 2021:  
3073

Compliance Year	RPS Class II Renewable Generation Minimum Standard
2009	3.60%
2010	3.60%
2011	3.60%
2012	3.60%
2013	1.50%
2014	1.75%
2015	2.00%
2016	2.5319%
2017	2.5909%
2018	2.6155%
2019	2.6883%

2020	3.2056%
2021	3.5634%

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(b) For each Compliance Year after 2021, the Department shall announce the RPS Class II Renewable Generation Minimum Standard no later than August 31st two years prior to the Compliance Year. The RPS Class II Renewable Generation Minimum Standard shall be determined by the following formula:

The RPS Class II Renewable Generation Minimum Standard for each Compliance Year (CY) shall be equal to the RPS Class II Renewable Generation Minimum Standard for the prior Compliance Year (CY-1), plus the number of RPS Class II Renewable Generation Attributes settled for compliance in Compliance Year three years prior (CY-3), divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in Compliance Year three years prior (CY-3), minus the number of RPS Class II Renewable Generation Attributes settled for compliance in Compliance Year four years prior (CY-4) divided by the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers in Compliance Year four years prior (CY-4). For the purpose of these calculations, the total MWh of electrical energy sales by Retail Electricity Suppliers to End-use Customers shall be determined in the manner specified in 225 CMR 15.09(2)(a), and Attributes settled for compliance in a given Compliance Year shall be represented by the total of all RPS Class II qualified GIS Certificates that are determined by the Department to qualify for RPS Class II Renewable Energy compliance in the Compliance Year in which the energy that they signify was generated.

(c) Notwithstanding the calculation in 225 CMR 15.07(1)(b), the RPS Class II Renewable Generation Minimum Standard shall not exceed 3.6% of the Total Electrical Energy Sales to End-use Customers, as provided in 225 CMR 15.09(2)(a).

(2) RPS Class II Waste Energy Minimum Standard. The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier, under contracts executed or extended on or after January 1, 2009, shall include a minimum percentage of electrical energy sales with RPS Class II Waste Energy Generation Attributes. The RPS Class II Waste Energy Minimum Standard shall be equal to 3.5% of electrical energy sales in the Compliance Years 2009 through 2020. In Compliance Years 2021 through 2025, the RPS Class II Waste Energy Minimum Standard shall be equal to 3.7% of electrical energy sales. In 2026 and all subsequent Compliance Years, the RPS Class II Waste Energy Minimum Standard shall be equal to 3.5% of electrical energy sales. Beginning in 2025 and every five years thereafter, the Department shall conduct a review of the RPS Class II Waste Energy Minimum Standard and consult with MassDEP on the standard to ensure consistency with the solid waste master plan. Following stakeholder comment and input on the review of the RPS Class II Waste Energy Minimum Standard, the Department may modify the Minimum Standard for the following five years.

3119 15.08 : Compliance Procedures for Retail Electricity Suppliers.  
3120

3121 (1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in  
3122 compliance with 225 CMR 15.00 if the information provided in the Compliance  
3123 Filing submitted pursuant to 225 CMR 15.09 is true and accurate and demonstrates  
3124 compliance with 225 CMR 15.07. A Retail Electricity Supplier shall demonstrate to  
3125 the satisfaction of the Department that RPS Class II Renewable Generation  
3126 Attributes and RPS Class II Waste Energy Generation Attributes used for  
3127 compliance have not otherwise been, nor will be, sold, retired, claimed, used or  
3128 represented as part of electrical energy output or sales, or used to satisfy obligations  
3129 in jurisdictions other than Massachusetts.

3130  
3131 (2) Banked Compliance. A Retail Electricity Supplier may use RPS Class II  
3132 Renewable Generation Attributes and RPS Class II Waste Energy Generation  
3133 Attributes produced in one Compliance Year for compliance over the course of the  
3134 following two subsequent Compliance Years, subject to the limitations in 225 CMR  
3135 15.08(2) and provided that the Retail Electricity Supplier is in compliance with 225  
3136 CMR 15.00 for all previous Compliance Years. In addition, the Retail Electricity  
3137 Supplier shall demonstrate to the satisfaction of the Department that such Attributes:

3138  
3139 (a) were in excess of the RPS Class II Renewable Generation Attributes and  
3140 RPS Class II Waste Energy Generation Attributes needed for compliance in the  
3141 Compliance Year in which they were generated, and that such excess Attributes  
3142 have not previously been used for compliance with 225 CMR 15.00;

3143  
3144 (b) do not exceed 30% of the RPS Class II Renewable Generation Attributes  
3145 and 30% of the RPS Class II Waste Energy Generation Attributes needed by the  
3146 Retail Electricity Supplier for compliance with the RPS Class II Renewable  
3147 Generation Minimum Standard, and RPS Class II Waste Energy Minimum  
3148 Standard in the year they were generated, subject to 225 CMR 15.09(2)(d) and  
3149 subject to the following limitations:

3150  
3151 1. In Compliance Years 2014 and 2015 no excess RPS Class II  
3152 Waste Energy Generation Attributes shall be available as Banked  
3153 Compliance;

3154  
3155 2. Commencing with Compliance Year 2016, bankable excess RPS Class  
3156 II Waste Energy Generation Attributes shall not exceed 5% of the RPS  
3157 Class II Waste

3158 Energy Generation Attributes needed by the Retail Electricity Supplier for  
3159 compliance with the RPS Class II Waste Energy Minimum Standard in the  
3160 year they were generated; and

3161  
3162 (c) were produced during the Compliance Year in which they are claimed as  
3163 excess by the generation of electrical energy sold to End-use Customers in the  
3164 ISO-NE Control Area, by the generation of electrical energy on End-use  
3165 Customers' sides of retail meters in the ISO-NE Control Area, or by the  
3166 generation of electrical energy from Off-grid Generation Units in

3167 Massachusetts; and  
3168

3169 (d) have not otherwise been, nor will be, sold, retired, claimed or represented  
3170 as part of electrical energy output or sales, or used to satisfy obligations in  
3171 jurisdictions other than Massachusetts.  
3172

3173 (3) Alternative Compliance for RPS Class II Renewable Generation Minimum  
3174 Standard. A Retail Electricity Supplier may discharge its obligations under 225  
3175 CMR 15.07(1), in whole or in part, for any Compliance Year by making an ACP to  
3176 the MassCEC. Such funds shall be held in an account separate from other accounts  
3177 of the MassCEC.  
3178

3179 (a) Procedures. A Retail Electricity Supplier shall receive Alternative  
3180 Compliance Credits from the Department, subject to the following:  
3181

3182 1. The quantity of Credits, specified in MWhs, that can be applied to its  
3183 obligations under 225 CMR 15.07(1) shall be determined by calculating the  
3184 ratio of the total of ACPs paid for the Compliance Year to the ACP Rate  
3185 for that Compliance Year.  
3186

3187 2. The ACP Rate for the RPS Class II Renewable Generation Minimum  
3188 Standard shall be \$25 per MWh for Compliance Year 2009. For each  
3189 subsequent Compliance Year, the Department shall publish the ACP Rate  
3190 by January 31 of the Compliance Year. The ACP Rate shall be equal to the  
3191 previous year's ACP Rate adjusted up or down according to the previous  
3192 year's Consumer Price Index. The ACP Rate for the RPS Class II  
3193 Renewable Generation Minimum Standard shall not exceed \$35 per MWh  
3194 for any given Compliance Year.  
3195

3196 3. The Retail Electricity Supplier shall include with its Annual Compliance  
3197 Filing copies of any ACP receipt(s) for ACPs made to the MassCEC during  
3198 the Compliance Year.  
3199

3200 (b) Use of Funds. The Department shall oversee the use of ACP  
3201 funds by the MassCEC.  
3202

3203 (4) Alternative Compliance for RPS Class II Waste Energy Minimum Standard. A  
3204 Retail Electricity Supplier may discharge its obligations under 225 CMR 15.07(2),  
3205 in whole or in part, for any Compliance Year by making an ACP to the MassCEC.  
3206 Such funds shall be held in an account separate from other accounts of the  
3207 MassCEC.  
3208

3209 (a) Procedures. A Retail Electricity Supplier shall receive Alternative  
3210 Compliance Credits from the Department, subject to the following:  
3211

3212 1. The quantity of Alternative Compliance Credits, specified in MWhs, that  
3213 can be applied to its obligations under 225 CMR 15.07(2) shall be  
3214 determined by calculating the ratio of the total of ACPs paid for the

3215 Compliance Year to the ACP Rate for that Compliance Year.  
3216

3217 2. The ACP Rate for the RPS Class II Waste Energy Minimum Standard  
3218 shall be

3219 \$10 per MWh for Compliance Year 2009. For each subsequent Compliance  
3220 Year, the Department shall publish the ACP Rate by January 31st of the  
3221 Compliance Year. The ACP Rate shall be equal to the previous year's ACP  
3222 Rate adjusted up or down according to the previous year's Consumer Price  
3223 Index. In Compliance Year 2021 through 2025, the ACP Rate for the RPS  
3224 Class II Waste Energy Minimum Standard shall be equal to the ACP Rate for  
3225 the RPS Class II Renewable Energy Minimum Standard set pursuant to 225  
3226 CMR 15.08(3)(a)2, but shall be \$11.50 per MWh beginning in 2026.  
3227

3228 3. The Retail Electricity Supplier shall include with its Annual Compliance  
3229 Filing copies of any ACP receipt(s) for ACPs made to the MassCEC during  
3230 the Compliance Year.  
3231

3232 (b) Use of Funds. The Department shall oversee the use of ACP funds by the  
3233 MassCEC.  
3234

3235 (5) Beginning in 2025 and every five years thereafter, the Department shall conduct  
3236 a review of the ACP Rate and consult with DEP on the ACP Rate for the RPS Class  
3237 II Waste Energy Minimum Standard to ensure consistency with the solid waste  
3238 master plan. Following stakeholder comment and input on the review of the ACP  
3239 Rate, the Department may modify the rate for the following five years.  
3240

3241 15.09 : Annual Compliance Filings for Retail Electricity Suppliers  
3242

3243 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail  
3244 Electricity Supplier annually shall file an annual Compliance Filing with the  
3245 Department no later than the first day of July, or the first Business Day thereafter,  
3246 of the subsequent Compliance Year.  
3247

3248 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product,  
3249 the Filing shall document compliance with the provisions of 225 CMR 15.07 and  
3250 15.08 to the satisfaction of the Department and shall include, but not be limited  
3251 to, the following:  
3252

3253 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the  
3254 total MWhs of electrical energy allocated by the Retail Electricity Supplier to  
3255 End-use Customers in the Compliance Year. Such allocation is defined as the  
3256 total quantity of the Supplier's Certificates Obligation that the Retail Electricity  
3257 Supplier correctly allocated or should have allocated to all of the Retail  
3258 Electricity Supplier's Massachusetts retail subaccounts in the NEPOOL GIS, in  
3259 compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating  
3260 Rules, or any successor rules, as specified in the Department's Guideline on the  
3261 Determination of Sales to End-use Customer.  
3262

3263 (b) Electrical Energy Sales to End-use Customers by Product. Documentation

3264 of the total MWhs of each Retail Electricity Product allocated to End-use  
3265 Customers in the Compliance Year, verified by an independent third party  
3266 satisfactory to the Department, consistent with the Guidelines. Such allocation  
3267 is defined as the quantity of the Supplier's Certificates Obligation that the  
3268 Retail Electricity Supplier correctly allocated or should have allocated to each  
3269 of the Retail Electricity Supplier's Massachusetts retail subaccounts at the  
3270 NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the  
3271 NEPOOL GIS Operating Rules, or any successor rules, as specified in the  
3272 Department's Guideline on the Determination of Sales to End-Use Customer.  
3273 The

3274 Department shall keep product information confidential to the extent permitted by  
3275 law.

3276  
3277 (c) Attributes Allocated from the Compliance Year. Documentation of the  
3278 total MWhs of each Retail Electricity Product allocated to End-use Customers  
3279 that were derived from both RPS Class II Renewable Generation and RPS Class  
3280 II Waste Energy generation during the Compliance Year, and which may  
3281 include electrical energy generated on End- use Customers' sides of retail  
3282 meters in the ISO-NE Control Area or by Off-grid Generation Units in  
3283 Massachusetts in the Compliance Year, shall be as follows:

3284  
3285 1. For electrical energy transactions included in the ISO-NE Settlement  
3286 Market System, the Compliance Filings shall include documentation from  
3287 the NEPOOL GIS administrator of the Retail Electricity Supplier's  
3288 ownership of GIS Certificates representing both RPS Class II Renewable  
3289 Generation and RPS Class II Waste Energy generation during the  
3290 Compliance Year.

3291  
3292 2. For electrical energy transactions not included in the ISO-NE Settlement  
3293 Market System, but for which the Retail Electricity Supplier has secured GIS  
3294 Certificates from the NEPOOL GIS, the Compliance Filings shall include  
3295 documentation from the NEPOOL GIS of the Retail Electricity Supplier's  
3296 ownership of GIS Certificates representing both RPS Class II Renewable  
3297 Generation and RPS Class II Waste Energy generation during the  
3298 Compliance Year.

3299  
3300 (d) Attributes Allocated from Banked Compliance. Allocation by Retail  
3301 Electricity Product of any quantity of Attributes banked from one or both of  
3302 the two previous years pursuant to 225 CMR 15.08(2) that are used to  
3303 demonstrate compliance in the current Compliance Year, except that banked  
3304 RPS Class II Waste Energy Generation Attributes cannot be used for  
3305 compliance with the RPS Class II Renewable Generation Minimum Standard  
3306 and banked RPS Class II Renewable Generation Attributes cannot be used for  
3307 compliance with the RPS Class II Waste Energy Generation Minimum  
3308 Standard.

3309  
3310 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product  
3311 of any Alternative Compliance Credits claimed pursuant to 225 CMR



3312 15.08(3), along with a copy of any ACP receipt(s).

3313  
3314 (f) Attributes Banked for Future Compliance. Identification of any quantity of  
3315 RPS Class II Renewable Generation Attributes and of any RPS Class II Waste  
3316 Energy Generation Attributes that the Retail Electricity Supplier anticipates  
3317 claiming for purposes of Banked Compliance in subsequent years under the  
3318 Banked Compliance provisions of 225 CMR 15.08(2), except that RPS Class II  
3319 Waste Energy Generation Attributes that are in excess of the quantity of such  
3320 Attributes needed for the RPS Class II Waste Energy Minimum in Compliance  
3321 Years 2014 and 2015 cannot be used for Banked Compliance.

3322  
3323 (g) Exempt Contracts under the RPS Class II Renewable Generation Minimum  
3324 Standard and the RPS Class II Waste Energy Minimum Standard. Identification  
3325 of any contract for a specific term of years that was executed before January 1,  
3326 2009, and its terms including but not limited to, the execution and expiration  
3327 dates of the contract and the annual volume of electrical energy supplied.

3328

3329 15.10 : Reporting Requirements

3330 (1) Certification. Any person required by 225 CMR 15.00 to submit  
3331 documentation to the Department shall provide:

3332

3333 (a) the person's name, title and business address;

3334

3335 (b) the person's authority to certify and submit the documentation to the  
3336 Department; and

3337

3338 (c) the following certification: "I hereby certify, under the pains and penalties  
3339 of perjury, that I have personally examined and am familiar with the information  
3340 submitted herein and based upon my inquiry of those individuals immediately  
3341 responsible for obtaining the information, I believe that the information is true,  
3342 accurate, and complete. I am aware that there are significant penalties, both  
3343 civil and criminal, for submitting false information, including possible fines and  
3344 imprisonment."

3345

3346 (2) Annual Renewable Energy Resource Report. The Department shall produce  
3347 an annual report that summarizes information submitted to the Department by  
3348 Retail Electricity Suppliers in the Annual Compliance Filing submitted to the  
3349 Department pursuant to 225 CMR 15.09(2). Such report shall include non-  
3350 confidential data that provides the following:

3351

3352 (a) the extent to which the Retail Electric Suppliers complied with the RPS  
3353 Class I Minimum Standard, the Solar Carve-out Minimum Standard, and  
3354 Solar Carve-out II Minimum Standard, both separately and combined; and

3355

3356 (b) the extent to which the Retail Electric Suppliers used Standard  
3357 Compliance, Banked Compliance, and Alternative Compliance in meeting the  
3358 Minimum Standards.

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15.11 : Inspection

(1) Document Inspection. The Department may audit the accuracy of all information submitted pursuant to 225 CMR 15.00. The Department may request and obtain from any Owner or Operator of an RPS Class II Renewable Generation Unit, Waste Energy Generation Unit, supplier of Eligible Biomass Fuel, and any Retail Electricity Supplier information that the Department determines necessary to monitor compliance with and enforcement of 225 CMR 15.00.

(2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity Supplier, supplier of Eligible Biomass Fuel, Waste Energy Generation Unit Owner or Operator, or RPS Class II Renewable Generation Unit Owner or Operator, the Department may conduct audits, which may include inspection and copying of records and/or site visits to an RPS Class II Renewable Generation Unit, Waste Energy Generation Unit, supplier of Eligible Biomass fuel, or a Retail Electricity Supplier's facilities, including, but not limited to, all files and documents that the Department determines are related to compliance with 225 CMR 15.00.

15.12 : Non-compliance

Any Retail Electricity Supplier or Owner or Operator of an RPS Class II Renewable Generation Unit that fails to comply with the requirements of 225 CMR 15.00 shall be subject to the following provisions:

(1) Notice of Non-compliance. A failure to comply with the requirements of 225 CMR 15.00 shall be determined by the Department. A written Notice of Non-compliance shall be prepared and delivered by the Department to any Retail Electricity Supplier or Owner or Operator of an RPS Class II Renewable Generation Unit that fails to comply with the requirements of 225 CMR 15.00. The Notice of Non-compliance shall describe the Requirement(s) with which the Retail Electricity Supplier, Owner, or Operator failed to comply and the time period of such non-compliance.

(2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be published on the Department's website and in any other media deemed appropriate by the Department. Such publication may remain posted until the Retail Electricity Supplier or Owner or Operator returns to compliance as determined by the Department.

(3) Planning Requirement. A Retail Electricity Supplier that fails to meet the requirements of 225 CMR 15.07 during a Compliance Year shall submit a plan for achieving compliance for the subsequent three years. The plan shall be filed with the Department no later than the first day of September of the Compliance Year subsequent to the Compliance Year for which the Retail Electricity Supplier was out of compliance or such date as the Department may specify.

3406 (4) Suspension or Revocation of License. The Department shall refer its  
3407 findings of non-compliance to the Massachusetts Department of Public Utilities.  
3408 A Retail Electricity Supplier that fails to comply with 225 CMR 15.00 may be  
3409 subject to the Massachusetts Department of Public Utilities Licensure Action  
3410 under 220 CMR 11.07(4)(c)1.  
3411

3412 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier  
3413 fails to discharge its annual obligations by September 1<sup>st</sup> under 225 CMR 15.07, by  
3414 the means described in 225 CMR 15.08(1) through (4), the Department will notify  
3415 the Retail Electricity Supplier that it must provide the Department with a payment  
3416 using the financial security of which it provided pursuant to 225 CMR 14.08(4),  
3417 unless a Retail Electricity Supplier has an approved alternative payment plan to  
3418 discharge its annual obligations in full that has been approved by the Department  
3419 prior to September 1<sup>st</sup>. The payment shall, within 30-days of notification by the  
3420 Department, be deposited into the Alternative Compliance Payment fund  
3421 established in 225 CMR 14.08(3) pursuant to the provisions of 225 CMR 14.12(5).  
3422

3423 (6) Partial Compliance. In the event that the collection of financial security under  
3424 225 CMR 14.12(5) results in the collection of an amount of Alternative  
3425 Compliance Payments that is insufficient to discharge a Retail Electricity  
3426 Supplier's full annual obligations under 225 CMR 15.07, the Retail Electricity  
3427 Supplier will remain in a state of non-compliance, and the Department will take the  
3428 necessary actions to document and enforce this non-compliance, pursuant to 225  
3429 CMR 15.12(1) through (4).  
3430

3431 (7) The Department reserves all rights to take any and all appropriate actions to  
3432 ensure the collection of all Alternative Compliance Payments owed to ensure  
3433 annual compliance obligations are fully discharged by a Retail Electricity Supplier,  
3434 including, but not limited to, filing a petition with the Department of Public Utilities  
3435 requesting an investigation into a supplier that is deemed to be in non-compliance  
3436 by the Department.  
3437

3438 15.13 : Severability

3439 If any provision of 225 CMR 15.00 is declared invalid, such invalidity shall  
3440 not affect other provisions or applications that can be given effect without the  
3441 invalid provision or application.  
3442

3443 REGULATORY AUTHORITY

3444  
3445  
3446 225 CMR 15.00: M.G.L. c. 25A, § 11F.