



The General Court of the Commonwealth of Massachusetts  
State House, Boston, MA 02133

December 11, 2023

Chair James Van Nostrand  
Department of Public Utilities  
1 South Station, 3rd floor  
Boston, MA 02110

Commissioners Cecile M. Fraser  
Department of Public Utilities  
1 South Station, 3rd floor  
Boston, MA 02110

Commissioner Staci Rubin  
Department of Public Utilities  
1 South Station, 3rd floor  
Boston, MA 02110

**RE: Concerns regarding Net-Metering, SMART, Municipal Aggregation, and the Capital Improvement Plans**

Dear Chair Van Nostrand, Commissioners Fraser, and Commissioner Rubin,

As co-chairs of the Clean Energy Caucus (CEC), we have been discussing the current clean energy landscape and the progress in the environmental sector with former caucus members and clean energy advocates. The CEC is a coalition of legislators committed to the clean energy transition, the advancement of green energy sources and technology, the reduction of greenhouse gas emissions, and the promotion of clean energy jobs and environmental justice communities through legislation, stakeholder collaboration, educational briefings, and public awareness. On Thursday, November 16th, the CEC co-chairs met with members of your team - Andrew Strumfels, Bob FitzPatrick, Katie Zilgme, and Johannes Buchanan - to discuss many of the issues we have raised below. Please consider this correspondence a formal response to that meeting, which we greatly appreciated having.

As we continue with the 193rd Session - and in recognition of your continued leadership and advocacy in the clean energy space - we are encouraged, hopeful, and committed to working with you to find solutions to the following issues:

***Net-metering Credits:*** We are hopeful to hear that significant internal progress is being undertaken to implement the credit-transfer provision in the 2021 Climate Act and other provisions in the act. We understand that any changes to the net-metering program need a more thoughtful analysis that may not be evident on the surface and appreciate that this remains a top-priority issue for the department.

***Net-metering Caps:*** The Acts of 2022 allowed for 25kW projects (and below) to be exempt from the net-metering cap, yet we are still operating under the 2021 changes. We understand that changing the definition of a cap-exempt facility requires the DPU to conduct an interagency review to close out the 2021 changes and implement the 2022 provisions. You have begun this process, but it is not yet clear how long it will take to complete, so we look forward to receiving updates on the progress made.

***DPU 23-20 Statutory exemptions from Single Parcel Rule:*** A straw proposal was conducted regarding the implementation of the self-certification form, which DPU proposed, but this has not gone out for public comment. Thank you for clarifying that the single-parcel rule was created through department order and is not contained in the DPU regulations, so this can be carried out without having to go through the formal rule-making process. You began the implementation process with a preliminary proposal and a stakeholder conference call and since then, you have commenced significant internal processes to develop a proposal based on the stakeholder conference as well as overhauling the net-metering program/expanding access to net-metering. We appreciate the extra level of review and care taken because of the possibility that expanding access to the program may impact rates. We are awaiting an update on this process, as well as an update on the measures taken to ensure that rates do not significantly increase.

***SMART II Order\_DPU 20-145:*** In compliance with the 2020 updates, there was an adder for community low-income solar if partnered with municipal aggregation [essentially resulting in savings for low-income customers], but the status of DPU 20-145 SMART Tariff was not made clear. This issue remains an open-docket, and although the appropriate staff that could provide a procedural update were not on this call, we are hopeful that you will follow up and provide information in the near future.

***Municipal Aggregation:*** DPU currently takes over three years to approve municipal aggregation plans and restricts municipal flexibility, requiring municipalities to request (and wait years for) permission for any program change. To fix this problem, there has been a recommendation that DPU should limit its role to reviewing the structural elements of aggregation programs; municipalities should be free to decide and modify program implementation details to benefit their residents and to adapt to changing market conditions. It was said that this is an open-docket issue and that DPU is looking to address the frustrations with the delays in this process. Some plans take 18+ months to go through that process, partly because of the back-and-forth of a lot of

information requested to look at the plan's characteristics and the need for municipalities to refile the plan to comply with consumer protection laws. In addition, there is limited staffing to oversee all the dockets, and the department advocates for more staffing. We look forward to working together to advocate for more funding for additional staffing for the aggregation team and those who handle oversight and utilities without adding the burden of costs to the rate-payers.

***Capital Improvement Plans/statewide electric-sector modernization plans (ESMP):*** It is our understanding that there is a CIPS order, which essentially looks at ten projects and their costs for interconnection, and will be assessed by DPU to set rules/guidelines that the utilities can use in their ESMP. Although the department cannot speak on the timing and substance of this issue, we are encouraged that the CIPS order is on the commission's radar and is a top priority.

As we continue this legislative session, we hope to continue the conversation on the issues addressed above and those that remain unresolved. We hope that the department will identify and share any bottlenecks in the department's internal review process that legislators should be aware of, provide additional information on the net-metering credits process, and give an update on the SMART II Order\_DPU 20-145.

Thank you for your continued and thoughtful leadership on clean energy issues in the Commonwealth, and thank you for your consideration of the issues outlined above. We look forward to having more conversations with your department in the future.

Sincerely,



**Jamie Eldridge**  
State Senator  
*Middlesex & Worcester District*



**Steve Owens**  
State Representative  
*29th Middlesex*