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Judith F. Judson, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: Proposed changes to the RPS Class I Regulations

Dear Commissioner Judson,

I write respectfully to urge the Department of Energy Resources (DOER) not to amend the RPS Class I regulations (225 CMR 14.00) to limit to 40 quarters the generation of Solar Renewable Energy Certificates (SRECs) by solar projects under the SREC-I program.

Homeowners and businesses install solar only after a careful weighing of the significant cost of the upfront investment against potential future savings and the length of the payback period. In making these financial calculations, early solar adopters relied on two main incentives to generate earnings: net metering and the ability to sell SRECs. For those served by municipal light plants that do not have net metering programs, selling SRECs was the only way to earn money from their panels.

DOER's regulations are very clear that after a project's opt-in period, defined as a number of calendar quarters specified in the project's Statement of Qualifications, its SRECs become ineligible for sale at the Solar Credit Clearinghouse Auction. However, the regulations governing SREC-I are silent on a limit to the generation of SRECs for sale on the market. This would reasonably lead one to believe that a qualified project under SREC-I can continue to generate market-eligible SRECs for the duration of the SREC program.

Many of DOER's written and verbal communications confirm that interpretation. At a webinar held on December 18, 2009, DOER was asked: "Do projects generate SRECs beyond the opt-in term, which can be sold on the market (not in the auction)?" It responded in writing: "Yes. However, the generation of SRECs will end eventually. That end will not occur before the Opt-In Term of all PV projects has ended . . . After the termination of the SREC program, solar projects will continue to generate RECs for

compliance in the RPS Class I market.”¹ Four years later, a DOER PowerPoint entitled “Massachusetts Solar Carve-Out (SREC): Overview & Program” included this guidance in the FAQ section: “Your project will generate SRECs from the time it is qualified until the program ends.”²

To amend the regulations after-the-fact to say that the opt-in term for all projects is 40 quarters and after those 40 quarters a project no longer generates SRECs for sale at either the auction or on the market is to undermine the reasonable expectations upon which many early solar adopters relied. Though some solar customers have recouped their investment more quickly than expected, others, especially those who cannot net meter, still rely on SREC revenue. Such a major revision of the financial terms of SREC-I will also undermine public confidence that the Commonwealth will honor its obligations to participants in all its clean energy incentive programs. Maintaining this public confidence is crucial to the attainment of the Commonwealth’s clean energy goals.

Thank you for the opportunity to submit these comments and for your reconsideration of the proposed retroactive changes to the SREC-I program. Please do not hesitate to reach out to my office if you have any questions or concerns.

Best regards,



Jonathan Hecht
State Representative
29th Middlesex

¹ <http://www.grotonelectric.org/wp-content/uploads/2013/07/Questions-on-SREC.pdf>

² <https://www.mass.gov/files/documents/2016/08/16/srec-presentation.pdf>