

**HOUSE . . . . . No. 2922**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David M. Rogers*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote fairness and transparency in clean energy procurements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>

**HOUSE . . . . . No. 2922**

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 2922) of David M. Rogers and others relative to large-scale clean energy procurements. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

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

An Act to promote fairness and transparency in clean energy procurements.

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

1 SECTION 1. Chapter 169 of the acts of 2008 is hereby amended by inserting after section  
2 83D, inserted by chapter 188 of the acts of 2016, the following section:

3 Section 83E. Notwithstanding any general or special law to the contrary, for any large-  
4 scale clean energy procurements, including but not limited to those conducted pursuant to  
5 Sections 83C and 83D, in the event that an affiliated company of a distribution company submits  
6 a response to a request for proposals, said distribution company may not participate in the bid  
7 evaluation and selection process. The DOER and DPU shall revise any relevant regulations to  
8 comply with this section.

9 SECTION 2. Section 83B of chapter 169 of the acts of 2008, inserted by chapter 188 of  
10 the acts of 2016, is amended by striking the phrase “For the purposes of this section and Sections  
11 83C and 83D,” and inserting in place thereof:

12 For the purposes of this section and Sections 83C, 83D, and 83E,

13                   SECTION 3. Said section 83B of chapter 169 of the acts of 2008, inserted by  
14 chapter 188 of the acts of 2016, is further amended by striking the definition of “Firm Service  
15 Hydroelectric Generation” and replace it with the following definition:

16                   “Firm Service Hydroelectric Generation”, hydroelectric generation provided without  
17 interruption for 1 or more discrete periods designated in a long-term contract, including but not  
18 limited to multiple hydroelectric run-of-the-river generation units managed in a portfolio that  
19 creates firm service though the diversity of multiple units; provided that any such units must  
20 have not commenced commercial operation prior to January 1, 2016 or generation for said units  
21 must represent a net increase from incremental new generating capacity at an existing facility  
22 after January 1, 2016.

23                   The DOER and DPU shall revise any relevant regulations to comply with this section.

24                   SECTION 4. Subsection (j) of section 83D of chapter 169 of the acts of 2008, inserted by  
25 chapter 188 of the acts of 2016, is amended by adding the following sentence at the end:

26                   In the event that the contract includes electric generation from generating units not  
27 located within the ISO-NE control area and are not accounted for within the NEPOOL GIS  
28 accounting system, such generation and associated attributes shall be tracked using an  
29 appropriate tracking system that is compatible with and has the equivalent functionality and  
30 scope of the NEPOOL GIS, including the tracking of all generation and associated attributes  
31 within the contracted generators’ control area as required by NEPOOL GIS Operating Rules  
32 pertaining to imported energy.

33                   The DOER and DPU shall revise any relevant regulations to comply with this section.