

HOUSE No. 3367

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:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/18/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>

HOUSE No. 3367

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 3367) of David M. Rogers and Lindsay N. Sabadosa relative to large-scale clean energy procurements. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2922 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 through 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.