

HOUSE No. 3392

The Commonwealth of Massachusetts

PRESENTED BY:

Mark J. Cusack

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 relative to establishing standard interconnection timelines for distributed generation facilities.

PETITION OF:

NAME:

Mark J. Cusack

DISTRICT/ADDRESS:

5th Norfolk

HOUSE No. 3392

By Mr. Cusack of Braintree, a petition (accompanied by bill, House, No. 3392) of Mark J. Cusack relative to enforceable standard interconnection timelines for the interconnection of distributed generation facilities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to establishing standard interconnection timelines for distributed generation facilities.

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. Section 49 of chapter 209 of the acts of 2012 is hereby amended by
2 striking out section 49 and inserting in place thereof the following section:

3 The department of public utilities shall develop an enforceable standard interconnection
4 timeline for the interconnection of distributed generation facilities. Timelines, which shall
5 include both the time required to negotiate an interconnection services agreement and the time
6 required to negotiate a schedule for construction, may vary depending on the size and type of the
7 facility or other factors as determined by the department, but in no event may the time required
8 to negotiate a schedule for construction following the negotiation of an interconnection services
9 agreement exceed 30 days, and in no event may the time required to negotiate both an
10 interconnection services agreement and a schedule for construction exceed 180 days total. The
11 department shall implement such timeline not later than June 1, 2017. If an interconnection
12 services agreement has been negotiated prior to the effective date of this section but a schedule

13 for construction has not been negotiated as of the effective date of this section, the time required
14 to negotiate said schedule of construction shall not exceed 30 days from the effective date of this
15 section. The department shall enforce established timelines as part of its service quality standards
16 review under section 11 of chapter 164 and by an enforcement mechanism that is determined
17 appropriate by the department; provided, however, that such enforcement mechanism shall
18 include (i) annual reporting on compliance with all applicable timelines, which shall include both
19 timelines to negotiate interconnection services agreements as well as timelines to negotiate
20 schedules for construction, (ii) monetary damages for interconnection delays, payable to project
21 proponents, in an amount equivalent to the demonstrated losses and damages incurred by the
22 project proponents as a consequence of such delays, and (iii) provision for the refunding of
23 application fees to project proponents affected by such delays. In the event the department fails
24 to enforce the established timelines, a project proponent so aggrieved shall have the right to
25 appeal such failure to the superior court. The department shall review and issue a written report
26 on the effectiveness of the enforcement mechanism on an annual basis.

27 SECTION 2. This act shall take effect upon its passage.