

HOUSE No. 4553

The Commonwealth of Massachusetts

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

An Act relative to greenhouse gas emissions standards for municipal lighting plants, for the purpose of promoting the Commonwealth’s goals of reducing greenhouse gas emissions while acknowledging and preserving the statutory scheme of chapter 164 which places municipal lighting plant operations, finances, and rates under local control.

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

1 Chapter 25A of the General Laws, as so appearing, is hereby amended by adding the
2 following section:-

3 Section 11F3/4. (a) To assist in ensuring that the commonwealth’s greenhouse gas
4 emissions goals are achieved each municipal lighting plant shall establish a greenhouse gas
5 emissions standard for such municipal lighting plant which shall be known as the “Municipal
6 Lighting Plant GGES.”

7 (b) Subject to subsection (f) hereof, the Municipal Lighting Plant GGES shall set the
8 minimum percentage of non-carbon emitting energy sold by each municipal lighting plant to all
9 retail end-user customers purchasing electricity pursuant to rates established pursuant to section
10 58 of chapter 164 as follows: (1) seven percent by 2021; (2) forty percent by 2030; (3) sixty
11 percent by 2040; and (4) eighty percent by 2050.

12 (c) In satisfying the minimum percentages set forth in subsection (b) hereof, municipal
13 lighting plants may either purchase or self-generate non-carbon emitting energy. Energy from
14 resources using the types of technology set forth in subsection (d)(1) below, acquired via
15 ownership interest or purchase pursuant to contracts executed prior to the effective date of this
16 act, regardless of whether the renewable energy credits associated therewith have been sold,
17 retired, claimed or otherwise represented by another party as part of electrical energy output or
18 sales or used to satisfy obligation in jurisdictions other than the commonwealth, shall qualify in
19 calculating the minimum percentages contained in subsection (b) after the effective date of this
20 act.

21 (d) For the purposes of this statute, “non- carbon emitting” shall be defined as:

22 (1) energy from facilities using the following generation technologies, but only to the
23 extent that any renewable energy credits associated therewith have not been sold, retired,
24 claimed or otherwise represented by another party as part of electrical energy output or sales or
25 used to satisfy obligations in jurisdictions other than the commonwealth: (i) solar photovoltaic;
26 (ii) solar thermal electric; (iii) hydroelectric; (iv) nuclear; (v) marine or hydrokinetic energy; (vi)
27 geothermal energy; (vii) landfill methane; (viii) anaerobic digester gas; (ix) biomass fuel; (x)
28 wind energy; and (xi) any other generation qualifying for Renewable Portfolio Standards under
29 section 11F of chapter 25A or department of environmental protection’s Clean Energy Standard
30 regulation under 310 C.M.R. 7.75 ; or

31 (2) generation that has net lifecycle GHG emissions, over a twenty-year life cycle, that
32 yield at least a fifty percent reduction of greenhouse gas emissions per unit of useful energy
33 relative to the lifecycle greenhouse gas emissions from the aggregate use of the operation of a

34 new combined cycle natural gas electric generating facility using the most efficient commercially
35 available technology as of the date of the statement of qualification application to the department
36 of environmental protection for the portion of electricity delivered by the generation unit; or

37 (3) clean energy credits such as renewable energy certificates derived from each
38 megawatt hour of generation from a resource, that are produced, documented or classified in the
39 NEPOOL GIS according to their ability to meet Renewable Portfolio Standards requirements in
40 the commonwealth or any New England state that have not otherwise been, nor will be, sold,
41 retired, claimed or represented as part of electrical energy output or sales, or used to satisfy
42 obligations in jurisdictions other than the commonwealth; or

43 (4) generation from resources otherwise determined by the department to qualify as non -
44 carbon emitting hereunder; or

45 (5) any combination of the foregoing.

46 (e) A municipal lighting plant shall file, using a form and by the date, specified by the
47 department, demonstrating compliance with subsection (b) hereof. If a municipal lighting plant
48 fails to comply with the requirements of subsection (b), it shall make an one-time alternative
49 compliance payment, to be known as the “Municipal Lighting Plant ACP” for the year of non-
50 compliance, and on the anniversary of each year that said non-compliance continues thereafter,
51 in the amount 0.25 times the Renewable Portfolio Standard ACP set forth in the department’s
52 regulations at 225 C.M.R. 14.00 et seq. per kilowatt hour based on the amount of such deficiency
53 , escalated annually by the Consumer Price Index, but in no event shall said ACP exceed \$0.010
54 per kilowatt hour. Such Municipal Lighting Plant ACP shall be deposited into a fund which
55 shall be maintained and administered by the municipal light plant and such fund shall be used by

56 the municipal light plant to fund greenhouse gas emissions reduction and related programs in its
57 service territory.

58 (f) Each municipal lighting plant shall file a compliance status report with the
59 Department one year prior to each established date as contained in subsection (b).

60 (g) Compliance with the foregoing subsections shall fully satisfy any and all current and
61 future requirements regarding the commonwealth's implementation of the Global Warming
62 Solutions Act as might be applied to municipal lighting plants, including the provisions of
63 chapter 21N of the general laws, as may be amended from time to time.