



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Governor

Karyn E. Polito
Lt. Governor

Kathleen A. Theoharides
Secretary

Patrick C. Woodcock
Commissioner

March 19, 2020

To: Clerk of House of Representatives, Clerk of the Senate
CC: Chairs of the Joint Committee on Telecommunications, Utilities, and Energy
RE: Submission of 225 CMR 21.00 Clean Peak Standard Regulation Submission to General Court

Dear Clerks:

Pursuant to M.G.L. Chapter 25A Section 12, please find enclosed:

- 225 CMR 21 Clean Peak Standard Regulation
- Summary of the Regulation in layman's terms

In addition to the requirements of Section 12, please also find enclosed:

- 225 CMR 21 Clean Peak Standard Regulation in redline format over the originally proposed regulation prior to the public comment period required by Chapter 30A; and
- DOER Response to public comments received

In the development of 225 CMR 21.00, the Clean Peak Standard Regulation, the pertinent provisions of Chapter 30A, except section five, have been complied with.

Please direct questions and comments on this regulation to:

Serafina Zeringo
Serafina.T.Zeringo@mass.gov
617-626-1108

Sincerely,

s/Patrick C. Woodcock
Patrick C. Woodcock
Commissioner

Regulation Summary

Summary of Draft Clean Peak Energy Standard –225 CMR 21.00

The Clean Peak Energy Standard was established as part of the Act to Advance Clean Energy of 2018 and is codified at M.G.L. c. 25A, § 17C (Statute). This draft regulation represents the Department of Energy Resources (DOER) first promulgation of regulations to implement the Statute.

The Clean Peak Energy Standard allows for qualified renewable energy generators, energy storage resources, and demand response resources to earn Clean Peak Energy Certificates (CPECs) for every megawatt hour of electricity they produce or reduce coincident with Seasonal Peak Periods as established by the regulation. Seasonal Peak Periods represent the times of day in which the Net Demand for electricity is typically the highest. The CPECs may then be purchased by retail electricity suppliers, who are required to document annually that they have procured a certain quantity of CPECs each year. These resources contribute to the Commonwealth's clean energy goals by increasing renewable energy generation, reducing the need for conventional fossil fuel-based power generation, and assisting the Commonwealth in meeting its obligations under the Global Warming Solutions Act.

In 2020, retail electricity suppliers will be obligated to procure CPECs equal to an amount of 1.5% of their total electricity sales to end-use customers. This requirement increases by 1.5% each following year. The requirement may increase by more than 1.5% if the market is oversupplied. A requirement increase greater than 1.5% is accompanied by a decrease in Alternative Compliance Payment rate, to cool the market and reduce the ratepayer impact of an increased obligation. The DOER may also require the Electric Distribution Companies to enter into long term contracts for CPECs through a competitive procurement process.

Municipal Lighting Plants are exempt from the obligation, and facilities interconnected with Municipal Lighting Plants are ineligible to participate in the program.

The Clean Peak Energy Standard will send a market signal to clean energy generation to invest in storage technologies to deliver energy to users and to reduce demand during peak periods, thereby reducing the emissions and costs associated with these periods. The market signal will include prioritization of Winter and Summer seasons, resources which enhance energy resilience, performance coincident with actual monthly system peak demands, and resources which are new and provide incremental additional energy on peak beyond what already exists or is contracted for. The market signal will reduce the Commonwealth's reliance on high emissions and high cost power plants and enable the continued integration of renewable resources in support of achieving the Global Warming Solutions Act.

A summary of changes to the regulation in response to comments is as follows:

- Increase the initial ACP value to \$45 from the originally proposed \$30
- Hold the initial ACP for 5 years instead of the originally proposed 10 years
- Increase the Summer/Winter Multiplier to 4x from the originally proposed 3x
- Increase the Actual Monthly Peak Hour Multiplier to 25x from 15x

- Adjust the EDC procurement target according to the market supply of the previous year
- Adjust the obligation (up) and ACP (down) in response to market oversupply

HOUSE No. 4581

Communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting regulations to 225 CMR 21, Clean Peak Energy Portfolio Standard (CPS).
Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

1 **225 CMR 21.00: CLEAN PEAK ENERGY PORTFOLIO STANDARD (CPS)**

2
3 Section

- 4
- 5 21.01: Authority, Purpose and Application
- 6 21.02: Definitions
- 7 21.03: Administration
- 8 21.04: Applicability
- 9 21.05: Eligibility Criteria for Clean Peak Resources
- 10 21.06: Qualification Process for Clean Peak Resources
- 11 21.07: Clean Peak Energy Standard
- 12 21.08: Compliance Procedures for Retail Electricity Suppliers
- 13 21.09: Annual Compliance Filings for Retail Electricity Suppliers
- 14 21.10: Reporting Requirements
- 15 21.11: Inspection
- 16 21.12: Non-compliance
- 17 21.13: Severability

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19 21.01: Authority, Purpose and Application

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21 225 CMR 21.00 is promulgated pursuant to M.G.L. c. 25A, § 17(c).

22
23 The purpose of 225 CMR 21.00 is to establish a Clean Peak Energy Portfolio Standard to
24 increase clean energy during the periods when Net Demand of electricity is the highest.
25 Clean Peak Resources contribute to the Commonwealth’s environmental protection goals
26 concerning air emissions including, but not limited to, those required by the *Global*
27 *Warming Solutions Act*, M.G.L. c. 21N, §§ 1-9, by displacing non-renewable generating
28 resources during Seasonal Peak Periods, while also having added benefits of reducing
29 peak demand and system losses and increasing grid reliability. Clean Peak Resources that
30 participate in the CPS program pursuant to 225 CMR 21.00 do so on a voluntary basis but

31 must comply with the terms and requirements of 225 CMR 21.00.

32
33 21.02: Definitions
34

35 Actual Monthly System Peak. The highest net demand for electricity in a calendar
36 month in ISO- NE Control Area.

37
38 Aggregation. A group of one or more Clean Peak Resources that receives a single
39 Statement of Qualification from the Department under the criteria and procedures set
40 forth in 225 CMR 21.05.

41
42 Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon
43 making an Alternative Compliance Payment. Such credit is used to document
44 compliance with 225 CMR
45 21.07. One unit of credit shall be equivalent to one Clean Peak Energy Certificate.

46
47 Alternative Compliance Payment (ACP). A payment of a certain dollar amount per Clean
48 Peak Certificate, resulting in the issuance of an Alternative Compliance Credit, which a
49 Retail
50 Electricity Supplier may submit to the Department in lieu of providing a Clean Peak
51 Energy Certificate as required under 225 CMR 21.07.

52
53 Authorized Agent. A person or entity that serves under an agreement entered into by each
54 of the Owners of a Clean Peak Resource for all dealings with the Department and with
55 the NEPOOL GIS.

56
57 Business Day. Monday through Friday, exclusive of state and federal legal holidays.
58

59 Clean Peak Energy Certificate (CPEC). A credit received for each megawatt hour of
60 energy or energy reserves at NEPOOL GIS that is adjusted by applicable Clean Peak
61 Energy Certificate Multipliers and provided during a Seasonal Peak Period that represents
62 a compliance mechanism.

63
64 Clean Peak Energy Certificate Multipliers. Values which, when applicable, are multiplied
65 against Clean Peak Resource's performance, thereby increasing or decreasing the number
66 of Clean Peak Energy Certificates produced in a given time period.

67
68 Clean Peak Resource. A Qualified RPS Resource, a Qualified Energy Storage System or a
69 Demand Response Resource that generates, dispatches or discharges electricity to the
70 electric distribution system during Seasonal Peak Periods, or alternatively, reduces load
71 on said system during said periods.

72
73 Clean Peak Seasons. The four seasons of the year as established in as determined in 225
74 CMR 21.05.

75
76 Contracted Resource. A Clean Peak Resource that:

- 77 1) Has received a Statement of Qualification as a Solar Tariff
78 Generation Unit pursuant to 225 CMR 20.00; or,
79 2) Has a contract with a Distribution Company that has been approved by
80 the Massachusetts Department of Public Utilities pursuant to St. 2008,
81 c. 169, §§ 83, 83A, or 83C.
82

83 Commercial Operation Date. The date that a Clean Peak Resource first produces or
84 provides electrical energy for sale. In the case of a Clean Peak Resource that is connected
85 to the End-use Customer's side of the electric meter, the date on which the local
86 Distribution Company grants approval for the Clean Peak Resource to interconnect with
87 the grid. In the case of a Demand Response Resource, the date on which the resource first
88 changes electric usage.
89

90 Compliance Filing. A document filed annually by a Retail Electricity Supplier with the
91 Department documenting compliance with 225 CMR 21.07, consistent with the format
92 set forth in the Guidelines and submitted no later than the first day of July, or the first
93 Business Day thereafter, of the subsequent Compliance Year.
94

95 Compliance Year. A calendar year beginning January first (1st) and ending December
96 thirty- first (31st), for which a Retail Electricity Supplier must demonstrate that it has
97 met the requirements of 225 CMR 21.07 and 21.08.
98

99 Control Area. A geographic region in which a common generation control system is used
100 to maintain scheduled interchange of electrical energy within and without the region.
101

102 Demand Response Resource. A resource that has received a Statement of Qualification
103 from the Department, which changes electric usage by retail end-use customers in the
104 Commonwealth from their normal consumption patterns in response to:

- 105 (i) changes in the price of electricity over time, including, but not limited to, time-
106 of-use rates for residential and small commercial and industrial customers; or
107 (ii) incentive payments designed to induce lower electricity use at times of high
108 wholesale market prices or when system reliability is jeopardized.
109

110 Department. The Massachusetts Department of Energy Resources, established by
111 M.G.L. c. 25A.
112

113 Distribution Company. A company engaging in the distribution of electricity or owning,
114 operating or controlling distribution facilities as defined in M.G.L. c. 164, § 1; provided,
115 however, a Distribution Company shall not include a municipal lighting plant established
116 pursuant to the provisions of M.G.L. c. 164.
117

118 Distribution System. The electric system, owned and operated by a Distribution Company
119 and/or a municipal lighting plant typically operated at voltages below 69 kilovolts, which
120 provides distribution service as defined in M.G.L. c. 164, § 1.
121

122 DPU. The Massachusetts Department of Public Utilities established by M.G.L. c. 25, § 1.

123
124 End-use Customer. A person or entity in Massachusetts that purchases electrical energy
125 from a Distribution Company.
126
127 Existing Resource. A Clean Peak Resource that has a Commercial Operation Date before
128 January 1, 2019.
129
130 Generation Attribute. Means a Generation Attribute, as defined in 225 CMR 14.02:
131 *Definitions.*
132
133 GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies
134 Generation Attributes of each MWh accounted for in the NEPOOL GIS.
135
136 Guideline. A set of clarifications, interpretations, and procedures, including forms,
137 developed by the Department to assist in compliance with the requirements of 225 CMR
138 21.00. The Department may issue new or revised Guidelines. Each Guideline shall be
139 effective on its date of issuance or on such date as is specified therein, except as otherwise
140 provided in 225 CMR 21.00.
141
142 Hour of Actual Monthly System Peak. The hour in which the Actual Monthly System Peak
143 occurs.
144
145 Interconnection Service Agreement. The agreement for interconnection service entered
146 into between the interconnecting customer and a Distribution Company, as defined and
147 provided in each Distribution Company's standards for interconnection of distributed
148 generation.
149
150 ISO-NE. ISO New England Inc., the independent system operator for New England, the
151 regional transmission organization for most of New England, which is authorized by the
152 Federal Energy Regulatory Commission to exercise for the New England Control Area
153 the functions required pursuant to the Federal Energy Regulatory Commission's Order
154 No. 2000 and corresponding regulations.
155
156 ISO-NE Control Area. The Control Area for which the ISO-NE is responsible.
157
158 Kilowatt (kW). A unit of power equal to one thousand watts, as measured in alternating
159 current (AC).
160
161 Kilowatt-hour (kWh). A unit of electrical energy or work equivalent to one thousand
162 watts of power operating for one hour.
163
164 Market Supply. The percentage resulting from dividing the number of Clean Peak
165 Energy Certificates produced in a compliance year by the total market obligation of
166 Retail Electricity Suppliers for said compliance year.
167
168 Massachusetts Clean Energy Technology Center (MassCEC). The center established

169 by M.G.L. c. 23J, § 2.

170

171 Megawatt (MW). A unit of power equal to one million watts, as measured in alternating
172 current (AC).

173

174 Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million
175 watts of power operating for one hour.

176

177 NEPOOL GIS. The NEPOOL Generation Information System, which includes a
178 generation information database and certificate system, operated by the New England
179 Power Pool (NEPOOL), its designee or successor entity, that accounts for generation
180 attributes of electrical energy consumed within, imported into, or exported from the
181 ISO-NE Control Area.

182

183 Net Demand. The amount of electric power needed to supply electric load at a specific
184 time and place after all behind-the-meter energy generation and consumption has been
185 accounted.

186

187 On-Site Load. Any new or existing electric load located at the site of a Clean Peak
188 Resource including any parasitic load that may result from the installation of the Clean
189 Peak Resource, and in the case of Qualified RPS Resource or Qualified Energy Storage
190 System, that is wired to receive a portion of the electrical energy output from the Clean
191 Peak Resource before the balance of such output passes through the Clean Peak
192 Resource's metered interconnection onto the electric grid.

193

194 Operator. Any person or entity that has charge or control of a Clean Peak Resource subject
195 to 225 CMR 21.00, including without limitation a duly authorized agent or lessee of the
196 Owner, or a duly authorized independent contractor.

197

198 Owner. Any person or entity who, alone or in conjunction with others, has legal
199 ownership, a leasehold interest, or effective control over the real property or property
200 interest upon which a Clean Peak Resource is located, or the airspace above said real
201 property, including without limitation a duly authorized agent of the Owner. For the
202 purposes of 225 CMR 21.02, Owner does not mean a person or entity holding legal
203 title or security interest solely for the purpose of providing financing.

204

205 Program Administrator. An entity designated by the Department to assist in the
206 implementation of the Clean Peak Standard, including but not limited to the MassCEC
207 or another party as designated by the Department.

208

209 Qualified Energy Storage System. An energy storage system, as defined in M.G.L. c. 164,
210 § 1, that commenced commercial operation or provided incremental new capacity at an
211 existing energy storage system on or after January 1, 2019 that has received a Statement
212 of Qualification from the Department; provided, however, that such system operates
213 primarily to store and discharge renewable energy.

214

215 Qualified RPS Resource. A renewable energy generating source, as defined in M.G.L.
216 c. 25A, §§ 11FI or (d) that has received a Statement of Qualification from the Department
217 and has:

- 218 (i) a Commercial Operation Date prior to January 1, 2019 and which installs
- 219 a Qualified Energy Storage System at its facility; or
- 220 (ii) a Commercial Operation Date on or after January 1, 2019.

221
222 Resilient Facility. A site which includes a Qualified RPS Resource and may include
223 Qualified Energy Storage and/or Demand Response Resource where the qualified
224 resources improve the facility's energy resilience by enabling the Qualified RPS Resource
225 to generate electricity and provide said electricity to On-Site Load when the facility's
226 distribution service is not energized (outage condition). Said onsite generation and
227 provision of electricity to On-Site Load enhances the facility's ability to prepare for and
228 adapt to changing conditions and withstand and recover rapidly from disruptions. A
229 Resilient Facility must include On-Site Load other than parasitic load.

230
231 Retail Electricity Product. Means a Retail Electricity Product as defined in 225 CMR
232 14.02: *Definitions*.

233
234 Retail Electricity Supplier. A person or entity that sells electrical energy to End-use
235 Customers in Massachusetts, including but not limited to electric utility distribution
236 companies supplying basic service or any successor service to End-use Customers. A
237 municipal lighting plant shall be exempt from the obligations of a Retail Electricity
238 Supplier under 225 CMR 21.00 as it is exempt from the requirements of the Clean Peak
239 Standard pursuant to M.G.L. c. 25A, § 17(d).

240
241 RPS Class I Renewable Generation Attribute. Means a RPS Class I Renewable
242 Generation Attribute, as defined in 225 CMR 14.02: *Definitions*.

243
244 RPS Class I Renewable Generation Unit. Means a RPS Class I Renewable Generation
245 Unit, as defined in 225 CMR 14.02: *Definitions*.

246
247 Seasonal Peak Period. The time periods during the Clean Peak Seasons when the Net
248 Demand for electricity is typically highest. The Seasonal Peak Periods shall not be less
249 than one (1) hour and not longer than four (4) hours each Business Day in any Clean Peak
250 Season; will be determined on a prospective basis no later than six (6) months prior to the
251 next Compliance Year; shall be revised no more than once every three (3) years; and the
252 Department reserves the discretion to exempt existing resources from adjustments to the
253 Seasonal Peak Periods in effect at the time of their qualification.

254 SMART ES Resource. A Clean Peak Resource that is an energy storage system which is
255 paired with a qualified Solar Tariff Generation Unit in the SMART Program which
256 receives the SMART Program energy storage adder.

257
258 Solar Massachusetts Renewable Target (SMART) Program. The solar incentive program
259 established pursuant to 225 CMR 20.00.

260

261 Statement of Qualification. A document issued by the Department that qualifies a Clean
262 Peak Resource under 225 CMR 21.00.

263
264 Transmission System. The electric system established for the delivery of power over lines
265 that operate at a voltage level typically equal to or greater than 69,000 volts, which
266 provides transmission service as defined M.G.L. c. 164, § 1.

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268 21.03: Administration
269

270 225 CMR 21.00 shall be administered by the Department.

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272 21.04: Applicability
273

274 225 CMR 21.00 applies to Retail Electricity Suppliers and to the Owners and Operators of
275 Clean Peak Resources.

276
277 21.05: Eligibility Criteria for Clean Peak Resources
278

279 (1) Eligibility Criteria. A Clean Peak Resource may qualify for a Statement of
280 Qualification [or “qualify to generate Clean Peak Energy Certificates”] subject to the
281 limitations in 225 CMR 21.05. The Department shall publish a Guideline on Clean
282 Peak Resource Eligibility that explains the parameters of eligibility requirements.

283
284 (a) Energy Resources and Technologies. The Clean Peak Resource shall use one or
285 more of the energy resources or technologies listed in 225 CMR 21.05(1)(a) 1
286 through 4. The Clean Peak Resource shall be interconnected with or offset load
287 otherwise served by the Distribution System, or shall be interconnected with the
288 Transmission System in the Commonwealth of Massachusetts. Clean Peak
289 Resources must demonstrate that they generate, dispatch, or discharge electricity to
290 the electric distribution system in Massachusetts. Resources interconnected within
291 the service territory of a municipal lighting plant shall be ineligible to generate
292 Clean Peak Energy Credits under 225 CMR 21.00 as municipal lighting plants are
293 exempt from the requirements of the Clean Peak Standard pursuant to M.G.L, c.
294 25A, § 17(d).

295
296 i. Qualified RPS Resources:
297

298 a. RPS Class I Renewable Generation Units with a Commercial
299 Operation Date on or after January 1, 2019 that have received a
300 Statement of Qualification and meet all other applicable
301 requirements.

302
303 b. RPS Class I Renewable Generation Units and RPS Class II Renewable
304 Generation Units with a Commercial Operation Date prior to January
305 1, 2019, that are co-located with a Qualified Energy Storage System
306 that has a Commercial Operation Date on or after January 1, 2019,
307 subject to the following:

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- i. Minimum Nominal Rated Power. The nominal rated power capacity of a Qualified Energy Storage System paired with a RPS Class I Renewable Generation Unit or RPS Class II Renewable Generation Unit must be at least 25% of the nameplate power rating of the RPS Class I Renewable Generation Unit or RPS Class II Renewable Generation Unit.
 - 1. Special Provisions for De-rated Qualified Energy Storage Systems paired with RPS Class I Renewable Generation Units and RPS Class II Renewable Generation Units. A Qualified Energy Storage System’s nominal rated power capacity may be de-rated to meet the four hour minimum nominal useful energy requirements in 225 CMR 21.05(1)(a)1.b.i. provided its de-rated power capacity is still at least 25% of the nameplate power rating of the RPS Class I Renewable Generation Unit or RPS Class II Renewable Generation Unit with which it is paired.
- ii. Minimum Nominal Useful Energy. The nominal useful energy capacity of the Energy Storage System must be at least four hours at the nominal rated power.
- iii. Co-Location. The RPS Class I or Class II Renewable Generation Unit and the Qualified Energy Storage System must be located on the same or adjacent parcels within the same Distribution Company’s service territory, and must be interconnected to the same common collector located on the same parcel(s) on which the RPS Class I or Class II Renewable Generation Unit and Qualified Energy Storage System facilities are located.

2. Qualified Energy Storage Systems: A Qualified Energy Storage System must operate primarily to store and discharge renewable energy as demonstrated by one or more of the following factors:

- a. Co-location with a Qualified RPS Resource as defined in 225 CMR 21.02 where the Qualified RPS Resource must have a nameplate capacity of at least seventy-five percent (75%) of the nameplate capacity of the energy storage;

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- b. Contractual pairing with a Qualified RPS Resource that demonstrates to the Department’s satisfaction that the Qualified Energy Storage System operates primarily to store and discharge renewable energy;
- c. Charging coincident with periods of typically high renewable energy production as a percent of the grid generation mix as defined below;
 - 1. Spring: twelve (12) a.m. until six (6) a.m. and eight (8) a.m. until four (4) p.m.
 - 2. Summer: twelve (12) a.m. until six (6) a.m. and seven (7) a.m. until two (2) p.m.
 - 3. Fall: twelve (12) a.m. until six (6) a.m. and nine (9) a.m. until three (3) p.m.
 - 4. Winter: twelve (12) a.m. until six (6) a.m. and ten (10) a.m. until three (3) p.m.

	Energy Storage Charging Windows	
Clean Peak Season	Wind-Based Charging Hours	Solar-Based Charging Hours
Spring	12am - 6am	8am - 4pm
Summer	12am - 6am	7am - 2pm
Fall	12am - 6am	9am - 3pm
Winter	12am - 6am	10am - 3pm

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- d. Inclusion of an operational schedule in the Qualified Energy Storage System’s Interconnection Service Agreement demonstrating that the Qualified Energy Storage System serves to resolve load flow or power quality concerns otherwise associated with intermittent renewable energy resources.
3. Demand Response Resources: Demand Response Resources must demonstrate that changes to electric usage from their normal consumption patterns are measurable and verifiable. The Department shall publish a Guideline on Demand Response Resources to explain the parameters of Demand Response Resources in the Clean Peak Standard.
- a. A facility that generates electricity, including a Qualified RPS Resource, shall not be considered a Demand Response Resource.
- (2) Metering. A Clean Peak Resource shall meter and report fifteen (15)

393 minute interval performance in compliance with standards and
394 protocols as established by a third-party Program Administrator
395 designated by the Department. The Department may grant an exception
396 to the fifteen (15) minute interval and designate a shorter or longer
397 interval on a case-by-case basis. The Program Administrator shall be
398 the designated independent third- party meter reader, as defined in Rule
399 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule. All
400 standards and metering protocols shall be subject to review and
401 approval by the Department. For purposes of reporting only, a month
402 shall be defined in terms of Coordinated Universal Time (UTC) minus
403 five hours (also known as Eastern Standard Time). All other periods
404 and times referenced in this regulation are in Eastern Daylight Time
405 (EDT). A Clean Peak Resource shall submit metered data to the
406 Program Administrator for all hours of the previous month. Subject to
407 review and approval by the Department, the Program Administrator
408 may assess Clean Peak Resources a fee associated with the
409 administration of the CPS. The electrical energy output or performance
410 of a Clean Peak Resource shall be verified by the Program
411 Administrator for the purpose of calculating the number of Clean Peak
412 Energy Certificates a qualified resource produced in the previous
413 month. The Program Administrator shall report the number of Clean
414 Peak Energy Certificates each qualified resource is due to receive to
415 NEPOOL GIS for the purpose of minting Clean Peak Energy
416 Certificates.

417
418 (3) Clean Peak Seasons.

419 (a) The four (4) Clean Peak Seasons are established as:

- 420 1. Spring: March first (1st) through May fourteenth (14th);
- 421 2. Summer: May fifteenth (15th) through September
422 fourteenth (14th);
- 423 3. Fall: September fifteenth (15th) through November
424 thirtieth (30th);
- 425 4. Winter: December first (1st) through February
426 twenty-eighth (28th); and as adjusted by leap years.

427
428 (4) Seasonal Peak Periods. The Seasonal Peak Periods establish the
429 time of day in which a qualified resource produces Clean Peak
430 Energy Certificates.

431 (a) The Seasonal Peak Periods are established as the periods of all
432 Business Days in each Clean Peak Season that historically
433 coincide with Massachusetts' peak electricity demand:

- 434 1. Spring: from five (5) p.m. until nine (9) p.m.
 - 435 2. Summer: from three (3) p.m. until seven (7) p.m.
 - 436 3. Fall: from four (4) p.m. until eight (8) p.m.
 - 437 4. Winter: from four (4) p.m. until eight (8) p.m.
- 438

439 (5) Clean Peak Energy Certificate Generation. Clean Peak Energy
440 Certificates generated by a Clean Peak Resource shall be equal to the
441 sum of the metered average MW performance of a Clean Peak
442 Resource for each hour during a Seasonal Peak Period, multiplied by
443 the Seasonal Multiplier, and any other applicable multipliers as
444 described in 225 CMR 21.05(6)(c) through (e), plus the metered
445 average MW performance during the Hour of Actual Monthly System
446 Peak Demand, multiplied by the Seasonal Multiplier, and the Actual
447 Monthly System Peak Multiplier.

448 (6) Clean Peak Energy Certificate Multipliers. The Clean Peak Energy
449 Certificate Multipliers shall modify the number of Clean Peak
450 Energy Certificates that a Clean Peak Resource generates as
451 follows:

452
453 (a) Seasonal Multiplier. Seasonal multipliers are established for each Clean
454 Peak Season to reflect the level of emissions and magnitude of peak
455 demands in a season. Seasonal Multipliers shall be:

- 456 a. Spring: one (1)
- 457 b. Summer: four (4)
- 458 c. Fall: one (1)
- 459 d. Winter: four (4)

460
461 (b) Actual Monthly System Peak Multiplier. The Actual Monthly System
462 Peak Multiplier shall modify the number of Clean Peak Energy
463 Certificates generated during the Hour of Actual Monthly System Peak.
464 The multiplier shall be twenty-five (25).

465
466 (c) Resilience Multiplier. The Resilience Multiplier modifies the number of
467 Clean Peak Energy Certificates generated by a Clean Peak Resource that
468 is also a Resilient Facility
469 and can provide electric power to a load during external outage
470 conditions. Clean Peak Resources that can demonstrate the added ability
471 to provide electricity to load during an external outage will receive a
472 Resilience Multiplier on all eligible output occurring during Seasonal
473 Peak Periods. The multiplier shall be one and one-half (1.5).

474
475 (d) Existing Resource Multiplier. The Existing Resource Multiplier modifies
476 the number of Clean Peak Energy Certificates generated by an Existing
477 or Contracted Resource. The multiplier shall be one-tenth (0.1).

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479 (e) Contracted Resource Multiplier. The Contracted Resource Multiplier
480 modifies the number of Clean Peak Energy Certificates generated by
481 a Contracted Resource. The multiplier shall be one-hundredth (0.01).

482

- 483 (f) SMART ES Resource Multiplier. The SMART ES Resource Multiplier
484 modifies the number of Clean Peak Energy Certificates generated by a
485 SMART ES Resource. The multiplier shall be one-fifth (0.2).
486
- 487 (g) Distribution Circuit Multiplier. The Department may establish a
488 Distribution Circuit Multiplier that modifies the number of Clean Peak
489 Energy Certificates generated by a Clean Peak Resource based on the
490 locational value of the unique load profile and particular needs of each
491 distribution circuit, as defined by the Department, in consultation with the
492 Distribution Companies. Clean Peak Resources which are owned by a
493 Distribution Company are not eligible for a Distribution Circuit Multiplier.
494 The Department may consider Distribution Circuit Multipliers greater than
495 or less than one. The Department, in coordination with the Distribution
496 Companies, shall determine whether sufficient data is available to enable
497 effective implementation of a Distribution Circuit Multiplier no later than
498 December 31, 2022. If the Department determines that a Distribution
499 Circuit Multiplier shall be established, the Department shall publish a
500 Guideline on the Distribution Circuit Multiplier that provides the
501 multiplier amount(s) and explains the parameters of the applicability of the
502 Distribution Circuit Multiplier.
- 503 (h) Beginning in 2025 and not less frequently than every five years thereafter,
504 the Department shall conduct a review of the Clean Peak Energy
505 Certificate Multipliers and, following stakeholder review and input, may
506 modify the multipliers.
507
- 508 (7) Special Provision for Clean Peak Energy Certificate Generation for Energy
509 Reserves.
- 510 (a) The Department may establish a mechanism by which Clean Peak Energy
511 Certificates may be generated by provision of energy reserves, subject to
512 applicable requirements including, but not limited to, such provision of
513 energy reserves being directly measurable and verifiable in accordance
514 with 225 CMR 21.05 (2). The Department shall determine whether such a
515 mechanism can be implemented no later than December 31, 2020. If the
516 Department determines that a such a mechanism shall be established, the
517 Department shall publish a Guideline on Energy Reserves that explains
518 the mechanism and its applicability.
519
- 520 (8) Clean Peak Certificate Procurement.
- 521 (a) Each Distribution Company shall competitively procure Clean Peak
522 Energy Certificates pursuant to M.G.L. c. 25A, § 17(c). Clean Peak
523 Certificate procurements shall be
524 designed to achieve an initial target of 30% of the total market
525 obligation of Retail Electricity Suppliers in a given Compliance Year.
526 The Department shall establish a staggered procurement schedule for
527 the issuance for requests for proposals for Clean Peak Certificates.
- 528 (b) The Department may adjust the procurement target in response to the

529 Market Supply in any Compliance Year. Where Market Supply is below
530 fifty percent (50%), the Department may increase the subsequent year's
531 procurement target by up to five percent (5%). Where Market Supply is
532 greater than seventy percent (70%), the Department may decrease the
533 subsequent procurement target by up to fifteen percent (15%). The
534 Department may determine that additional procurements are not required
535 based on Market Supply conditions.

536 (c) A request for proposals to conduct the competitive procurement shall be
537 developed by the Distribution Companies, in consultation with and
538 subject to review and approval by the Department. Such request for
539 proposals may include the following components:

- 540 1. A percentage of total market obligation of retail
541 suppliers for any given compliance year;
- 542 2. Proposal requirements;
- 543 3. Length of contract terms; and
- 544 4. A model contract including terms and conditions.

545 (d) Any contracts resulting from a competitive procurement under this
546 section shall be subject to review and approval by the Department
547 of Public Utilities.

548 (e) The Department may establish a Guideline on Clean Peak Certificate
549 Procurements that explains the parameters and provides additional detail
550 to the procurement process.

551
552 21.06: Qualification Process for Clean Peak Resources.
553

- 554 (1) Statement of Qualification Application. A Statement of Qualification
555 Application shall be submitted to the Department by the Owner or Operator of
556 the Clean Peak Resource or by the Authorized Agent for an Aggregation. The
557 applicant must use the most current forms and associated instructions provided
558 by the Department, and must include all information, documentation, and
559 assurances required by such forms and instructions.
- 560
- 561 (2) Review Procedures.
562
- 563 (a) The Department will notify the applicant when the Statement of
564 Qualification Application is administratively complete or if additional
565 information is required pursuant to 225 CMR 21.06(1).
566
- 567 (b) The Department may, in its sole discretion, provide an opportunity for
568 public comment on any Statement of Qualification Application.
569
- 570 (3) Issuance or Non-issuance of a Statement of Qualification.
571
- 572 (a) If the Department finds that a resource meets the requirements for eligibility
573 as a Clean Peak Resource pursuant to 225 CMR 21.00, the Department will
574 provide the Owner, Operator, or the Authorized Agent for such Aggregation

- 575 with a Statement of Qualification.
- 576 (b) The Statement of Qualification shall include any applicable restrictions and
577 conditions that the Department deems necessary to ensure compliance by a
578 Clean Peak Resource or Aggregation with the provisions of 225 CMR
579 21.00.
- 580
- 581 (c) If the Clean Peak Resource or Aggregation does not meet the requirements for
582 eligibility, the Department shall provide written notice to the Owner,
583 Operator, or Authorized Agent, including the Department's reasons for such
584 finding.
- 585
- 586 (d) In calendar year 2020, a resource may receive a Statement of Qualification
587 which back- dates qualification to January 1, 2020 or the Commercial
588 Operation Date, whichever is later.
- 589 (4) CPS Effective Date. The CPS Effective Date shall be the earliest date on or
590 after the Commercial Operation Date on which the operation of a Clean Peak
591 Resource can result in the creation of Clean Peak Energy Certificates, as
592 determined by the Department.
- 593
- 594 (5) Notification Requirements for Change in Eligibility Status. The Owner or
595 Operator of a Clean Peak Resource shall notify the Department of any changes in
596 the technology, operation, emissions, fuel sources, energy resources, enrollment
597 in incentive program(s), or other characteristics of the Clean Peak Resource(s)
598 that may affect the eligibility of the Clean Peak Resource. The Owner, Operator,
599 or Authorized Agent shall submit the notification to the Department no later than
600 five days following the end of the month during which such changes were
601 implemented. The notice shall state the date the changes were made to the Clean
602 Peak Resource and describe the changes in sufficient detail to enable the
603 Department to determine if a change in eligibility is warranted.
- 604
- 605 (6) Notification Requirements for Change in Ownership, Generation Capacity, or
606 Contact Information. The Owner or Operator of a Clean Peak Resource shall
607 notify the Department of any changes in the ownership, operating entity,
608 capacity, NEPOOL GIS account for the Clean Peak Resource or Aggregation,
609 or contact information for the Clean Peak Resource or Aggregation. The
610 Owner or Operator shall submit the notification to the Department no later than
611 five days following the end of the month during which such changes were
612 implemented.
- 613
- 614 (7) Suspension or Revocation of Statement of Qualification. The Department may
615 suspend or revoke a Statement of Qualification if the Owner or Operator of a
616 Clean Peak Resource or Authorized Agent of an Aggregation fails to comply
617 with 225 CMR 21.00 or if a Clean Peak Resource does not operate during a
618 consecutive 12-month period.
- 619

620 21.07: Clean Peak Standard
621

622 (1) CPS Minimum Standard. The total annual sales of each Retail Electricity
623 Product sold to Massachusetts End-use Customers by a Retail Electricity
624 Supplier shall include a minimum percentage of electrical energy sales with
625 Clean Peak Certificates.

626
627 (a) The CPS Minimum Standard shall increase by one and one half percent
628 (1.5%) each year, subject to the conditions described in 21.07 (1)(b).

Compliance Year	Cumulative Minimum Percentage
-----------------	-------------------------------

2019	0%
2020	1.5%
2021	3%
2022	4.5%
2023	6%
2024	7.5%
2025	9%
2026	10.5%
2027	12%
2028	13.5%
2029	15%
2030	16.5%
2031	18%
2032	19.5%
2033	21%
2034	22.5%
2035	24%
2036	25.5%
2037	27%
2038	28.5%
2039	30%
2040	31.5%
2041	33%
2042	34.5%
2043	36%
2044	37.5%
2045	39%
2046	40.5%
2047	42%
2048	43.5%
2049	45%
2050	46.5%

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(b) If the Market Supply is greater than one hundred percent (100%) in any Compliance Year before 2030, the CPS Minimum Standard shall increase by 3% the following Compliance Year. If the Market Supply is greater than one hundred and twenty percent (120%) in any Compliance Year before 2030, the CPS Minimum Standard shall increase by 4.5% the following Compliance Year. If the Department determines that a CPS Minimum Standard adjustment is necessary, the Department shall provide public notice.

After 2050, the CPS Minimum Standard shall cease to exist unless modified by law.

(2) Beginning in 2025 and not less frequently than every five years thereafter, the Department shall conduct a review of the CPS Minimum Standard and, following stakeholder review and input, may modify the standard.

21.08: Compliance Procedures for Retail Electricity Suppliers

645 (1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in compliance
646 with 225 CMR 21.00 if the information provided in the Compliance Filing submitted pursuant to
647 225 CMR 21.09 is true and accurate and demonstrates compliance with 225 CMR 21.07.
648

649 (2) Banked Compliance. A Retail Electricity Supplier may use Clean Peak Energy Certificates
650 produced in one Compliance Year for compliance in three (3) subsequent Compliance Year(s),
651 subject to the limitations in 225 CMR 21.08(2) and provided that the Retail Electricity Supplier
652 is in compliance with 225 CMR 21.00 for all previous Compliance Years. In addition, the Retail
653 Electricity Supplier shall demonstrate to the satisfaction of the Department that such Clean Peak
654 Certificates:

655 (a) were in excess of the Clean Peak Energy Certificates needed for compliance in the
656 Compliance Year in which they were generated, and that such excess Clean Peak Energy
657 Certificates have not previously been used for compliance with 225 CMR 21.00;

660 (b) do not exceed 30% of the Clean Peak Energy Certificates needed by the Retail Electricity
661 Supplier for compliance with the CPS Minimum Standard in the year they were generated,
662 subject to 225 CMR 21.09(2)(d);

664 (c) were produced during the Compliance Year in which they are claimed as excess; and

666 (d) have not otherwise been, nor will be, sold, retired, claimed or represented as part of
667 electrical energy output or sales, or used to satisfy obligations in jurisdictions other than
668 Massachusetts.

669
670 (3) Alternative Compliance. A Retail Electricity Supplier may discharge its obligations under
671 225 CMR 21.07, in whole or in part, for any Compliance Year by making an Alternative
672 Compliance Payment (ACP) to the MassCEC. Such funds shall be held in an account separate
673 from other accounts of the MassCEC.

674
675 (a) CPS Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits
676 from the Department, subject to the following:

677
678 1. The quantity of Alternative Compliance Credits that can be applied to its obligations
679 under 225 CMR 21.07(1) shall be determined by dividing the total of ACPs paid for the
680 Compliance Year by the ACP Rate for that Compliance Year.

681
682 2. The ACP Rate for the CPS Minimum Standard shall be \$45 per required Alternative
683 Compliance Credit for Compliance Year 2020. The ACP rate shall remain \$45 through
684 compliance year 2024. Thereafter, the ACP Rate shall decline by one dollar and fifty-
685 four cents (\$1.54) per Compliance Year, subject to the conditions described in 21.08
686 (3)(a)3.
687

Compliance Year	ACP Rate per MWh
2020	\$45.00
2021	\$45.00
2022	\$45.00

2023	\$45.00
2024	\$45.00
2025	\$43.46
2026	\$41.92
2027	\$40.38
2028	\$38.84
2029	\$37.30
2030	\$35.76
2031	\$34.22
2032	\$32.68
2033	\$31.14
2034	\$29.60
2035	\$28.06
2036	\$26.52
2037	\$24.98
2038	\$23.44
2039	\$21.90
2040	\$20.36
2041	\$18.82
2042	\$17.28
2043	\$15.74
2044	\$14.20
2045	\$12.66
2046	\$11.12
2047	\$9.58
2048	\$8.04
2049	\$6.50
2050	\$4.96

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3. If the Market Supply is greater than one hundred percent (100%) in any Compliance Year, the ACP rate shall decline by three dollars and eight cents (\$3.08) the following Compliance Year. If the Market Supply is greater than one hundred and twenty percent (120%), the ACP rate shall decline by four dollars and sixty-two cents (\$4.62) the following Compliance Year.

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4. Once the ACP reaches four dollars and ninety-six cents (\$4.96), it will hold fixed at that price for the remainder of the program.

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5. Beginning in 2025 and not less frequently than every five years thereafter, the Department shall conduct a review of the ACP Rate and, following stakeholder review and input, may modify the ACP rate.

704
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6. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for ACPs made to the MassCEC for the Compliance Year.

706 (b) Use of Funds. The Department shall oversee the use of ACP funds by the MassCEC, so as
707 to further the commercial development of Clean Peak Resources, promote projects or activities
708 that reduce greenhouse gas emissions or ratepayer costs.
709

710 21.09: Annual Compliance Filings for Retail Electricity Suppliers
711

712 (1) Date of Annual Compliance Filing. For each Compliance Year, the Retail Electricity
713 Supplier annually shall file an annual Compliance Filing with the Department no later than the
714 first day of July, or the first Business Day thereafter, of the subsequent Compliance Year.
715

716 (2) Contents of Annual Compliance Filing. For each Retail Electricity Product, the Filing shall
717 document compliance with the provisions of 225 CMR 21.07 and 21.08 to the satisfaction of the
718 Department and shall include, but not be limited to, the following:
719

720 (a) Total Electrical Energy Sales to End-use Customers. Documentation of the total MWhs
721 of electrical energy allocated by the Retail Electricity Supplier to End-use Customers in the
722 Compliance Year.
723

724 (b) Electrical Energy Sales to End-use Customers by Product. Documentation of the total
725 MWhs of each Retail Electricity Product allocated to End-use Customers in the Compliance
726 Year, verified by an independent third party satisfactory to the Department, consistent with
727 the Guidelines. Such allocation is defined as the quantity of the Retail Electric Supplier's
728 certificates obligation that the Retail Electric Supplier correctly allocated or should have
729 allocated to each of the Retail Electric Supplier's Massachusetts retail subaccounts at the
730 NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS
731 Operating Rules, or any successor rules, as specified in the Guideline on the Determination
732 of Sales to End-use Customers. The Department shall keep product information confidential
733 to the extent permitted by law.
734

735 (c) Clean Peak Energy Certificates Allocated from the Compliance Year. Documentation of
736 the total MWhs of each Retail Electricity Product allocated to End-use Customers that were
737 derived from Clean Peak Resource generation during the Compliance Year.
738

739 (d) Clean Peak Energy Certificates Allocated from Banked Compliance. Allocation by Retail
740 Electricity Product of any quantity of Clean Peak Resource Generation Attributes banked
741 from previous years pursuant to 225 CMR 21.08(2) that are used to demonstrate compliance
742 with the CPS Minimum Standard in the current Compliance Year;
743

744 (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of any
745 Alternative Compliance Credits claimed pursuant to 225 CMR 21.08(3)(a), along with a
746 copy of any Alternative Compliance Payment receipt(s); and
747

748 (f) Attributes Banked for Future Compliance. Identification of any quantity of Attributes
749 from Clean Peak Resource Generation, that the Retail Electricity Supplier anticipates
750 claiming for purposes of Banked Compliance in subsequent years under the Banked
751 Compliance provisions of 225 CMR 21.08(2).
752

753 21.10: Reporting Requirements

754 (1) Certification. Any person required by 225 CMR 21.00 to submit
755 documentation to the Department shall provide:

756 (a) the person's name, title and business address;

757
758 (b) the person's authority to certify and submit the documentation to the
759 Department; and
760

761
762 (c) the following certification: "I hereby certify, under the pains and penalties
763 of perjury, that I have personally examined and am familiar with the
764 information submitted herein and based upon my inquiry of those individuals
765 immediately responsible for obtaining the information, I believe that the
766 information is true, accurate, and complete. I am aware that there are
767 significant penalties, both civil and criminal, for submitting false information,
768 including possible fines and imprisonment."
769
770

771
772 (2) Annual Clean Peak Resource Report. The Department shall produce and
773 make available to the public an annual report that summarizes information
774 submitted to the Department by Retail Electricity Suppliers in the Annual
775 Compliance Filings submitted to the Department pursuant to 225 CMR 21.09(2).
776 Such report shall include non-confidential data that provides the following:
777

778 (a) the extent to which the Retail Electric Suppliers complied with the
779 CPS Minimum Standard; and
780

781 (b) the extent to which the Retail Electric Suppliers used standard
782 compliance, banked compliance, and alternative compliance in meeting
783 the Minimum Standards.
784

785
786 (3) Identification of Clean Peak Resources. The Department shall inform the
787 NEPOOL GIS administrator which resources should be designated as Clean
788 Peak Resources pursuant to 225 CMR 21.00.
789

790 21.11: Inspection 791

792 (4) Document Inspection. The Department may audit the accuracy of all
793 information submitted pursuant to 225 CMR 21.00. The Department may request
794 and obtain from any Owner, Operator, or Authorized Agent of a Clean Peak
795 Resource, including Aggregations, and from any Retail Electricity Supplier
796 information that the Department determines necessary to monitor compliance
797 with and enforcement of 225 CMR 21.00.
798

799 (5) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity

800 Supplier or to a Clean Peak Resource Owner, Operator, or Authorized Agent,
801 the Department may conduct audits, which may include inspection and copying
802 of records and/or site visits to an Clean Peak Resource or a Retail Electricity
803 Supplier's facilities, including, but not limited to, all files and documents that
804 the Department determines are related to compliance with 225 CMR 21.00.
805
806

807 21.12: Non-compliance
808

809 Any Retail Electricity Supplier or Owner, Operator, or Authorized Agent of a Clean Peak
810 Resource or Aggregation that fails to comply with the requirements of 225 CMR 21.00 shall be
811 subject to the provisions in 225 CMR 21.12(1) through (4).

812 (1) Notice of Non-compliance. A failure to comply with the requirements of 225
813 CMR 21.00

814 shall be determined by the Department. A written Notice of Non-compliance shall
815 be prepared and delivered by the Department to any Retail Electricity Supplier or
816 Owner, Operator, or Authorized Agent of a Clean Peak Resource or Aggregation
817 that fails to comply with the requirements of 225 CMR 21.00. The Notice of
818 Non-compliance shall describe the Requirement(s) with which the Retail
819 Electricity Supplier, Owner, Operator, or Authorized Agent failed to comply and
820 the time period of such non-compliance.
821

822 (2) Publication of Notice of Non-compliance. A Notice of Non-compliance may
823 be published on the Department's website and in any other media deemed
824 appropriate by the Department. Such publication may remain posted until the
825 Retail Electricity Supplier or Owner, Operator, or Authorized Agent returns to
826 compliance as determined by the Department.
827

828 (3) Planning Requirement. A Retail Electricity Supplier that fails to meet the
829 requirements of 225 CMR 21.07 during a Compliance Year shall submit a plan
830 for achieving compliance for the subsequent three years. The plan shall be filed
831 with the Department no later than the first day of September of the Compliance
832 Year subsequent to the Compliance Year for which the Retail Electricity Supplier
833 was out of compliance or such date as the Department may specify.
834

835 (4) Suspension or Revocation of License. The Department shall refer its
836 findings of noncompliance to the DPU. A Retail Electricity Supplier that fails
837 to comply with 225 CMR
838 21.00 may be subject to the DPU Licensure Action under 220 CMR 11.07(4)(c)1.
839

840 (5) Collection of Financial Security. In the event that a Retail Electricity Supplier
841 fails to discharge its annual obligations by September 1st under 225 CMR 21.07,
842 by the means described in 225 CMR 21.08(1) through (4), the Department will
843 notify the Retail Electricity Supplier that it must provide the Department with a
844 payment using the financial security provided pursuant to 225 CMR 14.08(4),
845 unless a Retail Electricity Supplier has an approved alternative payment plan to

846 discharge its annual obligations in full that has been approved by the Department
847 prior to September 1st. The payment shall, within 30-days of notification by the
848 Department, be paid to MassCEC for deposit into a segregated account as
849 required by 225 CMR 21.08(3) and shall be in an amount equal to the lesser of:

850 (a) the amount of Alternative Compliance Payments that the Retail Electricity
851 Supplier must make in order to discharge its annual obligation under 225 CMR
852 21.08; or

853 (b) the full amount of the financial security.
854

855 (6) Partial Compliance. In the event that the collection of financial security
856 under 225 CMR 21.12(5) results in the collection of an amount of
857 Alternative Compliance Payments that is insufficient to discharge a Retail
858 Electricity Supplier's full annual obligations under 225
859 CMR 21.07, the Retail Electricity Supplier will remain in a state of non-
860 compliance, and the Department will take the necessary actions to document
861 and enforce this non-compliance, pursuant to 225 CMR 21.12(1) through (4).
862

863 (7) The Department reserves all rights to take any and all appropriate actions
864 to ensure the collection of all Alternative Compliance Payments owed to
865 ensure annual compliance obligations are fully discharged by a Retail
866 Electricity Supplier, including, but not limited to, filing a petition with the
867 Department of Public Utilities requesting an investigation into a supplier that
868 is deemed to be in non-compliance by the Department.
869

870 21.13: Severability
871

872 If any provision of 225 CMR 21.00 is declared invalid, such invalidity shall not affect other
873 provisions or applications that can be given effect without the invalid provision or application.
874

875 REGULATORY AUTHORITY
876

877 225 CMR 21.00: M.G.L. c. 25A, § 17(c).