

**SENATE . . . . . No. 2168**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James B. Eldridge***

*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 ensuring access to solar energy for all communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/5/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>3/10/2021</i>

**SENATE . . . . . No. 2168**

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2168) of James B. Eldridge, Joanne M. Comerford, Michael O. Moore and Tami L. Gouveia for legislation to ensure access to solar energy for all communities. Telecommunications, Utilities and Energy.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1956 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act ensuring access to solar energy for all communities.

*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. For any solar incentive program, storage incentive program, electric  
2 passenger vehicle incentive program or residential renewable heating incentive program under  
3 general law, session law, or other authority, after this law takes effect, the Department of Energy  
4 Resources shall

5           (a) reserve a portion of the program for low-income residents, and Environmental Justice  
6 Populations, as determined by the Executive Office of Energy and Environmental Affairs  
7 pursuant to Executive Order 552, and providers or residents of publicly-assisted housing under  
8 section 1 of chapter 40T; and

9 (b) to the greatest extent possible, designs such programs to address the energy  
10 affordability issues that many residents currently face; provided, that all programs shall include  
11 strong consumer protection provisions to safeguard residents from exploitation or manipulation;  
12 and provided further, that the department shall ensure that information about a program and its  
13 benefits are provided in a readily accessible, transparent, and user friendly manner to all users,  
14 including residents of communities whose primary language is not English. In creating any  
15 program pursuant to this section, the department shall proactively engage and consult with low-  
16 income residents, traditionally underserved customers and communities, and organizations that  
17 serve these constituencies or represent their interests.

18 SECTION 2. Section 139 of chapter 164 of the General Laws, as appearing in the 2016  
19 Official Edition, is hereby amended by striking out, in subsection (a) clause (1), the words “A  
20 Class I or Class II net metering facility may designate customers of the same distribution  
21 company to which the Class I or Class II net metering facility is interconnected and that are  
22 located in the same ISO-NE load zone to receive such credits in amounts attributed by the Class I  
23 or Class II net metering facility.” and inserting in place thereof the following words:- A Class I  
24 or Class II net metering facility may designate customers of any distribution company, regardless  
25 of which ISO-NE load zone the customers are located in, to receive such credits in amounts  
26 attributed by the Class I or Class II net metering facility;

27 by striking out, in subsection (b1/2) clause (1), the words “A solar net metering facility  
28 may designate customers of the same distribution company to which the solar net metering  
29 facility is interconnected and that are located in the same ISO-NE load zone to receive such  
30 credits in amounts attributed by the solar net metering facility.” and inserting in place thereof the  
31 following words:- A solar net metering facility may designate customers of any distribution

32 company, regardless of which ISO-NE load zone the customers are located in, to receive such  
33 credits in amounts attributed by the solar net metering facility.; and

34 by inserting after paragraph (2) of subsection (b ½) the following:- “(3) Any solar net  
35 metering facility owner may elect to receive all or a portion of the net metering credits generated  
36 by a solar net metering facility during a billing period in the form of a direct payment by  
37 directing the distribution company to purchase such net metering credits, without discount or  
38 penalty, at the rates provided for in the applicable tariff.”

39 SECTION 3. Notwithstanding any general or special law to the contrary, the department  
40 of energy resources and department of public utilities shall amend any rules, regulations, and  
41 tariffs to permit the owner of any new solar facility, including any solar energy generating  
42 source, that qualifies for programs pursuant to section 11F of chapter 25A of the General Laws  
43 and application regulations that achieves commercial operation on or after January 1, 2020 to: (a)  
44 receive credits for any electricity generated by a solar facility that exceeds the owner’s usage  
45 during a billing period, with such credits to be credited to a solar facility owner’s customer  
46 account with the relevant distribution company, and carried forward from month to month; (b)  
47 designate customers of any distribution company, regardless of which ISO-NE load zone the  
48 customers are located in, to receive such credits in amounts attributed by the solar facility, with  
49 such credits applicable to any portion or all of a designated customer’s electric bill; and (c) direct  
50 the distribution company to purchase all or a portion of any credits produced by a solar facility at  
51 the rates provided for in the applicable statute, regulation, or tariff without discount or penalty.

52 SECTION 4. This law shall take effect upon passage.