

In August 2014, Governor Patrick signed into law HB 4385. This legislation addressed the short-term crisis in the solar market by providing immediate relief from the net metering caps which were inhibiting project development for municipal and other public sector customers of National Grid, while also addressing the looming project risks for other types of projects and other service territories across the Commonwealth. Additionally, recognizing that these cap increases were necessary but not sufficient to reach the Commonwealth's stated goal of 1,600 MW of solar deployment by 2020, the legislation also established a seventeen member Net Metering Task Force charged with a "review[ing] the long-term viability of net metering in the commonwealth and develop[ing] recommendations on incentives and programs that will support the deployment of 1600 MW of solar generation facilities in the commonwealth." The task force report is due to the Legislature on March 31, 2015.

January 8, 2015 was the first official day of the Baker Administration, leaving less than two months for the new Administration to fully engage in the Task Force deliberations. Furthermore, Task Force deliberations to date have been very inclusive, both of the 17 members and also of public comments. This productive and inclusive process deserves sufficient time to continue its deliberations and develop as much consensus as possible on a long-term policy solution to continue solar in Massachusetts.

Further, analysis jointly conducted by the Department of Energy and Environmental Affairs and the Department of Public Utilities reveals that, notwithstanding the cap relief offered by HB 4385, the net metering caps will be hit in at least some utility service territory/customer group combinations during the pendency of the task force deliberations, and certainly within the timeframe of any legislative action to consider and implement statutory changes as recommended by the task force. For example, under that analysis, the public sector cap in National Grid territory in March 2015.

The member organizations of the Massachusetts Solar Coalition have proposed legislation to 1) modestly increase the utility system-wide caps on net metering eligibility for systems serving public- and private-sector electricity consumers. Legislation would raise the aggregate caps by 2% and 1% in the public and private sectors respectively, resulting in an increase in the utility system-wide cap to 7% and 5% of historic peak load, respectively, for the public and private sector; and 2) extend the due date of the task force to June 1st 2015. These cap increases are necessary to prevent solar and other qualified net metering projects currently under development from again stalling out due to the inability to receive fair value for net excess generation under Massachusetts' net metering framework. Due to the timing of the task force work and the transition to the new Administration, the extension of the task force is necessary to enable the new Administration to fully engage in the task force.

The Massachusetts Solar Coalition therefore proposes:

SECTION 1. Subsection (f) of section 139 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in line 68, the figure '4' and inserting in place thereof the following figure:- 5.

SECTION 2. Said subsection (f) of section 139 of chapter 164, as so appearing, is hereby further amended by striking out, in line 70, the figure '5' and inserting in place thereof the following figure:- 7.

SECTION 3: Subsection (c) of Section 7 of chapter 251 of the acts of 2014, as so appearing, is hereby amended by striking out, in line 4, the date "March 31, 2015" and inserting in place thereof the following: "June 1, 2015."