

# The Commonwealth of Massachusetts

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## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 16-64-D

July 29, 2016

Investigation of the Department of Public Utilities, on its own Motion, Commencing a Rulemaking pursuant to G.L. c. 164, §§ 138 and 139; G.L. c. 30A, § 2; 220 C.M.R. § 2.00 et seq.; and Executive Order 562, to Amend 220 C.M.R. § 18.00 et seq.

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ORDER ANNOUNCING NOTIFICATION DATE AND  
DIRECTIVES TO DISTRIBUTION COMPANIES

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## I. INTRODUCTION AND PROCEDURAL HISTORY

This Order is the latest in a series of Orders issued by the Department of Public Utilities (“Department”) in connection with An Act Relative to Solar Energy (“Act”).

St. 2016, c. 75. Among other things, the Act requires that: (1) the Department amend its rules and regulations implementing certain changes to the net metering provisions of

G.L. c. 164, §§ 138-139; and (2) the Department to provide a date of notification after which all new solar net metering facilities shall generate market net metering credits only.

St. 2016, c. 75, § 4. The Act includes as a prerequisite to the Department’s date of notification that the Department of Energy Resources (“DOER”) determine and notify the Department that the “aggregate nameplate capacity of solar net metering facilities qualified under” G.L. c. 25A, § 11F(g), is equal to or greater than 1,600 megawatts direct current (“1,600 MW Threshold”). St. 2016, c. 75, § 4. Upon receipt of DOER’s determination, the Act directs the Department to certify the date provided by DOER and establish a date of notification (“Notification Date”) that will trigger the implementation of market net metering credits for all new Class I, II, and III solar net metering facilities (“Market Net Metering Credits”). St. 2016, c. 75, § 4; G.L. c. 164, §§ 138, 139(b½).

On May 11, 2016, pursuant to G.L. c. 30A, § 2, and 220 C.M.R. § 2.00 et seq., the Department commenced a rulemaking and adopted emergency regulations amending 220 C.M.R. § 18.00 et seq. (“Emergency Net Metering Regulations”).

St. 2016, c. 75, §§ 3-9, 12. Order Adopting Emergency Regulations, D.P.U. 16-64 (May 11, 2016). On May 19, 2016, the Department issued an Order clarifying its

interpretation of the Emergency Net Metering Regulations regarding the definition of Market Net Metering Credits and the solar net metering facilities that will generate such credits after the Notification Date. Net Metering Rulemaking, D.P.U. 16-64-A (May 19, 2016). On July 7, 2016, the Department issued an Order stating that DOER notified the Department on June 30, 2016, that the 1,600 MW Threshold has been met and the Department certified DOER's determination. Net Metering Rulemaking, D.P.U. 16-64-B (July 7, 2016). The D.P.U. 16-64-B Order declares that DOER's letter and determination is not the trigger for the transition to Market Net Metering Credits. D.P.U. 16-64-B at 2-3.

The Department sought written comments on the amendments to 220 C.M.R. § 18.00 et seq.<sup>1</sup> On July 15, 2016, pursuant to G.L. c. 30A, § 2, and 220 C.M.R. § 2.00 et seq., the

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<sup>1</sup> In this rulemaking proceeding, the Department received comments from the following entities: Acadia Center; Attorney General Maura Healey ("Attorney General"); Ameresco Inc. ("Ameresco"); Berkshire PhotoVoltaic Services ("BPVS"); BlueWave Capital, LLC ("BlueWave"); Boston Community Capital Solar Energy Advantage, Inc. ("BCC"); Brightergy, LLC ("Brightergy"); Burns & Levinson LLP ("Burns & Levinson"); The Cadmus Group, Inc. ("Cadmus"); Cape Light Compact ("CLC"); Coalition for Community Solar Access ("CCSA"); Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, NSTAR Electric Company and Western Massachusetts Electric Company, each d/b/a Eversource (jointly "Distribution Companies"); DOER; Energy Freedom Coalition of America, LLC ("EFCA"); FTE Solar LLC ("FTE Solar"); IGS Energy; Kearsarge Energy; Kleiman Energy & Environment, LLC ("Kleiman"); MassSolar; New England Clean Energy Council, Inc. ("NECEC"); Partners Healthcare System, Inc. ("Partners"); Pope Energy; Solar Energy Business Association of New England ("SEBANE"); Solar Energy Industries Association ("SEIA"); SolarFlair Energy, Inc. ("SolarFlair"); Sunrun, Inc. ("Sunrun"); Senator Benjamin Downing and Representative Thomas Golden, Jr. on behalf of the Commonwealth of Massachusetts' Joint Committee on Telecommunications, Utilities, and Energy ("TUE"); Vote Solar; and Zero Point Development, Inc. ("Zero Point"). The Department has considered all of these comments in promulgating the Final Net Metering Regulations.

Department adopted final regulations further amending 220 C.M.R. § 18.00 et seq. St. 2016, c. 75, §§ 3-9, 12. Order Adopting Emergency Regulations, D.P.U. 16-64-C (July 15, 2016).<sup>2</sup> The final regulations contained in 220 C.M.R. § 18.00 et seq., are effective July 29, 2016, the date when published in the Massachusetts Register (“Final Net Metering Regulations”).<sup>3</sup> In this Order, the Department announces the Notification Date and time, which will trigger the transition to Market Net Metering Credits, and directs the Distribution Companies to file revised net metering tariffs. G.L. c. 164, § 139(b<sup>1</sup>/<sub>2</sub>); 220 C.M.R. § 18.09(2).

## II. TRANSITION TO MARKET NET METERING CREDITS

### A. Introduction

The Department received several comments regarding the transition to Market Net Metering Credits. The Department views the transition to Market Net Metering Credits as a two-step process. First, the Department must consider the triggering actions that will determine whether a solar net metering facility generates net metering credits as calculated by Distribution Companies prior to the Act (“old regime”), or generates the Market Net Metering Credit (“new regime”). Second, the Department must consider the triggering date that will determine when a solar net metering facility generates net metering credits under the old

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<sup>2</sup> We refer to 220 C.M.R. § 18.00 et seq. as Net Metering Regulations.

<sup>3</sup> Legislative authority for the establishment of the Net Metering Regulations can be found at: “An Act Relative to Green Communities,” St. 2008, c. 169, § 78; “An Act Making Appropriations for the Fiscal Years 2010 and 2011 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects,” St. 2010, c. 359, §§ 25 through 30; “An Act Relative to Competitively Priced Electricity in the Commonwealth,” St. 2012, c. 209, §§ 23 through 30.

regime or the new regime. The Department received comments on: (1) the triggering actions that should be used to delineate which solar net metering facilities generate Market Net Metering Credits; and (2) the timeline for the transition to Market Net Metering Credits.

In D.P.U. 16-64-C, the Department determined the triggering actions used to delineate the criteria for the old regime. The Department found that all three criteria must be met to obtain net metering credits under the old regime: (1) submit an application for a cap allocation (“ACA”) before the Notification Date; (2) receive notification from the Administrator that the ACA is complete; and (3) obtain a cap allocation by January 8, 2017. D.P.U. 16-64-C at 12-13. The Department further determined that these three criteria are reasonable because they allow for the maximum amount of control by an applicant and will result in a smooth transition to a stable and equitable solar net metering market at a reasonable cost to ratepayers. D.P.U. 16-64-C.

B. Comments Regarding Notification Date

The Department references comments provided by many interested stakeholders, as summarized in D.P.U. 16-64-C at 13-17. Some of those comments are reproduced here. Commenters were divided on the timeline that should be adopted for the transition to Market Net Metering Credits.<sup>4</sup> Some commenters recommend that the transition begin as soon as practicable or a month after DOER determines that the Commonwealth of Massachusetts has

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<sup>4</sup> Many commenters’ recommendations with regard to the triggering date were contingent upon their recommendations with regard to the associated triggering actions. DOER had not yet determined that the 1,600 MW Threshold had been met at the time that the Department received these comments.

reached the 1,600 MW Threshold (Attorney General Comments at 16; Brightergy Comments at 10; Distribution Companies Comments at 3-4; IGS Comments at 3; SEIA Comments June 15, 2016, at 5). IGS Energy and SEIA maintain that the Notification Date should be 30 days after the effective date of the Final Net Metering Regulations, assuming that the 1,600 MW Threshold has been met by that time (IGS Energy Comments at 3; SEIA Comments June 15, 2016 at 5). CCSA argues that a Notification Date that is no earlier than 30 days after July 29, 2016, the anticipated effective date of the Final Net Metering Regulations, would provide solar developers a short, but reasonable period of time to inform customers of any impacts of the proposed regulatory change (CCSA Comments at 5). The Distribution Companies recommend having a shorter transition to minimize the costs for electricity customers, which they contend was the Legislature's intent of decreasing the value of the net metering credits (Distribution Companies Comments at 3-4). NECEC supports, as one recommended option, a slightly longer transition period with a Notification Date of 60 days after the effective date of the Final Net Metering Regulations (NECEC Comments June 15, 2016, at 2). Acadia Center suggests tying the Notification Date to DOER's determination under G.L. c. 164 § 139(b½) (Acadia Center Comments at 3).

Many commenters recommend using a Notification Date that aligns with DOER's current Solar Renewable Energy Certificate ("SREC") II program or DOER's promulgation of the program that will follow the SREC II program, with many comments specifically referencing January 8, 2017 (BlueWave Comments at 3; BCC Comments at 9; Kearsarge Energy Comments June 15, 2016, at 2; Kleiman Comments at 1; MassSolar Comments at 1;

NECEC Comments June 15, 2016, at 2; Partners Comments at 2; Pope Energy Comments at 8; SEBANE Comments at 8; Sunrun Comments at 2-3; Vote Solar Comments at 3).<sup>5</sup> EFCA does not object to using January 1, 2017 as the Notification Date, provided that it is not synonymous with the certification date (EFCA Reply Comments at 6).

C. Notification Date Analysis and Findings

As indicated in the discussion below, aligning the timing for transition to the new regime of net metering credits with DOER's SREC II program is the best option to result in a smooth transition to a stable and equitable solar net metering market. Therefore, the Department determines that it is appropriate to coordinate with DOER's SREC II program timing. Below, we discuss the maximum time that it would take to obtain a cap allocation on or before January 8, 2017. The Massachusetts System of Assurance of Net Metering Eligibility ("System of Assurance") approved by the Department specifies multiple steps and prescribed timelines.<sup>6</sup> Net Metering, D.P.U. 11-11-A, App. A (2012). Applicants must submit an ACA electronically to the System of Assurance. System of Assurance, § 4(B). The Administrator then prioritizes ACAs on a first-come, first-served basis according to the ACA

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<sup>5</sup> DOER promulgated final regulations to extend the SREC II program, which are effective as of July 1, 2016. 225 C.M.R. § 14.00. DOER's final regulations allow for all projects that can demonstrate 50 percent of construction costs have been spent by January 8, 2017, to receive a four month extension to their construction deadline through May 8, 2017. 225 C.M.R. § 14.05(9)(s)(4)(a).

<sup>6</sup> The Massachusetts System of Assurance of Net Metering Eligibility was established by the Department pursuant to M.G.L. c. 164, § 139(g) and is set forth in Appendix A to Net Metering, D.P.U. 11-11-A (2012).

submission date and time, and reviews an application within 15 business days to determine its completeness (Cadmus Comments at 4). System of Assurance, § 5(C).

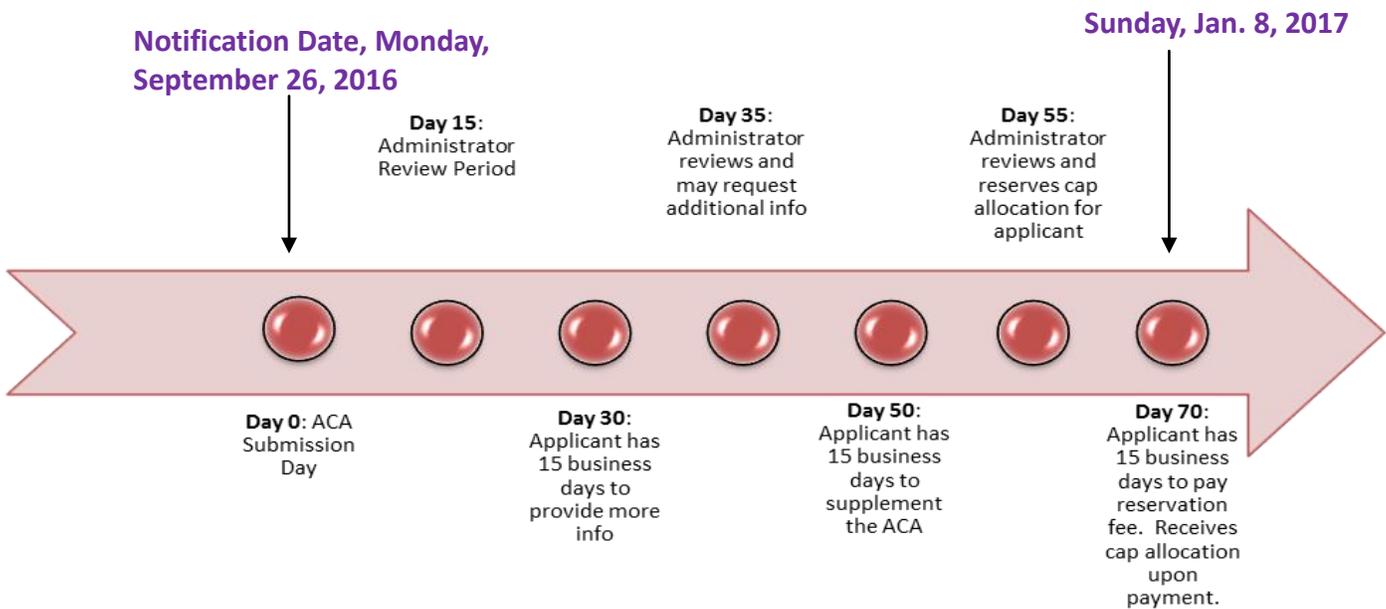
The Administrator has 15 business days to review the ACA to determine if it meets one of three scenarios. Under the first scenario, if the Administrator determines that an ACA is complete, then the Administrator notifies the applicant of a grant of a cap allocation or a position on the waiting list. System of Assurance, § 5(C). Under the second scenario, if the Administrator determines that an ACA is incomplete, then the Administrator notifies the applicant of the deficiency and the opportunity for the applicant to resubmit the ACA, which would be deemed a new ACA. System of Assurance, § 5(C). Under the third scenario, if the Administrator determines that it requires clarification during the initial review period of 15 business days, then the Administrator directs questions regarding an ACA to the host customer and provides the applicant 15 business days to respond to the Administrator's questions and/or requests for clarification (see Initial Petition, The Cadmus Group, Inc., D.P.U. 15-32 at 12).<sup>7</sup> Following receipt of the clarifying information, the Administrator has historically taken no more than five business days to review the additional information and notify the applicant whether it has outstanding requests for clarification. Under this third scenario, if the Administrator has additional requests for clarification, the applicant has another 15 business days to supplement its ACA and then the Administrator would likely take no more

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<sup>7</sup> A host customer means a customer with a Class I, Class II, or Class III Net Metering Facility that generates electricity on the customer's side of the meter. 220 C.M.R. § 18.02. In this Order, we refer to the host customer and applicant interchangeably.

than an additional five business days to process the information. Therefore, the maximum time from the date that the ACA is submitted to being reviewed for completeness after requesting two rounds of clarification would be 55 business days.

Under the first and third scenarios, once the Administrator provides notice to the host customer that the ACA is complete, it directs the host customer to pay the reservation fee to secure the cap allocation. System of Assurance, § 5(E). Applicants have 15 business days to submit the non-refundable reservation fee to the Administrator to secure a cap allocation. System of Assurance, § 5(E). Under the third scenario, the maximum amount of time that it will take to secure a cap allocation, without initiating arbitration, is 70 business days, as reflected in the timeline below.<sup>8</sup>



<sup>8</sup> An applicant aggrieved by the Administrator’s action(s) regarding its ACA may submit a request to the Administrator to resolve the dispute. System of Assurance, § 10. The applicant has the option to initiate arbitration, if a dispute with the Administrator is not resolved informally within 30 business days of a request to resolve the dispute. System of Assurance, § 10.

The Department agrees with NECEC that a transition period with a Notification Date of 60 days after the effective date of the Final Net Metering Regulations is appropriate (see NECEC Comments June 15, 2016, at 2). The Department takes notice that 70 business days prior to January 8, 2017, is September 26, 2016.<sup>9</sup> The Department finds that it is appropriate to select the Notification Date as September 26, 2016, which is exactly 60 calendar days after this Order's announcement of the Notification Date and 70 business days prior to a key date in DOER's SREC II program timeline.<sup>10</sup>

D. Comments Regarding Notification Date Time

Cadmus argues that the Department should specify a notification time, such as 2:00 p.m., so that the Administrator of the System of Assurance is available to resolve any issues related to the anticipated heavier than normal application levels (Cadmus Comments at 2). Cadmus suggests that in the event that an applicant is not able to submit an ACA before the Notification Date solely due to technical issues arising from the System of Assurance and outside of the control of the applicant, the Administrator should have the discretion, upon

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<sup>9</sup> A host customer that submits an ACA after the Notification Date, September 26, 2016, at 2:01 p.m. or later, or a host customer that submits an ACA before the Notification Date, that is subsequently deemed complete by the Administrator of the System of Assurance, but does not obtain a cap allocation until after January 8, 2017, will generate net metering credits under the new regime. Host customers must meet all three criteria to generate net metering credits under the old regime, not merely obtain a cap allocation on or before January 8, 2017.

<sup>10</sup> The Department recognizes that the 70 business days does not account for an informal dispute process or arbitration. It is incumbent upon the applicant to submit a complete ACA on or before the Notification Date to possibly be eligible to generate net metering credits under the old regime.

determining that the applicant made a good faith effort to submit the application through the System of Assurance, to establish the time-stamp of the application as the time when the application submittal was attempted (Cadmus Comments at 2, 4).

E. Notification Date Time Analysis and Findings

The Department agrees with Cadmus that the transition to the new net metering regime requires some discretion for the Administrator that would allow for net metering credits under the old regime where a host customer made all reasonable efforts to submit an ACA, but was unable to do so due to factors related to technical or other issues beyond the applicant's control (Cadmus Comments at 2, 4). Moreover, the Department concurs that once the Notification Date is announced, it is likely that there will be an increase in the number of ACAs submitted, which will require the Administrator to assure that there are adequate resources to address higher than normal ACA submission levels (Cadmus Comments at 2). The Department concludes that it is necessary to establish a time on the Notification Date to assure that the Administrator has staff available to address issues that arise on the Notification Date. Therefore, the Department finds that host customers that seek to be in the old regime must submit an ACA on or before the Notification Date of **September 26, 2016, at 2:00 p.m.** The Department grants discretion to the Administrator to establish the time-stamp of an ACA submission if it makes a determination that (a) an applicant was unable to apply for a net metering cap allocation before the Notification Date solely due to technical issues arising from the use of the System of Assurance and outside the control of the applicant, and (b) that the applicant made a good faith effort to submit an ACA by September 26, 2016, at 2:00 p.m.

F. Implementation Guidance

The Department encourages host customers to submit an ACA prior to Monday, September 26, 2016, especially if solar projects are in an advanced stage of development and can submit an ACA sooner. Submitting an ACA sooner than 15 business days prior to September 26, 2016, may give the applicant another opportunity to submit an ACA to the System of Assurance should the Administrator deem the application incomplete. The Department acknowledges that there are some solar facilities that are currently on a waiting list to receive a cap allocation (e.g., the National Grid private cap waiting list).<sup>11</sup> These wait-list solar facilities have submitted, and future private solar projects will submit an ACA before September 26, 2016, at 2:00 p.m., which may subsequently be deemed complete by the Administrator, but may not obtain a cap allocation by January 8, 2017.<sup>12</sup> Host customers that find themselves in this situation were already put on notice by the passage of the Act that their solar facilities may not generate net metering credits under the old regime. Under the new regime, all new solar net metering facilities will generate Market Net Metering Credits with the exception of cap exempt facilities as described in 220 C.M.R. §§ 18.02 and 18.04. Solar net metering facilities in the private net metering cap that are not cap exempt facilities will generate Market Net Metering Credits that will be equal to 60 percent of the net excess

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<sup>11</sup> See <https://app.massaca.org/allocationreport/report.aspx> (July 29, 2016).

<sup>12</sup> The Administrator confirmed with the Department that all facilities on the National Grid private waiting list are host customers that submitted an ACA after the Act was enacted. Since the Act's passage and the caps were raised, all host customers were aware of the potential to generate a net metering credit with a lower value.

kilowatt-hours. Solar net metering facilities in the private net metering cap that are cap exempt facilities will generate Market Net Metering Credits that will be equal to 100 percent of the net excess kilowatt-hours. 220 C.M.R. § 18.04(4). Solar net metering facilities that are net metering facilities of a municipality or other governmental entity will generate Market Net Metering Credits that will be equal to 100 percent of the net excess kilowatt-hours. 220 C.M.R. § 18.04(4). Solar net metering facilities in the old regime will transition to Market Net Metering Credits after 25 years from the date upon which solar net metering facilities were first authorized to interconnect to the electric distribution system by a Distribution Company.<sup>13</sup> G.L. c. 164 § 139(k); 220 C.M.R. § 18.04(1)(b).

G. Conclusion

The Department herein announces the Notification Date and time as September 26, 2016, at 2:00 p.m. D.P.U. 16-64-B at 3; D.P.U. 16-64-C at 17. The Final Net Metering Regulations are effective July 29, 2016. The Notification Date will be used to delineate a timeline for the Distribution Companies to calculate Market Net Metering Credits for solar net metering facilities. To that end, the Department selects a Notification Date that incorporates the time frames of the System of Assurance in an effort to implement a smooth transition to a stable and equitable solar net metering market at a reasonable cost to ratepayers.

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<sup>13</sup> Please note that solar Class I Net Metering Facilities that generate net metering credits under the old regime that seek to expand after the Notification Date and the total generating capacity allows such facilities to retain their classification as a Class I Net Metering Facility will transition to generating Market Net Metering Credits after 25 years from the date upon which the original facility pre-expansion was authorized to interconnect to the electric distribution system by a Distribution Company.

### III. NET METERING TARIFFS

#### A. Introduction

The Act amended M.G.L. c. 164, §§ 138 and 139, and required the Department to revise 220 C.M.R. § 18.00 et seq. to: (a) direct Distribution Companies to calculate Market Net Metering Credits after a specified time frame; (b) update the net metering capacity limits; and (c) define the process for Distribution Companies to submit proposals for adding a monthly minimum reliability contribution (“MMRC”) to electric bills for customers receiving net metering credits. The Act requires new definitions in 220 C.M.R. § 18.02 for the following terms: Administrator, Cap Allocation, Cap Exempt Facility, Market Net Metering Credit, Net Metering Credit, New Solar Net Metering Facility, Notification Date, System of Assurance.

The calculation of net metering credits in 220 C.M.R. § 18.04, was updated to include provisions related to Market Net Metering Credits, net metering credits, and the Notification Date for solar net metering facilities. In particular, 220 C.M.R. § 18.04(3), now addresses the calculation of net metering credits for Class I, II and III Net Metering Facilities that are new solar net metering facilities, and 220 C.M.R. § 18.04(4), includes the calculation of net metering credits for a new solar net metering facility that is a cap exempt facility or a new solar net metering facility of which a municipality or other governmental entity is the host customer and only allocates net metering credits to the accounts of other customers who qualify as a municipality or other governmental entity. Also in 220 C.M.R. § 18.07(1), the private net metering cap was increased to a total of seven percent of each Distribution Company's historical peak load and the public net metering cap for net metering facilities of a municipality

or other governmental entity was increased to a total of eight percent of each Distribution Company's historical peak load. Further, 220 C.M.R. § 18.10 was added to include provisions for Distribution Company proposals for adding an MMRC.

To implement the Act's changes to the net metering provisions of G.L. c. 164, §§ 138 and 139, in a consistent manner, the Department proposes to revise the model net metering tariff to set forth the rights and obligations of the Distribution Companies and customers in compliance with 220 C.M.R. § 18.00 et seq. The model tariff, developed through a proceeding in a different docket, serves as the basis for the individual net metering tariffs that each Distribution Company must submit for Department review and approval.

220 C.M.R. § 18.09(2). If a Distribution Company seeks to modify the terms and conditions of the model tariff for its individual net metering tariff, such company must demonstrate the reasonableness of any proposed changes.

B. Net Metering Tariff Comments

The Distribution Companies argue that the Department should select a Notification Date that allows enough time for the Distribution Companies to: (1) file revised tariffs; and (2) reprogram the information technology and billing systems in order to prepare for and implement the rate changes (Distribution Companies Comments at 17).

C. Net Metering Tariff Analysis and Findings

1. Issues to be Addressed

The regulations adopted in D.P.U. 16-64-C and prior precedent require the Distribution Companies to jointly file, for Department approval, a revised model tariff to govern the

provision of net metering services. 220 C.M.R. § 18.09(2); Tariffs Governing Net Metering,

D.P.U. 12-01-A (2012). The Department anticipates that the revised model tariff will be based on the currently-existing net metering tariffs. The Department expects that the revised model tariff will include, among other things, terms and conditions governing the following:

- a. Determining whether a facility is in the old regime based on the status of submission of an ACA before the Notification Date, which is subsequently deemed complete by the Administrator, and obtains a cap allocation by January 8, 2017;
- b. Calculating net metering credits of an existing solar net metering facility that generates such credits under the old regime as distinct from a new solar net metering facility that generates Market Net Metering Credits under the new regime;
- c. Calculating net metering credits of an existing solar net metering facility that generates net metering credits under the old regime that subsequently seeks to expand, based on the size and class of the total generating capacity of the expanded facility; and
- d. Determining when a solar net metering facility that is generating net metering credits under the old regime should begin generating Market Net Metering Credits under the new regime after 25 years from the date upon which the facility was authorized to interconnect to the electric distribution system pursuant to G.L. c. 164, § 139(k).

Additionally, the Distribution Companies are required to file information reports on net metering services pursuant to 220 C.M.R. § 18.08, which allow the Department, Administrator, and the Distribution Companies to monitor net metering participation and trends. Accordingly, the Department directs the Distribution Companies to jointly update a reporting format that includes data on solar net metering facilities that generate market net metering credits. The Department may examine whether any adjustments to the method are necessary.

## 2. Process

Pursuant to 220 C.M.R. § 18.09(2), the Distribution Companies must provide net metering services through Department-approved tariffs. As stated above, each Distribution Company's net metering tariff will be based on a model tariff. The Department directs that, within fifteen (15) business days of the date of this Order, the Distribution Companies shall collaborate and file a proposed revised model net metering tariff for review in a separate docket, and distribute the proposed revised model tariff by electronic mail attachment to the Department's service lists in: Inquiry Into Net Metering and Distributed Generation, D.P.U. 11-11; and Executive Order 562 Regulation Review, D.P.U. 15-562. The Department will upload the proposed revised model tariff to its online File Room in Net Metering Rulemaking, D.P.U. 16-64. The Department will hold a public hearing on the model proposed tariff. G.L. c. 164, § 94. Any further process, including announcing the public hearing, will occur on a procedural schedule determined by the Department.

## IV. MONTHLY MINIMUM RELIABILITY CONTRIBUTION

The purpose of the MMRC is for all Distribution Company customers to contribute to the fixed costs that ensure the reliability, proper maintenance, and safety of the electric distribution system. G.L. c. 164, § 139(j); St. 2016, c. 75, § 9. The Act states that the Department "may only approve a proposal for a monthly minimum reliability contribution after the aggregate nameplate capacity of installed solar generating facilities in the [C]ommonwealth is equal to or greater than 1,600 megawatts." G.L. c. 164, § 139(j) ("MMRC Date"). In a previous Order, the Department held that the MMRC Date is separate and distinct from the

Threshold Certification Date of June 30, 2016, and therefore need not be set as the same date.

D.P.U. 16-64-B at 4. Compare G.L. c. 164, § 139(b<sup>1/2</sup>) (“aggregate nameplate capacity of solar net metering facilities qualified under subsection (g) of section 11F of chapter 25A, is equal to or greater than 1,600 megawatts direct current”), and G.L. c. 164, § 139(j) (“installed solar generating facilities in the [C]ommonwealth is equal to or greater than 1,600 megawatts”). The Department is still considering issues associated with establishing the MMRC Date, and rather than establishing the MMRC Date at this time, the Department intends to convene a Technical Conference on **Tuesday, August 23, 2016, at 10:00 a.m.** to further discuss the timeline for the MMRC and the implementation issues.

The Department finds that additional process is necessary to outline the next steps regarding the MMRC before each Distribution Company revises its net metering tariff to reflect the MMRC. While mindful of the thoughtful comments already provided in this docket, the Department will convene this Technical Conference to further explore these implementation issues.

#### V. RELEVANT ACTIONS AND NEXT STEPS

The Department will send a Technical Conference agenda to the electronic service list in D.P.U. 16-64, which will include a conference call number for those individuals that are unable to attend the Technical Conference in person to actively participate and want to observe the discussion. The Department will issue subsequent Orders in this docket to continue implementing the Act. The Department directs the Distribution Companies to file proposed net metering tariffs in a separate docket. Documents filed with the Department will be available

for public inspection at its offices during business hours and through our website by looking up the docket by its number in the docket database at

<http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (insert 16-64).

VI. ORDER

Accordingly, after opportunity for comment and due consideration it is

ORDERED: That the Notification Date, as defined herein, and time is hereby established as Monday, September 26, 2016, at 2:00 p.m.; and it is

FURTHER ORDERED: That Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, NSTAR Electric Company and Western Massachusetts Electric Company, each d/b/a Eversource shall jointly update a reporting format consistent with 220 C.M.R. § 18.08, that includes data on solar net metering facilities that generate market net metering credits; and it is

FURTHER ORDERED: That Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, NSTAR Electric Company and Western Massachusetts Electric Company, each d/b/a Eversource shall submit a revised model net metering tariff to implement the net metering regulations at 220 C.M.R. § 18.00 et seq. in accordance with G.L. c. 164, §§ 138 and 139; and it is

FURTHER ORDERED: That Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid,

