SENATE 479:  

AN ACT TO PROMOTE A CLEAN ENERGY FUTURE  

(summary reflects text as redrafted)

SPONSORS:  
Senators Pacheco and Barrett

LEGISLATIVE HISTORY:  
01/19/17 Petition filed  
01/23/17 Referred to the Committee on Environment, Natural Resources and Agriculture, House concurred  
05/16/17 Hearing held  
06/12/17 Accompanied by H2149  
06/12/17 Bill reported favorably by Committee and referred to the Committee on Senate Global Warming and Climate Change  
02/14/18 Reported from the Committee on Senate Global Warming and Climate Change; Also based on S477, S478, S1974, and H3994; Committee recommended ought to pass with an amendment, substituting therefor a new draft, see S2302; Referred to the committee on Senate Ways and Means

EXISTING LAWS AFFECTED:  
M.G.L. c.21N §§ 1 to 4 & 9; c.25A §11F; c.164 §139; and Chapter 298 of the Acts of 2008

PROPOSED LEGISLATION:  

• Amends the Global Warming Solutions Act to require the Secretary of Energy and Environmental Affairs to adopt statewide greenhouse gas emissions limits for the years 2030 and 2040 and a plan to achieve those reductions.

• Requires the 2030 emissions limit to be between 35% and 45% below the 1990 emissions level and requires the 2040 emissions limit to be between 55% and 65% below the 1990 emissions level.

• Requires the 2030 emission limit to be adopted no later than January 1, 2021 and the 2040 emissions limit to be adopted not later than January 1, 2031.

• Requires the Secretary of Energy and Environmental Affairs to issue a plan to achieve the 2050 emissions limit and interim limits that takes into account all sources and categories of sources that emit greenhouse gas emissions and the imposition of market-based compliance mechanisms.

• Requires the Secretary of Energy and Environmental Affairs to
promulgate regulations establishing market-based compliance mechanisms to maximize the ability of the Commonwealth to achieve its greenhouse gas emission limits for: (i) the transportation sector not later than December 31, 2020; (ii) the commercial and industrial building sectors not later than December 31, 2021; and (iii) the residential building sector not later than December 31, 2022.

- Clarifies that municipal electric departments and municipal light boards are subject to the provisions of the Global Warming Solutions Act, but allows the Secretary of Energy and Environmental Affairs to exempt these entities if it will not negatively impact the Commonwealth’s ability to achieve its greenhouse gas emissions limits.

- Beginning on January 1, 2019, increases the percentage of Class I renewable energy that must be purchased by retail electric suppliers under the Renewable Energy Portfolio Standard from an additional 1% annually to an additional 3% annually.

- Requires the Department of Energy Resources to establish an energy storage system target program for the deployment of energy storage systems by distribution company customers, distribution companies and municipal lighting plants to achieve a statewide energy storage deployment target of 2,000 mega-watts by January 1, 2025.

- Requires the Department of Energy Resources to set annual statewide deployment targets to be achieved in each distribution company’s and municipal lighting plant’s service territory not later than December 31, 2018 in order to reach the 2,000 mega-watts energy storage system target.

- Directs the Department of Energy Resources to promulgate regulations to allow a distribution company or municipal light company to reach its energy storage deployment target by making an alternative compliance payment.

- Removes the net metering cap for non-governmental solar net metering facilities.

- Clarifies that a distribution company may not assess a demand charge on a Class I net metering facility unless it is a charge based on demand during a pre-determined portion of the hours of a day defined as peak hours of system demand and the
distribution company informs all customers of the manner in which any such demand charges will be assessed.

- Clarifies that that a distribution company may assess such a demand charge only in instances in which metering functionality or technology is available to the customer, at a reasonable cost, to allow the customer near real time access to electricity usage data.

- Eliminates the current sunset date of December 31, 2020 for the regulations promulgated under the Global Warming Solutions Act.

- Requires the Secretary of Energy and Environmental Affairs to conduct a detailed quantitative modeling and analysis of the Commonwealth’s energy economy and emissions to identify multiple technically and economically feasible pathways of reducing statewide emissions consistent with the 2050 emissions limit.

- Creates a joint procurement taskforce consisting of the Department of Energy Resources, the Attorney General and representatives of the distribution companies, to conduct a review of the clean energy procurements conducted pursuant to section 83C and section 83D of Chapter 169 of the Acts of 2008 to identify and report on the challenges and strengths in the respective procurement processes and to make recommendations to improve the process for future procurements.

- Allows the Department of Energy Resources to recommend offshore wind energy generation solicitations and procurements of up to 5,000 megawatts of aggregate nameplate capacity by December 31, 2035 if the department, after investigation, makes a written finding that the procurement is consistent with the Commonwealth’s energy policy and publishes a plan to effectuate the additional solicitations and procurements that includes the recommendations of the joint procurement taskforce.

- Allows the Department of Energy Resources to recommend solicitations and procurements for more than 9,450,000 megawatts-hours of clean energy generation as required by section 83D of Chapter 169 of the Acts of 2008 if the department, after investigation, makes a written finding that
doing so is consistent with the Commonwealth's energy policy and publishes a plan to effectuate the additional solicitations and procurements that includes the recommendations of the joint procurement taskforce.

- Requires any monthly minimum reliability contribution approved by the department of public utilities prior to the effective date of this act which does not meet the requirements of the act to be refiled for review and approval by the department before taking effect.

ESTIMATED FISCAL IMPACT:

The cost of this legislation in fiscal year 2018 will be borne through existing appropriation.

(AHC)