



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Maura T. Healey
Governor

Rebecca L. Tepper
Secretary

Kimberley Driscoll
Lt. Governor

Elizabeth Mahony
Commissioner

NOTICE OF PUBLIC COMMENT AND HEARING

Notice is hereby given that the Massachusetts Department of Energy Resources (DOER), acting under Chapter 227 of the Acts of 2018, and in conformance with Chapter 30A of the General Laws, is holding a public hearing on amendments to portions of 225 CMR 21:00 Clean Peak Energy Portfolio Standard (CPS) enacted by emergency regulation on October 11, 2024. The CPS regulations require all retail electricity suppliers selling electricity to end-use customers in the Commonwealth to obtain a specific minimum percentage of their electricity supply from clean peak energy resources. The amendments make revisions to: 1) The ACP Rate; 2) The initial Clean Peak Energy Certificate (CPEC) procurement target and requires DOER to publish a staggered procurement schedule by November 12, 2024; 3) The Summer Seasonal Peak Period and; 4) CPEC Banked Compliance. A virtual public hearing will be conducted to receive verbal comments on the emergency regulation.

A public hearing will be conducted to receive verbal and written comments on the emergency regulation.

Location: **Virtual Hearing via Zoom**

https://zoom.us/webinar/register/WN_oj6osN4ySBqPuq2tSiTgNg#/registration

Date: **November 18, 2024, beginning at 1:00 PM**

Verbal testimony will be accepted at the hearing; however, parties may also provide written copies of their testimony. Written comments will be accepted beginning October 25, 2024 and ending at 5:00 P.M. on November 18, 2024. DOER requests that written comments be submitted as attached pdf files to DOER.CPS@mass.gov, with the words 2024 CPS FOLLOW ON EMERGENCY RULEMAKING COMMENTS in the subject line. Alternatively, comments can be submitted via mail to Thomas Ferguson at the Department of Energy Resources, 100 Cambridge Street, 9th Floor, Boston, MA 02114. Copies of the proposed regulations may be obtained from the DOER website www.mass.gov/doer or by contacting Thomas Ferguson at Thomas.Ferguson@mass.gov.

BY ORDER OF: Elizabeth Mahony, Commissioner
Department of Energy Resources

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 225 CMR 21.00

Estimate of the Number of Small Businesses Impacted by the Regulation: none

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>Entities with compliance obligations pursuant to this statute and regulation are not typically “small businesses”. To the extent a retail competitive supplier meets the small business standard, such entities are already complying with the requirements of this regulations. For generators, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>Please see note above. Participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)</p> <p>No, regulated entities must comply via well-established criteria. The proposed regulatory changes will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p>

<input type="checkbox"/>	<input checked="" type="checkbox"/>	No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Yes, the regulation is likely to encourage the formation of small businesses to serve a growing market for Clean Peak Resources.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No, the compliance requirements for regulated entities, the majority of which are large, national/international companies involved in the sale of electricity, are not less stringent.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No, participation in the program by small businesses is voluntary.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No, participation in the program by small businesses is voluntary and the retail electricity suppliers that are regulated will see the CPEC banked compliance policy brought into alignment with other DOER REC programs.