



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 09-71

November 13, 2009

Request of Fitchburg Gas and Electric Light Company, d/b/a Unitil, for approval of a net metering tariff, M.D.P.U. No. 180, and an interconnection tariff, M.D.P.U. No. 181.

D.P.U. 09-72

Request of Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, for approval of a net metering tariff, M.D.P.U. No. 1177, and an interconnection tariff, M.D.P.U. No. 1176.

D.P.U. 09-73

Request of NSTAR Electric Company, for approval of a net metering tariff, M.D.P.U. No. 163, and an interconnection tariff, M.D.P.U. No. 162B.

D.P.U. 09-74

Request of Western Massachusetts Electric Company, for approval of a net metering tariff, M.D.P.U. No. 1048A, and an interconnection tariff, M.D.P.U. No. 1039E.

APPEARANCES: Gary Epler, Esq.
Chief Regulatory Counsel
Unitil Service Corp.
6 Liberty Lane West
Hampton, New Hampshire 03801-1720
FOR: Fitchburg Gas and Electric Light Company d/b/a
Unitil
Petitioner

Stacey Donnelly, Esq.
National Grid
40 Sylvan Road
Waltham, Massachusetts 02451
FOR: Massachusetts Electric Company and Nantucket
Electric Company d/b/a National Grid
Petitioner

John K. Habib, Esq.
Keegan Werlin LLP
265 Franklin Street
Boston, Massachusetts 02210
FOR: NSTAR Electric Company
Petitioner

Steven Klionsky, Esq.
Northeast Utilities Service Company
100 Summer Street, 23rd Floor
Boston, Massachusetts 02110-2131
FOR: Western Massachusetts Electric Company
Petitioner

Martha Coakley, Attorney General
Commonwealth of Massachusetts
By: Tackey Chan
Danielle C. Rathbun
Assistant Attorneys General
Office of Ratepayer Advocacy
One Ashburton Place
Boston, Massachusetts 02108
Intervenor

Jeffrey M. Bernstein, Esq.
Rebecca F. Zachas, Esq.
BCK LAW, P.C.
One Gateway Center, Suite 851
Newton, Massachusetts 02458
FOR: Cape Light Compact and Cape & Vineyard Electric
Cooperative, Inc.,
Intervenors

Jeffrey M. Graeber, Esq.
Graeber, Davis & Cantwell, P.C.
15 Cottage Avenue, 4th Floor
Quincy, Massachusetts 02169

FOR: Energy Consumers Alliance of New England, Inc.
d/b/a Mass Energy Consumers Alliance
Intervenors

I. INTRODUCTION

On July 2, 2008, Governor Patrick signed into law Chapter 169 of the Acts of 2008, an Act Relative to Green Communities (“Green Communities Act”). The Green Communities Act requires the Department of Public Utilities (“Department”) to adopt rules and regulations necessary to implement provisions relating to net metering. St. 2008, c. 169, § 78. On June 26, 2009, the Department issued an Order adopting final net metering regulations, promulgated at 220 C.M.R. § 18.00, as well as associated revisions to 220 C.M.R. § 8.00, Qualifying Facilities/On-Site Generating Facilities, and 220 C.M.R. § 11.00, Electric Industry Restructuring. Order Adopting Final Regulations, D.P.U. 08-75-A (2009). These regulations became final on July 10, 2009.

On August 20, 2009, the Department approved a model net metering tariff and revisions to the Model Tariff to Accompany Standards for Interconnecting Distributed Generation (“Revised Model Interconnection Tariff”). Order Adopting Model Net Metering Tariff, D.P.U. 09-03-A (2009). In D.P.U. 09-03-A, the Department directed the electric distribution companies to file individual tariffs conforming to the model net metering tariff and the Revised Model Interconnection Tariff. Accordingly, Fitchburg Gas and Electric Light Company, d/b/a Unitil (“Unitil”), Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid (“National Grid”), NSTAR Electric Company (“NSTAR”), and Western Massachusetts Electric Company (“WMECo”) (together “Companies”) submitted for approval conforming tariffs. The Department docketed the conforming tariffs as

D.P.U. 09-71, D.P.U. 09-72, D.P.U. 09-73, D.P.U. 09-74, respectively (together “net metering adjudications”).¹

The filing of the Companies’ individual conforming tariffs follows almost one year of process on net metering in D.P.U. 08-75 and D.P.U. 09-03, in which there was robust participation by a diverse group of stakeholders. In D.P.U. 08-75, the Department conducted a technical conference and public hearing, each of which included an associated comment period, prior to releasing its net metering regulations. D.P.U. 08-75-A at 1-2; Order Instituting Rulemaking, D.P.U. 08-75, at 2 (March 6, 2009). In D.P.U. 09-03, the Department conducted three technical conferences, each of which was preceded by the exchange of proposed tariffs and revisions. D.P.U. 09-03-A at 1-2. In addition, written initial and reply comments were filed in advance of the final technical conference. D.P.U. 09-03-A at 2-3.

II. PROCEDURAL HISTORY

The Companies filed their individual conforming tariffs with effective dates of October 1, 2009. In order to allow for an appropriate period of time for notice and investigation, on September 10, 2009, the Department suspended implementation of the Companies’ individual conforming tariffs until December 1, 2009. On September 14, 2009, the Department issued a notice of public hearing and a request for comments in the net metering adjudications. Written comments were due on October 14, 2009. Written comments

¹ Because these filings involve common questions of law, fact and policy, the Department has determined that they should be consolidated for purpose of rendering a single order. Cf. 220 C.M.R. § 1.09.

were submitted by: (1) Cape & Vineyard Electric Cooperative, Inc. (“CVEC”), together with the Cape Light Compact (“Compact”) and the Massachusetts Net Metering Coalition (“Coalition”);² (2) Palmer Capital Corporation (“Palmer”); (3) Ronald DiPippo, Ph.D., Chairman, Dartmouth Alternative Energy Committee (“DiPippo”); (4) Richard Kleiman, Chair, Milton Wind Energy Committee (“Kleiman”); and (5) Mary Klippel (“Klippel”).

Pursuant to notice duly issued, public hearings were held on October 14, 2009. The Attorney General of the Commonwealth (“Attorney General”) intervened in all four proceedings pursuant to G.L. c. 12, § 11E. The petition to intervene as a full party of Energy Consumers Alliance of New England, Inc. d/b/a Mass Energy Consumers Alliance was granted in all four cases. The joint petition to intervene as a full party of CVEC and the Compact was granted in D.P.U. 09-73.

III. DESCRIPTION OF TARIFFS

A. Introduction

On August 28, 2009, National Grid submitted for approval a net metering tariff, M.D.P.U. No. 1177, and a revised interconnection tariff, M.D.P.U. No. 1176, cancelling M.D.T.E. No. 1116-A. On August 28, 2009, NSTAR submitted for approval a net metering tariff, M.D.P.U. No. 163, and a revised interconnection tariff, M.D.P.U. No. 162B,

² The Coalition is comprised of the Energy Consumers Alliance of New England (d/b/a Mass Energy Consumers Alliance and People’s Power & Light), Palmer, Solaya Energy, LLC, SJH and Company, Inc., Sustainable Energy Development, Inc., Town of Milton Wind Energy Committee, Beaufort Power LLC, Town of Dartmouth Alternative Energy Committee, CCI Energy LLC and Sustainable New Energy, FireFlower Alternative Energy, and Boreal Renewable Energy Development.

cancelling M.D.T.E. No. 162A. On August 31, 2009, Unitil submitted for approval a net metering tariff, Schedule NM, M.D.P.U. No. 180, and a revised interconnection tariff, Schedule IC, M.D.P.U. No. 181, cancelling M.D.T.E. No. 149. On September 1, 2009, WMECo submitted for approval a net metering tariff, M.D.P.U. No. 1048A, and a revised interconnection tariff, M.D.P.U. No. 1039E, cancelling M.D.T.E. No. 1039D.

In their net metering tariffs, the Companies propose to follow the content of the model net metering tariff. In Sections III.B, C and D, below, the Department addresses three issues associated with the Companies' net metering tariffs: (1) the assignment of the rate class under which Host Customers take distribution service,³ which was the focus of the written comments submitted in this proceeding; (2) the net metering recovery surcharge, which is the mechanism by which the Companies recover lost revenue associated with net metering; and (3) the distribution kilowatt hour ("kWh") charge to be used for purposes of calculating Net Metering Credits. In their interconnection tariffs, the Companies propose certain changes from their existing interconnection tariffs consistent with the requirements of the Department's Revised Model Interconnection Tariff. In addition, the Companies' proposed interconnection tariffs include a new provision that addresses insurance coverage for certain net metering facilities owned by governmental entities, as discussed in Section III.E, below.

³ Unless the context otherwise requires, capitalized terms used in this Order have the meanings provided in 220 C.M.R. §§ 18.00 et seq.

B. Rate Classification of Host Customers

1. Introduction

The Department's model net metering tariff states that a Distribution Company shall calculate Net Metering Credits for Class I, Class II, Class III, and Neighborhood Net Metering Facilities based on the Distribution Company charges applicable to the rate class under which the Host Customer takes distribution service.⁴ D.P.U. 09-03-A, App. A, §§ 1.06(1, 3). The Companies' proposed net metering tariffs closely track these sections.

2. Comments

Commenters assert that the Companies' proposed net metering tariffs should be revised to contain clear and specific language about the rate class under which Host Customers will take service from their distribution companies (CVEC/Compact/Coalition Comments at 4, 8; DiPippo Comments at 1; Kleiman Comments at 1; Klippel Comments at 1; Palmer Comments at 2; D.P.U. 09-71, Tr. at 7-8; D.P.U. 09-72, Tr. at 7; D.P.U. 09-73, Tr. at 8; D.P.U. 09-74, Tr. at 6-7).⁵ Specifically, commenters request that the Department adopt the following language in section 1.06 of each net metering tariff:

(a) The connection of a Net Metering Facility to a Host Customer which is an existing customer of a distribution company shall not result in a change in the rate structure at which the Host Customer receives power from the distribution

⁴ The exception is a Class I Net Metering Facility other than a Class I Wind Net Metering Facility, Class I Agricultural Net Metering Facility, or a Class I Solar Net Metering Facility, for which Net Metering Credits are calculated based on the average monthly clearing price at ISO New England Inc. D.P.U. 09-03-A, App. A, § 1.06 (2).

⁵ Klippel urges the Department to set prices that will create incentives for alternative energy suppliers, and to make net metering tariffs retroactive to January 2009 (Klippel Comments at 1).

company and/or which the distribution company uses to calculate the Net Metering Credit. (Subsequent changes to the Host Customer load unrelated to the Net Metering Facility may result in subsequent rate changes.)

(b) For a Net Metering Facility which is its own Host Customer (i.e., a stand-alone Net Metering Facility), the Net Metering Facility shall purchase power, and its Net Metering Credits shall be calculated, at the existing G-1 or most reasonably comparable rate for the distribution company at the location where the Net Metering Facility is connected to the distribution company.

(CVEC/Compact/Coalition Comments at 5; Palmer Comments at 1).⁶ In the first instance, commenters seek to clarify that the installation of net metering facilities to an existing Customer's meter will not result in a change to the rate under which the Customer takes distribution service (CVEC/Compact/Coalition Comments at 5-6; Palmer Comments at 2; D.P.U. 09-71, Tr. at 7-8; D.P.U. 09-72, Tr. at 7; D.P.U. 09-73, Tr. at 9; Tr. D.P.U. 09-74, at 7).⁷ In the second instance, commenters seek to clarify that when a net metering facility is its own Host Customer (i.e., a stand-alone facility), the Host Customer will take service under a Distribution Company's rate G-1⁸ or the most reasonably comparable rate for the Distribution Company at the location where the net metering facility is connected

(CVEC/Compact/Coalition Comments at 5-7; DiPippo Comments at 1-2; Kleiman Comments

⁶ CVEC, the Compact and the Coalition moved for partial consolidation of the net metering adjudications for purposes of clarifying the term "rate class" (CVEC/Compact/Coalition Comments at 5). This motion is moot as the Department has, on its own motion, consolidated the net metering adjudications.

⁷ Commenters acknowledge that a Host Customer's rate class could change for reasons unrelated to net metering, such as a change in consumption (CVEC/Compact/Coalition Comments at 5; D.P.U. 09-71, Tr. at 7-8; D.P.U. 09-73, Tr. at 9).

⁸ Typically, rate G-1 is the general service rate available to small commercial and industrial customers. See, e.g., M.D.P.U. No. 1138 (Massachusetts Electric Company rate G-1 tariff).

at 1-2; Palmer Comments at 1-3; D.P.U. 09-71, Tr. at 8; D.P.U. 09-72, Tr. at 7, 9; D.P.U. 09-73, Tr. at 9, 13).

Commenters contend that adopting their proposed language would provide the certainty and transparency that projects require for financing and permitting. Commenters assert that, without certainty about the applicable rate class, the financial viability of renewable energy net metering projects cannot be assessed, which places the projects in jeopardy (CVEC/Compact/Coalition Comments at 4-5, 7-8; DiPippo Comments at 1-2; Kleiman Comments at 1-2; Palmer Comments at 2; D.P.U. 09-71, Tr. at 8; D.P.U. 09-72, Tr. at 7-8; D.P.U. 09-73, Tr. at 9, 12, 15-16). Commenters also assert that adopting their proposed language would remove the need for costly individual negotiations between Host Customers and the Companies about the rate class under which the Host Customer takes distribution service (CVEC/Compact/Coalition Comments at 8; DiPippo Comments at 2; Kleiman Comments at 1-2; D.P.U. 09-73, Tr. at 9, 15-16).

In addition, commenters state that, by revising the language in the net metering tariffs as proposed, the Department would ensure that renewable energy projects obtain the proper value of net metering, consistent with the intent of the Green Communities Act to encourage renewable energy through net metering, and to reduce barriers to entry for renewable initiatives for municipalities (CVEC/Compact/Coalition Comments at 7; DiPippo Comments at 1-2; Kleiman Comments at 1; Klippel Comments at 1; Palmer Comments at 3-4). In the absence of these revisions, commenters state that some net metering projects, particularly community wind net metering projects, which are marginal propositions at best, will be

rendered uneconomic (DiPippo Comments at 1-2; Kleiman Comments at 1; D.P.U. 09-73, Tr. 17-18).

Two commenters provided examples of how the assignment of a rate class to a Host Customer may impact a net metering project's financial viability. Kleiman states that the parasitic load of the Town of Milton's proposed two-turbine, four-megawatt project is likely to exceed NSTAR's 12-kilowatt ("kW") demand threshold for G-1 customers (D.P.U. 09-73, Tr. at 12-13). Kleiman asserts that if the project is required to take service under NSTAR's rate G-2, it would forego approximately half a million dollars a year in revenues,⁹ thus jeopardizing the project's economical viability (D.P.U. 09-73, Tr. at 12-14). Geoffrey Karlson states that a single turbine project planned by the Town of Wellfleet is expected to have a five percent return on investment based on a net metering credit calculated at \$0.14 per kWh, but only a three and half percent return with a net metering credit calculated at \$0.12 per kWh (D.P.U. 09-73, Tr. at 17-18). Mr. Karlson explains that the reduced return on investment, when combined with the other unknown factors, would make the viability of the project marginal (D.P.U. 09-73, Tr. at 17-18).

Palmer asserts that the Companies have significantly different demand thresholds in their rate G-1 structures, any of which a wind system could exceed for a short time (Palmer Comments at 3). This could unfairly penalize some communities, whose net metering facilities may not be eligible for rate G-1, which is the most favorable rate for a community net

⁹ NSTAR's rate G-1 is \$0.141 per kWh; its rate G-2 is \$0.118 per kWh (D.P.U. 09-73, Tr. at 12-13).

metering project and which is the rate for distribution service typically assigned to a community account (Palmer Comments at 3-4).¹⁰ DiPippo argues that, even if the most favorable rate class was assigned to effectuate community net metering projects, sensitivity analysis shows that there would be a de minimus impact on Customers' bills given that net metering is limited to one percent of a Distribution Company's historical peak load (DiPippo Comments at 2).

DOER supports the commenters' proposal that the rate under which an existing Customer is taking distribution service should not change because the Customer installs a net metering facility (D.P.U. 09-72, Tr. at 10; D.P.U. 09-73, Tr. at 23; D.P.U. 09-74, Tr. at 7). Conversely, DOER opposes the commenters' proposal that stand-alone net metering facilities should take distribution service under a company's rate G-1 (D.P.U. 09-72, Tr. at 10-11; D.P.U. 09-73, Tr. at 3). Instead, DOER recommends that stand-alone facilities be assigned rate classes within the framework that currently exists for assigning rate classes to customers (D.P.U. 09-72, Tr. at 11-12; D.P.U. 09-73, Tr. at 23; D.P.U. 09-74, Tr. at 7). DOER recognizes, however, that stand-alone facilities are not typical customers, and that some flexibility may be necessary to accommodate these customers (D.P.U. 09-72, Tr. at 11-12; D.P.U. 09-73, Tr. at 23; D.P.U. 09-74, Tr. at 7). DOER recommends that a written policy be established for assigning rate classes to stand-alone facilities to address financing concerns,

¹⁰ Palmer also asserts that, because net metering credits are available only for kWh and not kW charges, the economics of a project would be undermined if a Host Customer was moved from a rate structure that includes transition, transmission and distribution kWh charges to one that shifts charges from kWh to kW or demand charges (Palmer Comments at 2).

but defers to the Department on how best to address this issue (D.P.U. 09-72, Tr. at 10-11; D.P.U. 09-73, Tr. at 24; D.P.U. 09-74, Tr. at 7-8).

3. Analysis and Findings

As discussed above, commenters propose revisions to the Companies' net metering tariffs to clarify the rate under which Host Customers will take distribution service. They propose that the net metering tariffs specify that (1) the Companies will not change the rate class under which Customers take distribution service simply because the Customers install net metering facilities, and (2) the Companies will place all stand-alone net metering facilities on rate G-1 (or equivalent rate) for distribution service. The commenters argue that these revisions provide the certainty and transparency necessary for financing and permitting and will ensure the financial viability of net metering projects.

The Companies assign Customers to rate classes based on load characteristics, to best ensure that each Customer pays its fair share of the costs that the company incurs to provide service to the Customer. See, e.g., M.D.P.U. No. 1138 (Massachusetts Electric Company rate G-1 tariff) (Availability Clause). The Commenters' proposed revisions to the net metering tariffs, however, would afford Host Customers special rate treatment by tying a rate to the fact that a Customer has net metering facilities, regardless of the Customer's load characteristics. We appreciate that the rate class under which a Host Customer takes distribution service directly affects the calculation of the Net Metering Credit. We also recognize that certainty about the applicable rate is useful in assessing the financial viability of renewable energy net metering projects. We disagree, however, that these are sufficient reasons to deviate from our

long-standing practice of using cost causation principles to determine the rate class under which a Customer takes distribution service. In addition, we see nothing in the Green Communities Act that would warrant treating Host Customers differently than other Customers for rate classification purposes. Therefore, the Department rejects the commenters' proposal to revise the Companies' net metering tariffs by specifying the rate classes under which Host Customers would take distribution service.

Although we have determined that special rate classification treatment of Host Customers is not appropriate, we appreciate that there may be some challenges from the perspective of both the Company and potential Host Customers. This is because Host Customers may be different from a typical Customer because they both generate and consume electricity. Furthermore, we understand that potential Host Customers seek clarity regarding the rate class under which they will take distribution service in order to assess the financial impact of net metering on their projects. To assist interested persons in gaining a full understanding of this process, the Department will convene an informational session to discuss how Companies determine and, when applicable, customers choose, the rate class under which Host Customers will take distribution service. We direct the Companies to be prepared to provide a full description of their rate class assignment process, with a focus on how potential net metering installations may affect customer rate classifications. The informational session will be held on December 15, 2009, with further details to be issued by the hearing officer. In the meantime, to afford developers as much certainty as possible in assessing the revenue potential for their net metering facilities, we encourage the Companies and those developing

net metering projects to work together to identify, as early in the process as practicable, the rate class(es) for which the Host Customer is eligible.

C. Net Metering Recovery Surcharge

The Green Communities Act allows the Companies to recover from Customers distribution revenue lost as a result of net metering and net metering credits paid for excess generation. G.L. c. 164, § 139(c); see also D.P.U. 09-03-A, at 15, n.26; 220 C.M.R. § 18.09(4). Accordingly, the Department's model net metering tariff contains a mechanism, the net metering recovery surcharge ("NMRS"), through which the Companies may calculate and recover these costs. D.P.U. 09-03-A, App. A, § 1.08.

The Department has examined the NMRS provisions included in each company's net metering tariff.¹¹ The Department finds that each company's NMRS conforms to the model net metering tariff, and appropriately charges Customers for the costs allowed under the Green Communities Act. In view of the Legislature's express directive and our findings above, we find that the NMRS results in just and reasonable rates.

D. Distribution Charge for Calculating Net Metering Credits

In the model net metering tariff approved in D.P.U. 09-03-A, the Department included a placeholder where each Distribution Company was expected to specify the individual components of its distribution kWh charge. D.P.U. 09-03-A, App. A, § 1.06(1)(b)(ii). Because the components of the distribution kWh charge differ among the Companies, the intent

¹¹ No comments were submitted with regard to the NMRS provisions.

of the placeholder was to clarify the components included in each company's individual distribution kWh charge, which will be the basis for calculating Net Metering Credits.

After reviewing each company's filing, and after further consideration, the Department finds that itemizing the components of the distribution kWh charge is unnecessary and could create confusion.¹² For example, in identifying the components of their distribution kWh charges, some Companies included the NMRS as well as a placeholder for other charges that may be included in the distribution kWh charge in the future. Approving the Companies' net metering tariffs as proposed would, therefore, create an inappropriate inconsistency among the Companies in the appearance of the calculation of Net Metering Credits. Such approval might also require future adjustments to the net metering tariffs if additional charges are approved for recovery through the distribution charge. In addition to consistency across the Companies, the Department is seeking only to ensure that, when applicable, the distribution kWh charge used in the Net Metering Credit calculation is the equivalent of the total distribution kWh charge that appears on the Host Customer's bill. Accordingly, we instruct the Companies to submit conforming net metering tariffs that do not identify the separate components of the distribution charge, but which instead specify only "the distribution kWh charge" in section 1.06(1)(b)(ii).

E. Insurance Provisions of the Interconnection Tariffs

In its comments in the D.P.U. 09-03 proceeding, DOER identified two insurance provisions contained in the Companies' interconnection tariffs that create unnecessary barriers

¹² No comments were submitted with regard to the calculation of Net Metering Credits provisions.

to distributed generation in general and net metering facilities in particular. See D.P.U. 09-03-A at 25-26. One of those provisions related to insurance requirements for governmental entities. Id. In the model tariff developed in D.P.U. 09-03, the Department declined to adopt the insurance changes suggested by DOER. D.P.U. 09-03-A at 27. However, we stated that we “recognize that the insurance provisions of the interconnection tariff could present barriers to the development of renewable generation that otherwise would be eligible for net metering, particularly in the case of such development by governmental entities. Accordingly, we encourage the Distribution Companies to continue to work with appropriate stakeholders to address any insurance coverage barriers for governmental entities.” D.P.U. 09-03-A at 27.

The Companies have included, in section 11.1(g) of their proposed interconnection tariffs, a new provision addressing insurance coverage for certain net metering facilities owned by governmental entities. See National Grid August 28, 2009 Cover Letter; NSTAR August 28, 2009 Cover Letter; Unitil August 31, 2009 Cover Letter; WMECo August 31, 2009 Cover Letter. Unitil states that this new provision is the result of an agreement among DOER, the Attorney General, Unitil, National Grid, NSTAR, and WMECo, consistent with the Department’s statement in D.P.U. 09-03-A at 27 (Unitil August 31, 2009 Cover Letter).

The Green Communities Act directs the Department to “continue to remove any impediments to the development of efficient, low-emissions distributed generation.” G.L. c. 164, § 142. The Department finds that, because the new insurance provision is intended to address barriers to the development of renewable net metering facilities by governmental

entities, the provision is consistent with G.L. c. 164, § 142. In light of this, and the fact that the new provision is the result of an agreement between the Companies, the Attorney General, and DOER,¹³ the Department approves the new insurance provision as filed.

F. Conclusion

The Department has reviewed the Companies' proposed tariffs to determine whether they are consistent with applicable law, Department precedent, and the public interest, and whether they result in just and reasonable rates. See, e.g., National Grid Solar Order, D.P.U. 09-38, at 5, 33-35 (2009); Order On Revised Model Distributed Generation Interconnection Standards And Procedures Tariff, D.T.E. 02-38-C at 7-8 (2005). In particular, the Department has reviewed the Companies' proposed net metering tariffs and interconnection tariffs to determine whether they are consistent with the Green Communities Act and 220 C.M.R. § 18.00. The Department has also reviewed the Companies' proposed tariffs to determine whether they substantially conform with the model net metering tariff and Revised Model Interconnection Tariff approved in D.P.U. 09-03.

In view of our examination of these issues and for all the reasons discussed above, the Department finds that the Companies' proposed tariffs are consistent with (1) the net metering provision set forth in Section 78 of the Green Communities Act, and (2) our net metering regulations, promulgated as 220 C.M.R. § 18.00. We also find that the proposed tariffs substantially conform with the model net metering tariff and Revised Model Interconnection Tariff approved in D.P.U. 09-03-A. In addition, we find that the proposed tariffs advance the

¹³ No comments were submitted with regard to the new insurance provision.

goals of the Green Communities Act by encouraging investment in systems that produce electricity without emissions.¹⁴ For this reason and those discussed above, we find that the proposed tariffs are in the public interest and result in just and reasonable rates. Therefore, with the exception of the presentation of distribution kWh charges discussed in Section III.D, the Department approves the proposed tariffs, which, together with 220 C.M.R. § 18.00, will govern the provision of net metering services pursuant to G.L. c. 164, §§ 138-142.

IV. ORDER

Accordingly, after due notice, public hearing, comment and consideration, it is

ORDERED: That the interconnection tariff, M.D.P.U. No. 181, filed by Fitchburg Gas and Electric Light Company d/b/a Unitil, is ALLOWED; and it is

FURTHER ORDERED: That the interconnection tariff, M.D.P.U. No. 1176, filed by Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, is ALLOWED; and it is

FURTHER ORDERED: That the interconnection tariff, M.D.P.U. No. 162B, filed by NSTAR Electric Company, is ALLOWED; and it is

FURTHER ORDERED: That the interconnection tariff, M.D.P.U. No. 1039E, filed by Western Massachusetts Electric Company, is ALLOWED; and it is

¹⁴ The Green Communities Act includes a broad range of provisions intended to enhance the development of renewable and alternative energy and to increase energy efficiency in the Commonwealth. See generally St. 2008, c. 169. The Green Communities Act challenges the Commonwealth to meet its electric load by the year 2020 in part through demand side resources, including net metering facilities, and through renewable and alternative generation. St. 2008, c. 169, § 116(a)(1-2).

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.