



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 11-10

July 22, 2011

Order Opening a Rulemaking pursuant to G.L. c. 30A, § 2, and 220 C.M.R. § 2.00 et seq. to Amend 220 C.M.R. § 18.00 et seq. by Implementing the Net Metering Provisions of 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, §§ 25-30.

On July 22, 2011, the Department of Public Utilities (“Department”) issued an Order opening a rulemaking proceeding, pursuant to G.L. c. 30A, § 2 and 220 C.M.R. § 2.00 et seq., to implement the net metering provisions of Chapter 359 of the Acts of 2010, 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 (“Act”). The Act requires the Department to adopt rules and regulations implementing certain changes to the net metering provisions of G.L. c. 164, §§ 138 and 139. St. 2010, c. 359, §§ 25-30. The Department proposes revisions to regulations contained in 220 C.M.R. § 18.00 et seq. to implement and interpret the net metering provisions of the Act and clarify other net metering issues. The Department’s Order and proposed regulations are available for public inspection at the Department’s offices during regular business hours. In addition, electronic copies of the documents are posted on the Department’s website: <http://www.mass.gov/dpu>.

The Department will conduct a public hearing to receive comments on the Proposed Regulations. The hearing will take place on **Tuesday, September 6, 2011**, beginning at 10:00 a.m., at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts, 02110. Any person interested in commenting on this matter may appear at the public hearing or submit written comments to the Department not later than 5:00 p.m. on **Tuesday, September 6, 2011**. Written reply comments must be filed no later than 5:00 p.m. on **Tuesday, September 13, 2011**.

All original written documents must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. Please file three (3) copies with Laura Bickel, Hearing Officer. All documents exceeding 20 pages in length must contain an executive summary. All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by

e-mail attachment to dpu.efiling@state.ma.us and laura.bickel@state.ma.us; or (2) on a 3.5" disk or CD-ROM. The text of the e-mail, disk label, or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 11-10); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The Department strongly encourages filers to avoid submitting scanned files but will accept them for posting when an alternative version does not exist in electronic format. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Small Business Impact Statement

In accordance with M.G.L. c. 30A, §§ 2 and 5, the Department is filing this Small Business Impact Statement with the Secretary of the Commonwealth. The Department is required to submit this statement prior to the adoption of the proposed regulations.

1. All small businesses that are customers of an electric distribution company are subject to the proposed regulations. Although net metering under the proposed regulations is optional for any customer of an electric distribution company, G.L. c. 164, § 139(c) requires electric distribution companies to recover the costs of net metering (credits paid to net metering customers and displaced distribution revenue) from all customers. In this respect, small businesses, like all other customers, will be impacted by the proposed regulations.
2. Because net metering is optional under the proposed regulations, they do not require reporting, recordkeeping and other administrative costs of small businesses.
3. Because net metering is optional under the proposed regulations, they do not require design or operational standards of small businesses.
4. There are no regulations of the Department or any other state agency that may duplicate or conflict with the proposed regulations.

5. The proposed regulations are not likely to deter or encourage the formation of new business.

By Order of the Department,

/s/

Mark D. Marini, Secretary