SENATE DOCKET, NO. 1934 FILED ON: 4/7/2011

SENATE . . . . . No. 1916

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the town of Kingston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1934 FILED ON: 4/7/2011

SENATE . . . . . No. 1916

By Ms. Murray, a petition (accompanied by bill, Senate, No. 1916) of Therese Murray (by vote of the town) for legislation relative to the town of Kingston. [Local Approval Received.] Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act relative to the town of Kingston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law, rule, order or tariff to the contrary, and provided that the division of green communities has determined that the town of Kingston qualifies as a green community under section 10 of chapter 25A of the general laws, the following provisions shall apply:

(a) NSTAR Electric Company ("NSTAR") shall not impose on interconnecting customers within the town of Kingston any excluded costs arising from the interconnection of renewable energy generation facilities. For purposes of this section, "excluded costs" shall mean all fees or costs relating to the interconnection application process and interconnection study process, as well as fees or costs relating to distribution system upgrades to accommodate such facilities and the operations and maintenance carrying charges on the incremental costs associated with serving such interconnecting customers. Nothing herein shall prevent NSTAR from recovering from the interconnecting customer excluded costs to the extent such costs cause NSTAR's aggregate annual return on equity for distribution service to fall below eight and one-half percent. Further, this section shall not apply to costs arising from the interconnection of renewable energy generation facilities that commence operation after the aggregate generating capacity of renewable energy generation facilities in the town of Kingston has reached thirty megawatts. For purposes of this section, "renewable energy generation facilities" shall mean Class I renewable generating sources within the meaning of section 11F(c) of section 25A of the general laws, as amended from time to time by the General Court or as supplemented by the department of public utilities pursuant to section 11F(f) of said section 25A.

(b) With respect to proposed renewable energy generation facilities in the town of Kingston, NSTAR shall complete its detailed interconnection study (if needed) and deliver an executable interconnection service agreement within ninety days following submission of a

24 complete interconnection application (or such shorter period of time as may be provided by
25 tariff).

26 (c) With respect to each proposed renewable energy generation facility in the town of
27 Kingston that is not eligible to be a net metering facility, NSTAR shall, if requested by the
28 project proponent, enter into a power purchase agreement with a term of at least fifteen years
29 from the date of commencement of commercial operation for purchase of all electricity
30 generated by such facility and, if requested by the project proponent, all renewable energy
31 certificates generated by such facility, at a reasonable price and on reasonable terms. For
32 purposes of this subsection, "reasonable price" shall mean a price that is both (i) within twenty
33 percent of the price paid by a distribution company for electricity (and, if applicable, renewable
34 energy certificates) generated by a renewable energy facility pursuant to a power purchase
35 agreement approved by the department of public utilities within the twelve months prior to the
36 project proponent's request and (ii) sufficient to permit a reasonable rate of return on the project.
37 In the event that NSTAR and the project proponent fail to negotiate such power purchase
38 agreement within sixty days following the project proponent's request, the department of public
39 utilities, upon the petition of either NSTAR or the project proponent, shall within ninety days
40 following the filing of such petition, determine a reasonable price and reasonable terms and order
41 NSTAR to enter into a power purchase agreement on such terms.

42 (d) For purposes of subsection (f) of section 139 of chapter 164 of the general laws,
43 as amended by section 29 of chapter 359 of the acts of 2010, the maximum amount of generating
44 capacity eligible for net metering by the town of Kingston shall be 10 megawatts per facility.

45 SECTION 2. This act shall take effect upon its passage.