The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 23-140-C September 12, 2025

Investigation by the Department of Public Utilities, On Its Own Motion, Instituting a Rulemaking Pursuant to the Acts of 2022, c. 179, § 54, G.L. c. 30A, § 2, and 220 CMR 2.00 to Amend the Net Metering Regulations at 220 CMR 18.00.

ORDER ON ELECTRIC DISTRIBUTION COMPANIES' REQUEST FOR CLARIFICATION REGARDING NET METERING FACILITY CONFIGURATIONS

TABLE OF CONTENTS

I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY[1]

On August 11, 2022, Governor Baker signed into law Chapter 179 of the Acts of 2022, An Act Driving Clean Energy and Offshore Wind ("2022 Clean Energy Act"). On July 30, 2024, pursuant to G.L. c. 30A, § 2 and 220 CMR 2.00, the Department of Public Utilities ("Department") commenced a rulemaking and proposed revisions to 220 CMR 18.00 ("Net Metering Regulations") for the purpose of implementing the changes to the net metering provisions prescribed by the 2022 Clean Energy Act ("Proposed Regulations"), as well as making additional changes for administrative clarification. Order Opening Rulemaking, D.P.U. 23-140 (2024).[2]

On November 29, 2024, the Department issued its Order promulgating final Net Metering regulations ("Final Regulations") amending 220 CMR 18.00 to implement the Net Metering provisions of the 2022 Clean Energy Act. Net Metering Rulemaking, D.P.U. 23-140-A (2024). The Final Regulations implement the 2022 Clean Energy Act by: (1) increasing the nameplate capacity threshold for cap exempt Net Metering facilities from ten kilowatts ("kW") to 25 kW regardless of circuit type; and (2) expanding the definition of a Cap Exempt Facility to include

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1 For a complete procedural history of this rulemaking, refer to Net Metering Rulemaking, D.P.U. 23-140-A at 1-3 (2024).

2 Unless otherwise defined in this Order, capitalized terms have the same meaning as provided in the Standards for Interconnection of Distributed Generation ("DG Interconnection Tariff") and the Net Metering Regulations, 220 CMR 18.00. Each electric distribution company ("Distribution Company") has a DG Interconnection Tariff, approved by the Department. See Fitchburg Gas and Electric Light Company d/b/a Unitil – M.D.P.U. No. 474; Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid – M.D.P.U. No. 1599; NSTAR Electric Company d/b/a Eversource Energy – M.D.P.U. No. 55C. Throughout this Order, the Department sets forth certain definitions of capitalized terms to offer informative context.

Class I Net Metering Facilities greater than 25 kW, so long as such facilities generate renewable energy, serve On-site Load, and have an Interconnection Service Agreement ("ISA")[3] executed as of January 1, 2021 or later. D.P.U. 23-140-A at 3, citing St. 2022, c. 179, § 54; G.L. c. 164, § 139(*i*).

On May 30, 2025, the Distribution Companies[4] filed a letter ("May 30, 2025 Letter") with the Department seeking clarification on the appropriate treatment of certain DG facility configurations where capacity is added behind the same retail meter as an existing Net Metering facility within the framework of the Final Regulations and Net Metering rules as set forth by D.P.U. 23-140-A and the Single Parcel Rule ("SPR").[5]

On July 3, 2025, the Department issued a Hearing Officer Memorandum initiating additional process and soliciting comments on four issues: (1) developing a definition for

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[3] The ISA is an agreement executed by an Interconnecting Customer and a Distribution Company that provides for parallel operation of that customer's distributed generation ("DG") facility with the Distribution Company's electric power system ("EPS"). The ISA includes terms and conditions, attachments describing the facility, system modifications, payment terms and construction schedule, and any amendments or supplements; the ISA is set forth at Exhibit G of the DG Interconnection Tariff. DG Interconnection Tariff, § 1.2 (Definitions); Exh. G, § 2.

[4] The Distribution Companies are Fitchburg Gas and Electric Light Company d/b/a Unitil ("Unitil"), Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid ("National Grid"), and NSTAR Electric Company d/b/a Eversource Energy ("NSTAR Electric").

[5] The SPR is defined as "the energy generating equipment associated with a single parcel of land, interconnected with the electric distribution system at a single point, behind a single meter." D.P.U. 11-11-C at 23. The SPR supports basic rules for the Net Metering Program for metering, billing, and accounting for and the transfer of Net Metering Credits (one parcel, one meter connection, one customer account). Revisions to the Single Parcel Rule, Order Implementing the Statutory Exceptions to the Single Parcel Rule, D.P.U. 23-20-A at 2 (2024).

nameplate capacity; (2) Northeast Clean Energy Council's ("NECEC")[6] concern that adding an energy storage system ("ESS") to a Net Metering facility may trigger a new ISA, resulting in the loss of a Cap Allocation;[7] (3) the Distribution Companies' request for clarification regarding the application of the Net Metering rules to customers that add DG capacity where there is already a DG facility behind their retail meter; and (4) the number of Net Metering facilities that are operating on parcels in contravention of the SPR, without an approved exception to the SPR[8] from the Department or the Reviewer.[9] Recognizing the importance of providing regulatory certainty as soon as practicable to the stakeholder community on the Net Metering facility configuration issues raised in the May 30, 2025 Letter, the Department set forth a separate, accelerated comment period on that topic (i.e., topic (3), above). Consistent with the timelines

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6 NECEC is now known as the Alliance for Climate Transition ("ACT").

7 Cap Allocation is defined as an assurance from the Administrator that a Host Customer will receive Net Metering services upon a Host Customer's receipt from a Distribution Company of notice of authorization to interconnect. 220 CMR 18.02.

8 There are three types of exceptions to the SPR: (a) Multiple Technologies Exceptions, (b) Petition Exceptions, and (c) Statutory Exceptions. See, respectively, D.P.U. 23-20-A at 35, 37; 220 CMR 18.09(7); and G.L. c. 164, § 139(l)(i)-(v).

9 For the Statutory Exceptions, the Department established a Self-Certification Process, issued the associated Self-Certification Form, and designated a Reviewer to process the Self-Certification Form and to determine eligibility for a Statutory Exception. D.P.U. 23-20-A at 12-13. 52-57. The Department designated Cadmus Group, Inc. as the Reviewer. D.P.U. 23-20-A at 60.

set forth in the Notice, the Department received written comments[10] and reply comments[11] on the issues raised in the May 30, 2025 Letter prior to the other three issues identified above. In this Order, the Department provides clarification on: (1) the facility configuration issues raised in the May 30, 2025 Letter, and (2) the eligibility of facilities seeking to qualify as a Cap Exempt Facility Serving On-site Load. The Department is reviewing the subsequent comments filed by stakeholders on the three other matters identified in the July 3, 2025 Hearing Officer Memorandum and as described above (i.e., topics (1), (2), and (4)).[12] We will communicate next steps on those matters as soon as practicable.

II. DISTRIBUTION COMPANIES' MAY 30, 2025 LETTER REQUEST FOR CLARIFICATION

With the changes to Cap Exempt Facility capacity thresholds promulgated in the Final Regulations (e.g., the increase in the Nameplate Cap Exempt Facility threshold from 10 kW to 25 kW and the creation of Class I Cap Exempt Facilities Serving On-site Load), Net Metering customers have sought to add capacity to existing Net Metering facilities. These changes to preexisting Net Metering facility configurations coupled with other regulatory standards such as

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10 Initial written comments were submitted by: Cadmus; ACT, Solar Energy Industries Association, Solar Energy Business Association of New England, and Advanced Energy United (collectively, the "Clean Energy Groups"); the Distribution Companies; the Department of Energy Resources ("DOER"); Sunrun Inc. ("Sunrun"); Trinity Solar, LLC ("Trinity"); and Tesla, Inc. ("Tesla").

11 Reply comments were submitted by the Clean Energy Groups and the Distribution Companies.

12 The Department established a separate comment/reply comment period for these three topics (July 3, 2025 Hearing Officer Memorandum at 8-10). The responsive comments are under review; at this time, the Department does not intend to establish additional process for these topics.

the SPR, SMART Program,[13] and DG Interconnection Tariff, caused the Distribution Companies to seek clarification on what constitutes additional DG capacity as an expanded facility versus a separate facility for Net Metering purposes (May 30, 2025 Letter at 1). The Distribution Companies identify two situations where they claim it is unclear whether a Host Customer's application for additional capacity behind the same retail meter of a Net Metering facility constitutes (a) an expansion of an existing Net Metering facility or (b) a separate Net Metering facility where:

(1) the Host Customer seeks to enroll the new capacity in the SMART Program/Net Metering Program and the existing facility is participating only in the Net Metering Program, or participating only in the SMART Program; and

(2) there are different Interconnecting Customers for the existing Net Metering facility and for the additional capacity seeking to net meter.

(May 30, 2025 Letter at 1).

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[13] The Solar Massachusetts Renewable Target Program ("SMART Program") is a voluntary statewide solar incentive program established by DOER to encourage the continued development of solar renewable generating resources. Model SMART Provision, D.P.U. 17-140-A at 1 (2018). DOER administers the SMART Program through its SMART Regulations, 225 CMR 20.00, SMART Regulations 3.0, 225 CMR 28.00, and several sets of SMART Guidelines (available at https://www.mass.gov/info-details/smart-10-20-program-details#program-guidelines-). Each Distribution Company recovers incentive payments to solar developers enrolled in the SMART Program under a tariff approved by the Department. 225 CMR 20.02, 20.05(2), 20.07(3)(a)(11); 225 CMR 28.02, 28.07(3), 28.10(7); Fitchburg Gas and Electric Light Company d/b/a Unitil – M.D.P.U. No. 465; Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid – M.D.P.U. No. 1574; NSTAR Electric Company Electric Company d/b/a Eversource Energy – M.D.P.U. No. 74K).

The Distribution Companies seek guidance on whether additional capacity installed behind the same retail meter can constitute a single facility to comply with the rules of one program (e.g., Net Metering) while simultaneously being treated as two separate facilities to comply with the rules of another program (e.g., SMART Program) (May 30, 2025 Letter at 3). Furthermore, the Distribution Companies request guidance on whether capacity for which separate Interconnecting Customers each having unique contracts and responsibilities can constitute a single Net Metering facility (May 30, 2025 Letter at 3).

The Distribution Companies propose that additional DG capacity installed behind a single meter remain eligible for Net Metering and suggest that the Department establish eligibility by endorsing one of two proposed approaches:

(1) an "expanded facility approach" wherein the Department clarifies that all capacity behind a single retail meter and interconnection point, regardless of SMART Program participation, the number of Interconnecting Customers, or whether the capacity was installed in phases over time, does constitute a single facility for the purpose of Net Metering eligibility, consistent with Definition of Unit and Facility, D.P.U. 11-11-C (2012) and Exception to Definitions of Unit and Facility, D.P.U. 11-11-E (2013); or

(2) an "accepted multi-facility approach" under which Nameplate Cap Exempt Facilities would be eligible for an exception to the SPR, provided that the aggregate capacity behind a single retail meter does not exceed 25 kW.

(May 30, 2025 Letter at 3)

The Distribution Companies express concern that without the Department's endorsement of one of the two approaches described above, the ability of customers to expand DG may be restricted, SMART Program participation could be limited, and other negative consequences

could result (e.g., increased complexity and administrative burden for all stakeholders) (May30, 2025 Letter at 3). Finally, the Distribution Companies explain that without Department clarity, Net Metering eligibility may be difficult to determine for stakeholders including residential customers, solar developers, and the Distribution Companies, resulting in more exception requests and expanded review requirements for the Department (May 30, 2025 Letter at 3).

III. SUMMARY OF COMMENTS

A. Multiple Incentive Programs

Stakeholders unanimously support the Distribution Companies' proposal that separate or additional capacity, regardless of SMART Program participation, be eligible to be behind a single meter and be eligible for Net Metering service (Cadmus Comments at 4;[14] Clean Energy Groups Comments at 6; DOER Comments at 7; Sunrun Comments at 6; Tesla Comments at 1;

[14] Cadmus's July 24, 2025 submission consists of four pages without pagination. Although that submission is presented as a memorandum, consistent with (a) the Hearing Officer's "Post-Order Process and Request for Comments" (July 3, 2025), (b) Cadmus's July 24th cover letter, and (c) the submissions of other participants in this proceeding, the Department refers to Cadmus's July 24, 2025 submission as Cadmus Comments. The Cadmus Comments contain internal organization consistent with the organization of some memorandums (e.g., numbered section/letter subsections). However, for "comments" the Department cites to page numbers. The Department has established rules for pagination for (a) an adjudication (Standard Ground Rules, § B.4; see also, NSTAR Electric Company, D.P.U. 22-22 N.127 (2022), (b) a policy investigation/inquiry (Single Parcel Rule, Order on Application Fees and Guidelines, D.P.U. 23-20-B n.17 (February 25, 2025), and (c) a rulemaking (Net Metering Rulemaking, D.P.U. 21-100-A n.4 (2024). These pagination rules are substantially the same, requiring consecutive page numbering. For this proceeding, the Department confirms the Rulemaking pagination rule set forth in D.P.U. 21-100-A n.4: "consecutive page numbering." We expect any future comments to include page numbers to increase efficiency for Department staff and other commenters seeking to respond to those comments.

Trinity Comments at 2). These same participants support the Company's proposed "expanded facility approach" over the "accepted multi-facility approach" (Cadmus Comments at 4; Clean Energy Groups Comments at 6; DOER Comments at 7; Sunrun Comments at 6; Tesla Comments at 1; Trinity Comments at 2). Cadmus, the Clean Energy Groups,[15] Sunrun, and Trinity contend that the "expanded facility approach" aligns with existing regulations, statutes, and/or previous Department Orders (Cadmus Comments at 1-2; Clean Energy Groups Comments at 3; Sunrun Comments at 4; Trinity Comments at 1).

Stakeholders identify several possible issues with the "accepted multi-facility approach." The Clean Energy Groups, DOER, and Sunrun contend that the "accepted multi-facility approach" could result in implementation delays (Clean Energy Groups Comments at 6; DOER Comments at 7; Sunrun Comments at 6). The Clean Energy Groups and Sunrun assert that the "accepted multi-facility approach" could require that all Statutory Exemptions be reviewed to determine how a Blanket Exemption could be implemented (Clean Energy Groups Comments at 6; Sunrun Comments at 6).

DOER provides context on how it has historically treated individual projects with separate production meters situated behind a single customer retail meter (e.g., a net meter) (DOER Comments at 2). DOER states that while it has qualified projects separately under one or more of DOER's incentive programs,[16] these projects are collectively qualified as a single net

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15 Tesla voiced broad support for the Clean Energy Groups Comments (Tesla Comments at 1).

16 The Solar Carve-out and Solar Carve-out II programs are part of the Renewable Energy Portfolio Standard ("RPS") as well as part of the SMART Program. 225 CMR 14.00 (RPS); 225 CMR 20.00 (SMART); 225 CMR 28.00 (SMART 3.0).

metering facility (DOER Comments at 2). Tesla claims that the "expanded facility approach" as proposed is already common practice throughout the Commonwealth (Tesla Comments at 1).

Several stakeholders address the topic of SMART Program eligibility. The Clean Energy Groups and Sunrun contend that SMART Program eligibility falls outside the scope of this proceeding and that the Department does not need to resolve any SMART Program participation or eligibility status issues to provide the requested clarification on the Net Metering eligibility issues (Clean Energy Groups Comments at 3; Sunrun Comments at 4). DOER submits that SMART Program rules on expansions should not have any bearing on how expansions are treated for Net Metering purposes (DOER Comments at 5).

In their joint reply comments, the Distribution Companies request that the Department provide two additional clarifications.

1. Nameplate Cap Exempt Facility Status

   The Distribution Companies assert that Nameplate Cap Exempt Facility status should not be granted to any additional facility or proposed expansion of a facility for which the aggregate capacity behind a single retail meter would exceed the regulatory threshold (i.e., 25 kW) (Distribution Companies Reply Comments at 2).

2. Project Classification

   The Distribution Companies observe that current revenue-grade metering and billing systems require multiple distributed solar arrays behind a single retail meter to take service under the same electric tariff (e.g., the Net Metering tariff) (Distribution Companies Reply Comments at 2).[17] At present, it is not possible with those metering

[17] In this context, the Distribution Companies use the term "rider," which the Department interprets as "tariff." If the Department misinterprets, the Distribution Companies can inform us. See, e.g., Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company d/b/a NSTAR Electric Company, D.T.E. 03-121, at 48-49 (2004) (Department interpreted settlement agreement provision as applying to

and billing systems to host one DG facility as a net metering facility and another as an Alternative On-Bill Credit Generation Unit[18] or a Qualifying Facility,[19] while still being able to automatically calculate net exports of the respective facilities and correctly credit those customers on a single account and bill (Distribution Companies Reply Comments at 2). Accordingly, the Distribution Companies request that the Department affirm that the retail customer will have the "final say" on project classifications (Distribution Companies Reply Comments at 2).

B. Multiple Interconnecting Customers

Cadmus, the Clean Energy Groups, DOER, and Tesla support the Distribution Companies' proposal that separate or additional capacity, regardless of the number of Interconnecting Customers, should be able to interconnect behind a single meter and still be

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customer location and not to a customer. The Department invited settling parties to correct any misinterpretation by the Department. We note that those parties did not submit any correction of the Department's interpretation).

The Department notes that in its listing of electric tariffs and rates that appears on the Department's Webpage, NSTAR Electric uses the term "rider" for only a few tariffs and neither National Grid nor Unitil uses the term "rider" (https://www.mass.gov/info-details/massachusetts-electric-rates-and-tariffs).

[18] Alternative On-Bill Credit Generation Unit is a Solar Tariff Generation Unit ("STGU") that is enrolled in the SMART Program under a tariff that is approved by the Department establishing a bill credit for generation from STGUs, but is not a tariff approved by the Department pursuant to (i) 220 CMR 8.00 ("Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities" ("QF Regulations)) or (ii) the Net Metering Regulations, 220 CMR 18.00. 225 CMR 28.02 (Definitions).

[19] A Qualifying Facility means small power producers and cogenerators that meet the criteria specified by the Federal Energy Regulatory Commission at 18 C.F.R. § 292.203(a) and (b), implementing the provisions of the Public Utility Regulatory Policies Act of 1978, Title II, Sections 201 and 210. 220 CMR 8.02 (Definitions), 8.01(a) (Purpose).

eligible for Net Metering (Cadmus Comments at 2-3; Clean Energy Groups Comments at 5; DOER Comments at 6; Tesla Comments at 1). The Clean Energy Groups and Sunrun claim that allowing Net Metering facilities to expand regardless of the presence of different Interconnecting Customers is common practice across the United States (Clean Energy Groups Comments at 5; Sunrun Comments at 5).

Stakeholders did not identify any concerns where more than one Interconnecting Customer is connected behind a single meter. Specifically, the Clean Energy Groups and Sunrun have not seen any liability concerns raised across the country related to having more than one Interconnecting Customer behind a single meter (Clean Energy Groups Comments at 5; Sunrun Comments at 6). Furthermore, the Clean Energy Groups and Sunrun state that, because each Interconnecting Customer enters into separate ISAs or Interconnection Agreements, the termination of one ISA would not impact any separate or additional capacity behind the same meter (Clean Energy Groups Comments at 5; Sunrun Comments at 6).

Cadmus expresses concern that the Distribution Companies and other stakeholders may be inconsistent in their interpretation and application of the term "Interconnecting Customer" (Cadmus Comments at 3). Cadmus explains further that its understanding is there may be up to three (or more) entities involved in the interconnection process, and these terms may be used interchangeably in certain situations: Host Customer; Developer/DG Installer; and Allocated Customer (Cadmus Comments at 3). Accordingly, Cadmus requests clarification regarding the term "Interconnecting Customer" (Cadmus Comments at 3). In their reply comments, the Clean Energy Groups contend that no further decisions on the term are warranted given the existing

definition in the Standards for Interconnection of Distributed Generation (Clean Energy Groups Reply Comments at 2).

IV. STANDARD OF REVIEW FOR CLARIFICATION[20]

The Department's Procedural Rule, 220 CMR 1.11(11), authorizes a party to file a Motion for Clarification within 20 days of service of a final Department Order. Clarification of previously issued Orders may be granted when an Order is silent as to the disposition of a specific issue requiring determination in the Order, or when the Order contains language that is sufficiently ambiguous to leave doubt as to its meaning. Boston Edison Company, D.P.U. 92-1A-B, at 4 (1993); Whitinsville Water Company, D.P.U. 89-67-A, at 1-2 (1989). Clarification does not involve re-examining the record for the purpose of substantively modifying a decision. Boston Edison Company, D.P.U. 90-335-A, at 3 (1992); Fitchburg Gas and Electric Light Company, D.P.U. 18-296/18-297, at 2 (1976).

V. ANALYSIS AND FINDINGS

A. Introduction

The Department may grant clarification of previously issued Orders when an Order is silent as to the disposition of a specific issue requiring determination in the Order, or when the

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[20] Although the Department's Procedural Rules expressly provide that they do not apply to a rulemaking proceeding, 220 CMR 1.01(1), neither do the Department's rules regarding the adoption, amendment, and repeal of regulations, 220 CMR 2.00, address the Department's practice of issuing orders opening, approving, and, as in this case, interpreting regulations. Because these rulemaking orders follow the form and reasoning of the Department's adjudicatory orders, we find that applying the Procedural Rules regarding clarification of a final Department Order at 220 CMR 1.11(11), including the underlying standard of review, in a rulemaking proceeding is a reasonable administrative practice in this instance. Thus, the Department applies that Rule and standard of review in ruling on the request for clarification contained in the May 30, 2025 Letter.

Order contains language that is sufficiently ambiguous to leave doubt as to its meaning. D.P.U. 92-1A-B at 4; D.P.U. 89-67-A at 1-2. Here, the Distribution Companies seek clarification on the appropriate treatment of certain DG facility configurations where capacity is added behind the same retail meter that serves an existing Net Metering facility. More particularly, the Distribution Companies seek clarification in light of the modified regulatory framework set forth in the Final Regulations, the Net Metering rules set forth by D.P.U. 23-140-A, and the SPR. The Department finds that our Orders are silent on the disposition of the specific facility configuration issue identified by the Distribution Companies. Moreover, the Department strives to create regulatory certainty and to provide clarity regarding compliance with the Net Metering rules and regulations, both for Host Customers seeking to expand Net Metering facilities and for Distribution Companies providing Net Metering services. Thus, we take this opportunity to address the Distribution Companies' request for clarification contained in the May 30, 2025 Letter.

B. Multiple Incentive Programs

Through the May 30, 2025 Letter and related comments, the Distribution Companies and stakeholders address the interplay between Net Metering rules and Regulations and SMART Program rules and Regulations. Where the Distribution Companies do not express a preference for one path forward over another, stakeholders are unanimous in their support for the Distribution Companies' proposal that separate or additional capacity installed behind a single meter, regardless of SMART Program participation, be eligible for Net Metering services (Cadmus Comments at 4; Clean Energy Groups Comments at 6; DOER Comments at 7; Sunrun Comments at 6; Tesla Comments at 1; Trinity Comments at 2). Further, stakeholders

unanimously support the proposed "expanded facility approach" over the "accepted multi-facility approach" to implement this eligibility rule (Cadmus Comments at 4; Clean Energy Groups Comments at 6; DOER Comments at 7; Sunrun Comments at 6; Tesla Comments at 1; Trinity Comments at 2). The Department concurs with stakeholders' expressed reservations that the "accepted multi-facility approach" could result in implementation delays and may require that all Statutory Exceptions to the SPR be reviewed to determine how such exceptions could be implemented. The Department finds that such delays and additional process are inconsistent with the public interest. Accordingly, consistent with the "expanded facility approach," the Department finds that all capacity behind a single retail meter and interconnection point, regardless of SMART Program participation or whether the capacity was installed in phases over time, constitutes a single facility for the purpose of Net Metering eligibility, consistent with the SPR and past precedent. D.P.U. 11-11-C at 23; D.P.U. 11-11-E at 19.

C. Multiple Interconnecting Customers

Stakeholders overwhelmingly support the Distribution Companies' proposal that separate or additional capacity installed behind a single meter, regardless of the number of Interconnecting Customers, should be eligible to receive Net Metering services. Moreover, liability concerns related to the presence of more than one Interconnecting Customer behind a single meter are not apparent in other jurisdictions and have not been raised in this proceeding. Further, neither the Distribution Companies nor stakeholders contend that the termination of one ISA would adversely impact any separate or additional capacity installed behind the same meter. Accordingly, the Department finds that additional capacity installed behind the same retail meter that serves an existing Net Metering facility, regardless of the number of Interconnecting

Customers, may be considered a single facility for the purpose of eligibility to receive Net Metering services.

Finally, Cadmus stresses the importance of being clear and consistent when utilizing the term Interconnecting Customer (Cadmus Comments at 3). Interconnecting Customer is defined in section 1.2, Definitions, of the DG Interconnection Tariff.[21] While the Department expects that the Distribution Companies and other Net Metering and DG interconnection stakeholders are using the term Interconnecting Customer only in a manner that is consistent with how the term is defined in the DG Interconnection Tariff, we take this opportunity to remind the Distribution Companies that Interconnecting Customer shall have the same meaning across service territories and within official documentation such as ISAs.

D. Additional Implementation Considerations

As stated above, the Distribution Companies first raise the following two requests for clarification in their reply comments:

[21] Interconnecting Customer "shall mean the entity that owns and/or operates the Facility proposing to interconnect or interconnected to the Company EPS, with legal authority to enter into agreements regarding the construction or operation of the Facility." Facility shall mean a source of electricity owned and/or operated by the Interconnecting Customer that is located on the Customer's side of the PCC [Point of Common Coupling], and all facilities ancillary and appurtenant thereto, including interconnection equipment, which the Interconnecting Customer requests to interconnect to the Company EPS." See, e.g., M.D.P.U. No. 1599, § 1.2.

1. Nameplate Cap Exempt Facility Status

   The Distribution Companies assert that Nameplate Cap Exempt Facility status should not be granted to any additional facility or proposed expansion of a facility for which the aggregate capacity behind a single retail meter would exceed the regulatory threshold (i.e., 25 kW).

2. Project Classification

   The Distribution Companies observe that current revenue-grade metering and billing systems require multiple distributed solar arrays behind a single retail meter to take service under the same electric tariff (e.g., the Net Metering tariff). Accordingly, the Distribution Companies request that the Department affirm that the retail customer will have the "final say" on project classifications.

To address these matters ancillary to the underlying rulemaking, the Department applies the clarification standard that we apply in adjudications. See supra at 12 n.19. In applying our clarification standard to a rulemaking process, the Department does not intend for an opportunity for clarification to be open-ended. In fact, such a convention, if unchecked, would constitute an undesirable practice that risks impairing the need for finality in Department decisions.

For these supplemental requests for clarification by the Distribution Companies, the Department applies its adjudication rule that disfavors raising a material issue for the first time in a reply brief as there is no opportunity for responsive arguments. Electric Sector Modernization Plans, D.P.U. 24-10/D.P.U. 24-11/D.P.U. 24-12, at 322 n.106 (2024); Boston Gas Company, D.P.U. 23-GSEP-03, at 23 (2024); Aquarion Water Company of Massachusetts, D.P.U. 17-90, at 15-16 (2018); Boston Gas Company and Colonial Gas Company, D.P.U. 17-170, at 11 (2018); New England Gas Company, D.P.U.10-114, at 7-8 (2011). By extension, for Department "comment proceedings" (e.g., rulemakings and policy investigations/inquiries), raising an issue

for the first time in reply comments generally does not suffice to present the matter for Department consideration. Reply comments address commentary, contentions, and analysis presented in other participants' initial comments; they do not provide a participant with a new opportunity to present yet another issue for the Department's consideration.

Based on this rule, the Department finds that the Distribution Companies' reply comments are procedurally deficient. However, where clarification would constitute a clear and obvious explanation of a prior determination, the Department may exercise administrative discretion and provide such explanation. The Department finds that this circumstance is apparent here. For the "Nameplate Capacity" issue presented by the Distribution Companies, the Department refers to the definition of Nameplate Cap-Exempt Facility contained in the Net Metering Regulations. 220 CMR 18.02.[22] For the "Project Classification" issue presented by the Distribution Companies, the Department refers to Exception to Definitions of Unit and Facility, D.P.U. 11-11-E (2013). Specifically, we point to our finding that, "[w]ithout exception, all non-net metering facilities must be separately interconnected and separately metered from all net metering facilities." D.P.U. 11-11-E at 19-20, n.15. We consider these references sufficient to provide guidance to the Distribution Companies in response to their requests for clarification presented in their reply comments.

VI. ORDER

Accordingly, after review, opportunity for response, and due consideration, it is

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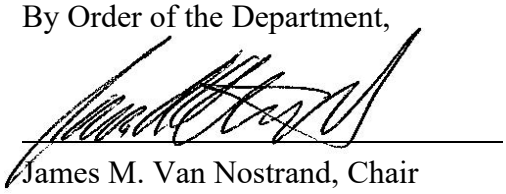
[22] "Nameplate Cap Exempt Facility" is defined as a "A Class I Net Metering Facility that is an eligible Renewable Energy Generating Facility pursuant to M.G.L. c. 164, § 138 and has a nameplate capacity rating equal to or less than 25 kilowatts."

ORDERED: That NSTAR Electric Company d/b/a Eversource Energy, Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, and Fitchburg Gas and Electric Light Company d/b/a Unitil's Request for Clarification is GRANTED; and it is

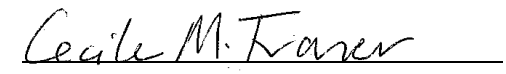
FURTHER ORDERED: That, as set forth herein, the Department clarifies supplemental issues presented by NSTAR Electric Company d/b/a Eversource Energy, Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, and Fitchburg Gas and Electric Light Company d/b/a Unitil; and it is

FURTHER ORDERED: That NSTAR Electric Company d/b/a Eversource Energy, Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, and Fitchburg Gas and Electric Light Company d/b/a Unitil shall comply with all directives contained in this Order.

By Order of the Department,



James M. Van Nostrand, Chair



Cecile M. Fraser, Commissioner

Staci Rubin, Commissioner

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.