

**Massachusetts Evaluation Framework for Projects in the  
Northern Maine Renewable Energy Procurement  
Under Section 82 of the MA 2022 Energy Law,  
*An Act driving clean energy and offshore wind***

October 27, 2022

**1. Definitions**

The following terms shall have the meanings set forth below, unless defined separately within this Massachusetts Evaluation Framework:

“AGO” or “Attorney General” means the Massachusetts Attorney General’s Office

“Capacity” means a technology’s ability to generate or transfer electricity to the power grid, denominated in megawatts (MW), and shall not refer to a “Capacity Supply Obligation” in the Forward Capacity Market as administered by the Independent Service Operator New England.

“Confidential Information” means any information disclosed by one Party to another hereunder, whether in writing, orally or by document inspection, which is marked or otherwise identified as being confidential at the time of disclosure, or is otherwise deemed confidential in accordance with the protective orders issued by the MPUC in its procurement docket, 2021-00369 on February 27, 2022.

“Commission” or “MPUC” means the Maine Public Utility Commission

“DOER” means the Massachusetts Department of Energy Resources

“DPU” means the Massachusetts Department of Public Utilities

“EDCs” means the electric distribution companies, a distribution company as defined in Section 1 of Chapter 164 of the Massachusetts General Law.

“Evaluation Team” means DOER and the DOER evaluation consultant, in consultation with the AGO.

“Long-Term Contracts” – PPAs and TSAs between each of the EDCs and the selected bidders assuming a beneficial determination is made by DOER pursuant to Section 82.

“Maine” means the State of Maine.

“Massachusetts Parties” means DOER in consultation with the AGO.

“Massachusetts Evaluation Framework” or “Framework” means this document.

“MOU” means the Memorandum of Understanding, dated October 21, 2022, among the MPUC, DOER and AGO.

“Northern Maine Renewable Energy Procurement” means the Maine Renewable Energy Procurement as defined above.

“Other Authorities” means United States federal agencies, state and local agencies and authorities, one or more regional transmission organizations, balancing authorities, or utilities in other Control Areas in which a Generation Unit(s) is located or through which its Energy may pass

“PPA” means power purchase agreement

“Procurement” means the procurement conducted by the MPUC through the Request for Proposals (RFP) for Renewable Energy Generation and Transmission Projects Pursuant to the Northern Maine Renewable Energy Development Program on November 29, 2021.

“Project” means the bid or grouping of bids selected by the Commission pursuant to the Northern Maine Renewable Energy Procurement.

“TSA” means transmission service agreement

## **2. Background & Overview**

On August 11, 2022, Governor Baker signed *An Act driving clean energy and offshore wind* (Climate Act of 2022 or the *Act*). Section 82 of the *Act* reads (Section 82):

*The department of energy resources may coordinate with one or more New England states undertaking competitive solicitations to consider projects for long-term clean energy generation, transmission or capacity for the benefit of residents of the commonwealth and the region. If the department of energy resources, in consultation with the Attorney General, determines, not later than December 31, 2022, that a project would satisfy all of the benefits listed below, the electric distribution companies shall enter into cost-effective long-term contracts. In its determination, the department of energy resources shall determine if any proposals (i) provide cost-effective clean energy generation to electric ratepayers in the commonwealth and the region over the term of the contract; (ii) provide the benefits of clean energy and associated transmission towards meeting the commonwealth’s decarbonization goals; (iii) where possible, avoid, minimize, or mitigate, to the maximum extent practicable, environmental impacts, impacts on commercial and recreational fishing industries, and impacts to low-income populations; (iv) reduce ratepayer costs in winter months and improve energy security during winter months; (v) demonstrate progress toward obtaining required permit approvals and interconnection, and (vi) have credible project schedule and construction plans, including plans for financing and stakeholder engagement. For purposes of this section, a long-term contract shall be a contract with a term of 10 to 20 years. Eligible clean energy generation resources must (i) have a commercial operation date on or after January 1, 2022; and (ii) be qualified by the department of energy resources as eligible to participate in the renewable energy portfolio standard program under section 11F of chapter 25A of the General Laws. Associated transmission costs must be incorporated into a proposal. All proposed contracts shall be subject to the review and approval of the department of public utilities. The department of public utilities shall consider both potential costs and benefits of such contracts and shall only approve a contract upon a finding that it is cost-effective, taking into account the factors outlined in this section.*

On November 29, 2021, MPUC issued a Request for Proposals (RFP) for Renewable Energy Generation and Transmission Projects Pursuant to the Northern Maine Renewable Energy Development Program.<sup>1</sup> MPUC is seeking viable and cost-effective proposals for the development and construction of renewable energy generation projects in Northern Maine and a transmission line or lines to connect such generation projects with the New England Independent System Operator (ISO-NE) system. Maine will select project(s) (ME Selection) for procurement not later than November 1, 2022.

The Massachusetts Parties are coordinating with MPUC regarding its ongoing Northern Maine Renewable Energy Procurement to consider projects for long-term clean energy generation, transmission or capacity for the benefit of residents of the Commonwealth and the region. Pursuant to Section 82, the Massachusetts Parties will evaluate Project(s) selected by the MPUC to determine if they would meet the beneficial standard set forth thereunder. This Framework generally outlines the process and procedures the Massachusetts Parties will use to conduct its beneficial determination; provided, that the Massachusetts Parties may amend or modify any of the terms and conditions hereunder and shall notify the selected bidder of any such changes.

Under Section 82, the Massachusetts Parties will consider projects for long-term clean energy generation, transmission or capacity. The Massachusetts Parties will consider clean energy to require the retirement of environmental attribute certificates on behalf of Massachusetts ratepayers that reduce greenhouse gas (GHG) emissions under the Massachusetts Department of Environmental Protection's GHG Inventory accounting system. This Framework outlines the process the Massachusetts Parties will use to make a beneficial determination under Section 82. This framework may be subject to change by the Massachusetts Parties throughout the determination process.

### **3. Massachusetts Evaluation Team**

The beneficial determination will be made by DOER in consultation with the AGO. The Evaluation Team will consist of DOER staff, in consultation with the AGO. DOER will retain a consultant to assist in its evaluation and beneficial determination. DOER may also consult with MPUC, other Massachusetts state agencies, the EDCs, and ISO New England during its evaluation.

### **4. Confidential Information**

#### **A. Information sharing among DOER, AGO and MPUC.**

Confidential Information sharing among DOER, AGO and MPUC shall be governed by the MOU and any applicable non-disclosure agreement as further provided in the MOU.

#### **B. Information sharing among DOER, AGO and the EDCs.**

DOER, AGO and the EDCs agree to keep any Confidential Information confidential pursuant to a nondisclosure agreement (NDA) or as agreed to by all the parties, and pursuant to Massachusetts Public Records Law, M.G.L. c. 66 et seq., which requires public access to records in governmental possession. These laws, as well as other applicable state laws, provide certain exemptions to disclosure, which may include exemptions for materials that do not constitute a public record as that term is so defined, and

---

<sup>1</sup> <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>

materials that are consultative or deliberative materials, trade secrets, and materials whose disclosure would cause business harm.

### **C. Confidential Information Sharing Authorization for ISO-NE and Certain Government and Other Authorities Personnel**

ISO-NE will, and Other Authorities (including but not limited to state economic development and environmental agencies) may be requested to provide information to the Evaluation Team concerning proposals as part of the proposal evaluation process. Information classified as Critical Energy/Electric Infrastructure Information (“CEII”) will only be shared with members of the Evaluation Team who are cleared to receive CEII by ISO-NE or any applicable Other Authorities. The selected bidder(s) agrees that ISO-NE and the Other Authorities may release information related to the projects which may otherwise be considered confidential under the relevant rules or policies of such organizations to the Evaluation Team.

The selected bidder(s) shall provide written confirmation of its consent for the sharing of this information as part of the selected bidder(s)’ Notice of Intent to Bid, as described in Section 6A below, and, if requested by the Evaluation Team, the selected bidder(s) shall specifically request that ISO-NE and/or any of the Other Authorities provide this information to the Evaluation Team and shall pay any costs imposed by ISO-NE or any of the Other Authorities associated with providing that information.. The Evaluation Team will treat the information provided as Confidential Information as further described in this Framework.

## **5. Massachusetts Requirements Under Section 82**

Pursuant to Section 82 of the Climate Act of 2022, DOER, in consultation with the AGO, will coordinate with Maine with respect to the Northern Maine Renewable Energy Procurement in order to consider projects for long-term clean energy generation and transmission capacity for the benefit of residents of Commonwealth of Massachusetts and the region. If DOER, in consultation with the Attorney General, determines, not later than December 31, 2022, that a selected project(s) would satisfy the benefits listed below, the EDCs shall enter into cost-effective long-term contracts. A long-term contract shall be a contract of 10 to 20 years. The benefits required to be met are as follows:

- (i) provide cost-effective clean energy generation to electric ratepayers in the commonwealth and the region over the term of the contract;
- (ii) provide the benefits of clean energy and associated transmission towards meeting the commonwealth’s decarbonization goals;
- (iii) where possible, avoid, minimize, or mitigate, to the maximum extent practicable, environmental impacts, impacts on commercial and recreational fishing industries, and impacts to low-income populations;
- (iv) reduce ratepayer costs in winter months and improve energy security during winter months;
- (v) demonstrate progress toward obtaining required permit approvals and interconnection, and
- (vi) have credible project schedule and construction plans, including plans for financing and stakeholder engagement.

Additionally, Section 82 of the Climate Act of 2022 provides that DOER, in consultation with the AGO, will only consider projects that have a commercial operation date on or after January 1, 2022 and are eligible for the Massachusetts Class I Renewable Portfolio Standard (RPS). Finally, any bid determined to

be beneficial to the Commonwealth of Massachusetts, pursuant to Section 82, must result in cost-effective long-term contracts with the EDCs. These contracts shall be subject to the review and approval of DPU.

## 6. Requests for Additional Information from Maine's Selected Bidder

Following the MPUC selection, DOER, in consultation with the AGO, will be given the opportunity to request additional information and commitments from the selected Project(s) in order to facilitate its beneficial determination. The selected Project(s) shall not be required to change any element of their bids submitted to the Northern Maine Renewable Energy Procurement in connection with the Commonwealth of Massachusetts participation in this Procurement. However, in order for DOER, in consultation with the AGO, to determine whether any bid meets the requirements outlined in Section 5 above, the Massachusetts Parties may need additional information beyond what was submitted to Maine, as set forth in this section. The Massachusetts Parties' request for information may include but is not limited to:

- A. Requests regarding confirmation from the winning bidder(s) that they wish to be considered for a beneficial determination by the Massachusetts Parties: the selected Project(s) must submit a Notice of Intent to DOER by October 31, 2022. The Notice of Intent should be submitted via email to Marian Swain, DOER Deputy Director of Policy & Planning, at [marian.swain@mass.gov](mailto:marian.swain@mass.gov).
- B. Commitment on the price offered to Maine: Bidders must commit to offer the same price for energy and transmission for Massachusetts as was bid to Maine. The bidder must also commit that the bid price will remain in effect through the Massachusetts Parties beneficial determination process and any associated contract execution with the Massachusetts EDCs and subsequent review and approval by the DPU. Any such commitment shall be binding upon the bidders through subsequent review and approval by the DPU..
- C. Commitment to negotiate a power purchase agreement (PPA) and transmission services agreement (TSA) with the Massachusetts EDCs: if the Project(s) are deemed beneficial by the DOER in consultation with the AGO, DOER is not the contracting party in this procurement process. The result of any Massachusetts contracting will be an executed PPA, for energy and MA Class I RECs, and/or a TSA with the Massachusetts EDCs (Eversource Energy, National Grid, and Unitil). Attached to this Framework is an Example PPA and Example TSA of Eversource and National Grid (Unitil terms and conditions are similar to Eversource). These example documents are to provide preliminary information to a selected bidder and an example on the types of contracting terms that will be required by the MA EDCs. Final terms and conditions shall be negotiated between the selected bidders and the MA EDCs and do not represent all of the terms and conditions that the MA EDCs may require or limit the MA EDCs in any manner as to any negotiated final PPA or TSA. Any executed PPA with the Project(s) are subject to review and approval by DPU and any TSA shall be subject to the review and approval of Other Authorities. Bidders may provide comments to DOER regarding the terms of the example PPA and TSA prior to December 1, 2022, which will be considered in the Massachusetts Parties' beneficial determination.
- D. Requests for a price for environmental attributes from the Project(s) (e.g., MA Class I Renewable Energy Certificates (RECs)): Generation Project(s) must provide the Massachusetts Parties with a bid price for MA Class I RECs in \$/REC. DOER, in consultation with the AGO, will only consider generation bids that include both energy and MA Class I RECs.<sup>2</sup> Any RECs to be sold by the Project(s) must be produced by the designated facility and conform to the MA RPS Class I eligibility criteria. The REC price bid must be

---

<sup>2</sup> RECs shall include rights to all of the GIS Certificates and Environmental Attributes associated with the generation

incremental to the bid price of energy and the bid price of energy for Massachusetts must remain the same as the energy price bid to Maine. The REC price bid must include a contract term of the same duration as the energy bid. REC prices may be the same each year (i.e., fixed price) or change by a defined rate or amount over time (i.e., escalating price). Payments must be calculated on a \$/REC basis for actual products delivered. No lump sum payments, pre-payments, or fees shall be paid. If a REC price was not submitted in the original bid to Maine, bidders must contact DOER to request a REC Price Bid Form to complete and return to DOER. Bidders without a REC price bid must contact DOER via email to marian.swain@mass.gov to request the REC Price Bid Form by October 31, 2022.

- E. Other information: DOER or the AGO may request for additional information, including information regarding:
- a. transmission interconnection status and deliverability analysis; and
  - b. status of local, state, and federal permit applications and approvals.
  - c. Route of transmission facility right-of-way, including the proposed interconnection point with the ISO-NE system and location/route of expected interconnection-related upgrades;
  - d. Status of site control for the proposed generation project and transmission project right-of-way, including use of any existing utility rights-of-way and other existing transmission corridors

## 7. Beneficial Determination Evaluation Framework

Following the Commission’s selection, DOER, in consultation with AGO, will review the selected Project to determine whether it meets the requirements of Section 82 in the Climate Act of 2022 and as outlined in Section 5 of this Framework. The Massachusetts Parties may consult with the Commission on their evaluation and selection, but will have the sole authority in making its Section 82 beneficial determination. DOER plans to retain a consultant to assist with this evaluation.

DOER will evaluate the Project(s) using the following criteria:

- A. Cost-effectiveness: Section 82 states that projects must “provide cost-effective clean energy generation to electric ratepayers in the commonwealth and the region over the term of the contract.” In order to evaluate this benefit, DOER’s analysis will include but may not be limited to:
- a. Evaluate bid prices for energy and Renewable Energy Certificates (RECs) for direct and indirect market benefits to Massachusetts ratepayers by evaluating the bid price relative to projected market prices,.
  - b. Analysis of the risk that the Project’s production/delivery profile will experience constraints or curtailments that would prevent the generation from being deliverable to Massachusetts ratepayers over the term of the contract, including review of bidder-provided deliverability analyses.
  - c. Review of all interconnection and transmission upgrades, including costs, required to ensure delivery of energy profile to the high-voltage system.
  - d. Consult with the EDCs regarding any contract conditions required to ensure cost-effectiveness, including, without limitation, requirements for delivered energy.
- B. Decarbonization Goals: Section 82 states that projects must “provide the benefits of clean energy and associated transmission towards meeting the commonwealth’s decarbonization

goals.” In order to evaluate this benefit, DOER’s analysis will include but may not be limited to:

- a. Review of the impact the Project has on meeting clean energy targets and the emission sublimits and limits as set by the Secretary of Executive Office of Energy and Environmental Affairs pursuant to M.G.L. Chapter 21N, Sections 3 and 3A consistent with M.G.L. Chapter 21N, Section 6. This may be evaluated using an economic proxy value for the project(s) contribution to clean energy requirements, as determined by the Evaluation Team.
- C. Siting impacts: Section 82 states that projects must “where possible, avoid, minimize, or mitigate, to the maximum extent practicable, environmental impacts, impacts on commercial and recreational fishing industries, and impacts to low-income populations.” In order to evaluate this benefit, DOER’s analysis will include but may not be limited to:
- a. Conduct a qualitative analysis of the Project(s) to determine impacts from the generation and transmission project(s), including project construction and operation, to the environment, commercial and recreational fishing, and low-income populations. The qualitative analysis will include review of any Environmental Impact Statements (EIS) provided by the Project(s) as well as evaluation of the robustness and credibility of project plans to avoid, minimize, and mitigate negative environmental and socioeconomic impacts. This evaluation will include consideration of efforts or plans to engage stakeholders and host communities on plans to minimize and mitigate negative impacts from project construction and siting.
- D. Winter Benefits: Section 82 states that projects must “reduce ratepayer costs in winter months and improve energy security during winter months.” In order to evaluate this benefit, DOER will compare project pricing and energy delivery to projected winter season market pricing based on historical averages to determine the market value of the delivered energy. DOER will also consider projects’ displacement of fossil fuel demand in winter months.
- E. Permits and Project Schedule: Section 82 states that projects must “demonstrate progress toward obtaining required permit approvals and interconnection, and have credible project schedule and construction plans, including plans for financing and stakeholder engagement.” In order to evaluate this benefit, DOER’s analysis will include but may not be limited to:
- a. Review information provided by the bidder regarding the status of local, state, and federal permit applications and approvals
  - b. Review of project’s proposed schedule to determine if it allows reasonable time to achieve construction and operation milestones.
  - c. Credibility and status of proposed financing plan.
  - d. Extent to which project scope, including interconnection facilities and associated upgrades, and costs are known or estimates are reasonable.
  - e. Status and completeness of project stakeholder engagement plan, including demonstrated evidence of past and current productive relationships with project stakeholders.

## **8. Beneficial Determination Decision and Notification Protocol**

DOER will make a beneficial determination on the Project(s) based on its evaluation of whether the Project(s) provide the benefits outlined in Section 82. If DOER, in consultation with the AGO, determines that the Project will not satisfy the necessary requirements outlined in Section 82 on or before December 31, 2022, it will not participate in the Northern Maine Renewable Energy Procurement. The

Massachusetts Parties are under no obligation to find that the Northern Maine Procurement is beneficial to the Commonwealth following the Commission’s selection on or before November 1, 2022. If the Massachusetts Parties determine that the Project is not beneficial then the Commonwealth of Massachusetts, including the DOER and AGO, and the EDCs shall have no further obligation or liability under or in connection with the Northern Maine Renewable Energy Procurement.

Based on its evaluation process as described in Section 7 above, the Massachusetts Parties may determine that additional contractual terms or negotiation are required to ensure that the contracts result in benefits for the Commonwealth. This could include, for example, specific transmission upgrades to ensure deliverability of the clean energy generation to Massachusetts electric ratepayers. If DOER, in consultation with the AGO, determines that in order for the Project(s) to satisfy the requirements described in Section 5 above additional contractual commitments will be required, then the EDCs will enter into contract negotiations with the selected projects to include such commitments.

## 9. Contracting

If DOER, in consultation with the AGO, determined the Project(s) are beneficial, the EDCs shall enter into cost-effective long-term contracts per Section 82. Entering into contracts will require successful contract negotiations between the selected bidder(s) and the EDCs. A protocol for contracting will be developed at a later date.

## 10. Information for Project(s)

### A. Anticipated Schedule for Massachusetts Beneficial Determination

Event	Anticipated Date
Maine Selection	On or Before November 1, 2022
MA Evaluation of Selected Project(s)	November 1, 2022 – December 31, 2022
DOER Beneficial Determination	December 31, 2022

### B. Bidder Questions and Communication with Bidders

Selected Project(s) may communicate questions to the Evaluation Team via email to Marian Swain, DOER Deputy Director of Policy & Planning, at [marian.swain@mass.gov](mailto:marian.swain@mass.gov). The Evaluation Team will respond in writing to submitted questions.

The Evaluation Team will contact the selected Project(s) with requests for information generally following the criteria outlined in Section 7. Bidders will be given a deadline by which to provide a written response.

### C. Updates to Proposals

While bidders will not be permitted to refresh, restate, or reprice proposals, bidders must provide updated information (e.g., the status of obtaining permits and financing) to the Evaluation Team about the selection project(s) that was not available at the time of their proposal submission. These updates are for informational purposes only and will not be treated as a change or revision to the terms of the bidder’s proposal by the Evaluation Team. If there are material developments, favorable or unfavorable, that impact a selected Project, the selected bidder must promptly notify the Evaluation Team in writing. The Evaluation Team reserves the right to consider this information during evaluation.



## **11. Attachments**

ATTACHMENT 1: EXAMPLE TSA – EVERSOURCE/UNITIL

ATTACHMENT 2: EXAMPLE TSA – NATIONAL GRID

ATTACHMENT 3: EXAMPLE PPA (Hydroelectric) – EVERSOURCE/UNITIL

ATTACHMENT 4: EXAMPLE PPA (Hydroelectric) – NATIONAL GRID

ATTACHMENT 5: EXAMPLE PPA (Offshore Wind) – EVERSOURCE/UNITIL

ATTACHMENT 6: EXAMPLE PPA (Offshore Wind) – NATIONAL GRID