

## **Amendment #7 to H4515**

### **Fishing Mitigation 2**

Ms. Ferrante of Gloucester moves to amend the bill in Section 1, in line 13, by inserting after the word "office" the words "in conjunction with the Division of Marine Fisheries" and in section 22, in line 726, by inserting after the phrase "in consultation with" the words "the Division of Marine Fisheries and"

Amendment 7 (Further)  
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by 8 out

Ms. Ferrante of Gloucester moves to amend the bill, in section 1, ~~in lines 3 to 15,~~  
~~inclusive, by striking out the text contained in those lines and inserting in place thereof the~~  
following: *Section*

SECTION 1. Chapter 21A of the General Laws is hereby amended by inserting after section 4A the following section:-

SECTION 4A½. The office of coastal zone management, in consultation with the division of marine fisheries established in section 1A of chapter 130, shall establish: (1) an environmental working group; and (2) a fisheries working group. Each working group shall be comprised of key experts and stakeholders to provide input on best practices for avoiding, minimizing and mitigating impacts to wildlife, including, but not limited to, threatened or endangered species, such as North Atlantic right whales, coastal and marine habitats, natural resources and ecosystems; traditional or existing water-dependent uses, including, but not limited to, commercial and recreational fishing during the construction and operation of facilities; and job training for opportunities in the offshore wind industry. The environmental and fisheries working groups shall conduct an ongoing review of implemented monitoring and mitigation programs and provide feedback and recommendations on an as-needed basis, to be considered by the office, in consultation with the division of marine fisheries. Pre-construction engagement of the working groups shall correspond with project development, solicitation and permitting and a process to determine federal consistency with approved coastal management programs. The director of marine fisheries shall include in its annual report a report of the fisheries working group. //

**Amendment #9 to H4515**

**Offshore Wind Transmission Working Group**

Mr. Jones of North Reading moves to amend the bill in Section 24, in line 793, by striking the figure <sup>§</sup>“15” and inserting in place thereof the following figure <sup>§</sup>“17”

And moves to further amend the bill in said Section 24 by inserting after the word “designees”, in line 797, the following: “;2 of whom shall be the ranking minority members of the joint committee on telecommunications, utilities, and energy, or their designees”

## Amendment #10 to H4515

### Environmental Justice and Economic Opportunity

Ms. Miranda of Boston moves to amend the bill by striking out section (20) subsection (b) through (d) and inserting in place thereof the following subsections (b) through (d) and insert the following subsections (x) after subsection (o):-

(b) The timetable and method for solicitations of long-term contracts shall be proposed by the department of energy resources in coordination with the distribution companies using a competitive bidding process, and shall be subject to review and approval by the department of public utilities. The department of energy resources, in coordination with the distribution companies, shall consult with the attorney general regarding the choice of solicitation methods. If the department of energy resources and the distribution companies are unable to agree on a timetable and method for solicitations, the department of energy resources, in consultation with the independent evaluator, shall make a final determination as to the timetable and methods for solicitations to be submitted to the department of public utilities for approval. A solicitation may be coordinated and issued jointly with other New England states or entities designated by those states. The distribution companies may conduct 1 or more competitive solicitations through a staggered procurement schedule developed by the department of energy resources in coordination with the distribution companies; provided, that the schedule shall ensure that the distribution companies enter into cost-effective long-term contracts for offshore wind energy generation equal to approximately 5,600 megawatts of aggregate nameplate capacity not later than June 30, 2027, including capacity authorized pursuant to section 21 of chapter 227 of the acts of 2018; and provided further, that individual solicitations shall seek proposals for no less

than 400 megawatts of aggregate nameplate capacity of offshore wind energy generation resources. The staggered procurement schedule developed by the department of energy resources in coordination with the distribution companies, if applicable, shall specify that a subsequent solicitation shall occur within 24 months of a previous solicitation. If the department of energy resources, in consultation with the distribution companies and the independent evaluator, determines that reasonable proposals were not received pursuant to a solicitation, the department of energy resources may terminate the solicitation, and may require additional solicitations to fulfill the requirements of this section. Proposals received pursuant to a solicitation under this section shall be evaluated by the selection committee established in subsection (o). As part of the evaluation process, the selection committee shall produce a numeric score for each bid's economic development commitments and for plans for financial and technical assistance to support wildlife and habitat monitoring; provided, that plans for financial and technical assistance to support wildlife and habitat monitoring shall represent not less than 5 per cent of a bid's overall score in the solicitation. The department of energy resources shall consult with the supplier diversity office in drafting those sections of a solicitation that advance the purpose of creating opportunities for diversity, equity, and inclusion. The supplier diversity office may render such assistance through the following means, without limitation: (i) The supplier diversity office may participate in the department of public utilities hearing processes related to the procurement of offshore wind generation and transmission resources. (ii) The supplier diversity office shall prepare guidance to developers regarding best practices to advance the purposes of this Act. (iii) The department of energy resources and the supplier diversity office shall consult with the Massachusetts Clean Energy Center and the Massachusetts Environmental Justice

Advisory Committee in drafting those sections of a solicitation or regulations that advance the purpose of this Act.

(c) In developing proposed long-term contracts, the distribution companies shall consider long-term contracts for renewable energy certificates, for energy and for a combination of both renewable energy certificates and energy. A distribution company may decline to pursue a contract resulting from a proposal if the proposal's terms and conditions would require the contract obligation to place an unreasonable burden on the distribution company's balance sheet; provided, however, that the distribution company shall take all reasonable actions to structure the contracts, pricing or administration of the products purchased under this section in order to prevent or mitigate an impact on the balance sheet or income statement of the distribution company or its parent company, subject to the approval of the department of public utilities; and provided further, that mitigation shall not increase costs to ratepayers. If a distribution company deems a contract to be unreasonable, the distribution company shall consult with the department of energy resources and, within 20 days of the date of its decision, submit a filing to the department of public utilities. The filing shall include, in the form and detail prescribed by the department of public utilities, documentation supporting the distribution company's decision to decline the contract as unreasonable. Following a distribution company's filing, and within 4 months of the date of filing, the department of public utilities shall approve or reject the distribution company's decision and may order the distribution company to reconsider any contract. The department of public utilities shall take into consideration the recommendations of the department of energy resources concerning the distribution company's decision. The final

contract executed shall be subject to review by the department of public utilities. The department of energy resources may require additional solicitations to fulfill the requirements of this section.

(d) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (1) allow offshore wind developers of offshore wind energy generation to submit proposals for long-term contracts consistent with this section; (2) require that a proposed long-term contract executed by the distribution companies under a proposal be filed with, and approved by, the department of public utilities before becoming effective; (3) provide for an annual remuneration for the contracting distribution company up to 2.5 per cent of the annual payments under the contract; provided, that the distribution company demonstrates either: (i) that the financing cost reduction enabled by entering into the contract as compared to an uncontracted merchant project is equal to or greater than the requested remuneration rate, or (ii) that the financial obligation or risk incurred by the distribution company for entering into the long-term contract support the requested remuneration rate, such provision to be acted upon by the department of public utilities at the time of contract approval; (4) require associated transmission costs to be incorporated into a proposal; provided, that to the extent there are transmission costs included in a bid, the department of public utilities may authorize or require the contracting parties to seek recovery of such transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the extent the department finds such recovery is in the public interest; and (5) require that proposals meet the following criteria: (i) provide enhanced electricity reliability and energy security; (ii) contribute to reducing winter electricity price spikes; (iii) are cost effective to electric ratepayers in the commonwealth over the term of the contract, taking into consideration potential economic

and environmental benefits to the ratepayers; (iv) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers; (v) provide optimal interconnection locations; (vi) adequately demonstrate project viability in a commercially reasonable timeframe; (vii) allow offshore wind energy generation resources to be paired with energy storage systems, including new and existing long-duration and multi-day energy storage systems; (viii) include an initial environmental and fisheries mitigation plan for the construction and operation of such offshore wind facilities; (ix) mitigate impacts to the marine environment by providing financial and technical assistance to support robust monitoring of wildlife and habitat through a contribution to regional research efforts; (x) include benefits to environmental justice populations and low-income ratepayers in the commonwealth; (xi) include plans for utilization of minority and disadvantaged business enterprises and the hiring of members of socially or economically disadvantaged communities; (xii) The plan required in subclause (vi) of clause 5 of subsection (d) of section 83C shall include:

(i) but not be limited to, a detailed plan for the utilization of minority business enterprises and disadvantaged business enterprises, as that term is defined in section 7 chapter 58 as: (a) contractors in the design of the offshore wind energy generation and transmission resources; (b) contractors in the construction of the offshore wind energy generation and transmission resources; and (c) vendors in the provision of goods and services procured by the offshore wind developer.



(ii) the hiring of members of members of socially or economically disadvantaged communities as employees in the design, construction, and production of offshore wind generation and transmission resources.

(iii) evidence that the developer has made serious good faith effort to solicit and interview a reasonable number of minority investors.

(x) A solicitation for offshore wind generation or transmission resources pursuant to this Act or section 83C of chapter 188 of the Acts of 2018 shall describe procedures by which the department of energy resources and the supplier diversity office will monitor, measure, and enforce ongoing compliance with goals set by respondents pursuant to this section 8. Such procedures shall, without limitation:

(i) require respondents to solicitations covered by this Act to make *quarterly reports to the* department of energy resources and the department of public utilities describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the proposed offshore wind generation or transmission resources, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by the respondent in accordance with section 1 of this Act;

(ii) describe a process by which the department of energy resources will publicly review and post such reports, and require respondents to submit information to the department of energy resources regarding any failure to meet the goals set by the respondent, identify any good faith efforts that have been undertaken to achieve those goals and provide a plan to bring the dollar amount contracted and spent into compliance with the goals;

and (xiii) where feasible, create and foster economic development and quality, high-paying jobs in the commonwealth.

**Amendment 10 (Further)**  
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Ms. Miranda of Boston moves to amend amendment 10 by striking the amendment in its entirety and inserting in place thereof the following:-

Ms. Miranda of Boston moves to amend the bill, in section 11, ~~in by striking out lines 210 to 227, inclusive, by striking out the text contained in those lines~~ and inserting place thereof the following words:-

(6) provide funds for workforce training to prepare individuals for offshore wind careers to: (i) state and municipal public higher education institutions, private higher education institutions, and vocational-technical education institutions for the adoption of basic safety training and basic technical training programs; provided, that the center shall prioritize awards to education institutions seeking accreditation in internationally recognized training standards, including, but not limited to, standards developed by the Global Wind Organisation; (ii) state and municipal public higher education institutions, private higher education institutions, and vocational-technical education institutions for the development, expansion and promotion of offshore wind professional certificate programs and courses tailored to careers in the offshore wind industry for students in associate and baccalaureate degree programs; (iii) state and municipal public higher education institutions, private higher education institutions, and vocational-technical education institutions for the sponsorship of award, scholarship and paid internship programs to support the education and training of individuals seeking careers in the offshore wind industry; provided, that the center shall prioritize the promotion of careers in the skilled trades, water transportation, operations and maintenance and other occupations that the center identifies as high priority; and (iv) regional employment boards to develop a regional strategy to support the development of the offshore wind industry and to publish their findings as

an addendum to their workforce development blueprints; provided, that recipients of funds under this clause shall demonstrate a commitment to workforce training for members of socially or economically disadvantaged communities;

And further moves to amend the bill by inserting after section 11 the following section:-

SECTION 11A. Said chapter 23J is hereby further amended by striking out section 13, as inserted by section 14 of chapter 8 of the acts of 2021, and inserting in place thereof the following section:-

Section 13. (a) There shall be within the center a clean energy equity workforce and market development program to provide workforce training, educational and professional development, job placement, startup opportunities and grants promoting participation in the commonwealth's, energy efficiency, clean energy, and clean heating and cooling industries to: (i) certified minority-owned and women-owned small business enterprises; (ii) individuals residing within an environmental justice community; and (iii) current and former workers from the fossil fuel industry. The program shall: (i) identify the employment potential of the energy efficiency and clean energy industries and the skills and training needed for workers in those fields; (ii) maximize energy efficiency and clean energy employment opportunities for certified minority-owned and women-owned small business enterprises and individuals residing within an environmental justice community; (iii) identify barriers to deployment of clean energy and energy storage resources to certified minority-owned and women-owned small business enterprises; (iv) recommend near-term deployment targets consistent with the state's clean energy and climate change requirements and awarding incentives to deploy said resources; (v) focus on the employment potential, skills and training, and employment opportunities for

certified minority-owned and women-owned small business enterprises within the offshore wind industry; and (vi) make recommendations to the general court for policies to promote employment growth and access to jobs in the clean energy industry. ✓

(b) There shall be a program coordinator to administer the program established in subsection (a). In addition to the purposes set forth in subsection (a), the program coordinator shall prepare guidance on best practices to promote diversity, equity, and inclusion opportunities in the offshore wind industry. Offshore wind developers, as defined in section 83B of chapter 169 of the acts of 2008, may consult the program coordinator in the development of diversity, equity and inclusion opportunity provisions within their proposals pursuant to subclause (xi) of clause 5 of subsection (d) of chapter 83C of said chapter 169, and the program coordinator shall provide feedback and recommendations. The program coordinator shall produce an annual report detailing: (i) the activities of the clean energy equity workforce and market development program; (ii) the progress on workforce diversity plans and a supplier diversity program plans submitted by offshore wind developers pursuant to said clause 5 of said subsection (d) of said section 83C of said chapter 169; and (iii) plans for continued programming by the center to achieve the commonwealth's diversity, equity and inclusion goals. ✓

(c) The department of public utilities shall annually direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly transfer funds collected pursuant to section 19 of chapter 25 to the center for the purposes of implementing the clean energy equity workforce and market development program; provided, that the electric and gas distribution companies and municipal aggregators with certified energy plans shall transfer not less than \$12,000,000 no later than December 31 each year. Such transfer shall not reduce ✓

the amount expended on low-income programs pursuant to subsection (c) of said section 19 of said chapter 25.

And further moves to amend the bill, in section 20, by striking out lines 648 to 680, inclusive, *by & out the text contained in those lines* and inserting in place thereof the following words:-

(d) The department of public utilities shall promulgate regulations consistent with this section. The regulations shall: (1) allow offshore wind developers of offshore wind energy generation to submit proposals for long-term contracts consistent with this section; (2) require that a proposed long-term contract executed by the distribution companies under a proposal be filed with, and approved by, the department of public utilities before becoming effective; (3) provide for an annual remuneration for the contracting distribution company up to 2.5 per cent of the annual payments under the contract; provided, that the distribution company demonstrates either: (i) that the financing cost reduction enabled by entering into the contract as compared to an uncontracted merchant project is equal to or greater than the requested remuneration rate, or (ii) that the financial obligation or risk incurred by the distribution company for entering into the long-term contract support the requested remuneration rate, such provision to be acted upon by the department of public utilities at the time of contract approval; (4) require associated transmission costs to be incorporated into a proposal; provided, that to the extent there are transmission costs included in a bid, the department of public utilities may authorize or require the contracting parties to seek recovery of such transmission costs of the project through federal transmission rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the extent the department finds such recovery is in the public interest; and (5) require that proposals meet the following criteria: (i) provide enhanced electricity reliability and energy security; (ii) contribute to reducing winter electricity price spikes; (iii) are cost effective to electric ratepayers

in the commonwealth over the term of the contract, taking into consideration potential economic and environmental benefits to the ratepayers; (iv) avoid line loss and mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if any, are not borne by ratepayers; (v) provide optimal interconnection locations; (vi) adequately demonstrate project viability in a commercially reasonable timeframe; (vii) allow offshore wind energy generation resources to be paired with energy storage systems, including new and existing long-duration and multi-day energy storage systems; (viii) include an initial environmental and fisheries mitigation plan for the construction and operation of such offshore wind facilities; (ix) mitigate impacts to the marine environment by providing financial and technical assistance to support robust monitoring of wildlife and habitat through a contribution to regional research efforts; (x) include benefits to environmental justice populations and low-income ratepayers in the commonwealth; (xi) include opportunities for diversity, equity and inclusion, including, at a minimum, a workforce diversity plan and a supplier diversity program plan; and (xii) where feasible, create and foster economic development and quality, high-paying jobs in the commonwealth.

**Amendment #13 to H4515**

**Adding member to board of directors**

Mr. Kearney of Scituate moves to amend the bill in section 6, in line 68, by striking out the words "14 directors:" and inserting in place thereof the words "15 directors: 1 of whom shall be the president of Massachusetts Maritime Academy or its designee"



**Amendment 13 (Further)**  
**H.4515**

Mr. Kearney of Scituate moves to amend the bill, in section 6, ~~by striking out,~~ in line 68, the figure "14" and inserting in place thereof the following figure:- 15.

And moves to further amend the bill in said section 6 by inserting after the word "representative", in line 76, the following words: and 1 of whom shall be the president of a Massachusetts state university or college.

## Amendment #16 to H4515

### Facilitate shorter-term procurement by moderate-sized entities

Mr. Vitolo of Brookline moves to amend the bill in section 11, line 205, by striking the words “to promote offshore wind innovation” and inserting in place thereof the following words:- “to promote offshore wind innovation, including, without limitation, creating a dedicated fund and operating a program to secure, leverage or otherwise guarantee long-term purchases of energy and renewable energy certificates from certified offshore wind companies for direct sale, or resale by the center, to a municipality or group of municipalities with an approved municipal load aggregation plan pursuant to section 134 of chapter 164 of the general laws; non-profit aggregations pursuant to section 137 of chapter 164 of the general laws; and other private aggregations with plans approved by the Clean Energy Center”.

**Amendment 16 (Further)**  
**H.4515**

Mr. Vitolo of Brookline moves to amend the bill, in section 11, *in lines* by striking out lines 233 to 235, inclusive, and inserting place thereof the following: *the text, etc.*

(10) authorize, by a vote of the board, and operate a program to secure, leverage, or otherwise guarantee long-term purchases of energy and renewable energy certificates from offshore wind developers for direct sale, or resale by the center, to a municipality or group of municipalities with an approved municipal load aggregation plan pursuant to section 134 of chapter 164, aggregations pursuant to section 137 of said chapter 164 and other private aggregations with plans approved by the center; and

And moves to further amend the bill, in section 22, by inserting after the word "directly", in line 748, the following words: "or through an aggregation pursuant to section 137 of said chapter 164."

## **Amendment #17 to H4515**

### **To allow for federal funding in transmission procurement**

Ms. Robinson of Framingham moves to amend the bill in section 23 (a) by inserting after the word "proposals." the words "The department may meet this requirement through federal funding in the form of a match, a grant, a loan, or through ownership and operation by the United States federal government."

**Amendment 17 (Further)**  
**H.4515**

Ms. Robinson of Framingham moves to amend the bill by striking out section 23 and inserting in place thereof the following section:-

SECTION 23. (a) Notwithstanding any general or special law to the contrary, the department of energy resources shall, not later than March 1, 2023, competitively solicit and procure proposals for offshore wind energy transmission sufficient to deliver energy generation procured pursuant to subsection (b) of section 83C of chapter 169 of the acts of 2008 from *designated wind energy areas for which a federal lease was issued on or after January 1, 2012, that shall be developed independent of such offshore wind energy generation*; provided, that offshore wind developers, as defined in section 83B of said chapter 169 shall be permitted to submit proposals pursuant to this section; provided further, that such transmission service shall be made available for use by more than 1 wind energy generation project; and provided further, that the department shall coordinate with the department of public utilities, electric distribution companies, other New England states or entities designated by those states and ISO New England, Inc. or a successor organization, in the solicitation and procurement of proposals for offshore wind energy transmission. The department shall be permitted to select 1 proposal, multiple proposals, or no proposals; provided, however, that the department may *satisfy the requirement regarding proposal selection through federal funding in the form of a match, a grant, a loan, or through ownership and operation by the United States government that provides a comparable level of investment as would have otherwise been provided if the department had selected a single proposal or multiple proposals.*

(b) In conducting the procurement for offshore wind energy transmission, the department of energy resources shall take into consideration the total amount of transmission needed to achieve the commonwealth's offshore wind and decarbonization goals as well as demonstrable benefits to the consumer and environment and in terms of electric system reliability and avoided

upgrade costs to the existing transmission grid. The department shall consider proposals that include, but shall not be limited to, upgrading the existing grid, extending the grid closer to offshore wind locations, determining optimal landfall approaches or interconnecting between offshore substations. If federal grants or other federal funding for transmission and distribution become available, the department may modify a procurement, prior to selecting a proposal, in order to satisfy federal eligibility criteria.

(c) Not later than September 31, 2023, the department of energy resources shall submit a report to the clerks of the house of representatives and the senate and the chairs of the joint committee on telecommunications, utilities and energy, that: (1) outlines the design and conduct of the solicitation and procurement process; (2) identifies and recommends any improvements to the solicitation and procurement process; and (3) provides, in the event that the department does not choose a proposal, a comprehensive explanation of their decision, including the extent to which the department's consideration of factors in subsection (b) played a role in said decision.

## HWM Technical Amendment

Mr. Michlewitz of Boston moves to amend the bill, in section 17, by striking out lines 441 to 444, inclusive, and inserting in place thereof the following:-

“Distributed energy resources”, small-scale power generation or storage technology including, but not limited to, resources that are in front of and behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment, not greater than 10 megawatts, that may provide an alternative to, or an enhancement of, the traditional electric power system and shall be located on an electric utility’s distribution system, a subsystem of the utility’s distribution system or behind a customer meter.

And further moves to amend the bill, in section 18, by striking out, in line 492, the figure “90” and inserting in place thereof the following figure:- 120.

And further moves to amend the bill, in said section 18, by striking out, in line 494, the figure “45” and inserting in place thereof the following figure:- 70.

And further moves to amend the bill, in section 22, by striking out, in line 733, the words “the secretary of energy and environmental affairs,” and inserting in place thereof the following words:- the commissioner of energy resources.