



# Commonwealth Solar Photovoltaic Rebate Program

## Program Manual

Solicitation No. 2008-CS-Version 6

### NOTICES:

- Rebates MUST be APPROVED prior to the solar installation!
- Solar photovoltaic installations require a licensed electrician.
- Commonwealth Solar rebates are not available for “do-it-yourself” projects. This program is only available for installations completed by professional, licensed contractors.

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**Attachments to this Program Manual are available as separate documents.  
 Refer to Section 2.4 of this Program Manual for a complete list of Attachments.**

## **1. Introduction**

### **1.1. Commonwealth Solar Rebate Program Overview**

The Commonwealth Solar Rebate Program provides rebates through a non-competitive application process for the installation of photovoltaic (PV) projects **by professional, licensed contractors** at residential, commercial, industrial, institutional, and public facilities. The Customer (and project site) must be a customer of a Massachusetts electric distribution utility that collects the Renewable Energy Systems Benefit Charge from their customers and deposits those funds into the Massachusetts Renewable Energy Trust. The rebates are based on the size and other characteristics of the PV project.

The Commonwealth of Massachusetts has reserved \$68 million from existing ratepayer funds to support the Commonwealth Solar Rebate Program. The Massachusetts Renewable Energy Trust (MRET) will set aside \$40 million, in partnership with the Massachusetts Department of Energy Resources (DOER), which will reserve \$28 million from the Alternative Compliance Payment Fund established under the Renewable Portfolio Standard (RPS) program. The Commonwealth Solar Rebate Program, a multi-year effort which began in January 2008, is scheduled to continue until the \$68 million has been expended.

This is Solicitation No. 2008-CS-Version 6 which includes certain program changes that take effect on October 8, 2009. As of 10/8/09, approximately \$41.9 million had been awarded.

### **1.2. Purpose of Program Manual**

The purpose of this Program Manual is to assist potential Customers and their installers with the entire process for receiving a rebate for a PV project from the Commonwealth Solar Rebate Program. PV installations should be designed and installed by professionals experienced with solar photovoltaics. Installers are responsible for providing Customers with a turnkey service and installation, including responsibility for the Commonwealth Solar Rebate Program application and rebate process, securing required permits, and the installation of the PV project. If you are interested in pursuing a PV project, one of the first steps to a successful project is to identify and work with an experienced, professional installer to assist you with all aspects of the process including the Commonwealth Solar rebate application.

This manual describes the available funding, rebate levels, application process, and payment process. As the program develops over time, this Program Manual will be updated to reflect the current offerings. This version represents the fourth such update. Please note that there are sections of this manual which apply exclusively to residential projects and others that apply exclusively to commercial projects.

### **1.3. Who We Are**

#### ***The Massachusetts Technology Collaborative***

The Massachusetts Technology Collaborative (MTC) is an independent economic development agency chartered by the Commonwealth to serve as a catalyst for increasing the state's innovation economy. MTC brings together industry, academia, and government to advance technology-based solutions that lead to economic growth and a cleaner environment. For more information, visit [www.masstech.org](http://www.masstech.org).

#### ***The Massachusetts Renewable Energy Trust***

The Massachusetts Renewable Energy Trust (MRET, or the Trust) was created by the Electric Utility Restructuring Act of 1997 in order to increase the supply and demand for green electricity while expanding economic activity in the state's renewable energy industry. The MTC functions as the contracting entity on behalf of the MRET. For more information: [www.masstech.org/renewableenergy](http://www.masstech.org/renewableenergy).

#### ***The Massachusetts Department of Energy Resources***

The Massachusetts Department of Energy Resources (DOER) implements energy policies that ensure an adequate supply of reliable, affordable and clean energy for the businesses and residents of Massachusetts. DOER implements the state's Renewable Portfolio Standard (RPS) program which mandates that a growing portion of our electric energy comes from new renewable generation. For more information, visit [www.mass.gov/doer](http://www.mass.gov/doer).

## 2. Key Definitions

The following are definitions or references for key terms frequently used in the Program Manual.

**NOTE: in order to be consistent with the online application software system *PowerClerk*, several definitions were changed in versions 5 of the Program Manual.**

### 2.1. Customer Related Terms

<b>Customer</b>	An individual or entity that applies to MRET for a Commonwealth Solar rebate but has not yet been awarded a rebate. The Customer is the customer of the electric utility into which the PV system will be interconnected. Previously referred to as “Applicant” in Version 3 of this Program Manual.
<b>Customer Entity</b>	A parent company or parent organization and all of its subsidiaries are considered a single Customer Entity. Public entities, at the sole discretion of the MRET, may be exempt from the definition of single Customer Entity. Previously referred to as “Applicant Entity” in Version 3 of this Program Manual.
<b>Awarded Customer</b>	A Customer that has received a Rebate Award but has not yet reached PV Project Completion. Previously known as “Awarded Applicant” in Version 3 of this Program Manual.
<b>Rebate Recipient</b>	A Customer that has achieved PV Project Completion and has received a Commonwealth Solar rebate. A Customer may choose to have their rebate paid directly to the Installer or Third-Party Owner as defined below in Section 2.2. However, for purposes of MRET program tracking, the Customer will be considered the Rebate Recipient even if their payment is made to their Installer or Third-Party Owner.
<b>System Owner</b>	The owner of the PV project that was supported by Commonwealth Solar. This may or may not be the Rebate Recipient.

### 2.2. Installer Related Terms

<b>Applicant</b>	The Applicant is the PV system Installer/Integrator individual or entity that prepares the Commonwealth Solar Rebate Program application with the Customer and submits it to MRET. The term Applicant was previously applied to the customer in Version 3 of this Program Manual.
<b>Installer/Integrator</b>	The Installer/Integrator is the primary entity responsible for the PV project installation for the Customer. The Installer/Integrator must be a professional contractor licensed to conduct business in Massachusetts and/or a Massachusetts licensed electrician. The Installer/Integrator is typically directly responsible for turnkey project management and installation work. However, the entity responsible for overall project management and installation is not required to actually (or physically) install the project and, for example, could be responsible for turnkey project management and sub-contracting the installation work to another entity or entities. Homeowners or “do-it-yourselfers” are not eligible to be an Installer through Commonwealth Solar unless they are a Massachusetts licensed electrician completing an installation on their own home.
<b>Installer/Integrator Entity</b>	A parent company or parent organization and all of its subsidiaries are considered a single Installer/Integrator Entity.
<b>Third-Party Owner</b>	For the purposes of the Commonwealth Solar Rebate Program definitions, the Installer/Integrator could also be a Third-Party Owner that has a turnkey contract involving a power purchase agreement and other arrangements with the Customer or project host. In some cases, the Third-Party Owner may have a separate contract with another entity for the actual installation work. MRET staff reserve the right to make determinations regarding the application of installer entity caps, insurance requirements, and other Program requirements as regards Third-Party Owners.

### 2.3. Other Related Terms

<b>Alternative Compliance Payment Fund</b>	Electric retail suppliers in Massachusetts who are unable to purchase sufficient renewable energy certificates to meet their obligation under the state's Renewable Portfolio Standard (RPS) program must comply with the program by providing Alternative Compliance Payments to the MTC. These payments are segregated from the Renewable Energy Trust Fund into the Alternative Compliance Payment Fund and are controlled by DOER.
<b>Process Queue</b>	MRET will process complete applications in the order received for purposes of allocating Commonwealth Solar Rebate Program funding. Incomplete applications may be taken out of the processing queue and/or rejected. If Applicants reach the installer cap, any of their submitted but un-awarded Applications will be removed from the processing queue until the cap is removed. Once Applicants are no longer at the installer cap, Applications will be placed back into the processing queue in the order in which they were received.
<b>Rebate Award</b>	A commitment to provide the Customer with a cash rebate upon achieving PV Project Completion. A Rebate Award is the notification of a future payment.
<b>PV Project Completion</b>	PV Project Completion is defined as a PV project that has been installed and interconnected to the utility's network consistent with all Commonwealth Solar Rebate Program requirements including submission of all relevant back-up documentation to MRET. The required documentation includes: signed project completion form, electric utility interconnection approval, paid invoices or equivalent, after photos, and, if applicable, evidence that energy efficiency requirements have been fulfilled, stamped structural and electrical affidavit (for systems over 50 kW), and that automated reporting to the Production Tracking System (PTS) is functional (for commercial systems over 10 kW).
<b>Turnkey Contract Requirement</b>	<p>Installer/Integrators are required to provide Customers with a Turnkey Contract. In order to qualify as an acceptable Turnkey Contract it must identify a project manager, and must include rebate application preparation, equipment procurement and installation, site preparation, permitting and interconnection support, rebate project completion paperwork, training, operations and maintenance, and compliance with all applicable state laws, local laws, and Commonwealth Solar Rebate Program requirements, including without limitation the Minimum Technical Requirements, Minimum Insurance Requirements, and prevailing wage requirement, if applicable. The Turnkey Contract shall include a budget that identifies key project components and a timeline (with a corresponding payment schedule) for installation of the PV project.</p> <p><b>Installer/Integrators are required to provide Customers with a turnkey service and installation.</b> This turnkey service must include responsibility for the Commonwealth Solar application and rebate process including submittal of project completion documentation, securing required permits and engineering stamps, the installation of the PV project, scheduling and participation in all required inspections, and providing warranty services as required.</p>

### 2.4. Attachments

<b>Application and Participant's Agreement with Instructions</b>	Attachment A: Residential Application Attachment B: Commercial Application
<b>Minimum Insurance Requirements</b>	Attachment C
<b>Minimum Technical Requirements</b>	Attachment D
<b>One-Time Turnkey Contract and Insurance Exemption for Licensed Electricians Minimum Requirements</b>	Attachment E
<b>PV Project Production Estimator</b>	Attachment F-1: Instructions Attachment F-2: PV Project Production Estimator

### 3. Minimum Customer and Project Requirements

#### 3.1. Customer and Project Requirements

<p><b>Eligible Customer</b></p>	<p>The Customer must be the electricity end user and customer of record in an eligible electric provider territory which is a contributor to the Trust. As of 10/8/09, the customers of the four Massachusetts investor-owned electric utilities, plus the customers of a few Municipal Lighting Plant communities met this requirement. The Green Communities Act of 2008 allows the municipally owned electric departments to voluntarily opt-in to the Trust. If additional communities served by municipally owned electric departments elect this option, their customers would also become eligible to participate in the Commonwealth Solar Rebate Program.</p> <p>For information on Municipal Lighting Plant communities that have elected to join the Trust: <a href="http://www.masstech.org/renewableenergy/mandate.htm">www.masstech.org/renewableenergy/mandate.htm</a></p> <p>For information on areas served by investor-owned electric distribution companies:  <a href="http://www.masstech.org/RenewableEnergy/green_buildings/ElectricUtilityMap.pdf">www.masstech.org/RenewableEnergy/green_buildings/ElectricUtilityMap.pdf</a></p> <p>Except as set forth below, the Customer must also be the future owner of the PV project and consumer of the electricity generated by the proposed PV project.</p> <p>For PV projects attached to a building or structure, the Customer must be the sole owner of that building or structure, or be authorized by the owner(s) to make the necessary modifications to the building to install the proposed PV project.</p> <p>Three exceptions:</p> <ul style="list-style-type: none"> <li>• For new construction or major renovation projects, the real estate developer can be the Customer whether they intend to own or sell the building or structure where the PV project will be located.</li> <li>• A building owner that also will be the owner of the PV project can be the Customer where a tenant is responsible for the electricity bill.</li> <li>• For PV projects involving a Third-Party Owner, the Customer does not need to be the owner of the PV project, but must still be the consumer of electricity generated by the project.</li> </ul>
<p><b>State Employees and Special State Employees</b></p>	<p>State employees and special state employees are not eligible for Commonwealth Solar rebates unless they have received a determination of eligibility from the State Ethics Commission, which must be submitted with the rebate application. Individuals who provide services to a state agency or office are deemed to be special state employees of that agency or office</p> <p>State employees or special state employees must satisfy one of the following criteria to be eligible for a rebate: (i) is not an employee or a special state employee of any of the state agencies or offices that administer or provide oversight to the Commonwealth Solar Rebate Program including MTC, DOER, EEA, and the Governor’s office, or (ii) is an employee or special state employee of any other state agency and has disclosed his/her participation in the Program to the State Ethics Commission, or (iii) is a state employee and the State Ethics Commission has determined that he/she is eligible to participate.</p>
<p><b>PV Project Location and Building Type</b></p>	<p>The PV project must be located in Massachusetts within the service territory of an eligible electric provider territory which is a contributor to the Trust. The building or facility utilizing the power generated by the PV project must be grid-connected.</p>

	<p>There is one exception: Fixed off-grid PV applications that are permanently located on contiguous property of an eligible grid-connected Customer and facility are eligible for rebates of up to 5 kW (DC @ STC) for residential projects and up to 10 kW (DC @ STC) for commercial projects. All types of facilities and buildings are eligible.</p>
<p><b>Commercial Status</b></p>	<p>Any one of the following types of Customers qualify for commercial status and must submit a Commercial Rebate Application:</p> <ol style="list-style-type: none"> <li>1) Customer has a commercial electricity account and rate code.</li> <li>2) Customer has a residential electricity account and rate code but provides evidence of commercial status. This would apply to residences in which the entire house was converted to a commercial business. Individuals that work from home, or who operate a home office which is served by the same electric billing meter will not, under any circumstances, be considered for this exception. If the building is served by a single meter/electric account and includes the Customer's residence it will not be accepted as a Commercial application except in the following cases:             <ul style="list-style-type: none"> <li>• Farms that file their state taxes under Chapter 61A as a working farm may qualify for commercial status.</li> <li>• Residential multi-family buildings with four or more residential units sharing the same utility electricity account may qualify for commercial status.</li> <li>• Residential multi-family buildings (two or more units per building), or units within such buildings, that qualify for the Affordable Housing Adder also qualify for commercial status. See section 4.7 for more information.</li> <li>• PV systems connecting to the common areas (stairwells, hallways, exterior lighting, clubhouses, etc.) of residential multi-family (4 or more units) buildings or complexes may qualify as commercial if they can demonstrate that 50% or more of the electricity produced by the PV system will be used onsite by the common area loads.</li> <li>• Hospitality facilities such as bed &amp; breakfasts, rooming houses, hostels, or motels, as well as group homes, dormitories, and such housing facilities that are on residential rate codes may qualify as commercial if they can demonstrate that 50% or more of the electricity used by the facility serves guest or tenant occupied spaces or that more than 50% of the total floor area is used by guests or tenants.</li> </ul> </li> </ol> <p>MRET, at its sole discretion, will determine whether a Customer meets the Commercial status of category # 2. There is no appeal process!</p> <ol style="list-style-type: none"> <li>3) Residential Customers that will be leasing the solar PV system or purchasing electricity from a solar leasing agent, company, or Third-Party Owner must use the Commercial Rebate Application matrix. However, Applicants using PowerClerk should note that this is accessed in the online system via the Residential portal. Also, residential leasing or third-party ownership projects are subject to the same rebate and project size caps as applied to Residential Status Applicants.</li> <li>4) Residential property developers installing PV systems during the building construction phase of new single-family home construction developments (more than one home) or new multi-family or multi-unit residential construction projects must apply using the Commercial application.        Note: Home builders of a single home will use a Residential Application.</li> </ol>

<p><b>Residential Status</b></p>	<p>To qualify for residential status, the Customer must have a residential electricity account and the facility must have a residential end-use. In the cases of residential new construction projects of a single home, the rate code of the permanent meter, not the temporary construction meter, will determine eligibility status.</p> <p>Exceptions to residential status are:</p> <ul style="list-style-type: none"> <li>• Residences that will lease the PV system or purchase electricity from a solar third-party agent or company as noted in the Commercial Status section above.</li> <li>• Residential property developers installing PV systems on new home construction developments (more than one home) or new multi-unit residential construction projects.</li> </ul> <p>These exceptions will be designated commercial and should complete a Commercial Rebate Application.</p>
<p><b>Rebate Calculation</b></p>	<p>The rebate calculation is based on the size of the total PV system installation <u>per building</u>. Unlike previous versions of the Program Manual, which based the rebate calculation on the size of the PV system per electric meter, the residential and commercial rebate calculations will be determined by the total system size on a single building regardless of the number of electric meters used. A ground mounted system will be considered an individual project.</p>
<p><b>Minimum Project Size</b></p>	<p>The minimum project size per application is 1 kW (DC @ STC). The minimum project size of a PV project expansion is also 1 kW (DC @ STC).</p>
<p><b>One-Time Expansion</b></p>	<p>Rebate Recipients may apply for a one-time expansion to each individual PV project for a total of two applications per building, subject to all other caps and conditions.</p> <ul style="list-style-type: none"> <li>• Residential project expansion rebates will be capped based upon the combined capacity and/or rebate total (existing + expansion) in place at the time of the expansion application. For this solicitation, the residential caps are a rebate based upon a maximum system size of 5 kW (DC @ STC), or a total rebate of \$20,000, whichever is less. These caps also apply to residential leasing and residential third-party ownership projects that utilize the Commercial application forms and rebate matrix, as well as to other residential end-use facilities that may be eligible to apply via the Commercial application.</li> <li>• For Commercial projects, the maximum rebate per application, new or an expansion is based upon a 200 kW (DC @ STC) project size.</li> <li>• Expansion applications must be received in a different calendar year than the original project completion year.</li> </ul>
<p><b>Previous MRET Grantees</b></p>	<p>If you have received an award through another MRET program for your proposed project, you may still be eligible for a Commonwealth Solar rebate. Check with MRET to find out whether you are eligible to apply for funding through Commonwealth Solar and, if so, at what level.</p>
<p><b>Behind the Meter and 50% Onsite Usage Requirement</b></p>	<p>The PV project must be a “behind-the-meter” project. In other words, the interconnection of the PV system must be on the Customer’s side of the utility billing meter, and the majority of the electricity generated by the PV system must be used onsite as measured on an annual basis. The Customer must demonstrate that 50% or more of the energy produced by the renewable system funded by MRET will be used onsite (i.e. on a contiguous piece of property) at</p>

	<p>the Customer’s facility based on annual production and usage estimates. Therefore, the onsite electricity consumption must be greater than or equal to 50% of the estimated annual production of the renewable energy system. All applications for retrofits must demonstrate 50% onsite usage with existing energy bills. New construction or major renovation projects may use energy modeling estimates to demonstrate compliance with this requirement.</p>
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### 3.2. Installer Requirements

<p><b>Turnkey Contract Between Customer and their Installer/Integrator</b></p>	<p>All Customers must have a Turnkey Contract with their Installer/Integrator, or Installer Entity, for a PV project. This Turnkey Contract must be submitted to MRET at the time of application for all Non-Expedited Installer/Integrators. While a copy of the Turnkey Contract is not required to be included with the Expedited Installer/Integrator application submission for Commercial Third-Party Ownership (excluding residential projects that qualify for commercial status in section 3.1), it is encouraged and, if a Turnkey Contract is not included with the application, a Memorandum of Understanding must be submitted at the time of application. A signed Turnkey Contract must then be submitted within 90 days of the date of rebate award. MRET will not issue an Award Packet until a signed contract between the Customer and the Third-Party Owner has been submitted. If a signed Turnkey Contract is not received by MRET within the allocated timeframe, MRET shall rescind the rebate award.</p> <p>A turnkey service and installation contract must include responsibility for the Commonwealth Solar Rebate Program application and rebate process, securing required permits and engineering stamps, the installation of the PV project, scheduling and participation in all required inspections, submittal of project completion documentation, and provision of warranty services as required.</p>
<p><b>First Time Installers: “Crawl Before You Walk Policy”</b></p>	<p>First-time Installers to the Commonwealth Solar Rebate Program are subject to MRET’s “Crawl Before You Walk Policy.” All first time installers are only eligible to initially submit one rebate application. The applications from first time installers who are subject to the “Crawl Before You Walk Policy” must include a three-line electrical diagram in addition to all the standard technical requirements of the program. MRET and/or our consultants may require additional technical details regarding compliance with the NEC and our Minimum Technical Requirements prior to approving the submitted designs.</p> <p>Upon application review and approval, the project may be completed. Once the project is complete, the site must pass an inspection by an MRET-designated auditor before the installer may submit subsequent applications. In addition, the rebate payment will be processed once the project passes the inspection.</p> <p>Additional installations are also subject to inspections at MRET’s discretion. All new Installers will undergo at least two independent inspections under this policy. Note that all installations from any Installer are subject to random inspections at any time for any reason at MRET’s discretion.</p> <p>MRET, at its sole discretion, may grant a waiver to the “Crawl Before You Walk Policy” for Installers that can demonstrate that they have successfully installed at least 10 PV projects in another state with similar requirements and standards as the Commonwealth Solar Rebate Program requirements. If the Installer/Integrator has a NABCEP Certified project manager or supervisor assigned to and working at the project, this may be acceptable for a waiver. Another optional compliance method for commercial applicants is submittal of a full commissioning plan that includes an independent third-party commissioning agent.</p>

## **Expedited Installer/Integrators**

PV installers and integrators that have demonstrated an ability to complete high quality Commonwealth Solar Rebate Program applications, and who have not had any known installation violations of solar PV systems in Massachusetts, may be invited to participate in the Commonwealth Solar Rebate Program as an Expedited Installer/Integrator. Expedited Installer/Integrators will be granted password access to the PowerClerk on-line rebate application system, which will allow faster processing of applications and rebate payments at project completion. Expedited Installer/Integrators will also be required to submit fewer hard copies of the application back-up materials. The PowerClerk on-line rebate application system is for use only in the Commonwealth Solar Rebate Program.

Invitation to be an Expedited Installer/Integrator is solely at the discretion of MRET staff and will be based upon a demonstrated ability to complete accurate and high quality applications.

To maintain the Expedited Installer/Integrator status, firms will be expected to maintain high quality and accuracy in the applications, and to abide by all of the code and program standards required by the Commonwealth Solar Rebate Program.

The following conditions apply regarding the use of the PowerClerk system in order to maintain status as an Expedited Installer/Integrator:

- a. PowerClerk will only be used to enter application data for projects with signed customer contracts. Power Clerk will not be used as a tracking database by Installer/Integrator for sales leads or marketing purposes.
- b. Installer/Integrator will only submit complete and accurate applications and project completion packages to MRET. Installer/Integrator will accurately input shading and electric production analysis according the Commonwealth Solar Program Manual guidelines.
- c. Within 7 calendar days of submitting an online application, all required hard-copy backup documentation associated with the application must be received by MRET. If the backup documentation is not received within the allotted timeframe, the application will be denied in PowerClerk. The Customer is welcome to reapply to the Commonwealth Solar Rebate Program, subject to the current terms and rebate levels.
- d. As an Expedited Installer/Integrator, the hard copies required for submittal to MRET will be minimized relative to non-expedited installers. Nonetheless, Expedited Installer/Integrators will maintain paper records of all application materials on file, and upon request by MRET will make copies available.
- e. Installer/Integrator will comply with all laws, codes, and regulations pertaining to PV installations in Massachusetts and with the Commonwealth Solar Minimum Technical Requirements and Minimum Insurance Requirements.

Status as an Expedited Installer/Integrator does not constitute an endorsement by MRET nor does it imply that the installer or integrator is pre-approved by MRET. Similarly, the individual applications will only become approved upon written or electronically communicated confirmation from MRET.

<p><b>Minimum Insurance Requirements</b></p>	<p>All Installers must comply with the Minimum Insurance Requirements in Attachment C.</p>
<p><b>North American Board of Certified Energy Practitioners Certification</b></p>	<p>It is recommended, but not required, that Installer/Integrators or their subcontractors obtain or seek to obtain North American Board of Certified Energy Practitioners (NABCEP) PV Installer certification, if they have not already done so. For more information: <a href="http://www.nabcep.org/">http://www.nabcep.org/</a></p> <p>Please note that NABCEP certification does <u>not</u> replace the requirement that Installers utilize licensed electricians and apprentices to perform the electrical work on approved PV projects.</p>
<p><b>Cap on Outstanding Awards For Each Installer Entity (Installer Cap)</b></p>	<p>MRET has a rolling “installer cap” for each Installer/Integrator Entity (as defined in Section 2.2 – includes Third-Party Owner entities) and therefore will not process new applications involving an Installer/Integrator or Third-Party Owner Entity that will result in that Installer/Integrator or Third-Party Owner Entity’s involvement in:</p> <ul style="list-style-type: none"> <li>• more than \$3,500,000 in Commonwealth Solar Rebate Program awards for PV projects that have not reached project completion, <b>and</b></li> <li>• of which no more than \$800,000 of these Commonwealth Solar Rebate Program awards are for Residential Application generated PV projects that have not reached project completion.</li> </ul> <p>Accordingly, these related applications will not be placed into the Process queue until the Installer/Integrator or Third-Party Owner Entity has reduced the rebate value of their projects that are pending project completion. .</p> <p>For projects without a Third-Party Owner, the calculation of the cap is applied to the Primary Installer/Integrator Entity.</p> <p>For projects with a Third-Party Owner that is the same as the Installer/Integrator, the calculation of the cap is applied to the Primary Installer/Integrator Entity.</p> <p>For projects with a Third-Party Owner that is different than the Installer/Integrator, the calculation of the cap is applied to the Third-Party Owner entity, but not to the Primary Installer/Integrator entity.</p> <p>MRET, at its sole discretion, will determine the applicability of the cap to an Installer/Integrator Entity and/or Third-Party Owner Entity in the event that the cap is reached. The intent of this provision is to have Installer/Integrators completing projects as quickly, or more quickly, than they are signing new installation contracts.</p>
<p><b>One-Time Turnkey Contract and Insurance Exemption for Licensed Electricians</b></p>	<p>Massachusetts licensed electricians may complete an installation on their own home and may request a One-Time Contract and Insurance Exemption for such an installation. To qualify for the One-Time Contract and Insurance Exemption for Licensed Electrician Home Installations, an electrician must meet the minimum requirements in Attachment E.</p>
<p><b>Existing MRET Service Providers</b></p>	<p>Entities providing services directly to MRET through a Master Services Agreement and associated Work Orders with MTC functioning as the contracting entity on behalf of MRET are not eligible to receive funding under the Commonwealth Solar Rebate Program either as a Customer or as an Installer.</p>

### 3.3. Technical and Installation Requirements

<p><b>Minimum Technical Requirements</b></p>	<p>All installations must comply with the Minimum Technical Requirements in Attachment D. These requirements include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• PV project electrical work must be performed by Massachusetts licensed electrical professionals.</li> <li>• All installations must be done in compliance with local, state, and federal laws and codes.</li> <li>• Commercial projects qualifying for a rebate based on a system size of over 10 kW (DC @ STC) must install a Data Acquisition System (DAS).</li> <li>• Commercial projects qualifying for a rebate based on a system size of over 50 kW (DC @ STC) must provide structural and electrical engineering documents stamped by a professional engineer.</li> </ul> <p>For more information: <a href="http://www.masstech.org/solar/Attachment_D.pdf">http://www.masstech.org/solar/Attachment_D.pdf</a></p>
<p><b>Eligible PV and Related Equipment</b></p>	<p>All installations must use solar photovoltaic technology, which is defined as cells or solar photovoltaic arrays that directly convert energy from the sun into electricity. Building integrated installations are eligible assuming all other requirements are met.</p> <p>Installations must be grid connected and use module, inverter, and metering equipment compliant with the Minimum Technical Requirements (Attachment D).</p> <p>There is one exception: Fixed off-grid PV applications that are permanently located on contiguous property of an eligible grid-connected Customer and facility are eligible for rebates of up to 5 kW (DC @ STC) for residential projects and up to 10 kW (DC @ STC) for commercial projects.</p> <p>Portable or temporary systems are not eligible for Commonwealth Solar rebates.</p>
<p><b>Project Timeframe</b></p>	<p>In order to qualify for payment, <b><u>applications must be approved by MRET, in writing, prior to installation</u></b>. Rebate funds may not be used to reimburse or write down costs incurred prior to Customer's receipt of a confirmation of their Rebate Award.</p> <p>All residential projects must be completed within 180 days of the date of the Rebate Award. Residential PV projects that do not achieve Project Completion within 180 days will result in automatic rescission of the award unless an extension is requested by the Customer in writing, and approved by MRET.</p> <p>All commercial projects (with the exception of commercial new construction projects) must be completed within one year of the Rebate Award date. Commercial PV projects that do not achieve Project Completion within one year will result in automatic rescission of the award, unless an extension is requested by the Customer in writing, and approved by MRET.</p> <p>Commercial, new construction projects may request an extension of the one year time limit if the developer can demonstrate, such as in the case of building integrated PV, that pre-approval is required prior to construction in order to include the PV in the overall building specifications.</p> <p>MRET has sole discretion on the determination of which projects may be granted such extensions. It is the general policy of MRET to <b><u>not</u></b> grant extensions unless there are extenuating circumstances.</p>

### 3.4. Energy Efficiency Requirements

<p><b>Minimum Energy Efficiency Requirement</b></p>	<p><b>Energy Efficiency Exception for New or Recent Construction:</b></p> <p>Compliance with the current energy codes in Massachusetts will allow an exception to the energy audit requirements noted in the sections below.</p> <p>On October 6, 2008, in compliance with An Act Relative to Green Communities passed in July 2008, the 7<sup>th</sup> Edition of the Massachusetts State Building Code <i>Energy Conservation Requirements</i> was rewritten to default to the International Code Council (ICC) International Energy Conservation Code.</p> <p>Residential one and two family detached buildings that can demonstrate that they have been constructed based upon a building permit issued after October 6, 2008, are exempted from the minimum energy efficiency requirements noted below. However, partial renovations or additions do not qualify for this exception.</p> <p>Commercial structures, including attached residential buildings of three or more dwelling units, that can demonstrate that they have been constructed based upon a building permit issued after March 1, 2009, also are exempted from the minimum energy efficiency requirements noted below.</p> <p>MRET, at its sole discretion, reserves the right to waive the minimum energy efficiency requirement for projects where it can be demonstrated that the requirement would: 1) not cost-effectively improve the overall energy efficiency of the building(s), or 2) pose undue burden on the Customer.</p> <p><b>Residential:</b> Prior to receiving the rebate payment from MRET, rebate Customers must complete one of the following items.</p> <ol style="list-style-type: none"> <li>1. Have an energy audit performed on all structures on their property. An energy audit can be conducted by a utility or Cape Light Compact efficiency program, certified energy manager (CEM), professional engineer (PE), or an experienced energy services professional, <b>OR</b></li> <li>2. Be able to demonstrate that an energy audit has been performed within the past six years by a utility or Cape Light Compact efficiency program, certified energy manager (CEM), professional engineer (PE), or an experienced energy services professional.</li> </ol> <p>Supporting documentation for either of the above must be provided to MRET.</p> <p><b>MRET strongly recommends, but does not require, that residential Customers perform any feasible measures recommended by such audits, as energy efficiency is generally the most cost-effective energy solution.</b></p> <p>NOTE: Residential Leasing or Third-Party Ownership projects that apply via the Commercial application are required to follow the Residential Energy Efficiency Requirements.</p> <p><b>Commercial:</b> Prior to receiving payment from MRET, Customers applying for a rebate must complete the following three energy efficiency requirements:</p> <ol style="list-style-type: none"> <li>1. Either: a) have an energy audit performed on all structures on the property that will be served by the PV system, or b) be able to demonstrate that an energy audit has been performed within the past six years by a utility or Cape Light Compact efficiency program, certified energy manager (CEM), or professional engineer (PE).</li> <li>2. Provide evidence that they have joined the Energy Star Partnership and are committed to “continuous improvement of energy efficiency”.</li> </ol>
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	<p>In addition to attaching a letter of commitment to the application, Customers are encouraged, but not required, to complete and attach an EPA Energy Rating for the facility. For more information: <a href="http://www.energystar.gov/index.cfm?c=business.bus_commit">http://www.energystar.gov/index.cfm?c=business.bus_commit</a></p> <p>3. <b>A. Commercial PV projects less than 100 kW (DC @ STC).</b> These projects must provide supporting documentation to MRET of completion of items # 1 and # 2 above. <b>MRET <u>strongly recommends</u>, but does not require, that commercial Customers perform any feasible measures recommended by such energy audits, as energy efficiency is generally the most cost-effective energy solution.</b></p> <p><b>B. Commercial PV projects 100 kW (DC @ STC) or greater.</b> Prior to receiving payment from MRET, Customers must provide documentation of measures taken in response to the energy audit recommendations, and, if applicable, explain why certain recommendations were not undertaken. Acceptable reasons may include aesthetic considerations, interference with future renovation plans, payback period too long, etc. Customers must submit copies of utility energy-efficiency applications, audits, and/or copies of paid invoices to demonstrate implementation of the efficiency recommendations.</p>
<p><b>Energy Efficiency Resources</b></p>	<p>For more information on energy efficiency audits and programs, Customers should visit their investor-owned utility's website, or MassSAVE:</p> <ul style="list-style-type: none"> <li>• MassSAVE (for residential customers): <a href="http://www.masssave.com/">http://www.masssave.com/</a></li> <li>• Cape Light Compact: <a href="http://www.capelightcompact.org/doc.ccml?13">http://www.capelightcompact.org/doc.ccml?13</a></li> <li>• NSTAR: <a href="http://www.nstaronline.com/business/">http://www.nstaronline.com/business/</a></li> <li>• National Grid: <a href="http://www.nationalgridus.com/masselectric/business/index.asp">http://www.nationalgridus.com/masselectric/business/index.asp</a></li> <li>• Western Massachusetts Electric: <a href="http://www.wmeco.com/business/default.aspx">http://www.wmeco.com/business/default.aspx</a></li> <li>• Unitil: <a href="http://services.unitil.com/fge/bus_cus_info.asp">http://services.unitil.com/fge/bus_cus_info.asp</a></li> <li>• Municipal Lighting Plants (if applicable): <a href="http://www.dsireusa.org/incentives/index.cfm?re=1&amp;ee=1&amp;spv=0&amp;st=0&amp;srp=1&amp;state=MA">www.dsireusa.org/incentives/index.cfm?re=1&amp;ee=1&amp;spv=0&amp;st=0&amp;srp=1&amp;state=MA</a></li> </ul>

**3.5. Other Requirements (Typically Commercial Only)**

<p><b>Public Procurement Compliance (MA public entities only)</b></p>	<p>Massachusetts public entities seeking a Commonwealth Solar rebate must demonstrate compliance with Massachusetts Public Procurement Law. For more information: <a href="http://www.mass.gov/ig/">http://www.mass.gov/ig/</a> . Public entities must provide evidence of compliance with the bidding laws at the time of application.</p>
<p><b>Prevailing Wage (For Rebates Greater than \$50,000)</b></p>	<p>Applications that seek more than \$50,000 from the Commonwealth Solar Rebate Program must agree that any and all installers pay prevailing wages for work performed on the construction and installation of the PV project by covered labor classifications as determined by the Division of Occupational Safety of the</p>

	<p>Massachusetts Department of Labor, and otherwise comply with the prevailing wage requirements of Chapter 149 of the Massachusetts General Laws. In cases of projects with rebates greater than \$50,000, the Installer/Integrator shall be responsible for ensuring that prevailing wages are paid for all aspects of the installation of the PV project regardless of the percentage of actual costs that are covered by the rebate. Where applicable, prevailing wage rates must be incorporated into the total cost submitted in the application.</p> <p><b>The Installer/Integrator shall collect, review, and retain supporting wage payment documents, which shall be made available to MRET upon request.</b></p> <p>In the cases of PV projects on public buildings, prevailing wages are required by Massachusetts law regardless of the size of the rebate award. For public projects, the Customer is responsible for submitting the proper documentation to the Division of Occupational Safety of the Massachusetts Department of Labor. For more information: <a href="http://www.mass.gov/dos/pw/index.htm">http://www.mass.gov/dos/pw/index.htm</a></p> <p>Commonwealth Solar rebate recipients that utilize their own employees to perform elements of the PV installation on their own facility are also subject to the prevailing wage requirement, as specified above, for that portion of the work performed by their in-house personnel.</p>
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## 4. Available Funding And Rebate Levels

### 4.1. Total Funding and Reservations

The Commonwealth Solar Rebate Program budget is **\$68 million**. It is expected that these funds will last until 2010 however, as a “first come, first served” program, the rate of expenditures is dependant upon market activity.

- The source of the \$68 million of funding is **\$40 million** from the Renewable Energy Trust plus **\$28 million** from Alternative Compliance Payment Funds administered by the Massachusetts Department of Energy Resources.
- Of the total \$68 million, a goal has been set of awarding at least **\$16 million** for PV projects on Massachusetts public buildings (as defined below), and at least **\$8 million** for PV projects on residences. These are targets or goals and are not set-asides, “ceilings”, or maximums.

### 4.2. Rebate Level Adjustment Strategy

The total funding will be segmented into \$17 million blocks. The strategy is to have each block last approximately 12 months, subject to market demand and application rates.

MRET and DOER, in consultation with other stakeholders, may make program adjustments at any time to: 1) either slow or accelerate spending, and 2) to address changes in the market and related policies. Program adjustments will be made to provide, in so much as it is possible, a predictable and steady incentive without interruption for the PV market throughout the Rebate Program term.

MRET and DOER reserve the right to make adjustments to the rebate levels or program rules affecting rebates at any time, including before the completion of a block of funding. This Solicitation No, 2008-CS-Version 6.0 represents the fifth such adjustment.

### 4.3. Rebate Calculator

To assist Customers to determine the rebate for a PV project, MRET recommends using the Rebate Calculators that are available on our website as follows:

- Residential Rebate Calculator: <http://www.masstech.org/solar/threeres2009.html>
- Commercial Rebate Calculator: <http://www.masstech.org/solar/threebiz2009.html>

There are also Rebate Worksheets within the application forms, which are Attachments A or B.

#### 4.4. Rebate Taxability

Rebates may be considered taxable income to the Rebate Recipient by the Internal Revenue Service of the United States of America and the Department of Revenue of the Commonwealth of Massachusetts. **Rebate Recipients are strongly encouraged to consult with a tax professional to determine the federal and/or state tax implications of receipt of the Rebate.** The Rebate Recipient is responsible for any federal or state tax liability incurred as a result of the Rebate. Please note: A rebate tax liability may exist for the Rebate Recipient regardless of whether the payment is made directly to the Rebate Recipient or to another party for the benefit of the Rebate Recipient.

#### 4.5. Project Matching Funds for Municipalities

Municipal customers within eligible utility service territories are eligible to use the CLEAN ENERGY CHOICE<sup>®</sup> program to provide matching funds in addition to Commonwealth Solar rebates. **However, a municipality must submit a CEC matching grant request specifying its solar installation plans between August 1 and November 30, 2009 in order to receive the CEC funds that it has accrued through the June 30, 2009 program end date.** To find out more, visit the CLEAN ENERGY CHOICE<sup>®</sup> website: [http://www.masstech.org/CleanEnergyOrg/matching\\_grants.htm](http://www.masstech.org/CleanEnergyOrg/matching_grants.htm)

***The following section is exclusively for residential projects. If your PV project is commercial, proceed directly to Section 4.7.***

#### 4.6. Residential Rebates – For Residential Projects Only

Rebates for residential customers are capped at the lesser of:

- 100% of total installed costs, or
- A rebate based on a maximum size of 5 kW (DC @ STC) per residence or residential dwelling unit, even if the PV system is larger than 5 kW, or
- A maximum rebate amount of \$20,000 per residence or residential dwelling unit.

The caps noted above also apply to any residential property that is applying via the Commercial application process. This includes residential third-party ownership or leasing applications that apply using the Commercial rebate application forms and rebate matrix, as well as any building that includes residential dwelling units and/or beds, with the exception of healthcare facilities or hospitality facilities such as hotels, motels, bed & breakfast lodgings, rooming houses, hostels, licensed group homes, dormitories, and other such short-term housing for hire facilities.

The current Residential rebate levels are:

<b>Residential Rebates (\$ per watt (DC @ STC))</b>	
Base Incentive	\$ 1.00
Massachusetts Company Components Adder	\$ 0.15
Moderate Home Value Adder	\$ 1.50
Moderate Income Adder ≤ 120% of MA median income	\$ 1.00

Rebate Adder	Requirements								
<p><b>Massachusetts Company Components</b></p>	<p>To qualify for this adder, the Customer must provide evidence that the PV modules, the inverter(s), or another significant component which is important to the electricity production of the project is manufactured by a company with a significant Massachusetts presence as determined at the sole discretion of MRET and DOER. Current companies and products on this list are:</p> <ul style="list-style-type: none"> <li>• Evergreen Solar: modules</li> <li>• Schott Solar: modules *</li> <li>• Satcon: inverters</li> <li>• Solectria Renewables: inverters</li> <li>• Beacon Power: inverters</li> <li>• Panel Claw: mounting systems</li> </ul> <p>* NOTE: effective July 1, 2009 only the Schott Solar ASE 300 series modules manufactured in Billerica, MA are eligible for the MA Adder.</p>								
<p><b>Moderate Home Value</b></p>	<p>To qualify, the Customer must be the owner and resident of the home, and the assessed home value (land and building) of the Customer's primary residence, as determined by the municipality, must be less than or equal to the following for the appropriate county of residence:</p> <table border="1" data-bbox="407 877 1395 1136"> <thead> <tr> <th data-bbox="407 877 1086 936">County</th> <th data-bbox="1086 877 1395 936">Moderate Home Value</th> </tr> </thead> <tbody> <tr> <td data-bbox="407 936 1086 995">Berkshire, Franklin, Hampden, and Hampshire</td> <td data-bbox="1086 936 1395 995">≤ \$300,000</td> </tr> <tr> <td data-bbox="407 995 1086 1054">Bristol, Suffolk, and Worcester</td> <td data-bbox="1086 995 1395 1054">≤ \$350,000</td> </tr> <tr> <td data-bbox="407 1054 1086 1136">Barnstable, Duke, Essex, Middlesex, Nantucket, Norfolk, and Plymouth</td> <td data-bbox="1086 1054 1395 1136">≤ \$400,000</td> </tr> </tbody> </table> <p>This adder is a one time award per Customer, is limited to a project on the Customer's primary residence, and cannot exceed 5 kW per household. The adder is <u>not available</u> to one-time expansions on existing systems where the Customer has previously received the rebate adder, regardless of the size of the expansion.</p> <p>Note that at the sole discretion of MRET, the home value limits are subject to periodic change.</p>	County	Moderate Home Value	Berkshire, Franklin, Hampden, and Hampshire	≤ \$300,000	Bristol, Suffolk, and Worcester	≤ \$350,000	Barnstable, Duke, Essex, Middlesex, Nantucket, Norfolk, and Plymouth	≤ \$400,000
County	Moderate Home Value								
Berkshire, Franklin, Hampden, and Hampshire	≤ \$300,000								
Bristol, Suffolk, and Worcester	≤ \$350,000								
Barnstable, Duke, Essex, Middlesex, Nantucket, Norfolk, and Plymouth	≤ \$400,000								

<b>Moderate Income</b>	<b>Individual</b> income (for single person households) is the gross income (as defined by the IRS) received in the most recent calendar year for which an IRS filing is available by an individual.	
	<b>Individual Income Criteria</b>	<b>Rebate Adder</b>
	≤ \$75,810 (120% of median household income*)	\$1.00 per watt
	<b>Domestic Unit</b> income (for households of 2 or more individuals) is the gross income (as defined by the IRS) received in the most recent calendar year for which an IRS filing is available by all household members 18 years old and over, including household members not related to the householder and other non-family household members. The gross income of full-time students aged 18-25 who are members of the household are exempt from this calculation.	
	<b>Domestic Unit Income Criteria</b>	<b>Rebate Adder</b>
	≤ \$95,420 (120% of median family income*)	\$1.00 per watt
	*Median family and median household income adjusted for inflation for 2008 and taken from US Census Bureau 2007 American Community Survey.	
	The above income levels apply to applications received in 2009 and may be subject to future change. To qualify, the Customer must consent to make household income data available to an independent third party to verify eligibility. For more information: <a href="http://scapartnering.com/masstech.php">http://scapartnering.com/masstech.php</a>	
	The Moderate Income Adder is a one time award per Customer, is limited to a project on the Customer's primary residence, and cannot exceed the 5 kW per household. The adder is <u>not available</u> to one-time expansions on existing systems where the Customer has previously received the rebate adder, regardless of the size of the expansion.	

***If your PV project is residential, skip the following section and proceed directly to Section 5.***

**4.7. Commercial Rebates – For Commercial Projects Only**

Rebates for a commercial project will be capped at the lesser of:

- 100% of total installed costs, except in the case of projects receiving the Green Schools Adder which will be capped at 90% of total installed costs, or
- A rebate based on a maximum system size of 200 kW even if the system is larger.
- Residential end-use facilities which must use the Commercial application and rebate matrix are capped based upon the lesser of a 5 kW (DC @ STC) maximum per dwelling unit or \$20,000 rebate per dwelling unit. This applies to residential third-party ownership or leasing arrangements, and/or to new construction developments of more than one unit of residential homes, apartments, or condominiums. The 5kW (DC @ STC) or \$20,000 cap per dwelling unit also applies to any property with a residential end-use that is applying via the Commercial application process. This includes any building that has residential dwelling units and/or sleeping beds with the exception of health care facilities or hospitality facilities such as hotels, motels, bed & breakfast lodging, rooming houses, hostels, licensed group homes, dormitories, and other such short-term housing for hire facilities.
- In addition, a single Customer Entity can be awarded no more than \$1,600,000 in total Commonwealth Solar rebates per calendar year.

The current rebate levels are:

<b>Commercial Rebates for Incremental Capacity (\$ per watt (dc))</b>			
<b>Incremental Capacity</b>	<b>First: 1 to 25 kW</b>	<b>Next: &gt; 25 to 100 kW</b>	<b>Next: &gt; 100 kW up to 200 kW</b>
Base Incentive	\$2.00	\$1.70	\$1.00
<b>PLUS: Additions to Base</b>			
Massachusetts Company Components Adder	\$0.15	\$0.15	\$0.15
Public Building or Affordable Housing Adder	\$0.75	\$0.75	\$0.75
Green Schools Adder	\$2.15	N/A	N/A

The rebate tiers are incremental. For example, a 150kW project receiving only the base incentive would be calculated as follows: (25kW x \$2.00/W) + (75kW x \$1.70/W) + (50kW x \$1.00/w) = \$227,500 rebate.

<b>Example Project Size (kW) and Rebate Using Base Incentive and MA Company Component Adder</b>		
<b>Project Size</b>	<b>Total Incentive</b>	<b>Rebate Level (~\$/watt)</b>
25	\$53,750	\$2.15
100	\$192,500	\$1.925
200	\$307,500	\$1.537

<b>Example Public Project Size (kW) and Rebate Using Base Incentive, Public and MA Company Component Adders</b>		
<b>Project Size</b>	<b>Total Incentive</b>	<b>Rebate Level (\$/watt)</b>
25	\$72,500	\$2.90
100	\$267,500	\$2.675
200	\$457,500	\$2.287

<b>Rebate Adder</b>	<b>Requirements</b>
<b>Massachusetts Company Components</b>	<p>To qualify for this adder, the Customer must provide evidence that either the PV modules, or the inverter(s), or another significant component are manufactured by a company with a significant Massachusetts presence as determined at the sole discretion of MRET and DOER. Current companies and products on the approved list are:</p> <ul style="list-style-type: none"> <li>• Evergreen Solar: modules</li> <li>• Schott Solar*: modules</li> <li>• Satcon: inverters</li> <li>• Solectria Renewables: inverters</li> <li>• Beacon Power: inverters</li> <li>• PanelClaw: mounting systems</li> </ul> <p>* NOTE: effective July 1, 2009, only the Schott Solar ASE 300 series modules</p>

<p><b>Public Building or Affordable Housing</b></p>	<p>manufactured in Billerica, MA are eligible for the MA adder.</p> <p>This adder may be applied to public buildings or to affordable housing buildings, but may not be applied twice as in the case of a public housing project</p> <p><b>Public Building Adder</b>          The Customer qualifies for this adder if the proposed installation will be located at a facility that is publicly-owned and occupied by an instrumentality of the Commonwealth of Massachusetts, including municipalities. This requires that a public entity pays the electric bills for the facility where the system is proposed. Eligible facilities include public schools, state or community colleges and universities, public libraries, public safety buildings, city or town halls, state office buildings, public water treatment facilities, prisons, housing authorities, state or district courthouses, state offices, etc.</p> <p>Evidence of compliance with the Massachusetts public bidding laws must be provided at the time of application if requesting this adder. Possible acceptable attachments that would qualify as evidence of a public procurement process includes a copy of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Announcement of the RFP or RFQ that was listed in the Central Register</li> <li>• Announcement of the RFP or RFQ from a newspaper of general circulation local to the area of the project</li> <li>• Publication of Notice of Intent to Award in the Central Register</li> </ul> <p>Federal buildings and private non-profits, such as private colleges/universities, religious organizations, private schools, museums, foundations, etc. do not qualify for the Public Building adder.</p> <p><b>Affordable Housing Adder</b>          Multi-family housing deemed “affordable” under the definition established by the Department of Housing &amp; Community Development (DHCD) and eligible for inclusion on DHCD’s Subsidized Housing Inventory (SHI) is eligible for the \$0.75 per watt “Public Building or Affordable Housing” adder. To meet the multi-family requirement, each building must contain two or more dwelling units.</p> <p>To view the Subsidized Housing Inventory, see the following:  <a href="http://www.mass.gov/Ehed/docs/dhcd/hd/shi/shiinventory.htm">www.mass.gov/Ehed/docs/dhcd/hd/shi/shiinventory.htm</a></p> <p>According to this definition, the units must have a long-term use restriction making them affordable to households making 80% or less of Area Median Income (AMI). For the purposes of determining whether a project qualifies as affordable housing, if at least 25% of the units are restricted to households making up to 80% of AMI or 20% of the units are restricted to households making up to 50% of AMI, the project qualifies.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1) In a housing project in which the units are owned by the occupants, the adder applies only to the restricted units which qualify as affordable.</li> <li>2) In a qualified affordable housing project in which the units are rented by the occupants, the entire project site or building can qualify for the adder.</li> <li>3) In a qualified affordable housing project in which the units are rented by the occupants, it is acceptable to design the installation for a common building, such as a clubhouse, as long as the benefit of the system</li> </ol>
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	<p>accrues to the residents.</p> <ol style="list-style-type: none"> <li>4) Group homes are eligible if they are listed on the SHI.</li> <li>5) Third-Party Ownership models with Power Purchase Agreements (PPA) are only eligible for this adder if they can demonstrate that benefits accrue to the residents that are greater than the benefits available to market rate participants in a PPA.</li> </ol> <p>Examples:</p> <ul style="list-style-type: none"> <li>• A PV system is proposed for a rental apartment building with 150 units where 38 of the units (25%) are restricted to households making 80% AMI; the entire building is eligible for the adder.</li> <li>• A PV system is proposed for a building containing condominiums (attached) with 40 units where 10 of them (25%) are restricted to households making 80% AMI; the adder only applies to the 10 systems that serve the restricted units (assuming individual meters).</li> </ul> <p><b>One of the following must be supplied with the application as evidence of eligibility:</b></p> <ol style="list-style-type: none"> <li>1) A copy of the page from the Subsidized Housing Inventory showing the project's inclusion with the project's name or other identifying information. This page can be obtained from DHCD by contacting Margaux LeClair at 617-573-1526.</li> <li>2) A copy of DHCD's <i>Requesting New Units</i> form indicating that the project has been submitted for inclusion on the SHI. This option applies to projects that have been recently submitted for inclusion and have not yet been added to the list.*</li> <li>3) Other documentation will be accepted on a case-by-case basis, such as a copy of a letter of funding approval from a subsidizing entity, e.g. DHCD, MassHousing, MHP, etc., or a copy of the Owner's Certification of Continuing Compliance for tax credit properties.</li> </ol> <p>*For projects not listed on the SHI and using option 2 for documentation, MRET reserves the right to deny the applicant's claim of eligibility based on discussions with DHCD.</p>
<p><b>Green Schools</b></p>	<p>To be eligible for the Green Schools Adder, the customer's site must:</p> <ol style="list-style-type: none"> <li>1. Be a public K-12 school, a publicly-funded charter school, or an educational collaborative school; and</li> <li>2. Have achieved at least one of the following on or after July 1, 2009:             <ol style="list-style-type: none"> <li>a) Provisional Verification to MA-CHPS version 1.0 or later (2009 update), or</li> <li>b) LEED for Schools Silver Certification or better; and</li> </ol> </li> <li>3. Not have been the beneficiary of an installation or construction grant under MRET's Green Schools Initiative (GSI).</li> </ol> <p>Evidence to document MA-CHPS or LEED achievement is a copy of the notification letter from the MA-CHPS reviewing entity or the USGBC.</p> <p>For systems up to 25kW, the customer is required to pay a 10% cost-share. This means they are eligible for the maximum rebate allowed in the matrix but not to exceed 90% of the total installed costs. For systems larger than 25kW, the cost-share increases proportionately as indicated in the matrix.</p>

## 5. Application and Payment Process

The rebate application and payment process involves the following steps:

- First Steps:
  - Research PV and Determine Eligibility for Rebates
  - Explore Energy Efficiency Opportunities
  - Evaluate Your Site(s) Solar Potential
  - Review Economics Including Available Rebates and Other Incentives
- In the case of public projects, complete a public RFP or RFQ process.
- Select a PV Installer and/or PV Project Integrator.
- Prepare and Submit Application. This may be a paper application or in the case of Expedited Installer/Integrators, this will be an online application
- MRET Review and Approval of Application
- Receive Award Packet
- Installation and Interconnection
- Submit Project Completion Form
- Payment Process
- Production Reporting
- Public Education Support

These steps and related responsibilities for entities involved in Commonwealth Solar rebate transactions are discussed below. This section provides a detailed description of each of the ten steps listed above, including convenient links to the applicable sections of the Commonwealth Solar website. The following chart illustrates the process once a prospective Customer is ready to submit an application.

**The application must be approved, in writing, by MRET prior to beginning the PV installation. MRET reserves the right to deny rebate applications for projects installed without pre-approval.**

### 5.1. First Steps

Prior to contacting an Installer, prospective Customers should:

1. **Determine Eligibility.** Commonwealth Solar rebates are only available to Massachusetts electricity customers who pay into the Renewable Energy Trust Fund. This includes all customers served by Massachusetts investor-owned electric utilities, and includes some customers of Municipal Lighting Plants that opt-in to the Trust.  
  
For information on areas served by investor-owned electric distribution companies or eligible Municipal Lighting Plants:  
[www.masstech.org/renewableenergy/commonwealth\\_solar/one2009.html](http://www.masstech.org/renewableenergy/commonwealth_solar/one2009.html)
2. **Determine PV Compatibility with the Site.** Prior to contacting an Installer, prospective Customers should assess whether a PV project is likely to be compatible with their home or building. For example, successful PV projects require access to direct sunlight without any significant shade throughout the day. The following links provide resources that will help prospective Customers to better understand the characteristics of good sites for a PV project.  
  
Residential: [www.masstech.org/renewableenergy/commonwealth\\_solar/two2009res.html](http://www.masstech.org/renewableenergy/commonwealth_solar/two2009res.html)  
Commercial: [www.masstech.org/renewableenergy/commonwealth\\_solar/two2009biz.html](http://www.masstech.org/renewableenergy/commonwealth_solar/two2009biz.html)
3. **Estimate Rebate.** The Commonwealth Solar rebate will cover only part of a project's costs. Prospective Customers can use the following tools to develop a preliminary estimate of the rebate, project cost, and savings associated with a PV project.  
  
Residential: [www.masstech.org/renewableenergy/commonwealth\\_solar/threeres2009.html](http://www.masstech.org/renewableenergy/commonwealth_solar/threeres2009.html)  
Commercial: [www.masstech.org/renewableenergy/commonwealth\\_solar/threebiz2009.html](http://www.masstech.org/renewableenergy/commonwealth_solar/threebiz2009.html)

## 5.2. Select a PV Installer/Integrator

Prospective Customers are responsible for selecting a PV Installer and/or PV System Integrator. In the case of public entities, this requires a public bidding process as required by Massachusetts procurement laws. Installers and integrators can help prospective Customers with a more detailed site and financial assessment. In addition, they will be responsible for providing rebate Customers with a turnkey service and contract. Prospective Customers should perform their own due diligence with regard to the experience and qualifications of a potential Installer and its team, and make sure that it meets all Commonwealth Solar Rebate Program requirements, including minimum insurance requirements. Refer to the following link for lists of potential Installers that are maintained by independent parties: [www.masstech.org/renewableenergy/commonwealth\\_solar/four2009.html](http://www.masstech.org/renewableenergy/commonwealth_solar/four2009.html)

## 5.3. Prepare and Submit Application

The Installer, or PV Project Integrator, will prepare the rebate application on behalf of the Customer. This may be a paper application or in the case of Expedited Installer/Integrators, this will be an online application. The Customer will need to assist the Installer/Integrator by providing support materials, such as an electric bill, evidence of participation in energy efficiency programs, and reviewing and approving the application package by signing the application and relevant contracts. All signatures in the application package *must be* originals. Electronic signatures (e.g., faxes or simulated) will not be accepted.

The application must be completely filled out and include all supporting documentation. A separate application must be submitted for each proposed project. A hard copy of the application must be mailed or delivered to MRET. It is the sole responsibility of the Installer and Customer to ensure that the application is complete and is properly submitted. In the cases of Expedited Installer/Integrators utilizing the PowerClerk online application system, copies of all application materials and support documents must be kept on file by the Installer/Integrator, but only certain documents should be submitted to MRET at the time of application or upon request.

In the case of developers of new construction projects such as residential subdivisions that will apply for multiple identical rebates at the same development, MRET may consider, at its sole discretion, accepting a single modified application package instead of multiple individual applications. This could be a single application with back-up tables identifying the individual project sites. In such cases, contact the Commonwealth Solar Rebate Program customer service line at 508-439-5700 for more information.

The Customer may choose to have their rebate payment paid directly to the Installer/Integrator or Third-Party Owner. This must be designated during the rebate application process. Only Installer/Integrators or Third-Party Owners that have completed the "Crawl Before You Walk" described in section 3.2, are eligible to receive direct rebate payments from MRET.

Expedited Installer/Integrators will submit applications via the online PowerClerk software. Expedited Installer/Integrators will nonetheless still need to provide original copies of certain application materials as back-up to the online application to the address below. Details of the Expedited Installer/Integrator application process are detailed in the Commonwealth Solar PowerClerk Users Guide.

Applications and/or any required back-up materials must be submitted to:

**Commonwealth Solar Rebate Program  
Massachusetts Renewable Energy Trust  
75 North Drive - Innovation Center  
Westborough, MA 01581-3340**

Certified mail or equivalent forms of delivery are encouraged. The application form and instructions (Attachments A and B) are available at: [www.masstech.org/solar/](http://www.masstech.org/solar/)

#### 5.4. MRET Review and Approval of Application

Once MRET receives a Commonwealth Solar application, MRET staff reviews each application for original signatures, completeness and accuracy. Funding is available on a first come first serve basis to complete applications.

- 1. Incomplete, Inaccurate, or Ineligible Applications.** Applications that are either incomplete, inaccurate, or reflect ineligible projects or Customers will not be accepted nor added to the Process Queue for approval until the open issues have been completely rectified to the satisfaction of MRET. Within 30 days of receipt of an incomplete, ineligible, or inaccurate application, MRET will notify the Customer and Installer. **The submission of incomplete applications will result in significant delays and could result in a lower rebate award.** Incomplete, inaccurate, or ineligible applications will not be returned.
- 2. Cap-Exceeded Applications.** Applications that result in a Customer Entity or Installer Entity that exceeds any of the caps described in this manual will not be accepted or added to the Process Queue. Once the Customer Entity or Installer Entity is no longer at the rebate cap, their application will be placed into the Process Queue to be reviewed. Applications will be placed back into the Process Queue on a first come, first served basis. **The submission of Cap-Exceeded Applications could result in a lower rebate award.**
- 3. Complete Applications.** Customers, and their installer/integrators, that submit a complete and accurate application and receive a Rebate Award will be notified by email. MRET strives to notify Customers of their Rebate Award within 30 days of receipt of their applications. However, delays may occur during periods of high demand and/or during vacation and holiday periods.
- 4. Complete Applications, but Available Funding Exceeded.** If a complete application results in the currently available funding for the program to be exceeded, MRET will notify the Customer via email. At this point, the Customer's application is placed into the Process Queue, but is on hold until MRET evaluates the program and updates the rebate offerings in the Program Manual. MRET, at its sole discretion, may then offer the Customer an opportunity to accept any changes to program rebate levels or other rules and maintain its Process Queue position.

MRET reserves the right to inspect sites and/or request additional technical information prior to approving or denying applications. MRET reserves the right to reject any applications that involve Installers that have violated the Minimum Technical Requirements (Attachment D) or project timeframe requirements.

#### 5.5. Receive Award Packet

Once the award has been approved, MRET sends each Awarded Customer a packet which includes:

- Rebate Award letter (indicates rebate amount, the project completion deadline, etc.)
- Project Completion Form
- Project Change Form
- Information Sheet on the Production Tracking System (more info below).

The award packet contains the Project Completion Form that the Awarded Customer must submit to receive their rebate payment once the installation is complete. Awarded Customers should keep this form in a safe place during the installation process.

#### 5.6. Installation and Interconnection

After the Customer has received their award notification, they can notify their Installer/Integrator and proceed with the installation and interconnection. Related Minimum Technical Requirements (Attachment D) are available at: [www.masstech.org/solar/](http://www.masstech.org/solar/).

#### 5.7. Submit Project Completion Form

Once the project has been installed and interconnected, the Installer/Integrator will work with the Awarded Customer to submit the Project Completion Form, Change Request Form (if applicable), and back-up

documentation so that the Awarded Customer can receive the rebate payment. Back-up documentation includes:

- Interconnection approval from the electric utility
- Evidence of paid invoices or equivalent
- After photos of site
- Evidence that energy efficiency requirements have been fulfilled (if this has not already been submitted at the time of application)

Additional back-up documentation that may be required from commercial PV projects includes:

- Evidence of successfully Automated Reporting to the Production Tracking System (PTS) for projects receiving a rebate based on a project size of greater than 10 kW (DC @ STC) (see Section 5.9 for more info).
- Structural engineering analysis stamped by a Professional Engineer confirming compliance with the Massachusetts Building Code for building mounted PV arrays of 50 kW (DC @ STC) or larger.
- Electrical engineering documents such as one-line diagrams stamped by a Professional Engineer confirming a design in compliance with the NEC and related codes.

MRET staff reviews each Project Completion Form for completeness and accuracy. Copies of the Project Completion Form must be scanned and emailed, faxed, mailed, or delivered to MRET. It is the sole responsibility of the Awarded Customer to ensure that the Project Completion Form is complete and is properly submitted to MRET.

- 1. Incomplete Project Completion Forms.** Awarded Customers that submit incomplete (e.g., energy efficiency requirement has not been met) or inaccurate forms will be notified by email. The form will not be approved for payment until it has been completed to the satisfaction of MRET. Incomplete forms will not be returned to the Awarded Customer.
- 2. Complete Forms.** MRET staff approves each project for payment and issues checks to Awarded Customers on a rolling basis.

MRET reserves the right to conduct post-installation inspections of PV projects prior to approval for payments.

The rebate payments are contingent on the as-built project complying with the awarded project plan and with the Minimum Technical Requirements (Attachment D). Any changes in scope may affect the rebate amount. In addition, under no circumstances will MRET provide an increased rebate. Furthermore, if the project fails to comply with the Minimum Technical Requirements, MRET may withhold rebate payment until proper changes are made or choose to rescind the award.

## **5.8. Payment Process**

Upon receipt of the Project Completion Form and satisfactory completion of MRET post-installation inspections (if required), the rebate payment is made directly to the Awarded Customer, unless the Customer has indicated on their application that they wish to have their rebate paid directly to the Installer/Integrator or Third-Party Owner. MTC, acting as the contracting entity on behalf of MRET, expects to pay the installation rebate within 60 days of receipt of all required documentation and completion of a post installation inspection (if applicable). If the Awarded Customer has not already complied with the minimum energy efficiency requirements, the rebate payment shall be withheld until these requirements have been satisfied.

All Customers must provide their social security or tax identification number. This information will be kept confidential and is not subject to the Public Disclosure provisions in Section 6 of this Program Manual.

## **5.9. PV System Energy Production Reporting Requirements**

The online Production Tracking System (PTS) is used to support the market for Renewable Energy Certificates (RECs) and to help MRET monitor PV project performance. PV project owners may

participate in the green power markets by selling the Renewable Energy Certificates (RECs) that are produced by their PV project and accounted for in the PTS. While not required, MRET recommends that PV projects less than or equal to 10 kW (DC @ STC) report to the PTS. For commercial PV projects larger than 10 kW (DC @ STC), MRET requires that these projects automatically report to the PTS for five years.

- 1. Voluntary Manual PTS Reporting [all residential PV projects and commercial projects less than or equal to 10 kW (DC)].** Owners (or their designee) of PV projects less than or equal to 10 kW (DC) are encouraged, but not required, to report the project's electrical output every month to MRET's Production Tracking System (PTS). As part of the award packet, MRET will send an overview of the PTS and a link to instructions on its use to the Awarded Customer. PTS instructions can also be found on the web at: <http://www.masstech.org/solar/PTS.pdf>

In summary, reporting to the PTS involves the following steps:

- MRET or the PTS Administrator will email each Awarded Customer their PTS login information including a username and password. The Awarded Customer should log in at this time and keep their username and password in a safe place for later use.
- Upon project completion, the PV project owner, or designated representative, must go to the PTS website specified in the instructions and enter all first time data (e.g. date the PV project started producing power).
- Each month, unless using Automated Reporting, the PV project owner, or designated representative must manually enter a meter reading into the website.

Smaller systems may also elect to voluntarily adopt automated reporting.

- 2. Mandatory Automated Reporting (commercial systems greater than 10 kW (DC @ STC)).** Owners of MRET-funded commercial PV projects greater than 10 kW (DC @ STC) are required to use an automated reporting system which meets the requirements described in the link below to report the system's electrical output every month to MRET's Production Tracking System (PTS). This option is only available for systems tracked by a Data Acquisition System (DAS). Typically, an Installer/Integrator will have more information on Automated Reporting products. For more information on Automated Reporting requirements visit: <http://ar.masstech-pts.org/downloads/>. MRET may require multiple smaller commercial systems on the same property or campus that in aggregate exceed 10 kW (DC @ STC) to install a DAS and report to the PTS.

## 5.10. Public Education and Program Evaluation Support

Rebate Recipients and their Installer are required to provide good faith cooperation with the MRET's public education and evaluation activities, including, but not limited to, providing photos of projects, supporting development of case study materials for public dissemination, and cooperating with MRET or its consultants to schedule and complete site audits.

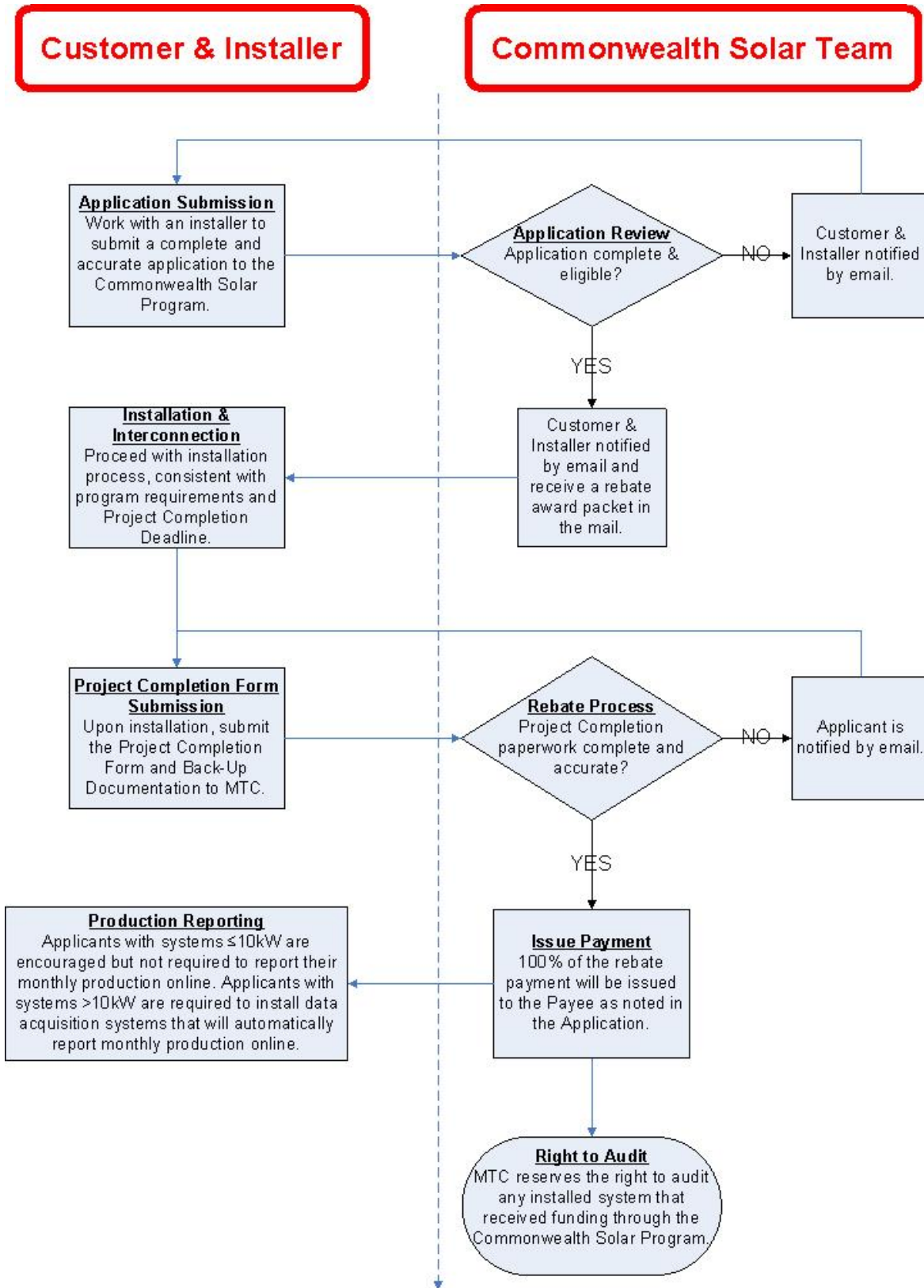
## 5.11. Questions and Answers

Questions concerning this Program Manual should be submitted in *writing* (e-mail, mail, or fax) to the contact listed below. All inquiries should reference the Commonwealth Solar Rebate Program Manual. MRET regularly updates a list of relevant questions and answers. It is available on the Commonwealth Solar website: [www.masstech.org/solar/](http://www.masstech.org/solar/). Customers and Installers/Integrators are encouraged to visit the website prior to submitting a question. Only answers posted on the website should be treated as MRET's official response to any question. The contact for questions is:

**Commonwealth Solar Rebate Program  
Massachusetts Renewable Energy Trust  
75 North Drive  
Westborough, MA 01581-3340**

**Email: [cs@masstech.org](mailto:cs@masstech.org)  
Fax: 508-898-9226**

**Commonwealth Solar Rebate Program**  
Application, Approval, & Payment Process Flowchart



## 6. General Commonwealth Solar Conditions

### 6.1. Notice of Public Disclosure

#### 6.1.1. General Statement

Funds awarded are public funds and any information submitted to MTC by the Customer in response to Commonwealth Solar or generated in relation thereto is subject to public disclosure requirements as set forth in the Massachusetts Public Records Act, M.G.L. c. 66 (the "Public Records Act"), which governs the retention, disposition and archiving of public records. For purposes of the Public Records Act, "public records" include all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by MTC.

The foregoing notwithstanding, "public records" do not include certain materials or data which fall within one of the specifically enumerated exemptions set forth in the Public Records Act or in other statutes, including MTC's enabling act, M.G.L. Chapter 40J. One such exemption that may be applicable to documents submitted by the Customer in response to Commonwealth Solar is for any documentary materials or data made or received by MTC that consists of trade secrets or commercial or financial information regarding the operation of any business conducted by the Customer, or regarding the competitive position of such Customer in a particular field of endeavor (the "Trade Secrets Exemption").

***It is MTC's expectation and belief that the overwhelming percentage of documents it receives from Customers does not contain any information that would warrant an assertion by MTC of an exemption from the Public Records Act. Customers should therefore take care in determining which documents they submit to MTC in response to Commonwealth Solar, and should assume that all documents submitted to MTC in response to Commonwealth Solar are subject to public disclosure without any prior notice to the Customer and without resort to any formal public records request.***

#### 6.1.2. Procedures for Handling Documents Identified as "Sensitive Information."

In the event that Customer's response to Commonwealth Solar includes the submission to MTC of documents that Customer believes may be proprietary in nature and may fall within the parameters of the Trade Secrets Exemption and/or some other applicable exemption, the following procedures shall apply:

- A) At the time of the Customer's initial submission of documents to MTC, the Customer must provide a cover letter, addressed to MTC's General Counsel, indicating that it is submitting documents which it believes are exempt from public disclosure, including a description of the specific exemption(s) that Customer contends is/are applicable to the submitted materials, a precise description of the type and magnitude of harm that would result in the event of the documents' disclosure, and a specific start date and end date within which the claimed exemption applies. If different exemptions, harms and/or dates apply to different documents, it is Customer's responsibility to provide detailed explanations for each such document.
- B) At the time of the Customer's initial submission of documents to MTC, the Customer must also clearly and unambiguously identify each and every such document that it contends is subject to an exemption from public disclosure as "Sensitive Information." It is the Customer's responsibility to ensure that all such documents are sufficiently identified as "Sensitive Information," and Customer's designation must be placed in a prominent location on the face of each and every document that it contends is exempt from disclosure under the Public Records Act.

***Information submitted to MTC in any form other than a hard copy document will not be subject to the procedures set forth in this Section 6.1. For example, information submitted by e-mail, facsimile and/or verbally will not be subject to these procedures and may be disclosed at any time without notice to Customer.***

- C) Documents that are not accompanied by the written notification to MTC's General Counsel or are not properly identified by the Customer as "Sensitive Information" at the time of their initial submission to MTC are presumptively subject to disclosure under the Public Records Act, and the procedures for providing the Customer with notice of any formal public records request for documents, as set forth below, shall be inapplicable.
- D) At the time MTC receives documents from Customer in response to Commonwealth Solar, any such documents designated by Customer as "Sensitive Information" shall be segregated and stored in a secure filing area when not being utilized by appropriate MTC staff for purposes of evaluating the application for funds. By submitting a signed rebate application to MTC, Customer certifies, acknowledges and agrees that (a) MTC's receipt, segregation and storage of documents designated by Customer as "Sensitive Information" does not represent a finding by MTC that such documents fall within the Trade Secrets Exemption or any other exemption to the Public Records Act, or that the documents are otherwise exempt from disclosure under the Public Records Act, and (b) MTC is not liable for the subsequent disclosure of any documents submitted to MTC by the Customer, whether or not such documents are designated as "Sensitive Information" or MTC was negligent in disclosing such documents.
- E) In the event that MTC receives an inquiry or request for documents submitted by Customer in response to Commonwealth Solar, MTC shall produce all responsive documents without notice to Customer. In the event that the inquiry or request entails documents that the Customer has previously designated as "Sensitive Information", the inquiring party shall be notified in writing that one or more of the documents it has requested has been designated by the Customer as "Sensitive Information", and that a formal, written public records request must be submitted by the requesting party to MTC's General Counsel for a determination of whether the subject documents are exempt from disclosure.
- F) Upon the General Counsel's receipt of a formal, written public records request for documents that encompass materials previously designated by Customer as "Sensitive Information", the Customer shall be notified in writing of MTC's receipt of the public records request, and MTC may, but shall not be required to provide Customer an opportunity to present MTC with information and/or legal arguments concerning the applicability of the Trade Secrets Exemption or some other exemption to the subject documents.
- G) The General Counsel shall review the subject documents, the Public Records Act and the exemption(s) claimed by the Customer in making a determination concerning their potential disclosure.

***The General Counsel is the sole authority within MTC for making determinations on the applicability and/or assertion of an exemption to the Public Records Act. No employee of MTC other than the General Counsel has any authority to address issues concerning the status of "Sensitive Information" or to bind MTC in any manner concerning MTC's treatment and disclosure of such documents.***

***Furthermore, the potential applicability of an exemption to the disclosure of documents designated by the Customer as "Sensitive Information" shall not require MTC to assert such an exemption. MTC's General Counsel retains the sole discretion and authority to assert an exemption, and he may decline to exert such an exemption if, within his discretion, the public interest is served by the disclosure of any documents submitted by the Customer.***

- H) MTC shall provide the requesting party and Customer with written notice of its determination that the subject documents are either exempt or not exempt from disclosure.
- I) In the event that MTC determines that the subject documents are exempt from disclosure, the requesting party may seek review of MTC's determination before the Supervisor of Public Records, and MTC shall notify the Customer in writing in the event that the requesting party pursues a review of MTC's determination.

- J) In the event the requesting party pursues a review of MTC's determination that the documents are exempt from disclosure and the Supervisor of Public Records concludes that the subject documents are not exempt from disclosure and orders MTC to disclose such documents to the requester, MTC shall notify the Customer in writing prior to the disclosure of any such documents, and Customer may pursue injunctive relief or any other course of action in its discretion.
- K) In the event that MTC determines that the subject documents are not exempt from disclosure or the General Counsel determines that, under the circumstances and in his discretion, MTC shall not assert an exemption, MTC shall notify the Customer in writing prior to the disclosure of any such documents, and Customer may pursue injunctive relief or any other course of action in its discretion.

***Customer's submission of a rebate application, with or without supporting documentation, shall require a signed certification that Customer acknowledges, understands and agrees with the applicability of the foregoing procedures to any documents submitted by Customer in response to Commonwealth Solar, including but not limited to the acknowledgements set forth in Section 6.1.2(D), and that Customer shall be bound by the procedures set forth in this Section 6.1.***

All documents submitted by Customer, whether designated as "Sensitive Information" or not, are not returnable to Customer, except in the case of returning late submissions as indicated in Section 6.

### **6.2. Contractual Requirements**

MTC acting as the contracting entity on behalf of MRET, intends to enter into a Participant's Agreement (Attachment A and B) with the selected Applicants. By signing and submitting an application for a rebate, Customer agrees to be bound by the terms and conditions of the Participant's Agreement.

### **6.3. Waiver Authority**

MRET reserves the right, at its sole discretion, to waive minor irregularities in submittal requirements, to request modifications of the application, to accept or reject any or all applications received, and/or to cancel all or part of Commonwealth Solar at any time prior to awards.

### **6.4. Disclaimer**

The Commonwealth Solar Program Manual does not commit MTC, acting as the contracting entity on behalf of MRET, to award any funds, pay any costs incurred in preparing an application, or procure or contract for services or supplies. MRET reserves the right to accept or reject any or all applications received, negotiate with all qualified Customers, cancel or modify the Program Manual in part or in its entirety, or change the application guidelines, when it is in its best interests.

### **6.5. Changes/Amendments to the Program Manual**

This Program Manual has been distributed electronically using MTC's website. It is the responsibility of Customers to check MTC's website for any addenda or modifications to the Program Manual to which they intend to respond. MTC, MRET, the Commonwealth of Massachusetts, and its subdivisions accept no liability and will provide no accommodation to Customers who submit an application based on an out-of-date Program Manual and/or related document.