
Via Electronic Submission

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Eligible Applicant Status for Funding Opportunity Number EPA-R-OAR-CPRGI-23-07

U.S. Environmental Protection Agency:

I write to confirm that the Massachusetts Clean Energy Technology Center (MassCEC) is an “eligible applicant” for purposes of the above referenced Funding Opportunity. Per the attendant Notice of Funding Opportunity (NOFO), an “eligible applicant” includes “[l]ead organizations for state CPRG planning grants” and “[o]ther state agencies (including state air pollution control agencies), departments, or other executive branch-level offices.” The NOFO indicates that:

[S]tate entities other than state agencies, departments, and other executive branch-level offices are eligible to apply if:

- They constitute a public body created by or pursuant to state law; and
- They are accountable to the state level government.

Further, the NOFO requires that such state entities “provide documentation that the state or territory in which it is located considers the entity to be a public body created by or pursuant to state law.”

Please note that MassCEC was established pursuant to Section 2(a) of Chapter 23J of the Massachusetts General Laws, which provides:

There is hereby established a body politic and corporate to be known as the Massachusetts clean energy technology center. The center is hereby constituted a public instrumentality and the exercise by the center of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The center is hereby placed in the executive office of energy and environmental affairs but shall not be subject to the supervision or control of said office, or of any board, bureau, department or other center of the commonwealth, except as specifically provided for in this chapter.

M.G.L. c. 23J § 2(a).¹

¹ MassCEC’s enabling legislation may be viewed here:
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter23j>.

Additional provisions of MassCEC's enabling legislation make plain that MassCEC is accountable to state level government through various means, including, without limitation:

- Having a Board of Directors consisting of *ex officio* members of Massachusetts state government or otherwise appointed by the Governor of the Commonwealth of Massachusetts;
- Submitting annual reporting regarding MassCEC's activities and finances to various members of Massachusetts state government; and
- The books and records of MassCEC being subject to audit by the Massachusetts state auditor.

To the extent you have questions regarding the contents of this letter, please feel free to contact me utilizing the information below.

Sincerely,



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