

# MAINE STATE LEGISLATURE

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L.D. 936

Date: 6/15/21

(Filing No. S-326)

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STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 692,  
L.D. 936, "An Act To Amend State Laws Relating to Net Energy Billing and the  
Procurement of Distributed Generation"

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 35-A MRS §3209-A, sub-§7 is enacted to read:

7. Applicability. A distributed generation resource with a nameplate capacity of at least 2 megawatts and not more than 5 megawatts may be used for net energy billing under this section only if the requirements of paragraph A, B or C are met and all the requirements of paragraphs D and E are met.

A. In order for a distributed generation resource to be used for net energy billing, one of the following must have been met on or before December 31, 2020:

(1) There is a signed interconnection agreement between the entity proposing the development of the distributed generation resource and a transmission and distribution utility governing the connection of the resource to the utility's system and the ongoing operation of the resource after it is connected to the system; or

(2) There is a net energy billing agreement between the entity proposing the development of the distributed generation resource and the transmission and distribution utility.

An amendment, revision or reissuance of an agreement under this paragraph that occurs after December 31, 2020 may not be interpreted to affect the date on which the initial agreement was signed.

B. In order for a distributed generation resource to be used for net energy billing, one of the following must have been met on or before April 30, 2021:

(1) A complete application for a customer net energy billing agreement has been submitted for the distributed generation resource and a customer has or customers have financial interest in 90% or more of the capacity of that distributed generation resource; or

(2) There is a fully executed net energy billing agreement between a customer or sponsor of the distributed generation resource and the transmission and distribution utility for the distributed generation resource and a customer has or customers have

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1 financial interest in 90% or more of the capacity of that distributed generation  
2 resource.

3 C. In order for a distributed generation resource to be used for net energy billing, the  
4 following must have been met on or before June 1, 2021:

5 (1) The interconnection study process has commenced for a distributed generation  
6 resource located in those portions of the service territory of an investor-owned  
7 transmission and distribution utility that are not connected to the ISO-NE region  
8 as defined in section 1902, subsection 3.

9 D. In order for a distributed generation resource to be used for net energy billing, all  
10 of the following must be met on or before December 31, 2021:

11 (1) There is a fully executed interconnection agreement between the entity  
12 proposing the development of the distributed generation resource and the  
13 transmission and distribution utility;

14 (2) The entity proposing the development of the distributed generation resource  
15 certifies to the commission that the entity has submitted all applicable permit  
16 applications to the Department of Environmental Protection and the department  
17 has accepted those applications for processing; and

18 (3) The entity proposing the development of the distributed generation resource  
19 certifies to the commission that the entity has received all necessary local,  
20 nonministerial permits. For purposes of this subparagraph, "nonministerial permit"  
21 means a permit for which one or more officials consider various factors and  
22 exercise discretion in deciding whether to issue or deny the permit.

23 An amendment, revision or reissuance of an agreement under this paragraph that occurs  
24 after December 31, 2021 may not be interpreted to affect the date on which the  
25 agreement was initially executed.

26 E. In order for a distributed generation resource to be used for net energy billing, the  
27 following must be met on or before December 31, 2024:

28 (1) The proposed distributed generation resource must reach commercial operation  
29 by the date specified in the net energy billing agreement or by the date specified  
30 with an allowable modification to that agreement.

31 An entity proposing the development of a distributed generation resource that does not  
32 meet one or more of the requirements of this subsection may petition the commission for a  
33 good-cause exemption due to external delays outside of the entity's control, which the  
34 commission may grant if it finds that, without the external delays, the entity could  
35 reasonably have been expected to meet the requirements.

36 The goal for development of commercially operational distributed generation resources  
37 under this subsection and section 3209-B, subsection 7 is 750 total megawatts.'

38 Amend the amendment in section 2 in subsection 7 in the last line (page 2, line 37 in  
39 amendment) by striking out the following: "subsection 5" and inserting the following:  
40 "subsection 7"

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 692, L.D. 936 (S-324)

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Amend the amendment in section 4 in subsection 2 in paragraph C in subparagraph (2) in the last line (page 4, line 2 in amendment) by striking out the following: "subsection 5" and inserting the following: 'subsection 7'

Amend the amendment in section 4 in subsection 3 in paragraph B in the 3rd line (page 4, line 28 in amendment) by striking out the following: "subsection 5" and inserting the following: 'subsection 7'


Amend the amendment in section 5 in the 2nd line (page 5, line 11 in amendment) by striking out the following: "subsection 5" and inserting the following: 'subsection 7'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment adds to Committee Amendment "A" as a condition that may be met for a distributed generation resource to participate in net energy billing that an interconnection study process for a distributed generation resource located in certain areas of the service territory of an investor-owned transmission and distribution utility must have commenced on or before June 1, 2021.

The amendment also changes a statutory allocation to avoid a conflict with Public Law 2021, chapter 107.

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