

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1317

S.P. 547

In Senate, March 27, 2025

**An Act to Promote Responsible, Cost-effective Energy in Maine by
Amending the Tariff Rates Applicable to the Commercial and
Institutional Net Energy Billing Program**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Senators: BICKFORD of Androscoggin, HARRINGTON of York,
Representative: WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3209-B, sub-§5, ¶A,** as amended by PL 2021, c. 659, §19,
3 is further amended to read:

4 A. ~~The~~ Prior to January 1, 2026, the tariff rate for a customer participating in net energy
5 billing with a distributed generation resource described in this paragraph must equal
6 the standard-offer service rate established under section 3212 that is applicable to the
7 customer receiving the credit plus 75% of the effective transmission and distribution
8 rate for the rate class that includes the smallest commercial customers of the investor-
9 owned transmission and distribution utility. The tariff rate under this paragraph applies
10 to net energy billing with a distributed generation resource:

11 (1) With a nameplate capacity of greater than one megawatt if:

12 (a) The entity developing the distributed generation resource certifies by
13 affidavit with accompanying documentation to the commission that the entity,
14 before September 1, 2022, commenced on-site physical work of a significant
15 nature on the distributed generation resource and the entity has made and will
16 continue to make continuous on-site construction efforts to advance toward
17 completion of the distributed generation resource. For the purpose of this
18 paragraph, continuous on-site construction efforts include, but are not limited
19 to, in the context of a solar facility, the continuous installation of racks or other
20 structures to affix photovoltaic panels, collectors or solar cells to a site. The
21 commission may share information contained in the affidavit submitted in
22 accordance with this paragraph with a transmission and distribution utility, as
23 necessary, to verify a distributed generation resource's compliance with this
24 section. In administering this subsection, the commission may adopt rules
25 including, but not limited to, requiring the entity that submits a sworn affidavit
26 under this subparagraph to provide updated documentation to the commission
27 after submission of the affidavit; or

28 (b) The distributed generation resource is collocated with a net energy billing
29 customer that is or net energy billing customers that are subscribed to at least
30 50% of the facility's output; or

31 (2) With a nameplate capacity of one megawatt or less.

32 **Sec. 2. 35-A MRSA §3209-B, sub-§5, ¶A-1,** as enacted by PL 2021, c. 659, §19,
33 is amended to read:

34 A-1. ~~The~~ Prior to January 1, 2026, the tariff rate for a customer participating in net
35 energy billing under this section with a distributed generation resource not governed
36 by paragraph A must: equal the standard-offer service rate established pursuant to
37 section 3212 that was applicable to the rate class of the customer receiving the credit
38 on December 31, 2020 plus 75% of the effective transmission and distribution rate that
39 was in effect on December 31, 2020 for the rate class that includes the smallest
40 commercial customers of the investor-owned transmission and distribution utility and
41 be increased by 2.25% on January 1, 2023, January 1, 2024 and January 1, 2025.

42 ~~(1) In 2022, equal the standard-offer service rate established pursuant to section~~
43 ~~3212 that was applicable to the rate class of the customer receiving the credit on~~

December 31, 2020 plus 75% of the effective transmission and distribution rate that was in effect on December 31, 2020 for the rate class that includes the smallest commercial customers of the investor-owned transmission and distribution utility; and

(2) Increase by 2.25% on January 1st of each subsequent year, beginning January 1, 2023.

Sec. 3. 35-A MRSA §3209-B, sub-§5, ¶A-2 is enacted to read:

A-2. Beginning January 1, 2026 and prior to January 1, 2027, the tariff rate for a customer participating in net energy billing under this section must equal an amount that is greater than 12¢ per kilowatt-hour but does not exceed the lesser of the tariff rates applicable in 2025 pursuant to paragraphs A and A-1.

Sec. 4. 35-A MRSA §3209-B, sub-§5, ¶A-3 is enacted to read:

A-3. Beginning January 1, 2027 and prior to January 1, 2028, the tariff rate for a customer participating in net energy billing under this section must equal an amount that is greater than 12¢ per kilowatt-hour but does not exceed the tariff rate established pursuant to paragraph A-2.

Sec. 5. 35-A MRSA §3209-B, sub-§5, ¶A-4 is enacted to read:

A-4. Beginning January 1, 2028, the tariff rate for a customer participating in net energy billing under this section must equal 12¢ per kilowatt-hour.

SUMMARY

This bill amends the commercial and institutional net energy billing program, starting in 2026, to allow the Public Utilities Commission to establish by rule the tariff rate applicable to all customers in the program, regardless of the size of the distributed generation resource involved in net energy billing. The bill requires the commission to establish the 2026 tariff rate at a rate between 12¢ per kilowatt-hour and the lesser of the tariff rates applicable in 2025. It requires the commission to establish the 2027 tariff rate at a rate between 12¢ per kilowatt-hour and the tariff rate applicable in 2026. Beginning January 1, 2028, the bill requires the tariff rate to equal 12¢ per kilowatt-hour.