

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

---

Legislative Document

No. 1777

---

H.P. 1188

House of Representatives, April 24, 2025

**An Act to Clarify Tariff Rates for Nonresidential Customers  
Participating in Net Energy Billing with a Distributed Generation  
Resource**

---

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.  
Cosponsored by Representative: FOSTER of Dexter.

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 tariff rate for a customer participating in net energy billing with a distributed  
5 generation resource described in this paragraph must ~~equal the standard offer service~~  
6 ~~rate established under section 3212 that is applicable to the customer receiving the~~  
7 ~~credit plus 75% of the effective transmission and distribution rate for the rate class that~~  
8 ~~includes the smallest commercial customers of the investor-owned transmission and~~  
9 ~~distribution utility~~ be established and revised as needed by the commission to ensure  
10 that the tariff rate is just and reasonable to a developer of a distributed generation  
11 resource and a customer by providing that a developer of a distributed generation  
12 resource has a reasonable opportunity to earn a fair profit from the operation of the  
13 distributed generation resource; the tariff rate may not exceed 1.5 times the average of  
14 the tariff rates set by other states in the region for a similar distributed generation  
15 resource. The tariff rate under this paragraph applies to net energy billing with a  
16 distributed generation resource:

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

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

34       (b) The distributed generation resource is collocated with a net energy billing  
35 customer that is or net energy billing customers that are subscribed to at least  
36 50% of the facility's output; or

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

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

40       A-1. The tariff rate for a customer participating in net energy billing under this section  
41 with a distributed generation resource not governed by paragraph A must: be  
42 established and revised as needed by the commission to ensure that the tariff rate is just  
43 and reasonable to a developer of a distributed generation resource and a customer by  
44 providing that a developer of a distributed generation resource has a reasonable

opportunity to earn a fair profit from the operation of the distributed generation resource; the tariff rate may not exceed 1.5 times the average of the tariff rates set by other states in the region for a similar distributed generation resource.

~~(1) In 2022, equal the standard offer service rate established pursuant to section 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. Public Utilities Commission to adopt rules.** The Public Utilities Commission shall adopt rules necessary to implement this Act by January 1, 2026.

**Sec. 4. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 35-A, section 3209-B, subsection 5, paragraphs A and A-1 take effect January 1, 2026.

## SUMMARY

This bill changes the tariff rate for a nonresidential customer of a transmission and distribution utility in the State participating in net energy billing to a rate that is just and reasonable to a developer of a distributed generation resource and a customer by providing that the developer of a distributed generation resource has a reasonable opportunity to earn a fair profit from the operation of the distributed generation resource; the tariff rate which may not exceed 1.5 times the average of the tariff rates set by other states in the region for a similar distributed generation resource.