

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1403

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H.P. 999

House of Representatives, April 12, 2013

**Resolve, To Require the Public Utilities Commission To Amend Its  
Rules Regarding Net Energy Billing**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WELSH of Rockport.  
Cosponsored by Senator GERZOFSKY of Cumberland and  
Representatives: HOBBS of Saco, PRIEST of Brunswick, RYKERSON of Kittery.

1           **Sec. 1. Rules amendment. Resolved:** That the Public Utilities Commission  
2 shall amend its rules, including Chapter 313 pertaining to customer net energy billing and  
3 Chapter 315 pertaining to small generator aggregation to:

4           1. Allow otherwise eligible systems with an installed capacity of one megawatt or  
5 less, including but not limited to efficient combined heat and power systems as defined in  
6 the Maine Revised Statutes, Title 35-A, section 3201, subsection 7-A and renewable  
7 resources as defined in Title 35-A, section 3210, subsection 2, paragraph C, to elect net  
8 energy billing;

9           2. Conform the definition of micro-combined heat and power system to the definition  
10 of efficient combined heat and power system in Title 35-A, section 3201, subsection 7-A,  
11 including by removing the 660-kilowatt limitation;

12           3. Allow 3rd-party ownership of individual or multiple facilities that are eligible for  
13 net energy billing. The rules must specify that such a 3rd-party-owned facility is not a  
14 competitive electricity provider as defined in Title 35-A, section 3201, subsection 5;

15           4. Allow groups of customers to participate in net energy billing without sharing  
16 ownership of the generating facility; and

17           5. Require that contracts and agreements regarding net energy billing include a  
18 specific statement that the sale or delivery of kilowatt-hours of electricity to net energy  
19 billing customers is exempt from sales and use tax as provided in Title 36, section 1760,  
20 subsection 80; and be it further

21           **Sec. 2. Completion of duties. Resolved:** That the Public Utilities Commission  
22 shall fulfill the requirements of this resolve no later than 90 days following the effective  
23 date of this resolve.

24   **SUMMARY**

25           This resolve directs the Public Utilities Commission to amend its rules regarding net  
26 energy billing to resolve inconsistencies in the rules adopted for net energy billing for  
27 small generators and the rules adopted regarding net energy billing authorized by statute  
28 by:

29           1. Increasing the eligible size for net energy billing to 1,000 kilowatts or less from  
30 the 660-kilowatt level;

31           2. Allowing 3rd-party ownership of individual or multiple facilities;

32           3. Specifying that 3rd-party-owned facilities are not competitive electricity  
33 providers;

34           4. Allowing groups of customers to participate in net energy billing without sharing  
35 ownership of the generating facility; and

1           5. Requiring a statement on contracts and agreements that the sale or delivery of  
2 kilowatt-hours of electricity to net energy billing customers is not subject to sales tax.