

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 143

H.P. 125

House of Representatives, January 17, 2019

**An Act To Protect Electric Ratepayers from Gross Output Metering
Costs**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HUBBELL of Bar Harbor.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Public Utilities Commission has recently changed the rules governing
4 net energy billing in a way that discourages customers from generating and consuming
5 their own renewable energy; and

6 **Whereas,** the costs and complexities of implementing these rule changes are
7 disruptive to customers; and

8 **Whereas,** passage of this legislation as emergency legislation will protect electricity
9 customers from additional costs; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 35-A MRSA §3209-A,** as corrected by RR 2017, c. 1, §32, is repealed and
16 the following enacted in its place:

17 **§3209-A. Net energy billing**

18 An eligible customer may elect net energy billing for the customer's accounts or
19 meters in accordance with this section.

20 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
21 following terms have the following meanings.

22 A. "Eligible customer" means a person or an entity that takes electricity service
23 through a transmission and distribution utility and that owns or has an interest in an
24 eligible facility located in that transmission and distribution utility's service territory.

25 B. "Eligible facility" means an electric generating facility that meets eligibility
26 requirements established by the commission by rule.

27 C. "Gross output" means all of the energy generated by an eligible facility during an
28 applicable period, including all energy that is used to offset the usage of eligible
29 customers.

30 D. "Net energy" means the difference between the kilowatt-hours delivered by the
31 transmission and distribution utility to an eligible customer over a billing period and
32 the kilowatt-hours exported by the customer from an eligible facility to the
33 transmission and distribution system over the same billing period.

34 E. "Net energy billing" means a billing and metering practice under which eligible
35 customers are billed on the basis of net energy over the billing period taking into
36 account accumulated unused kilowatt-hour credits from the previous billing period.

1 F. "Total retail rate" means, with respect to an eligible customer's bill during a billing
2 period, the sum of the rate charged for any kilowatt-hours supplied through standard-
3 offer or competitive electricity provider service and the rate charged by the
4 transmission and distribution utility for its service to that eligible customer.

5 **2. Billing; metering; data collection.** A transmission and distribution utility:

6 A. Shall credit all kilowatt-hours exported from an eligible facility to the
7 transmission and distribution system over a billing period by an eligible customer
8 participating in net energy billing at the total retail rate for that electricity; and

9 B. May not require an eligible customer to meter the gross output of an eligible
10 facility or to have a meter installed to record gross output in order to participate in net
11 energy billing but may collect gross output data from an eligible customer if a meter
12 to record gross output of the eligible customer's eligible facility was installed prior to
13 the effective date of this section.

14 **3. Rules.** The commission shall adopt rules governing net energy billing to
15 implement this section. Rules adopted or amended under this section are routine
16 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

17 **Sec. 2. Rulemaking.** The Public Utilities Commission shall amend its net energy
18 billing rules within 90 days of the effective date of this Act to conform with the changes
19 to the Maine Revised Statutes, Title 35-A, section 3209-A under this Act.

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.

22 SUMMARY

23 This bill prohibits a transmission and distribution utility from requiring a customer to
24 meter the gross output of a facility for net energy billing purposes and from requiring a
25 customer to have a meter installed to measure gross output in order to participate in net
26 energy billing. The bill requires that a net energy billing customer be credited for
27 kilowatt-hours exported from an eligible facility at the total retail rate for electricity. It
28 allows a transmission and distribution utility to collect data on gross output only if a
29 meter to measure gross output was installed prior to the effective date of this legislation.
30 Finally, it requires the Public Utilities Commission to amend its rules to conform with the
31 changes made in this legislation within 90 days of the effective date.