

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1955

S.P. 693

In Senate, February 3, 2022

An Act To Facilitate Net Energy Billing

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on February 1, 2022. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Senator: LAWRENCE of York.

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

2 **Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶C-1** is enacted to read:

3 C-1. "Net energy billing data" means customer information in the possession of a
4 transmission and distribution utility that is necessary to conduct and administer a net
5 energy billing arrangement, including but not limited to a customer's electricity usage,
6 energy production and historical payment information, as determined by rules adopted
7 by the commission.

8 **Sec. 2. 35-A MRSA §3209-A, sub-§5-A** is enacted to read:

9 **5-A. Customer protection; energy assistance.** Notwithstanding any provision of law
10 to the contrary, a customer's participation in net energy billing and any credits received
11 through such participation may not limit, reduce or otherwise affect a customer's
12 qualification for or receipt of benefits from any energy conservation or assistance program
13 administered by the Maine State Housing Authority or the Efficiency Maine Trust.

14 **Sec. 3. 35-A MRSA §3209-A, sub-§8** is enacted to read:

15 **8. Utility data and crediting.** Net energy billing data is the property of the customer
16 to which it relates. A transmission and distribution utility shall release net energy billing
17 data to 3rd parties, including project sponsors, when directed to do so by the customer in
18 writing. A transmission and distribution utility shall release net energy billing data to a
19 project sponsor in accordance with this subsection if the project sponsor provides to the
20 utility a signed sales contract with the customer and the customer's written consent to the
21 release of the data. In accordance with rules adopted by the commission, a transmission
22 and distribution utility shall:

23 A. At no cost to the customer, provide access by the customer to that customer's net
24 energy billing data through an appropriate computer application or programming
25 interface;

26 B. At no cost to the customer, transmit in near real time, and no later than 7 days after
27 the data is generated, to a project sponsor net energy billing data necessary for the
28 project sponsor to produce a net energy billing statement or bill;

29 C. At no cost to the customer, when the customer is entering into a net energy billing
30 arrangement with a project sponsor, provide confirmation of acceptance and
31 implementation of the net energy billing arrangement to the customer and the project
32 sponsor within 7 days of that acceptance;

33 D. Synchronize the customer's net energy billing cycle with the project sponsor's net
34 energy billing cycle so that net energy billing credits are applied in real time;

35 E. Implement automated billing and crediting procedures determined by the
36 commission to be necessary to ensure billing accuracy and timeliness;

37 F. Apply:

38 (1) Unused net energy billing credits available from the oldest previous billing
39 cycle to the customer's bill before applying newer unused credits;

40 (2) Newly generated net energy billing credits to the customer's bill after all
41 previously generated credits have been applied; and

1 (3) All available net energy billing credits up to the full amount of the charges that
2 are billed in that billing cycle;

3 G. In the case of a customer in a billing assistance program provided by the
4 transmission and distribution utility, apply net energy billing credits as cash against the
5 balance of the bill on a monthly basis and excess credits to the customer's credit
6 account;

7 H. Provide to a project sponsor, within 7 days after the end of a net energy billing
8 cycle;

9 (1) The total energy production for the project;

10 (2) For each customer, the number of new kilowatt-hours credited to the customer
11 account, the credit rate for each kilowatt-hour, the total credits applied for the
12 billing cycle and the monetary value of the applied credits, any unused credit
13 amounts applied from prior billing cycles and the months in which those credits
14 were generated, unused kilowatt-hour or dollar credits being carried over to the
15 next billing cycle, the expiration date of any unused credits and the customer's
16 energy supply rate if the customer is not receiving the standard offer service and
17 the name of that supplier;

18 (3) Notice of the customer's enrollment in any special billing arrangement,
19 participation in any energy conservation or assistance program, participation in any
20 other net energy billing or demand-response program or in any electric vehicle
21 charging program; and

22 (4) Any additional data that the commission may require by rule; and

23 I. Provide to a net energy billing customer:

24 (1) The identity of the project sponsor providing the kilowatt-hours;

25 (2) The number of new kilowatt-hours credited;

26 (3) The credit rate for each kilowatt-hour;

27 (4) The total credit applied for the billing cycle and the monetary value of the
28 applied credit amount;

29 (5) Any unused credit amounts applied from prior billing cycles and the months
30 in which those credits were generated;

31 (6) Unused kilowatt-hour or dollar credits being carried over to the next billing
32 cycle; and

33 (7) The expiration date of any unused credits.

34 **Sec. 4. 35-A MRSA §3209-A, sub-§9** is enacted to read:

35 **9. Billing errors.** A transmission and distribution utility shall correct any net energy
36 billing errors made by the transmission and distribution utility within one billing cycle of
37 the error and provide written confirmation to the customer and the project sponsor
38 describing the error and what was done to correct the error. The commission may direct a
39 transmission and distribution utility to pay to a customer any costs the commission finds to
40 have been incurred by the customer as a direct result of that transmission and distribution
41 utility's billing error.

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Sec. 5. 35-A MRSA §3209-A, sub-§10 is enacted to read:

10. Complaints. The commission shall establish a process for receiving complaints from project sponsors related to transmission and distribution utility compliance with subsections 8 and 9. The commission shall publish on its publicly accessible website useful information about the complaints received and any evaluative information the commission determines would be useful to current or prospective net energy billing customers.

SUMMARY

This bill establishes various requirements for transmission and distribution utilities to share information, handle billing and otherwise interact with customers and project sponsors in net energy billing arrangements, including timely delivery of net energy billing data, synchronization of billing cycles, application of net energy billing credits and development of a mechanism for electronic access to data in near real time. The bill requires the Public Utilities Commission to establish a complaint handling process for project sponsor complaints about transmission and distribution utility compliance with data sharing and billing requirements and provides that the commission may direct a transmission and distribution utility to pay costs resulting from billing errors.