

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 417

S.P. 198

In Senate, February 2, 2023

An Act to Facilitate Net Energy Billing

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 VITELLI of Sagadahoc.
Cosponsored by Representative ZEIGLER of Montville.

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 monthly
6 electricity usage; rate and subrate classes; generated, applied or banked credits and
7 related expiration dates; dollar value of charges offset by credits; credit rate per
8 kilowatt-hour; participation in any other net energy billing or demand response
9 program; energy production attributed to the customer; historical payment information;
10 and other information as determined by rules adopted by the commission.

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

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

17 **Sec. 3. 35-A MRSA §3209-A, sub-§9** is enacted to read:

18 **9. Utility data and crediting.** Net energy billing data is the property of the customer
19 to which it relates. A customer may direct a transmission and distribution utility in writing
20 to release net energy billing data to 3rd parties, including project sponsors, in order to
21 administer a customer's net energy billing arrangement or to produce a consolidated bill so
22 that the customer can easily understand the financial savings in a billing period resulting
23 from the customer's participation in the net energy billing arrangement. A transmission
24 and distribution utility shall release the net energy billing data within 7 days of the date the
25 net energy billing data is generated. In accordance with rules adopted by the commission,
26 a transmission and distribution utility shall:

27 A. Provide access by the customer to that customer's net energy billing data through
28 an appropriate computer application or digital platform;

29 B. When a customer is entering into a net energy billing arrangement with a project
30 sponsor, provide confirmation of acceptance and implementation of the net energy
31 billing arrangement to the customer and the project sponsor within 7 days of that
32 acceptance;

33 C. Apply unused net energy billing credits available from the oldest previous billing
34 cycle to the customer's bill up to the full amount of the charges billed in that billing
35 cycle before applying credits generated in the current billing cycle and newer unused
36 credits; and

37 D. Provide to a project sponsor, within 7 days after the end of a net energy billing
38 cycle, the total energy production for the project, all net energy billing data necessary
39 to implement all customers' net energy billing arrangements and any additional data
40 that the commission may require by rule.

41 **Sec. 4. 35-A MRSA §3209-A, sub-§10** is enacted to read:

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

Sec. 5. 35-A MRSA §3209-A, sub-§11 is enacted to read:

11. Complaints. The commission shall establish a process for receiving and responding to complaints from project sponsors related to transmission and distribution utility compliance with subsection 10.

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. The bill requires the Public Utilities Commission to establish a complaint handling process for project sponsor complaints about transmission and distribution utility compliance with billing error requirements and provides that the commission may direct a transmission and distribution utility to pay costs resulting from billing errors.