

# MAINE STATE LEGISLATURE

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L D 509

Date 6/6/23

(Filing No S- 202)

MAJORITY

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 226, L D 509, "An Act to Amend the Net Energy Billing Laws to Require Net Energy Billing Credits to be Nonlapsing"

Amend the bill by striking out the title and substituting the following

**'An Act to Amend the Net Energy Billing Laws to Direct Expiring Net Energy Billing Credits to Provide Low-income Assistance'**

Amend the bill by striking out everything after the enacting clause and inserting the following

**'Sec. 1. 35-A MRSA §3209-A, sub-§8**, as enacted by PL 2021, c 370, §1 and reallocated by RR 2021, c 1, Pt A, §37 and PL 2021, c 659, §18 and c 705, §13, is amended to read

**8. Unused kilowatt-hour credits; rules.** To the extent rules adopted under this section provide for the periodic expiration of unused kilowatt-hour credits accumulated by a customer participating in a net energy billing arrangement, the commission shall require by rule that, ~~no earlier than April 1, 2022~~, each transmission and distribution utility with a net energy billing arrangement ~~that has implemented or elected to implement an arrearage management program pursuant to section 3214, subsection 2-A~~ shall account for and, on or before January 1st of each year, apply remit the value of all unused kilowatt-hour credits that were accumulated and that expired during the prior calendar year to the commission for the benefit of ~~participants in the utility's arrearage management program~~ individuals receiving low-income assistance in accordance with section 3214, subsection 2. The rules adopted by the commission pursuant to this subsection must

A Establish the manner by which a transmission and distribution utility must account for unused kilowatt-hour credits that were accumulated by all customers of the utility with net energy billing arrangements during the prior calendar year and that expired during the prior calendar year, and

B Establish the manner by which a transmission and distribution utility must ~~apply such unused kilowatt-hour credits for the benefit of participants in the utility's arrearage management program, which must be designed to result in each such~~

**COMMITTEE AMENDMENT**

1 ~~participant receiving as close to an equal amount of those credits except when the~~  
2 ~~credited amount would exceed the amount of a participant's arrearage~~ remit the value  
3 of the unused and expired kilowatt-hour credits

4 Notwithstanding any provision of this section to the contrary, rules adopted by the  
5 commission pursuant to this subsection are routine technical rules as defined in Title 5,  
6 chapter 375, subchapter 2-A

7 **Sec. 2. 35-A MRSA §3214, sub-§2**, as enacted by PL 1997, c 316, §3, is amended  
8 to read

9 **2. Low-income assistance.** In order to continue existing levels of financial assistance  
10 for low-income households and to meet future increases in need caused by economic  
11 exigencies, the commission shall

12 A Receive funds collected by all transmission and distribution utilities in the State at  
13 a rate set by the commission in periodic rate cases, ~~and~~

14 B Set initial funding for programs based on an assessment of aggregate customer need  
15 in periodic rate cases The funding formula may not result in assistance being counted  
16 as income or as a resource in other means-tested assistance programs for low-income  
17 households To the extent possible, assistance must be provided in a manner most  
18 likely to prevent the loss of other federal assistance- and

19 C Receive funds remitted by transmission and distribution utilities with net energy  
20 billing arrangements for expired kilowatt-hour credits in accordance with section  
21 3209-A, subsection 8

22 **Sec. 3. Appropriations and allocations.** The following appropriations and  
23 allocations are made

24 **PUBLIC UTILITIES COMMISSION**

25 **PUC - Unused NEB Credits for Low-Income Assistance N452**

26 Initiative Provides allocation to establish a new program to use net energy billing credits  
27 for low-income assistance

28	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
29	All Other	\$500	\$500
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

32  
33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
34 number to read consecutively

35 **SUMMARY**

36 This amendment replaces the bill and changes the title It directs the Public Utilities  
37 Commission to require transmission and distribution utilities with net energy billing  
38 arrangements to remit the value of unused and expired net energy billing credits to the  
39 commission to be used for the benefit of individuals receiving low-income assistance The  
40 commission rules must establish the manner by which a transmission and distribution  
41 utility must remit the value of the unused and expired kilowatt-hour credits The

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COMMITTEE AMENDMENT "A" to S P 226, L D 509 (S-202)

1 amendment also adds receiving these funds to the commission's obligations to provide  
2 low-income assistance

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 509

LR 1596(02)

## An Act to Amend the Net Energy Billing Laws to Require Net Energy Billing Credits to be Nonlapsing

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-202)  
 Committee: Energy, Utilities and Technology  
 Fiscal Note Required: Yes

### Fiscal Note

Current biennium revenue increase - Other Special Revenue Funds

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

#### Fiscal Detail and Notes

This bill directs transmission and distribution utilities to remit the value of unused and expired net energy billing credits to the Public Utilities Commission (PUC) and that the credits be used for low-income assistance programs. Currently, the PUC coordinates with the Maine State Housing Authority (MSHA) to administer existing PUC low-income assistance programs. The PUC anticipates that the new revenues from expired NEB credits will continue to be transferred to the MSHA and expended within existing low-income assistance programs. The bill includes ongoing Other Special Revenue Funds allocations of \$500 beginning in fiscal year 2023-24 to establish the PUC-Unused NEB Credits for Low-Income Assistance program and account within the PUC to allow for the deposit of unused NEB credits and the transfer of funds to the MSHA.