

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2163

S.P. 918

In Senate, January 11, 2024

**An Act to Require Electricity Providers to Inform Customers of
Alternative Electric Rates and Gather Consent Prior to Contract
Renewal**

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

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'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GROHOSKI of Hancock.

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

2 **Sec. 1. 35-A MRSA §3202, sub-§9** is enacted to read:

3 **9. Customer enrollment or unenrollment.** An entity that provides electric billing
4 and metering services shall process an electronic transaction of enrollment or unenrollment
5 of a customer from a standard-offer service provider or competitive electricity provider,
6 and the electronic transaction must be effective within 3 business days after receipt of an
7 electronic transaction notice from a standard-offer service provider or competitive
8 electricity provider. An entity that provides electric billing and metering services shall
9 assign a customer who has been unenrolled by a competitive electricity provider and not
10 been enrolled by another competitive electricity provider to the appropriate standard-offer
11 service. An entity that provides electric billing and metering services is not required to
12 process more than 2 enrollments and 2 unenrollments per customer per bill cycle.

13 **Sec. 2. 35-A MRSA §3203, sub-§4-B, ¶A,** as enacted by PL 2017, c. 74, §1, is
14 amended to read:

15 A. Shall disclose, before entering into an agreement to provide service to a residential
16 consumer, to the residential consumer ~~where~~ the publicly accessible website addresses
17 and the telephone numbers of the commission and the Office of the Public Advocate
18 from which the residential consumer can obtain information with which to compare the
19 rates for service provided by the standard-offer service provider and other competitive
20 electricity provider and the standard-offer service providers;

21 **Sec. 3. 35-A MRSA §3203, sub-§4-B, ¶C,** as enacted by PL 2017, c. 74, §1, is
22 amended to read:

23 C. May not renew a contract for generation service ~~at a fixed rate that is 20% or more~~
24 ~~above the contract rate in the expiring contract~~ without the express consent of the
25 residential consumer. Prior to securing the express consent of the residential consumer,
26 the competitive electricity provider shall provide the residential consumer in writing
27 with the proposed renewal rate and terms, the standard-offer service rate in effect at
28 the time consent is requested and the time period for which it is effective, any additional
29 standard-offer service rate approved by the commission that will be in effect during the
30 contract and the time period for which it is effective and the publicly accessible website
31 addresses and the telephone numbers of the commission and the Office of the Public
32 Advocate from which the residential consumer can obtain information with which to
33 compare the rates for service provided by a standard-offer service provider, the
34 residential consumer's current competitive electricity provider and other competitive
35 electricity providers; and

36 **Sec. 4. 35-A MRSA §3203, sub-§4-B, ¶D,** as enacted by PL 2017, c. 74, §1, is
37 repealed.

38 **Sec. 5. 35-A MRSA §3203, sub-§4-B,** as amended by PL 2023, c. 375, §1, is
39 further amended by amending the first blocked paragraph to read:

40 If a residential consumer does not provide the express consent required by ~~paragraphs~~
41 paragraph C and D, the residential consumer must be transferred to standard-offer service.

42 **Sec. 6. 35-A MRSA §3203, sub-§15,** as enacted by PL 1997, c. 316, §3, is amended
43 by enacting at the end a new first blocked paragraph to read:

1 An entity providing electric billing and metering services for a competitive electricity
2 provider shall indicate on each bill the publicly accessible website addresses and the
3 telephone numbers of the commission and the Office of the Public Advocate from which
4 the residential consumer can obtain information with which to compare the rates for service
5 provided by the standard-offer service provider and other competitive electricity providers.

6 **Sec. 7. 35-A MRSA §3203, sub-§18**, as amended by PL 2021, c. 108, §5, is further
7 amended to read:

8 **18. Confidentiality of ~~consumer~~ customer information.** Information concerning
9 customers of a competitive electricity provider or customers contacted or enrolled by any
10 of its 3rd-party sales agents is subject to the same confidentiality protections afforded utility
11 customer information under section 704, subsection 5. Upon the request of the Office of
12 the Public Advocate, an entity providing electric billing and metering services or a
13 competitive electricity provider shall provide the Office of the Public Advocate with
14 confidential information regarding competitive electricity provider sales, the
15 confidentiality of which the Office of the Public Advocate shall protect in the same manner
16 as records placed under a protective order by the commission.

17 **Sec. 8. 35-A MRSA §3203, sub-§19** is enacted to read:

18 **19. Low-income customers.** Whenever a competitive electricity provider enters into
19 an agreement to provide service to a residential customer, either initially or for renewal of
20 an existing agreement, the residential customer shall consent to the competitive electricity
21 provider having access to confidential information held by the transmission and distribution
22 utility of the residential customer about whether the residential customer is receiving
23 financial assistance pursuant to a low-income assistance program authorized by section
24 3214. On a monthly basis, a transmission and distribution utility shall send competitive
25 electricity providers a list of all residential customers served by that transmission and
26 distribution utility that are receiving financial assistance pursuant to a low-income
27 assistance program authorized by section 3214. If a competitive electricity provider is
28 informed that a residential customer is receiving financial assistance pursuant to a low-
29 income assistance program authorized by section 3214, the competitive electricity provider
30 may not enter into a renewal contract with that residential customer that would result in a
31 rate being charged during the contract period that is higher than the standard-offer service
32 rate in effect at the time the contract is entered into.

33 **Sec. 9. 35-A MRSA §3212, sub-§7** is enacted to read:

34 **7. Billing services.** An entity providing electric billing and metering services for a
35 standard-offer service provider shall indicate on each bill the publicly accessible website
36 addresses and the telephone numbers of the commission and the Office of the Public
37 Advocate from which the residential consumer can obtain information with which to
38 compare the rates for service provided by the standard-offer service provider and
39 competitive electricity providers.

40 **Sec. 10. 35-A MRSA §3212, sub-§8** is enacted to read:

41 **8. Confidentiality of customer information.** Information concerning customers of a
42 standard-offer service provider or any of its 3rd-party sales agents is subject to the same
43 confidentiality protections afforded utility customer information under section 704,
44 subsection 5. Upon the request of the Office of the Public Advocate, an entity providing

1 electric billing and metering services or a competitive electricity provider shall provide the
2 Office of the Public Advocate with confidential information regarding standard-offer
3 service provider sales, the confidentiality of which the Office of the Public Advocate shall
4 protect in the same manner as records placed under a protective order by the commission.

5 **SUMMARY**

6 This bill accomplishes the following.

7 1. It requires competitive electricity providers to provide customers with information
8 at the time of contract renewal regarding how the customers can compare the standard-
9 offer service rate and the rates of other competitive electricity providers.

10 2. It requires entities providing billing services to competitive electricity providers and
11 standard-offer service providers to provide customers with information on customers' bills
12 regarding how the customers can compare the standard-offer service rate and the rates of
13 competitive electricity providers.

14 3. It requires competitive electricity providers to gather consent for all contract
15 renewals and requires electric utilities to process electronic enrollments or unenrollments
16 of customers within 3 business days.

17 4. It allows the Office of the Public Advocate to request and review confidential
18 information from a competitive electricity provider or a standard-offer service provider
19 pertinent to a proceeding and upon issuance of a Public Utilities Commission order
20 providing for protection of such confidential information.

21 5. It requires transmission and distribution utilities to provide a list of residential
22 customers who receive financial assistance from a low-income assistance program to
23 competitive electricity providers and prohibits competitive electricity providers from
24 entering into a renewal contract with a residential customer receiving assistance that would
25 result in a rate being charged that is higher than the standard-offer service rate.