



129th MAINE LEGISLATURE

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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15 **Sec. 1. 35-A MRSA §3209-A,** as corrected by RR 2017, c. 1, §32, is repealed and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.

