

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 1310 - L.D. 1966

**An Act to Increase Disclosure of Utility Charges and Improve Access to  
Distributed Generation Resources in the State**

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

**Sec. 1. 35-A MRSA §301-A** is enacted to read:

**§301-A. Administrative charge limitation**

**1. "Administrative charge" defined.** "Administrative charge" means a fee or charge for services that is added to the actual cost of materials or supplies or labor performed by or on behalf of a transmission and distribution utility with over 50,000 customers and charged to a transmission and distribution utility customer for work funded directly by that customer through a proposal, estimate, invoice or final accounting for the cost of interconnection, line extensions or other work funded directly by the customer other than charges for the customer's regular electricity service. "Administrative charge" includes, but is not limited to, an administrative service charge, overhead costs, an indirect overhead cost or a cost adder. "Administrative charge" does not include:

- A. Expenses for a transmission and distribution utility employee's labor while directly engaged in the work for which a customer is billed if the customer bill states that those expenses are included in the cost of labor; or
- B. Expenses related to the purchase, storage or delivery of materials or supplies incorporated into the work if the customer bill states that those expenses are included in the cost of materials or supplies.

**2. Administrative charge disclosure.** A transmission and distribution utility with over 50,000 customers shall disclose any administrative charges included in a customer bill for work funded directly by that customer. If any line item in a customer bill includes an administrative charge, the customer bill must specifically identify the administrative charge and include a description of the charge. All administrative charges must comply with the requirements of section 301, subsection 2 and any other applicable provisions of this Title.

**3. Violations.** If the commission finds that a transmission and distribution utility with over 50,000 customers has violated any provision of this section or improperly assessed an

administrative charge, the commission may order the transmission and distribution utility to refund all or part of the administrative charge paid by the customer.

**4. Rules.** The commission may adopt rules to implement this section. Rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 35-A MRS §3107, sub-§2,** as enacted by PL 2019, c. 88, §1 and reallocated by RR 2019, c. 1, Pt. A, §49, is amended to read:

**2. Consumer assistance.** Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division; ~~and~~

**Sec. 3. 35-A MRS §3107, sub-§3,** as enacted by PL 2019, c. 88, §1 and reallocated by RR 2019, c. 1, Pt. A, §49, is amended to read:

**3. Correction of misleading information.** Establish a process by which, if the commission finds that an investor-owned transmission and distribution utility has included on customer bills, or inserts or attachments to customer bills, information that is misleading, deceptive or inaccurate, the transmission and distribution utility is required to provide to customers a statement that corrects the misleading, deceptive or inaccurate information that was disseminated. Upon request of the Public Advocate, the commission shall investigate the truth and accuracy of information included on customer bills, or inserts or attachments to customer bills; and

**Sec. 4. 35-A MRS §3107, sub-§4** is enacted to read:

**4. Expenses that may be recovered in rates; disclosure.** If an investor-owned transmission and distribution utility does not include all expenses that may be recovered in rates in a customer's delivery cost, prohibit the utility from labeling such expenses or any combination thereof as public policy charges or a substantially similar term on customer bills. The rules must require the investor-owned transmission and distribution utility to label such expenses or combination of expenses on customer bills in a way that the commission determines is objective and assists customers in understanding these expenses.

The commission shall also require, to the extent practicable without incurring additional costs for ratepayers, an investor-owned transmission and distribution utility to include a brief, objective description of each of the expenses that may be recovered in rates paid by the customer or include a link to the utility's publicly accessible website where a customer may obtain an objective description of such expenses. For the purposes of this subsection, "expenses that may be recovered in rates" means charges or costs paid by a customer, other than those charges or costs for electricity supply, delivery and transmission, including, but not limited to, charges or costs for energy efficiency programs and services, renewable energy programs and low-income energy assistance programs.

**Sec. 5. 35-A MRS §3209-A, sub-§12** is enacted to read:

**12. Billing and disclosure standards.** The commission shall adopt rules to establish billing and disclosure standards applicable to distributed generation resources with customers who participate in a net energy billing arrangement based upon a shared financial interest in accordance with this section or section 3209-B. The rules must include

standardized methods for presenting savings rates in a clear and consistent manner and require the identification of all charges.

A violation of a billing and disclosure standard adopted by the commission by rule in accordance with this subsection is a violation of the Maine Unfair Trade Practices Act.

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

**Sec. 6. 35-A MRSA §3210-L** is enacted to read:

**§3210-L. Renewable energy procurement; low-income and moderate-income consumer-owned projects**

The commission shall direct investor-owned transmission and distribution utilities to enter into one or more contracts for energy from eligible projects in accordance with this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Distributed generation resource" has the same meaning as in section 3481, subsection 5.

B. "Eligible project" means a distributed generation resource:

(1) With a nameplate capacity of no more than 200 kilowatts;

(2) That serves only low-income customers and moderate-income households;

(3) That is wholly owned by its customer or customers or wholly owned by a cooperative corporation organized under Title 13, chapter 85;

(4) That provides discounts or payments to its customers to offset its customers' electricity bills in a manner similar to customers receiving kilowatt-hour credits in accordance with section 3209-A as determined by the commission;

(5) That is placed in service on or after August 1, 2026; and

(6) That is connected to the electric grid of an investor-owned transmission and distribution utility in the State.

C. "Low-income customer" means a customer of a transmission and distribution utility receiving benefits under the utility's program to assist low-income customers or a customer who has qualified at any time in the prior 12-month period to receive assistance through any state or federal program in which low income or limited assets are criteria for eligibility.

D. "Moderate-income household" means a household in which gross income does not exceed 150% of the median income of the county or metropolitan statistical area in which the household is located.

E. "Renewable energy credit" has the same meaning as in section 3210, subsection 2, paragraph B-2.

**2. Competitive solicitation; procurement.** By September 1, 2026, the commission shall initiate a competitive solicitation in order to procure up to 4 megawatts of energy from

one or more eligible projects. The commission shall select an eligible project or eligible projects for a contract or contracts under this section as expeditiously as possible, taking into account a bidder's ability to receive federal grants or tax credits in connection with the operation of an eligible project.

A. The commission shall determine the value of kilowatt-hour credits received by customers of a distributed generation resource in accordance with section 3209-A at the time of the competitive solicitation and require a bidder to state the bid price of the eligible project's energy as a percentage of that kilowatt-hour credit value over a proposed contract length not to exceed 20 years.

B. Notwithstanding any provision of this Title to the contrary, the commission shall select an eligible project for a contract if:

(1) At least one bid is received for an eligible project that meets the requirements of this subsection; and

(2) The bid price for the eligible project's energy is not greater than the credit value determined by the commission in accordance with paragraph A.

**3. Contract award; terms.** A contract entered into pursuant to this section must:

A. Be for a term of no more than 20 years;

B. Include provisions allowing for the commission to periodically increase the contract price to account for inflation, but only in an amount that the commission determines necessary to ensure eligible project viability while minimizing impacts to ratepayers;

C. Include provisions ensuring that an eligible project meets the requirements of this section for the term of the contract;

D. Provide for the sharing of customer usage data and allocation and billing information between the eligible project and the investor-owned transmission and distribution utility in whose service territory the eligible project is located;

E. Prohibit the release of a customer's personal information by the eligible project owner or an entity acting on behalf of the owner or owners without the explicit affirmative consent of the customer other than for purposes of debt collection or credit reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process; and

F. Require the investor-owned transmission and distribution utility to sell all of the renewable energy credits generated by the eligible project.

**4. Cost recovery.** The commission shall ensure that all costs and direct financial benefits associated with contracts entered into under this section are allocated to ratepayers in accordance with section 3210-F. A price differential existing at any time during the term of the contract between the contract price and the prevailing market price at which the energy generated by an eligible project is sold or any gains or losses derived from contracts for differences must be reflected in the amounts charged to ratepayers and may not be considered imprudent.

**5. Rules.** The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Net energy billing; consumer protections.** The Public Utilities Commission shall amend its rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A, subsection 5, paragraph E and Public Law 2025, chapter 430, section 15 to:

1. Exempt from the requirements described in Public Law 2025, chapter 430, section 15, subsections 1 and 2, distributed generation resources that are wholly owned by the customer or customers receiving the net energy billing credits associated with the output of the distributed generation resource; and

2. Ensure that the prohibition on simultaneous participation in more than one net energy billing agreement pursuant to Title 35-A, section 3209-A, subsection 3 per residential account does not apply to net energy billing agreements related to distributed generation resources in which a customer has an ownership interest. The rules must allow a customer to have multiple net energy billing agreements with distributed generation resources in which the customer has an ownership interest and prohibit the customer from having more than one net energy billing agreement pursuant to Title 35-A, section 3209-A, subsection 3 per residential account if the customer does not have an ownership interest in the distributed generation resource.

Notwithstanding any provision of Title 35-A, section 3209-A to the contrary, rules amended by the commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.