

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1310, L.D. 1966, “An Act to Improve Access to Community Solar Programs in the State”

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

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

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

'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

COMMITTEE AMENDMENT

1 administrative charge, the customer bill must specifically identify the administrative charge
2 and include a description of the charge. All administrative charges must comply with the
3 requirements of section 301, subsection 2 and any other applicable provisions of this Title.

4 **3. Violations.** If the commission finds that a transmission and distribution utility with
5 over 50,000 customers has violated any provision of this section or improperly assessed an
6 administrative charge, the commission may order the transmission and distribution utility
7 to refund all or part of the administrative charge paid by the customer.

8 **4. Rules.** The commission may adopt rules to implement this section. Rules adopted
9 by the commission pursuant to this subsection are routine technical rules as defined in Title
10 5, chapter 375, subchapter 2-A.

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

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

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

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

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

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

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

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

2 **12. Billing and disclosure standards.** The commission shall adopt rules to establish
3 billing and disclosure standards applicable to distributed generation resources with
4 customers who participate in a net energy billing arrangement based upon a shared financial
5 interest in accordance with this section or section 3209-B. The rules must include
6 standardized methods for presenting savings rates in a clear and consistent manner and
7 require the identification of all charges.

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

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

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

14 **§3210-L. Renewable energy procurement; low-income and moderate-income**
15 **consumer-owned projects**

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **2. Competitive solicitation; procurement.** By September 1, 2026, the commission
4 shall initiate a competitive solicitation in order to procure up to 4 megawatts of energy from
5 one or more eligible projects. The commission shall select an eligible project or eligible
6 projects for a contract or contracts under this section as expeditiously as possible, taking
7 into account a bidder's ability to receive federal grants or tax credits in connection with the
8 operation of an eligible project.

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

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

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

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

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

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

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

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

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

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

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

37 **4. Cost recovery.** The commission shall ensure that all costs and direct financial
38 benefits associated with contracts entered into under this section are allocated to ratepayers
39 in accordance with section 3210-F. A price differential existing at any time during the term
40 of the contract between the contract price and the prevailing market price at which the
41 energy generated by an eligible project is sold or any gains or losses derived from contracts

1 for differences must be reflected in the amounts charged to ratepayers and may not be
2 considered imprudent.

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

6 **Sec. 7. Net energy billing; consumer protections.** The Public Utilities
7 Commission shall amend its rules adopted pursuant to the Maine Revised Statutes, Title
8 35-A, section 3209-A, subsection 5, paragraph E and Public Law 2025, chapter 430, section
9 15 to:

10 1. Exempt from the requirements described in Public Law 2025, chapter 430, section
11 15, subsections 1 and 2, distributed generation resources that are wholly owned by the
12 customer or customers receiving the net energy billing credits associated with the output
13 of the distributed generation resource; and

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

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

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
27 number to read consecutively.

28 SUMMARY

29 This amendment replaces the bill and changes the title. It does the following.

30 1. It requires a transmission and distribution utility with over 50,000 customers to
31 disclose any administrative charges included in a customer bill for work funded directly by
32 that customer. If any line item in a customer bill includes an administrative charge, the bill
33 must specifically identify the charge and include a description.

34 2. It directs the Public Utilities Commission, by rule, to prohibit an investor-owned
35 transmission and distribution utility that does not include all expenses that may be
36 recovered in rates in a customer's delivery cost, from labeling such expenses or any
37 combination thereof as public policy charges or a substantially similar term on customer
38 bills. The rules must require the investor-owned transmission and distribution utility to
39 label such expenses or combination of expenses in a way that the commission determines
40 is objective and assists customers in understanding these expenses.

41 3. It directs the commission to adopt rules to establish billing and disclosure standards
42 for distributed generation resources with customers who participate in a net energy billing

1 arrangement based upon shared financial interest. The rules must include standardized
2 methods for presenting savings rates in a clear and consistent manner and require
3 identification of all charges.

4 4. It requires the commission, by September 1, 2026, to initiate a competitive
5 solicitation to procure up to 4 megawatts of energy from one or more distributed generation
6 resources. Eligible distributed generation resource projects must have a nameplate capacity
7 of no more than 200 kilowatts; serve only low-income customers and moderate-income
8 households; be wholly owned by its customer or customers or wholly owned by a
9 cooperative corporation; provide discounts or payments to its customers to offset its
10 customers' electricity bills in a manner similar to customers receiving kilowatt-hour credits
11 as determined by the commission; be placed in service on or after August 1, 2026; and be
12 connected to the electric grid of an investor-owned transmission and distribution utility in
13 the State. The commission must select an eligible project for a contract if at least one bid
14 is received that meets the requirements of the legislation and the bid price does not exceed
15 a certain threshold. Contracts resulting from the procurement may not have a term greater
16 than 20 years and must require the sale of all renewable energy credits generated by the
17 project.

18 5. It directs the commission to amend rules establishing consumer protections in net
19 energy billing arrangements to create exemptions to the otherwise applicable requirements
20 related to subscription sizing and payments for unused kilowatt-hour credits for certain
21 types of distributed generation resources. It also directs the commission to amend its rule
22 prohibiting participation in more than one shared financial interest net energy billing
23 agreement per residential account to ensure that it does not apply to net energy billing
24 agreements related to a distributed generation resource in which a customer has an
25 ownership interest.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**