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Legislative Document

No. 507

H.P. 370

House of Representatives, February 19, 2021

An Act To Improve Consumer Protections for Community Solar Projects

Submitted by the Office of the Public Advocate pursuant to Joint Rule 204. Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative BERRY of Bowdoinham.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶D is enacted to read:
3 4 5	D. "Project sponsor" means an entity or its successor or assignee that solicits customers to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource.
6	Sec. 2. 35-A MRSA §3209-A, sub-§5 is enacted to read:
7 8 9 10 11	5. Consumer protection. The commission shall establish by rule consumer protection standards to protect customers who participate in or are solicited to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource from fraud and other unfair and deceptive business practices. Such rules must provide that project sponsors:
12	A. Must obtain a customer's authorization before serving the customer;
13 14 15 16	B. Must provide to a residential customer such information as the commission may require by rule or order in a standard disclosure form before entering into an agreement with the residential customer to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource;
17 18 19	C. Must allow a customer to rescind the decision to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource orally or in writing within 5 days of initial decision;
20 21 22 23 24	D. May not release to any other entity, 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, any personal information regarding a customer, including name, address, telephone number and usage and historical payment information, without the consent of the customer;
25	E. Must comply with the Maine Unfair Trade Practices Act;
26 27	F. May not collect or seek to collect unreasonable costs from a customer who is in <u>default</u> ;
28 29	<u>G. Must comply with all applicable provisions of the federal Equal Credit Opportunity</u> <u>Act, 15 United States Code, Sections 1691 to 1691f;</u>
30 31	H. Must comply with all federal and state laws, federal regulations and state rules regarding the prohibition or limitation of telemarketing; and
32 33	I. Must comply with any other applicable standards or requirements adopted by the commission by rule or order.
34 35 36	The commission may impose administrative penalties under chapter 15 upon a project sponsor and may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to chapter 15.
37 38 39 40	The commission through its own counsel or through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to this subsection, and the court may issue any preliminary or final order that the court determines proper.

1	SUMMARY
2	This bill clarifies that the Public Utilities Commission has authority to and directs the
3	commission to adopt consumer protection rules for customers who participate in or are
4	solicited to participate in community solar projects through a net energy billing
5	arrangement based upon a shared financial interest in a distributed generation resource
6	under the Maine Revised Statutes, Title 35-A, section 3209-A. The language mirrors that
7	set forth in Title 35-A, sections 3203 and 3486 addressing the authority of the commission
8	to implement and enforce consumer protections for customers of competitive electricity
9	providers and shared distributed generation resource projects, respectively.