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Legislative Document

No. 1966

H.P. 1310

House of Representatives, May 13, 2025

An Act to Improve Access to Community Solar Programs in the State

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.
Cosponsored by Representative: KESSLER of South Portland.

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

2 **Sec. 1. 35-A MRSA §301, sub-§7** is enacted to read:

3 **7. Administrative charge limitations and transparency.** The following provisions
4 govern administrative charges.

5 A. For purposes of this subsection, "administrative charge" means a fee or charge for
6 services that is added to the actual cost of materials or supplies provided or labor
7 performed by or on behalf of a public utility with over 50,000 customers and charged
8 to a public utility customer through a proposal, estimate, invoice or final accounting
9 for the cost of interconnection, line extensions or work other than monthly electrical
10 service. "Administrative charge" includes, but is not limited to, administrative service
11 charges, indirect overhead costs and cost adders. "Administrative charge" does not
12 include:

13 (1) Expenses for a public utility employee's labor while directly engaged in the
14 work for which a customer is billed; or

15 (2) Expenses related to the purchase, storage or delivery of materials or supplies
16 incorporated into the work if the customer bill states that those expenses are
17 included in the cost of materials and supplies.

18 B. The commission shall conduct one or more proceedings beginning in 2025 and every
19 5 years thereafter to review and investigate administrative charges demanded or
20 collected by a public utility with over 50,000 customers under paragraph A to ensure
21 that such administrative charges comply with the provisions of this section. The initial
22 investigation by the commission must review administrative charges demanded or
23 collected in the prior 5 years. If the commission finds that a public utility has
24 overcollected administrative charges from one or more customers or ratepayers, the
25 commission may:

26 (1) Order the utility to refund to the customer any excess administrative charges
27 paid by the customer; or

28 (2) If paid by ratepayers, order the utility to refund excess administrative charges
29 in future rates.

30 C. By September 1, 2026, the commission shall adopt rules requiring that a public
31 utility described in paragraph B disclose all administrative charges on any proposal,
32 estimate or invoice for work charged to a customer or to ratepayers. If any line item in
33 a proposal, estimate or invoice includes an administrative charge, the proposal,
34 estimate or invoice must disclose the amount of the administrative charge for that line
35 item and the activities the administrative charge covers. Rules adopted pursuant to this
36 paragraph are routine technical rules as described in Title 5, chapter 375, subsection
37 2-A.

38 D. The commission shall submit a report to the joint standing committee of the
39 Legislature having jurisdiction over utilities matters and the Governor's Energy Office
40 following an investigation under paragraph B by July 1st of the following year.

41 **Sec. 2. 35-A MRSA §1714, sub-§2, ¶C,** as enacted by PL 2021, c. 623, §2, is
42 amended by amending subparagraph (2) to read:

(2) Improve education and outreach efforts regarding electric assistance programs, the retail electricity supply market and energy efficiency programs; ~~and~~

Sec. 3. 35-A MRSA §1714, sub-§2, ¶C, as enacted by PL 2021, c. 623, §2, is amended by enacting a new subparagraph (4) to read:

(4) Improve access to and use of community solar programs by low-income and moderate-income persons in the State; and

Sec. 4. 35-A MRSA §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. 5. 35-A MRSA §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. 6. 35-A MRSA §3107, sub-§4 is enacted to read:

4. Public policy charges. Require an investor-owned transmission and distribution utility that includes public policy charges on customer bills to include on the customer bill an accurate and comprehensive description of all costs and benefits of public policy charges, including, but not limited to, energy efficiency programs, renewable energy programs and low-income energy assistance programs.

Sec. 7. 35-A MRSA §3209-A, sub-§1, ¶B-1 is enacted to read:

B-1. "Net crediting" means a manner of consolidated billing for distributed generation resources in which the transmission and distribution utility applies the net value of the bill credit on the participating customer's bills and provides payment for the subscription fee directly to the project sponsor no later than 30 days after the final day of the billing period in which the energy was generated, regardless of the payment made by the customer. The net value of the bill credit must be calculated as the participating customer's total kilowatt-hour credit for the billing period multiplied by the customer's savings rate, as provided by the project sponsor.

Sec. 8. 35-A MRSA §3209-A, sub-§10 is enacted to read:

10. Consolidated billing. By June 1, 2026, the commission shall provide by rule that a transmission and distribution utility must offer consolidated billing to a distributed generation resource at the distributed generation resource's request. The consolidated billing method must use net crediting. The commission shall consider whether a

transmission and distribution utility may require a fee for a project sponsor or distributed generation resource that uses net crediting. Such a fee may not exceed 1% of the subscription fee. In implementing net crediting, the commission shall require a project sponsor to provide the applicable transmission and distribution utility with each customer's savings rate. The project sponsor shall set a residential customer's savings rate higher than zero. A distributed generation resource may include different savings rates for customers participating under the same distributed generation resource. Each transmission and distribution utility shall use the same net crediting format for customers on payment plans or participating in budget billing programs. A transmission and distribution utility shall implement net crediting so it may be used by distributed generation resources by January 1, 2027.

Sec. 9. 35-A MRSA §3209-A, sub-§11 is enacted to read:

11. Data access. For a customer participating in net energy billing, a transmission and distribution utility shall provide the relevant project sponsor with the customer's usage and billing information, including net energy billing data needed to administer a customer's net energy billing arrangement, as long as the project sponsor has received the customer's authorization.

Sec. 10. 35-A MRSA §3209-B, sub-§1, ¶C-1 is enacted to read:

C-1. "Net crediting" has the same meaning as in section 3209-A, subsection 1, paragraph B-1.

Sec. 11. 35-A MRSA §3209-B, sub-§9 is enacted to read:

9. Consolidated billing. By June 1, 2026, the commission shall provide by rule that a transmission and distribution utility must offer consolidated billing to a distributed generation resource at the distributed generation resource's request. The consolidated billing method must use net crediting. The commission shall consider whether a transmission and distribution utility may require a fee for a project sponsor or distributed generation resource that uses net crediting. Such a fee may not exceed 1% of the subscription fee. In implementing net crediting, the commission shall require a project sponsor to provide the applicable transmission and distribution utility with each customer's savings rate. The project sponsor shall set a customer's savings rate higher than zero. A distributed generation resource may include different savings rates for customers participating under the same distributed generation resource. Each transmission and distribution utility shall use the same net crediting format for customers on payment plans or participating in budget billing programs. A transmission and distribution utility shall implement net crediting so it may be used by distributed generation resources by January 1, 2027.

Sec. 12. Public Utilities Commission to conduct proceeding. The Public Utilities Commission shall conduct, by December 31, 2025, a proceeding pursuant to the Maine Revised Statutes, Title 35-A, section 3209-E, subsection 2, paragraph A to examine and evaluate opt-in program designs to reduce net energy billing costs. The commission shall report its findings and its plans for further action to the Joint Standing Committee on Energy, Utilities and Technology no later than March 31, 2026.

SUMMARY

This bill directs the Public Utilities Commission to conduct one or more proceedings beginning in 2025 and every 5 years thereafter to review and investigate administrative charges demanded or collected by a public utility with over 50,000 customers. If the commission finds that a utility has overcollected administrative charges from one or more customers or ratepayers, the commission may order the utility to refund to a customer any excess charges paid by the customer or, if paid by ratepayers, order the utility to refund excess charges in future rates. The commission is also directed to adopt rules requiring a utility to disclose all administrative charges on any proposal, estimate or invoice for work charged to a customer or to ratepayers. The commission must report to the joint standing committee of the Legislature having jurisdiction over utilities matters and to the Governor's Energy Office following each investigation.

The bill requires the Electric Ratepayer Advisory Council, in developing recommendations to the Public Advocate regarding methods to ensure that ratepayers are able to afford electricity in the State, to identify methods to improve access to and use of community solar programs by low-income and moderate-income persons in the State.

The bill requires the commission, by June 1, 2026, to require a transmission and distribution utility to offer consolidated billing to a distributed generation resource at its request.

The bill requires the commission to establish customer bill information requirements that require a customer bill issued by an investor-owned transmission and distribution utility that includes public policy charges on customer bills to include an accurate and comprehensive description of all costs and benefits of public policy charges.

The bill requires the commission to conduct, by December 31, 2025, a proceeding to examine and evaluate opt-in program designs to reduce net energy billing costs. The commission must report its findings and plans for future action to the Joint Standing Committee on Energy, Utilities and Technology no later than March 31, 2026.