



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 417

S.P. 198

In Senate, February 2, 2023

An Act to Facilitate Net Energy Billing

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Representative ZEIGLER of Montville.

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

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

3 C-1. "Net energy billing data" means customer information in the possession of a
4 transmission and distribution utility that is necessary to conduct and administer a net
5 energy billing arrangement, including but not limited to a customer's monthly
6 electricity usage; rate and subrate classes; generated, applied or banked credits and
7 related expiration dates; dollar value of charges offset by credits; credit rate per
8 kilowatt-hour; participation in any other net energy billing or demand response
9 program; energy production attributed to the customer; historical payment information;
10 and other information as determined by rules adopted by the commission.

11 **Sec. 2. 35-A MRSA §3209-A, sub-§5-A** is enacted to read:

12 **5-A. Customer protection; energy assistance.** Notwithstanding any provision of law
13 to the contrary, a customer's participation in a net energy billing arrangement and any
14 credits received through such participation may not prevent a customer's qualification for
15 or receipt of benefits from any energy conservation or energy assistance program
16 administered by the Maine State Housing Authority or the Efficiency Maine Trust.

17 **Sec. 3. 35-A MRSA §3209-A, sub-§9** is enacted to read:

18 **9. Utility data and crediting.** Net energy billing data is the property of the customer
19 to which it relates. A customer may direct a transmission and distribution utility in writing
20 to release net energy billing data to 3rd parties, including project sponsors, in order to
21 administer a customer's net energy billing arrangement or to produce a consolidated bill so
22 that the customer can easily understand the financial savings in a billing period resulting
23 from the customer's participation in the net energy billing arrangement. A transmission
24 and distribution utility shall release the net energy billing data within 7 days of the date the
25 net energy billing data is generated. In accordance with rules adopted by the commission,
26 a transmission and distribution utility shall:

27 A. Provide access by the customer to that customer's net energy billing data through
28 an appropriate computer application or digital platform;

29 B. When a customer is entering into a net energy billing arrangement with a project
30 sponsor, provide confirmation of acceptance and implementation of the net energy
31 billing arrangement to the customer and the project sponsor within 7 days of that
32 acceptance;

33 C. Apply unused net energy billing credits available from the oldest previous billing
34 cycle to the customer's bill up to the full amount of the charges billed in that billing
35 cycle before applying credits generated in the current billing cycle and newer unused
36 credits; and

37 D. Provide to a project sponsor, within 7 days after the end of a net energy billing
38 cycle, the total energy production for the project, all net energy billing data necessary
39 to implement all customers' net energy billing arrangements and any additional data
40 that the commission may require by rule.

41 **Sec. 4. 35-A MRSA §3209-A, sub-§10** is enacted to read:

