

Date: (Filing No. S- )

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**  
**SENATE**  
**132ND LEGISLATURE**  
**FIRST SPECIAL SESSION**

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1188, L.D. 1777, “An Act to Clarify Tariff Rates for Nonresidential Customers Participating in Net Energy Billing with a Distributed Generation Resource”

Amend the amendment by striking out all of section 1.

Amend the amendment in section 2 in subsection 2-A in the 2nd line (page 1, line 22 in amendment) by striking out the following: “include an” and inserting the following: “include a delivery period”

Amend the amendment by striking out all of sections 3 and 4 and inserting the following:

**‘Sec. 3. 35-A MRSA §3209-A, sub-§10** is enacted to read:

**10. Applicability; net energy billing agreement.** After December 31, 2025, the commission may not allow a transmission and distribution utility to enter into a net energy billing agreement with a distributed generation resource that is interconnected or planned to be interconnected to the distribution grid on the utility side of a customer's utility meter.

**Sec. 4. 35-A MRSA §3209-A, sub-§11** is enacted to read:

**11. Distributed energy resource program.** Notwithstanding any provision of this section to the contrary, after December 31, 2025, the commission may not allow a transmission and distribution utility to enter into a net energy billing agreement with a distributed generation resource that is interconnected or planned to be interconnected to the distribution grid on the utility side of a customer's utility meter.’

Amend the amendment in section 5 in subsection 5 in paragraph A-2 in subparagraph (2) by striking out all of division (a) (page 3, lines 15 to 20 in amendment) and inserting the following:

‘(a) Equal the tariff rate established by the commission pursuant to paragraph A that was applicable in 2025 to the rate class of the customer receiving the credit; and’

Amend the amendment by striking out all of section 7 and inserting the following:

**‘Sec. 7. 35-A MRSA §3209-B, sub-§9** is enacted to read:

1        **9. Distributed energy resource program.** Notwithstanding any provision of this  
2        section to the contrary, after December 31, 2025, the commission may not allow a  
3        transmission and distribution utility to enter into a net energy billing agreement with a  
4        distributed generation resource that is interconnected or planned to be interconnected to the  
5        distribution grid on the utility side of a customer's utility meter.'

6        Amend the amendment by striking out all of section 13 and inserting the following:

7        'Sec. 13. 35-A MRSA §3209-I is enacted to read:

8        **§3209-I. Front of meter distributed energy resource program**

9        **1. Front of meter distributed energy resource defined.** As used in this section, "front  
10        of the meter distributed energy resource" means an electric generating facility that uses a  
11        renewable fuel or technology under section 3210, subsection 2, paragraph B-3, is located  
12        in the service territory of a transmission and distribution utility in the State and is  
13        interconnected to the distribution grid on the utility side of a customer's utility meter.

14        **2. Program design; implementation.** The Governor's Energy Office shall design a  
15        program or programs to encourage the development of front of the meter distributed energy  
16        resources in the State and submit the proposed program or programs to the commission. If  
17        the commission finds that a program or programs proposed by the office provide benefits  
18        to ratepayers in the State in excess of the costs to ratepayers, the commission shall by rule  
19        implement the program or programs.

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

23        Amend the amendment in section 15 in the first paragraph in the 5th line (page 7, line  
24        28 in amendment) by inserting after the following: "proposed" the following: 'front of the  
25        meter'

26        Amend the amendment in section 15 in the first paragraph in the 6th line (page 7, line  
27        29 in amendment) by inserting after the following: "for" the following: 'front of the meter'

28        Amend the amendment in section 15 in the first paragraph in the 2nd to last line (page  
29        7, line 30 in amendment) by striking out the following: "section, "distributed" and inserting  
30        the following: 'section, "front of the meter distributed'

31        Amend the amendment in section 16 by striking out all of subsection 4 (page 8, lines  
32        36 and 37 in amendment) and inserting the following:

33        '4. Prohibit participation in more than one net energy billing agreement pursuant to  
34        Title 35-A, section 3209-A, subsection 3 per residential account simultaneously.'

35        Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
36        section number to read consecutively.

37        **SUMMARY**

38        This amendment amends Committee Amendment "A" by removing the definition of  
39        "mechanical completion." The amendment clarifies the meaning of "end date" in the  
40        provision regarding net energy billing term lengths. It changes the applicability of the  
41        kilowatt-hour credit net energy billing program from mechanically complete resources on

June 1, 2026 to those resources with a net energy billing agreement on December 31, 2025 and changes other applicability dates to December 31, 2025 accordingly. The amendment clarifies the new tariff rate for projects of less than 3 megawatts. The amendment clarifies the definition of "front of the meter distributed energy resource." The amendment clarifies the application of consumer protections from one net energy billing agreement per residential customer to one agreement per residential account.

**SPONSORED BY:** \_\_\_\_\_

**(Senator LAWRENCE, M.)**

**COUNTY: York**