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LD 801

I am in support of LD 801 An Act to Prevent Consumer-generated Electricity from Being Used by Anyone Other than That Consumer. I am a community solar farm subscriber. The unused kWh credits under the NEB kWh credit program are credits that I am required to pay for under the NEB program. Allowing these unused credits to expire, and be seized by the State, after one year runs contrary to the spirit of a stored value obligation in Title 33 Section 2052 and Section 2066. A stored value obligation has no expiration but is presumed to be abandoned property after three years. Why is there no expiration? Presumably to protect the consumer because they have transferred value to the issuer and the issuer in turn is obligated to return this value to the consumer at some future point. The current arrangement allows the State to bypass the abandoned property procedures and seize the monetary value of unused NEB kWh credits from the consumer who paid for them, after one year, and transfer the monetary value to the PUC/administrator of the low-income energy assistance program. That to me seems like an unconstitutional taking of private property by the government with no just compensation.

I would suggest one amendment to this bill, which is to expand it to say that the monetary value of any unused NEB kWh credits will be treated as abandoned property if not used within three years. This monetary value will be treated in accordance with the abandoned property procedures for stored value obligations as described in Title 33.