May 15, 2025

Senator Mark Lawrence, Chair
Representative Melanie Sachs, Chair
Committee on Energy, Utilities, and Technology
100 State House Station
Augusta, ME 04333

Re: Testimony in Opposition to LD 1964

Dear Senator Lawrence, Representative Sachs, and Members of the Energy, Utilities and Technology Committee:

Please consider this testimony in opposition to LD 1964. The Coalition for Community Solar Access (CCSA) is a national Coalition of businesses and non-profits working to expand customer choice and access to solar for all American households and businesses through community solar. Our mission is to empower every American energy consumer with the option to choose local, clean, and affordable solar.

We appreciate and support the original intent of LD 1964, which addresses a significant and timely need to provide consumers accurate and useful information about the rapidly growing distributed energy market. CCSA is a strong advocate for consumer protection measures that provide a better experience for the customer. These are important, common-sense protections that elevate standards across the board, discourage deceptive practices, and strengthen consumer trust in community solar. Specifically, we applaud provisions that:

- Make it a violation of the Maine Unfair Trade Practices Act to falsely claim affiliation with an electric utility or government agency;
- Require specific, standardized information on standard disclosure forms, prescribed by the Public Utilities Commission, for net energy billing (NEB) customers, to ensure customers have clear and consistent information when evaluating offers.

We would offer one minor amendment to the addition of “The name and location of the project” to reflect that a community solar provider may need to move a customer to a different project after initial enrollment to ensure that the customer’s subscription can be sized appropriately within the available capacity on a given project. This objective could be achieved by adding “Subject to change” on the disclosure form, or allowing the provider to list multiple projects in their portfolio that the customer may be placed on.

While we support the bill’s foundational consumer protection goals, we do not support the amendment, and do not believe that it provides a constructive approach to solving customer service problems, given the restraints of community solar providers and actual customer needs.

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Subscription Size Restrictions: CCSA supports a requirement that a customer's subscription size be tied to the customer's usage. However, we would recommend adapting the language to provide flexibility for customers whose energy needs vary, are anticipated to grow, or who want to maximize their participation. We would recommend this be further amended to allow subscriptions up to 120% of the customer's historic average annual usage. Our greater concern is ensuring that the data sharing between utilities and community solar providers improves, as currently, community solar providers do not have enough insight into the customer's usage to either anticipate the customer's annual usage or to adjust the customer's allocation if that usage changes. We strongly recommend that a subscription size requirement is paired with language mandating the provision of the data the provider needs to actually meet the requirement.

Similarly, the prohibition on collecting payment for expiring credits is currently not possible for providers to achieve for the bulk of their customers. Though Versant has provided necessary data, Central Maine Power has not been able to deliver the data to community solar providers that would allow them to understand how many of the credits allocated to the customer are applied to the customer's bill balance, and how many credits are banked. Without this information, providers cannot bill based solely on the credits that are "used", and prohibiting providers from collecting payment on expiring credits is impossible. CCSA supports the practice of billing customers on the credits that are used, rather than allocated, but we cannot support requiring this in law until the providers have the tools necessary to achieve this objective.

Finally, we strongly oppose Section K in the sponsor amendment. We do not believe this amendment is a good faith effort to provide customers a better experience. Federal (FTC) regulations already require that entities cannot tell customers they are consuming renewable energy if the energy product does not include the Renewable Energy Credits (RECs) associated with the generation. Community solar providers are following these regulations. The existing customer disclosure forms also include this information and an explanation of the implications of selling RECs. Further, selling RECs does not make the project any less "Solar", and we find the very notion of hiding the type of generation from customers absurd. This section also confuses the treatment of intrastate REC sales with the claims a customer can make as to renewable energy usage. As written, if the project sold its RECs to a private corporation in Maine to use towards that corporation's private sustainability goals, that project *could* be called "solar" even though the RECs are not being used towards Maine's Renewable Portfolio Standard.

We thank you for your consideration of this testimony, and are happy to provide any further information as helpful to the Committee.

Sincerely,

/s/ Kate Daniel
Northeast Regional Director
Coalition for Community Solar Access

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