

Testimony of Industrial Energy Consumer Group
In Support of
LD 1936, *An Act to Provide Greater Equity in and Reduce Costs Related to the State's Net*
Energy Billing Program
Before the Joint Standing Committee on Energy, Utilities and Technology
May 13, 2025

Senator Lawrence, Representative Sachs, members of the Joint Standing Committee on Energy, Utilities and Technology; I am Anthony Buxton, an attorney with the law firm of Preti Flaherty, here today to provide testimony on behalf of Industrial Energy Consumer Group (IECG) in support of LD 1936, "*An Act to Provide Greater Equity in and Reduce Costs Related to the State's Net Energy Billing Program*" As members of this committee know, IECG is an association of large energy consumers in Maine that advocates at the state, regional and federal level for rapid and efficient climate mitigation while assuring reliability and low costs for all consumers.

IECG supports this bill because it makes a genuine effort to reduce the excessive costs of Net Energy Billing. Further, in Section II, it allows NEB developers to make fact-based cases that reducing their revenues would be lethal. This is the same opportunity Maine's regulatory system provides to all utilities. In that system, Maine utilities stay in business and manage to earn a profit.

NEB projects will argue they are not utilities, but that would ignore reality. NEB projects are a lot like utilities: They have a statutory right to sell their power, and the Legislature has set the price. The Legislature has delegated utility ratemaking to the PUC, but it remains a Legislative function under our Constitution. No other Maine power projects have their rate set legislatively.

The bill also reserves small NEB project benefits to customers who use all the power and NEB credits on site. This essentially returns Maine NEB more closely to where it began: self-generation on the customer site. IECG continues to strongly support self-generation, including within NEB.

IECG respectfully suggests the Committee might benefit from an additional tool or metric. As you examine alternatives for NEB reform, it may be useful to have a list or menu of possible reforms and their estimated savings. That would allow the Generators, ratepayers, Public Advocate and Commission to verify estimates. This might better assure that predicted savings will be real, rather than a political fig leaf.

Last, IECG must observe that even the savings that might result from this bill do not come close to rectifying the harm to Maine's manufacturers from the Commission's recent rejection of the OPA-led unanimous and unopposed Stipulation. NEB reform without the Stipulation's fair and equitable path to zero carbon will not abate the rate shock and inequity of the Commission's decision. Real reform takes both.

We would be pleased to answer any questions.