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PUBLIC ADVOCATE

**Testimony in Support**  
**LD 897, “An Act Regarding the Calculation of Electric Rate Contracting**  
**Costs”**  
**March 4, 2026**

Senator Lawrence, Representative Sachs, and distinguished members of the Joint Standing Committee on Energy, Utilities and Technology,

My name is Heather Sanborn, here today as Public Advocate, to testify in support of LD 897, as amended by the sponsor’s proposed amendment and further amended to clean up a drafting error in LD 1777.

The PUC’s proposed clarification regarding negative pricing appropriately aligns the statute with the Legislature’s original intent. It resolves ambiguity without creating new policy and supports consistent implementation by the PUC. The OPA is also in support of implementing the recommendations of yesterday’s presentation of the Nonwires Alternatives Assessment. The proposed changes to the NWA implementing statute recommended in Appendix A of the report are reasonable improvements to the process and reflect the OPA’s suggestions.

Because this bill is intended as a technical clean-up measure for the PUC, we also recommend using this vehicle to correct a drafting error in LD 1777. That error resulted in the PUC issuing rules that would force some Mainers who have purchased ownership interests in certain energy projects to lose the value of their investments. Such an outcome was never the intention of this Committee, and it is easily fixed.

While the language to fix the LD 1777 issue was already inserted into LD 1966, we strongly urge the Committee to include identical language in the bill before you today. Given that this bill is a clean-up bill that does not create or change existing policy intent, we believe that this is the most appropriate vehicle for such a critical fix to go through the Legislature without any political headwinds. Should the Committee unanimously agree, we further recommend adoption of an emergency preamble to ensure timely clarity for the PUC’s ongoing investigation in Docket No. 2026-00048, which has paused customer notifications for individuals with multiple ownership interests, pending legislative resolution of this issue.

I welcome your questions and would be pleased to provide additional information for the work session.

Respectfully submitted,  
Heather Sanborn  
Public Advocate

Suggested additional language for LD 897:

**Sec. 2 PL 2025, Ch. 430, section 15** is amended to read:

Sec. 15. Net energy billing; consumer protections. In accordance with the Maine Revised Statutes, Title 35-A, section 3209-A, subsection 5, paragraph E, by November 1, 2025, the Public Utilities Commission shall initiate rulemaking to establish consumer protection standards for customers participating in net energy billing pursuant to Title 35-A, section 3209-A. The rules must:

1. Require that a distributed generation resource providing service to a customer participating in a net energy billing arrangement based upon a shared financial interest in the distributed generation resource establish a subscription size for a customer that is based on historical customer usage, while taking into account anticipated increases in usage, and require a project sponsor to adjust the customer's subscription size as needed to match changes in usage;
2. Prohibit project sponsors or operators of distributed generation resources from retaining customer payment for unused kilowatt-hour credits that have expired;
3. For a customer participating in net energy billing, require a transmission and distribution utility to provide the relevant project sponsor or owner of a distributed generation resource with the customer's usage and billing information, including net energy billing data needed to administer a customer's net energy billing arrangement; and
4. Prohibit participation in more than one net energy billing agreement, other than agreements related to distributed generation resources in which a customer has an ownership interest, pursuant to Title 35-A, section 3209-A, subsection 3 per residential account simultaneously.

The commission's rules must except from the requirements described in subsections 1 and 2 distributed generation resources that are wholly owned by the customer or customers receiving the net energy billing credits associated with the output of the distributed generation resource.

Notwithstanding any provision of Title 35-A, section 3209-A to the contrary, rules adopted by the commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.