



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

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**Testimony Neither For Nor Against**

**LD 583 –An Act To Repeal the Changes Made by Public Law 2019, Chapter 478, "An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine"**

March 16, 2021

Senator Lawrence, Representative Berry, honorable members of the Committee on Energy, Utilities, and Technology, the Public Utilities Commission (Commission) testifies neither for nor against [LD 583](#), *An Act To Repeal the Changes Made by Public Law 2019, Chapter 478, "An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine."* The Act would repeal the major changes to the State's net energy billing (NEB) program contained in Public Law 2019, chapter 478 (2019 Act), but would maintain the Commission's statutory authority to adopt NEB rules.

The 2019 Act, now codified at 35-A M.R.S. §§ [3209-A](#) and [3209-B](#), made substantial changes to Maine's Net Energy Billing (NEB) program.<sup>1</sup> These changes include: increasing the maximum capacity of eligible NEB facilities from 660 KW to less than 5 MW; eliminating any limit on the number of meters or accounts that can be associated with an eligible facility (the prior limit was 10 meters or accounts); and adding a "commercial and institutional" category of NEB (referred to as Tariff Rate NEB). Section A-6 of the Act directs the Commission to evaluate NEB and provide a report to the Committee when NEB capacity reaches 10% of the maximum transmission and distribution (T&D) utility load. The Commission submitted the required report to the Committee on November 20, 2020. The report is available on the Commission's website [here](#).

As mentioned, LD 583 would maintain the Commission's authority to adopt NEB rules. Prior to the 2019 Act, the Commission had in place NEB rules that focused on small renewable facilities located behind a customer's meter. The rules allowed for "traditional" NEB in which a customer would be billed on the basis of the difference between the kWhs delivered to customers by the T&D utility and the kWhs generated by the customers facility that is delivered to the grid.

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<sup>1</sup> These new NEB requirements apply only to investor-owned utilities.

The Commission seeks clarification on whether it is the Committee's intent that the Commission reinstate its NEB rules that were in place prior to the adoption of the 2019 Act.

The Commission will provide any additional information that would be of assistance to the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Corbin", is placed on a white rectangular background.

Garrett Corbin  
Legislative Liaison

cc: Energy, Utilities, and Technology Committee Members  
Deirdre Schneider and Daniel Tartakoff, Legislative Analysts