



March 16, 2022

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

Re: Testimony Neither For Nor Against LD 1026

To Senator Lawrence, Representative Berry and Members of the Energy Utilities and Technology Committee:

Please consider this written testimony neither for nor against LD 1026, An Act to Update the Regulation of Public Utilities Monopolies.

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 community solar. We work with customers, utilities, local stakeholders, and policymakers to develop and implement policies and best practices that ensure community solar programs provide a win, win, win for all, starting with the customer

The bill currently before the Committee for consideration contains language that was most recently proposed by the Governor's Energy Office regarding the tariff rate assigned to distributed solar projects participating in the Net Energy Billing (NEB) Program. As most members of the Committee know, Maine ratepayers have seen historically high energy prices this year due to natural gas supply issues. Due to the way in which the tariff price is calculated annually, the historically high energy prices resulting from natural gas market issues has also resulted in unexpectedly high NEB tariff values being set for 2022. We understand the desire to ensure that market based energy fluctuations don't also impact NEB program costs to an unnecessary degree.

The proposed cutoff between those projects that would receive the new, fixed rate, and those that would receive the old, adjusted rate, is a reasonable way to create more cost certainty while not affecting the financing of those projects that are at an advanced state of development and construction.

Furthermore, CCSA is appreciative of the proposed modification to Sec. 10. 35-A MRSA §3209-A, sub-§7 paragraph E as enacted by PL 2021 c. 390 section 1, which allows for projects that have achieved mechanical completion by December 31, 2024 to meet the Net Energy Billing safe harbor criteria. This change will allow projects that have fully constructed but have not yet been given permission to operate, to retain their original eligibility. For a solar project to be fully operational, a solar developer must first build the project, and the utility must also complete construction work on the grid to allow for the clean energy to be put onto the distribution system. This provision allows the solar developer to fully complete all construction that is in their control prior to the project becoming operational, by the statutory deadline, while also relieving pressure on the utilities during the month of December 2024.

In addition to this provision, CCSA suggests further clarifying that projects participating in cluster studies be allowed to retain their safe harbor beyond 12/31/24, if they are required to wait for several years past that deadline for the utility to complete construction of the necessary upgrades for interconnection. As results issued from some of Central Maine Power's cluster studies have recently demonstrated, there may be projects that could continue to be viable, yet the utility construction timeline exceeds the statutory 12/31/24 timeline. Enabling relief for those projects now continues to allow projects that meet the safe harbor criteria for NEB to move forward, even if the necessary utility related upgrades take longer than anticipated.

Thank you for your consideration of this testimony, submitted as Neither For Nor Against LD 1026. Please let me know if you have any questions.

Regards,

Kaitlin Kelly O'Neill
Northeast Regional Director
Coalition for Community Solar Access