An Act To Eliminate Gross Metering

(EMERGENCY)

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator WOODSOME of York and
Representatives: BICKFORD of Auburn, CAIAZZO of Scarborough, DOUDERA of Camden,
EVANGELOS of Friendship, KESSLER of South Portland, KINNEY of Knox, ROBERTS-
LOVELL of South Berwick, Senator: BLACK of Franklin.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Public Utilities Commission has changed the rules governing net energy billing in a way that penalizes self-generation; and

Whereas, the costs and complexities of implementing these rule changes are disruptive to customers; and

Whereas, passage of this Act as emergency legislation will minimize the negative effects this rule change has had on customers; and

Whereas, recent outages of electric power have demonstrated the need for predictable and fair distributed energy generation policy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3209-A, as corrected by RR 2017, c. 1, §32, is amended to read:

§3209-A. Net energy billing

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this section are routine technical major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

Sec. 2. Rules. Within 60 days of the effective date of this Act, the Public Utilities Commission shall amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. Notwithstanding Title 35-A, section 3209-A, rules adopted for this purpose are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The commission may not make any other changes to rules adopted pursuant to Title 35-A, section 3209-A until July 1, 2020. The net energy billing rules adopted pursuant to this section must apply retroactively to all net energy billing customers that entered into a net energy billing arrangement between March 29, 2017 and the effective date of the rules adopted pursuant to this section.
Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill clarifies the definition of "net energy billing." It requires the Public Utilities Commission, within 60 days of this legislation becoming effective, to amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. It provides that all customers that entered into a net energy billing arrangement on or after March 29, 2017 are governed by the rules that are to be adopted pursuant to this legislation.