

§3209-H. Net energy billing project procurement

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Distributed generation resource" has the same meaning as in section 3209-A, subsection 1, paragraph B. [PL 2025, c. 430, §11 (NEW).]

B. "Eligible resource" means a distributed generation resource:

(1) That reaches commercial operation before November 1, 2025;

(2) That is participating in net energy billing pursuant to section 3209-A or 3209-B; and

(3) For which 75% or less of the bill credits associated with the distributed generation resource are allocated to a customer of or subscriber to the resource. [PL 2025, c. 430, §11 (NEW).]

[PL 2025, c. 430, §11 (NEW).]

2. Competitive procurement. The commission shall direct investor-owned transmission and distribution utilities to enter into one or more contracts for energy or renewable energy credits or both from eligible resources in accordance with this section. The commission may not require a distributed generation resource to contract for the sale of energy or renewable energy credits under this section.

A. By November 1, 2025, the commission shall initiate a competitive solicitation for contracts under this section for energy or renewable energy credits or both in an amount determined by the commission. [PL 2025, c. 430, §11 (NEW).]

B. The commission may initiate additional competitive solicitations in its sole discretion after consultation with the Governor's Energy Office. [PL 2025, c. 430, §11 (NEW).]

C. The commission may not award a contract to an eligible resource participating in net energy billing pursuant to section 3209-A at a rate that exceeds the tariff rate calculated under section 3209-B, subsection 5, paragraph A-1 applicable on November 1, 2025 to medium commercial customers as defined in section 3106, subsection 1, paragraph B or industrial customers in the transmission and distribution service territory in which the eligible resource is located. [PL 2025, c. 430, §11 (NEW).]

D. The commission may not award a contract to an eligible resource participating in net energy billing pursuant to section 3209-B at a rate that exceeds 70% of the tariff rate calculated under section 3209-B, subsection 5, paragraph A-1 applicable on November 1, 2025 to medium commercial customers as defined in section 3106, subsection 1, paragraph B or industrial customers in the transmission and distribution service territory in which the eligible resource is located. [PL 2025, c. 430, §11 (NEW).]

[PL 2025, c. 430, §11 (NEW).]

3. Contract terms. A contract entered into pursuant to this section must be for a term of no more than 20 years or the remainder of the eligible resource's net energy billing agreement with a transmission and distribution utility, whichever is shorter, unless the commission finds a contract for a longer term to be prudent.

[PL 2025, c. 430, §11 (NEW).]

4. Rules. The commission may adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 430, §11 (NEW).]

SECTION HISTORY

PL 2025, c. 430, §11 (NEW).

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