



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 91

H.P. 77

House of Representatives, January 15, 2019

An Act To Eliminate Gross Metering

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

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

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

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

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

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

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

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

18 **§3209-A. Net energy billing**

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

28 **Sec. 2. Rules.** Within 60 days of the effective date of this Act, the Public Utilities
29 Commission shall amend its net energy billing rules adopted pursuant to the Maine
30 Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in
31 effect on January 1, 2017. Notwithstanding Title 35-A, section 3209-A, rules adopted for
32 this purpose are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A.
33 The commission may not make any other changes to rules adopted pursuant to Title
34 35-A, section 3209-A until July 1, 2020. The net energy billing rules adopted pursuant to
35 this section must apply retroactively to all net energy billing customers that entered into a
36 net energy billing arrangement between March 29, 2017 and the effective date of the
37 rules adopted pursuant to this section.

