

Resolve, To Provide a Brief Moratorium on Certain New Net Energy Billing Arrangements and To Examine the Costs and Benefits of Net Energy Billing

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

Whereas, there is currently more data available since the 129th Legislature that needs to be assessed in order to better regulate net energy billing arrangements in the State; and

Whereas, there is great interest in the development of new distributed generation resources in the State and refinements to state law regulating net energy billing must be made in a timely manner so as to not delay or negatively affect such development; 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

Sec. 1. Net energy billing moratorium. Resolved: That, notwithstanding the Maine Revised Statutes, Title 35-A, sections 3209-A and 3209-B, until June 30, 2021, the Public Utilities Commission may not allow any new net energy billing arrangements for a distributed generation resource with a nameplate capacity between 2 megawatts and 5 megawatts unless:

1. An interconnection request involving the distributed generation resource was made with the commission on or before January 1, 2021; or

2. The distributed generation resource is proposed to be sited on a brownfield site as defined by the Maine Department of Environmental Protection, or a landfill site, an impervious surface, a reclaimed gravel pit or other developed or previous developed area, or is developed to serve load within a low-to-moderate income community or directly serve a customer load.

Sec. 2. Stakeholder group. Resolved: That the Governor's Energy Office shall convene a stakeholder group to examine the costs and benefits of net energy billing arrangements associated with a distributed generation resource with a nameplate capacity between 2 megawatts and 5 megawatts in order to make recommendations regarding the need for any changes to existing laws relating to net energy billing. The office shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology by May 15, 2021 outlining its findings and recommendations, including any proposed legislation, and the committee may report out a bill based on the report to the First Regular Session of the 130th Legislature. This report shall include recommendations to cost-effectively incentivize net energy billing arrangement project diversity, including the development of projects with the siting and other claimed attributes identified in Appendix A of the Procurement Announcement for Distributed Generation Resources issued by the Commission on February 28, 2020, and the development of projects serving load within low-to-moderate income communities and directly serving customer loads.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve places a brief moratorium on new net energy billing arrangements until June 30, 2021 associated with a distributed generation resource with a nameplate capacity between 2 megawatts and 5 megawatts unless an interconnection request has been made with the Public Utilities Commission on or

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before January 1, 2021 for that distributed generation resource or the distributed generation resource is proposed to be sited on a brownfield site as defined by the Maine Department of Environmental Protection, or a landfill site, an impervious surface, a reclaimed gravel pit or other developed or previous developed area, or is developed to serve load within a low-to-moderate income community or to directly serve a customer load.

It also directs the Governor's Energy Office to convene a stakeholder group to examine both the costs and benefits of net energy billing arrangements associated with a distributed generation resource with a nameplate capacity between 2 megawatts and 5 megawatts in order to make recommendations regarding the need for any changes to existing laws relating to net energy billing, as well as recommendations to cost-effectively incentivize net energy billing arrangement project diversity, including the development of projects with the siting and other claimed attributes identified in Appendix A of the Procurement Announcement for Distributed Generation Resources issued by the Commission on February 28, 2020. It directs the office to report to the Joint Standing Committee on Energy, Utilities and Technology by May 15, 2021 and it allows the committee to report out a bill based on the report to the First Regular Session of the 130th Legislature.