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Date: (Filing No. S-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 499, L.D. 1444, Bill, “An Act Regarding Large-scale Community Solar Procurement”

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Gross Metering'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'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 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 billing period.

1. Billing based on gross output prohibited. A customer may not be required to meter the gross output of a facility used for net energy billing purposes in order to participate in net energy billing. Net energy for a net energy billing customer must be calculated based on the difference between the kilowatt-hours delivered by a transmission and distribution utility to that customer over a single billing period and the kilowatt-hours exported by that customer to the transmission and distribution utility over that same billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period. For the purposes of this subsection, "gross output" means all of the energy generated by a facility used by a net energy billing customer for net energy billing purposes during an applicable period, including all energy that is used to offset the usage of that customer.

2. Shared interest. In the service territory of an investor-owned transmission and distribution utility, the number of net energy billing customers that participate in net

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1 energy billing through a shared interest or the number of meters associated with a shared
2 interest may not exceed 50. For the purposes of this subsection, "shared interest" means
3 an interest in a facility used for net energy billing purposes shared by multiple net energy
4 billing customers that have distinct billing accounts with an investor-owned transmission
5 and distribution utility.

6 This subsection is repealed July 1, 2020.

7 **Sec. 2. Rules.** The Public Utilities Commission shall amend its net energy billing
8 rules by October 1, 2018 to conform with the Maine Revised Statutes, Title 35-A, section
9 3209-A, subsections 1 and 2. The commission may not make any other changes to rules
10 adopted pursuant to Title 35-A, section 3209-A except as required by this section until
11 July 1, 2020.'

12 **SUMMARY**

13 This amendment is the majority report of the committee, and it replaces the bill and
14 changes the title. It prohibits a transmission and distribution utility from requiring a
15 customer to meter the gross output of a facility used for net energy billing purposes in
16 order to participate in net energy billing. It specifies that net energy is calculated based
17 on the difference between the kilowatt-hours delivered by a transmission and distribution
18 utility to a customer over a single billing period and the kilowatt-hours exported by that
19 customer to the transmission and distribution utility over the same billing period, taking
20 into account unused kilowatt-hour credits. In the service territory of an investor-owned
21 transmission and distribution utility, it limits the number of net energy billing customers
22 that may participate in net energy billing through a shared interest or the number of
23 meters associated with a shared interest to 50 until July 1, 2020. It requires the Public
24 Utilities Commission to amend its net energy billing rules by October 1, 2018 to conform
25 with these provisions. It prohibits the commission from making any other changes to its
26 net energy billing rules until July 1, 2020.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**