

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 313 - CUSTOMER NET ENERGY BILLING

SUMMARY: This rule establishes the requirements for net energy billing after the introduction of retail competition.

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§ 1 PURPOSE

The purpose of this Chapter is to implement the State's policy to encourage electricity generation from renewable resources through the adoption of requirements and standards for customer net energy billing.

§ 2 DEFINITIONS

A. Competitive Electricity Provider. "Competitive electricity provider" means a marketer, broker, aggregator, or any other entity selling electricity to the public at retail in Maine.

B. Net Energy. "Net energy" is the difference between the kilowatt-hours consumed by a customer and the kilowatt-hours generated by the customer's facility over any time period determined as if measured by a single meter capable of registering the flow of electricity in two directions.

C. Net Energy Billing. "Net energy billing" is 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.

D. Standard Offer Provider. "Standard offer provider" means a provider of standard offer service chosen pursuant to Chapter 301 of the Commission's rules.

E. Transmission and Distribution Utility. "Transmission and distribution utility" means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State.

§ 3 ANNUALIZED CUSTOMER NET ENERGY BILLING

A. Applicability. This section is applicable to electricity service provided after February 29, 2000.

B. Customer Qualification. Any customer of a transmission and distribution utility that uses energy generated using a renewable fuel or technology as specified in 35-A M.R.S.A. § 3210(2)(C) from a facility with an installed capacity of 100 kW or less to serve its own electricity requirements may elect net energy billing.

C. Customer Use. For purposes of this section, the renewable facility must be located on or in the vicinity of the

customer's premises and used primarily to offset part or all of the customer's own electricity requirement.

D. Billing Requirements. At the option of a customer qualifying under this section, transmission and distribution utilities must bill on an annualized net energy basis as follows:

1. Excess Generation. If the electricity generated during the billing period by the customer's facility plus any kilowatt-hour credits from prior billing periods exceed the customer's kilowatt-hour usage during the billing period, the excess shall be applied to the customer's bill for the following billing period as a reduction in the customer's kilowatt-hour usage.

2. Excess Usage. If the customer's kilowatt-hour usage exceeds the electricity generated by its renewable generation facility during the billing period plus any kilowatt-hour credits pursuant to subparagraph 1, the customer shall be billed for the excess kilowatt-hour usage at the applicable retail rate for electricity service.

3. Unused Credits. A customer may accumulate unused kilowatt-hour credits and apply them against kilowatt-hour usage over a 12-month period. At the end of each 12-month period, any accumulated unused kilowatt-hour credits shall be eliminated and may not be applied against any future kilowatt-hour usage. The customer will receive no compensation for unused kilowatt-hour credits.

4. Non-usage Charges. Net energy billing only applies to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered either through fixed amounts or over units other than kilowatt-hours.

E. Generation Provider. A customer that has elected net energy billing may obtain generation service from any competitive electricity provider that agrees to provide service on a net energy basis. If the customer obtains service from the standard offer, the standard offer provider shall provide service on a net energy basis.

F. Second Meter. Nothing in this section shall prohibit a utility from installing additional meters to record purchases and sales separately, provided, however, that no customer that elects to be billed on a net energy basis shall be charged for the cost of the additional meters or other necessary equipment.

G. Standard Contract. Each transmission and distribution utility shall develop a standard contract for annualized customer net billing consistent with the provisions of this Chapter.

H. Commission Review. A transmission and distribution utility shall notify the Commission if the cumulative capacity of generating facilities subject to the provisions of this Chapter reaches 0.5 percent of its peak demand. Upon notification, the Commission will review this Chapter to determine whether net billing should continue or be modified.

§ 4 WAIVER OR EXEMPTION

Upon the request of any person subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 98-621, issued on December 10, 1998. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 1301, 3203(9) and 3210.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on December 15, 1998. It was filed with the Secretary of State on December 15, 1998 and will be effective on December 20, 1998.