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Legislative Document

No. 507

H.P. 370

House of Representatives, February 19, 2021

An Act To Improve Consumer Protections for Community Solar Projects

Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.

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

2 **Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶D** is enacted to read:

3 D. "Project sponsor" means an entity or its successor or assignee that solicits customers
4 to participate in a net energy billing arrangement based upon a shared financial interest
5 in a distributed generation resource.

6 **Sec. 2. 35-A MRSA §3209-A, sub-§5** is enacted to read:

7 **5. Consumer protection.** The commission shall establish by rule consumer protection
8 standards to protect customers who participate in or are solicited to participate in a net
9 energy billing arrangement based upon a shared financial interest in a distributed
10 generation resource from fraud and other unfair and deceptive business practices. Such
11 rules must provide that project sponsors:

12 A. Must obtain a customer's authorization before serving the customer;

13 B. Must provide to a residential customer such information as the commission may
14 require by rule or order in a standard disclosure form before entering into an agreement
15 with the residential customer to participate in a net energy billing arrangement based
16 upon a shared financial interest in a distributed generation resource;

17 C. Must allow a customer to rescind the decision to participate in a net energy billing
18 arrangement based upon a shared financial interest in a distributed generation resource
19 orally or in writing within 5 days of initial decision;

20 D. May not release to any other entity, other than for purposes of debt collection or
21 credit reporting pursuant to state and federal law or to law enforcement agencies
22 pursuant to lawful process, any personal information regarding a customer, including
23 name, address, telephone number and usage and historical payment information,
24 without the consent of the customer;

25 E. Must comply with the Maine Unfair Trade Practices Act;

26 F. May not collect or seek to collect unreasonable costs from a customer who is in
27 default;

28 G. Must comply with all applicable provisions of the federal Equal Credit Opportunity
29 Act, 15 United States Code, Sections 1691 to 1691f;

30 H. Must comply with all federal and state laws, federal regulations and state rules
31 regarding the prohibition or limitation of telemarketing; and

32 I. Must comply with any other applicable standards or requirements adopted by the
33 commission by rule or order.

34 The commission may impose administrative penalties under chapter 15 upon a project
35 sponsor and may order restitution for any party injured by a violation for which a penalty
36 may be assessed pursuant to chapter 15.

37 The commission through its own counsel or through the Attorney General may apply to the
38 Superior Court of any county of the State to enforce any lawful order made or action taken
39 by the commission pursuant to this subsection, and the court may issue any preliminary or
40 final order that the court determines proper.

1 **SUMMARY**

2 This bill clarifies that the Public Utilities Commission has authority to and directs the
3 commission to adopt consumer protection rules for customers who participate in or are
4 solicited to participate in community solar projects through a net energy billing
5 arrangement based upon a shared financial interest in a distributed generation resource
6 under the Maine Revised Statutes, Title 35-A, section 3209-A. The language mirrors that
7 set forth in Title 35-A, sections 3203 and 3486 addressing the authority of the commission
8 to implement and enforce consumer protections for customers of competitive electricity
9 providers and shared distributed generation resource projects, respectively.