

## §3209-D. Distributed generation procurement

The commission may direct an investor-owned transmission and distribution utility to enter into one or more contracts for energy or renewable energy credits from distributed generation resources in accordance with this section. The commission may not require a distributed generation resource to contract for the sale of energy or renewable energy credits under this section. [PL 2023, c. 411, §6 (NEW).]

**1. Definition.** As used in this section, the following term has the following meaning.

A. "Distributed generation resource" means an electric generating facility that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3, is located in the service territory of a transmission and distribution utility in the State and:

- (1) Has met or is reasonably likely to meet the requirements of section 3209-A, subsection 7, paragraph E, as determined by the commission; or
- (2) Has a nameplate capacity of at least one megawatt and not more than 2 megawatts and:
  - (a) Is a member of a cluster study conducted by the transmission and distribution utility with which the distributed generation resource is seeking to interconnect; or
  - (b) Is likely to receive required transmission approval from the New England independent system operator on or before April 30, 2024. [PL 2023, c. 411, §6 (NEW).]

[PL 2023, c. 411, §6 (NEW).]

**2. Competitive solicitations and initial procurement.** The commission may conduct one or more competitive solicitations in order to select distributed generation resources for contracts under this subsection.

A. No later than January 31, 2024, the commission shall determine whether to conduct a competitive solicitation pursuant to this subsection. [PL 2023, c. 411, §6 (NEW).]

B. If the commission conducts a competitive solicitation under paragraph A and determines that an initial procurement of energy or renewable energy credits is in the public interest, the commission shall select distributed generation resources for contracts under this section. [PL 2023, c. 411, §6 (NEW).]

[PL 2023, c. 411, §6 (NEW).]

**3. Additional contracting authority.** After conducting one or more competitive solicitations under subsection 2, the commission may direct an investor-owned transmission and distribution utility to enter into one or more additional contracts for energy or renewable energy credits from distributed generation resources if the commission finds that such contracts are in the public interest.

A. A contract for energy or renewable energy credits from a distributed generation resource under this subsection may not establish a price for such energy or renewable energy credits that is greater than the highest price established in the procurements under subsection 2. [PL 2023, c. 411, §6 (NEW).]

[PL 2023, c. 411, §6 (NEW).]

**4. Contract terms.** A contract entered into pursuant to this section must be for a term of no more than 20 years unless the commission finds a contract for a longer term to be in the public interest.

[PL 2023, c. 411, §6 (NEW).]

**5. Net energy billing agreement termination.** A distributed generation resource that is awarded a contract under this section is ineligible for net energy billing under section 3209-A or section 3209-B and the commission shall require all net energy billing arrangements or agreements be terminated as a condition of awarding a contract under this section.

[PL 2023, c. 411, §6 (NEW).]

**6. Report.** The commission shall include in its biennial report required by section 3210-G, subsection 3 information regarding the status of contracts for energy or renewable energy credits from distributed generation resources pursuant to this section, including, but not limited to, the number of distributed generation resources that have been awarded contracts, the total capacity of those resources and the estimated ratepayer savings as a result of those contracts.

[PL 2023, c. 411, §6 (NEW).]

#### SECTION HISTORY

PL 2023, c. 411, §6 (NEW).

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