

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

October 2018

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Joint Standing Committee on Energy, Utilities and Technology

LD 131 An Act To Protect the Biomass Industry

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T DUCHESNE R	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing biomass facilities in order to help the biomass industry succeed.

LD 140 An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N BELLOWS S	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Part A of this bill authorizes a General Fund bond issue, in the amount of \$10,000,000, to be allocated to the Municipal Gigabit Broadband Network Access Fund and distributed by the ConnectME Authority through implementation grants in order to expand high-speed broadband Internet infrastructure in unserved and underserved areas.

Part B of the bill limits the use of the funds under Part A to implementation grants awarded from the Municipal Gigabit Broadband Network Access Fund and requires the grants to be expended on open-access nondiscriminatory broadband infrastructure in unserved or underserved areas.

Part C of the bill amends the laws establishing the Municipal Gigabit Broadband Network Access Fund to require planning grant applicants to provide a summary of how the network will be built, operated and maintained, and a postconstruction plan describing the continued operation and maintenance of newly built infrastructure. Part C specifies that an implementation grant may not exceed \$200,000 for each municipality served by an eligible project selected for funding; it no longer requires an applicant for an implementation grant to have received a planning grant from the ConnectME Authority, as long as they meet other planning grant requirements; and it allows municipally financed planning expenditures to be used towards the 25% cash match requirement for an implementation grant. The changes made in Part C are contingent on the ratification of the bond issue in Part A by the voters of the State.

LD 257 An Act To Allow Microgrids That Are in the Public Interest

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M MIRAMANT D	OTP-AM ONTP	H-720

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This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish measures to allow municipalities, working cooperatively with electrical utilities, to create microgrids, which are electricity distribution systems consisting of distributed energy sources, including demand management, storage and generation and loads capable of operating in parallel with, or independently from, the main power grid. This bill would address the following requirements:

1. The generation of electricity from renewable sources into the microgrid;
2. Methods for adding capacity for storage and managing or enabling a utility to manage the charging of the microgrid and the use of the stored power;
3. An appropriate rate for power generation and stored power usage;
4. A credit applicable toward municipal electricity utilization or assignable to organizations or households according to municipal public service decisions; and
5. Contracts with utilities to receive compensation for scheduling or shedding of electrical load in order to lower peak demand and consequently ratepayer prices.

Committee Amendment "A" (H-720)

This amendment is the majority report of the committee and it replaces the bill, which is a concept draft. It directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The amendment directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2020, detailing its activities related to new microgrids.

LD 260 An Act To Create the Maine Energy Office

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill:

1. Renames the Governor's Energy Office the Maine Energy Office. It repeals the language in the Maine Revised Statutes, Title 2 that establishes the office and establishes it instead in Title 35-A, expands the headnote for Title 35-A and places the office under the control and supervision of a commissioner, rather than a director;

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- 2. Establishes in the Maine Energy Office a position of deputy commissioner, to be appointed by the Governor, subject to confirmation by the Senate; and
- 3. Specifies that an amount equal to \$300,000 from the Efficiency Maine Trust must be transferred annually to the Maine Energy Office.

Committee Amendment "A" (H-768)

This amendment does the following:

- 1. Specifies that the Commissioner of the Maine Energy Office instead of the Director of the Governor's Energy Office serves on the Efficiency Maine Trust Board;
- 2. Specifies that the deputy commissioner serves at the pleasure of the commissioner and not of the Governor as in the bill;
- 3. Removes the \$300,000 annual funding for the Maine Energy Office from the Efficiency Maine Trust, but includes from current law that the office may receive funds from the Efficiency Maine Trust for office activities that reasonably relate to programs or activities of the Efficiency Maine Trust;
- 4. Removes unnecessary language regarding energy infrastructure corridors;
- 5. Adds an appropriations and allocations section; and
- 6. Adds an effective date of January 1, 2019.

LD 423 An Act To Extend Internet Availability in Rural Maine

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	OTP-AM ONTP	H-17 H-19 BERRY S

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session of the 128th Legislature on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funding to extend for two years a program that provides mobile wireless hot spot devices to libraries in Washington County.

Committee Amendment "A" (H-17)

This amendment incorporates a fiscal note.

House Amendment "A" (H-19)

This amendment removes the emergency preamble and emergency clause and provides the funding in fiscal year 2017-18.

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**LD 532 An Act To Remove the 100-megawatt Limit on Hydroelectric Generators
under the Renewable Resources Laws**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B	ONTP OTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, for the purpose of meeting the State's renewable resource portfolio requirement, removes the 100-megawatt maximum capacity limit for:

1. A hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource, and
2. A hydroelectric generator to qualify as a renewable resource.

LD 822 An Act To Ensure Fairness among Large Consumers of Natural Gas

PUBLIC 358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M HARVELL L	OTP-AM	S-400

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill extends the existing ineligibility for participation in and the exemption from assessment for natural gas conservation programs to large-volume customers that do not purchase their natural gas from a Maine gas utility. Large-volume customers are defined as those purchasing at least 1,000,000 centum cubic feet of natural gas per year.

Committee Amendment "A" (S-400)

This amendment replaces the bill. It limits the assessment under the natural gas conservation program on a large-volume agricultural business to only the first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each year, but specifies that this limitation does not limit the ability of a large-volume agricultural business from participating in a natural gas conservation program and it does not affect the determination of the Efficiency Maine Trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

Enacted Law Summary

Public Law 2017, chapter 358 limits the assessment under the natural gas conservation program on a large-volume agricultural business to only the first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each year, but specifies that this limitation does not limit the ability of a large-volume agricultural business from participating in a natural gas conservation program and it does not affect the determination of the Efficiency Maine Trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

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LD 1176 An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M TALBOT ROSS R	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill requires communications service providers to provide a 70% price reduction on all broadband services provided to a low-income person who is deaf.

LD 1224 An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M O'CONNOR B	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill would allow an investor-owned transmission and distribution utility to have a generation affiliate that owns, has a financial interest in or otherwise controls generation or generation-related assets. It requires that the Public Utilities Commission adopt major substantive rules to establish terms, conditions and standards of conduct that govern the relationship between the utility and the generation affiliate in order to ensure the separation and independence of the generation affiliate. Specifically, it requires that standards of conduct adopted by commission rule ensure at a minimum that a generation affiliate is not given preference over nonaffiliated competitive generators; costs of the generation affiliate are not recovered from ratepayers; employees of an investor-owned transmission and distribution utility are physically separate from and not shared with those of a generation affiliate; and the accounts and records of an investor-owned transmission and distribution utility and a generation affiliate are separate.

This bill defines "generation affiliate" as an affiliated interest that owns, has a financial interest in or controls generation or generation-related assets.

This bill defines "financial interest" as any voting or nonvoting equity interest, partnership interest, whether limited or general, trust interest or joint venture in an entity and specifies that a financial interest is not created between an investor-owned transmission and distribution utility and a generation affiliate solely by virtue of their relationship with a common parent company.

This bill establishes penalties for violations of rules adopted pursuant to this bill, and provides that the commission may require an investor-owned transmission and distribution utility to divest from its generation affiliate as a result of any violations of the rules.

It requires rules be provisionally adopted within 180 days of the effective date of the Act.

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LD 1372 Resolve, To Increase Digital Literacy Education in Rural Communities

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MAKER J	OTP-AM	H-703

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session and carried over to the next special session on the Special Appropriations Table by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to increase broadband access for rural communities. Specifically, this bill proposes to:

1. Direct the ConnectME Authority to create an accurate map of broadband coverage in the State. The mapping project should delineate, at a minimum:
 - A. Those areas of the State that do not have access to broadband coverage;
 - B. For those areas of the State without access to broadband coverage, the infrastructure in place that might be used to expand access, including, but not limited to, poles, nodes, and fiber optic cable; and
 - C. For those areas of the State with access to broadband coverage, the type or types of available broadband coverage and the associated connection speeds; and
2. Direct the ConnectME Authority to provide funding for the provision of digital literacy programs, particularly in rural areas of the State. A digital literacy program funded pursuant to this requirement must have a history of success in increasing fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating and producing.

Committee Amendment "A" (H-703)

This amendment replaces the bill with a resolve that directs the ConnectME Authority to establish digital literacy education pilot programs in rural areas. It specifies that programs may not be established for more than three years, except that the authority may extend a program by up to one year. It requires the authority to report, by January 1, 2022, on the success of the pilot programs and include in the report recommendations for a permanent, statewide program and the cost of such a program. It allows the committee of jurisdiction to report out a bill based on the report to the Second Regular Session of the 130th Legislature. It adds an appropriations and allocations section.

LD 1373 An Act To Protect and Expand Access to Solar Power in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S DION M	ONTP	

This bill was delivered to the House pursuant to Joint Rule 309 without a committee report and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over from the First Regular

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Session to the Second Regular Session of the 128th Legislature.

This bill amends the laws governing net energy billing. It prohibits a charge to a customer that elects to use net energy billing. It includes the following specific provisions related to net energy billing.

1. It provides that customers using net energy billing receive bill credits netted against delivery and supply charges on a one-to-one basis.
2. It provides that unused bill credits accumulate on a 12-month rolling basis.
3. It limits the installed capacity of an eligible facility to two megawatts in the territory of an investor-owned transmission and distribution utility and to 100 kilowatts in the territory of a consumer-owned transmission and distribution utility, except that the consumer-owned transmission and distribution utility may elect to allow an eligible facility with installed capacity up to two megawatts.
4. It allows an eligible facility with shared ownership or third-party ownership to be eligible for net energy billing and prohibits the Public Utilities Commission from limiting the number of participants in a shared ownership project, but allows the commission to set a minimum share size.
5. It requires a comprehensive review of ratepayer benefits and costs from net energy billing when any investor-owned transmission and distribution utility in the State enters into net energy billing agreements for a total generating capacity equal to 5% of the annual peak demand and again for every additional 3% of the utility's annual peak demand thereafter.

This bill also establishes a solar energy rebate program to be administered by the Efficiency Maine Trust. The program is to be funded through an assessment collected by the Public Utilities Commission from transmission and distribution utilities. Available funds are to be distributed in the following manner: 40% to eligible commercial customers, 20% to low-income or moderate-income residents and 40% to other eligible residents.

This bill requires the trust to adopt routine technical rules to administer the program and requires the trust to submit an annual report to the Legislature that describes the actions of the trust related to the rebate program.

House Amendment "A" (H-566)

This amendment strikes the bill, adds a new title and specifies that the rules adopted by the Public Utilities Commission regarding net energy billing relating to determining the reduction of the percentage of net energy included in determining a customer's transmission and distribution bill must allow that percentage to be applied only to the excess energy generation subject to the net energy billing arrangement.

This amendment was not adopted.

LD 1399 An Act To Encourage Broadband Coverage in Rural Maine

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM ONTP	S-223

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

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This bill repeals the provisions of law establishing and governing the ConnectME Authority and establishes the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The initiative is governed by a board of directors. The bill establishes the Maine Broadband Initiative Fund, which is funded by assessments on communications service providers and tax assessments on qualified telecommunications equipment of telecommunications businesses. The bill provides for a transition from the ConnectME Authority to the new Maine Broadband Initiative.

Committee Amendment "A" (S-223)

This amendment makes the following changes to the bill.

1. It clarifies the process for the appointment and confirmation of the Maine Broadband Initiative director by requiring that the Governor appoint a person who has experience in the management of organizations that maximize partnerships and collaborations. The amendment also provides that the appointee is subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities and technology matters rather than telecommunications and broadband matters and must be confirmed by the Legislature rather than the Board of Directors of the Maine Broadband Initiative.
2. It changes the definition of "unserved area" to mean an area within the State that has an actual broadband speed that is slower than ten megabits per second, rather than 25 megabits as in the bill.
3. It removes a policy and goal of the Maine Broadband Initiative from the bill.
4. It changes the criteria that the Governor must consider when making an appointment to the Board of Directors of the Maine Broadband Initiative.
5. It removes the provision in the bill that allows appointment of directors of the Board of Directors of the Maine Broadband Initiative by the Speaker of the House of Representatives and the President of the Senate.
6. It further changes the composition of the membership of the Board of Directors of the Maine Broadband Initiative.
7. It limits administrative costs of the Maine Broadband Initiative to no more than 10% of the annual funds received from the Maine Broadband Initiative Fund.
8. It changes the date from July 1st to September 1st as it relates to the crediting of the tax assessment by the State Tax Assessor to the Maine Broadband Initiative Fund.
9. It adds an appropriations and allocations section.

LD 1444 An Act To Prohibit Gross Metering

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM OTP-AM	S-359

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 120 megawatts of large-scale community solar distributed generation resources by 2022.

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The bill designates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if the commission determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of large-scale community solar distributed generation resources, aggregate the portfolio of distributed generation resources procured and sell or use the output of these resources in a manner that maximizes the value of this portfolio of resources to all ratepayers.

The bill directs the commission to conduct an initial competitive solicitation for 30 megawatts of output of large-scale community solar distributed generation by March 1, 2018. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior.

The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is determined competitive the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a contract with the winning bidder or bidders. If the commission concludes the solicitation is not competitive, no bidders may be selected and the capacity available in that solicitation must be deferred to a subsequent solicitation. The bill requires the commission to select bids that maximize the benefits or minimize the costs to all ratepayers.

The bill requires after the first solicitation that the highest bid rate awarded a contract is the standard solar rate. For each subsequent procurement for 30 megawatts of large-scale community solar distributed generation resources, the commission must establish a declining block rate by reducing the rate awarded in the previous procurement by up to 3%. Bidders in subsequent procurement must submit both a standard bid rate and a discounted bid rate. The bill specifies that if the total bids received in the aggregate is for less than 30 megawatts in subsequent solicitations, contracts will be awarded to all bidders at the applicable declining block rate; however, if the total bids received in the aggregate is for more than 30 megawatts, preference will be given to those bidders with the lowest discounted bid rate and contracts must be awarded to all selected bidders at the lowest qualified discounted bid rate. The bill requires that if there are multiple bids at the same discounted bid rate, preference will be given to the project that was submitted first, as determined by the time stamp showing when the bid was received by the commission.

The bill specifies that the bill credit allocated to a subscriber to a particular large-scale community solar distributed generation resource must be based on each subscriber's percentage interest of the total production of the large-scale community solar distributed generation resource for the previous month. The bill requires the project sponsor to provide to the transmission and distribution utility, on a monthly basis, the information required to calculate the bill credit to be provided to each subscriber. The bill includes provisions on how payments to a subscriber must be credited against the subscriber's monthly electricity bill.

The bill requires the Public Utilities Commission to adopt routine technical rules regarding the procurement of large-scale community solar distributed generation resources by January 1, 2018.

Committee Amendment "A" (S-359)

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

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Committee Amendment "B" (S-360)

This amendment is the minority report of the committee, and it replaces the bill and changes the title. It does the following regarding net energy billing.

1. It allows an eligible customer to elect net energy billing until December 31, 2018, after which time no new net energy billing arrangements may be allowed.
2. It allows net energy billing arrangements entered into prior to January 1, 2019, to remain in effect until December 31, 2033.
3. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing.
4. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.

The amendment establishes a market-based crediting system for energy generated by eligible facilities. It requires the Public Utilities Commission to adopt rules to allow an eligible customer to receive a monetary credit for energy generated by an eligible facility in excess of the customer's usage and exported to the grid at the real-time wholesale market price of that energy. As in the provisions relating to net energy billing, a transmission and distribution utility is prohibited from requiring a customer to meter the gross output of an eligible facility in order to participate in the crediting system, and the number of eligible customers that may participate in a single shared interest in an eligible facility, or the number of meters associated with a single shared interest, is limited to 50. The amendment exempts a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine, or any successor of the independent system administrator for northern Maine, from using this crediting system until the Public Utilities Commission determines the utility's billing system can perform the necessary functions to implement the system. It requires the commission to consider whether an alternative system to the crediting system for northern Maine could be developed and utilized in the interim period before the utility's billing system is modified to allow a market-based crediting system.

It requires the Public Utilities Commission to procure, to the maximum extent possible, 20 megawatts of large-scale community solar distributed generation resources. It requires that the contract rate be calculated annually and that no contract may be for more than 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less.

Lastly, it requires the Public Utilities Commission to conduct an analysis of the costs and benefits to ratepayers for both net energy billing and the market-based crediting system in an adjudicatory proceeding and to report those findings to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than March 1, 2019.

**LD 1472 An Act To Lower the Costs of Broadband Service by Coordinating the
Installation of Broadband Infrastructure**

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-643

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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This bill requires public entities constructing or causing to be constructed certain construction projects to install or cause to be installed broadband conduit as part of the construction project. Construction projects covered include projects to construct new or replace existing water or sewer lines in the right-of-way of a highway or public road; to construct a new highway or public road; or to construct or relocate an additional lane or shoulder for an existing highway or public road. The bill authorizes public entities to lease the installed broadband conduit to broadband providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service. The bill directs the ConnectME Authority, in collaboration with the Department of Transportation, to provide technical and educational assistance and requires the ConnectME Authority to maintain a map of broadband conduit installation in the State.

Committee Amendment "A" (H-643)

This amendment replaces the bill. It requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. Notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. The ConnectME Authority is required to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

Enacted Law Summary

Public Law 2017, chapter 344 requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. It specifies that notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. It requires the ConnectME Authority to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

LD 1487 An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	OTP-AM ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill changes the requirement regarding the development, implementation, operation and management of nontransmission alternatives for proposed transmission lines and proposed transmission projects. This bill requires that a smart grid coordinator appointed by the Public Utilities Commission develop a nontransmission alternative to a proposed transmission line or proposed transmission project.

The bill provides that a smart grid coordinator must be an entity incorporated in the State; may not be a transmission and distribution utility located in the State or an affiliate of a transmission and distribution utility located in the State; and must have a demonstrated record of developing, operating and managing nontransmission alternatives.

Committee Amendment "A" (S-435)

This amendment replaces the bill and changes the title. It amends the legislative findings provision of the laws regarding declaration of policy on smart grid infrastructure to state that it is in the public interest to establish a single, independent smart grid coordinator. It directs the Office of the Public Advocate to convene a stakeholder

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adhere to the limitations regarding the inappropriate use, sale or disclosure of or access to customer personal information for the duration of the contract.

It prohibits the ConnectME Authority from providing any grant funding to a provider of broadband Internet access service that engages in the inappropriate use, sale or disclosure of or access to customer personal information. It requires that a provider that receives grant funding from the ConnectME Authority must adhere to the limitations regarding the inappropriate use, sale or disclosure of or access to customer personal information for five years from the date grant funding is received.

Lastly, it directs the Office of the Attorney General to submit a report by January 15, 2019, to the joint standing committee of the Legislature having jurisdiction over utilities and technology matters related to the State's ability to ensure that providers of broadband Internet access service are adhering to net neutrality principles.

LD 1632 An Act To Establish the Manufacturing Jobs Energy Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J STANLEY S	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill establishes the manufacturing jobs energy program to encourage growth of forest products and wood manufacturing jobs tied to installed megawatt capacity from new renewable energy from combined heat and power, including biomass energy from manufacturing residues. The program is administered by the Public Utilities Commission.

LD 1671 An Act To Create a Grant Program To Assist with Dispatch Center Consolidation

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	ONTP OTP-AM	S-436 H-801 BERRY S

This bill was carried over from the First Regular Session of the 128th Legislature. It was reported out of committee and subsequently died in non-concurrence during the Second Regular Session. In the Second Special Session it was recalled from the Legislative files.

This bill requires the Public Utilities Commission to establish the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge, but limits the surcharges to no more than 45¢ per month per line or number for the statewide E-9-1-1 surcharge and 45¢ per retail transaction for the prepaid wireless E-9-1-1 surcharge, which is the same amount as in the current law.

Committee Amendment "A" (S-436)

This amendment is the minority report of the committee and replaces the bill. It reduces, starting October 1, 2018, the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to 40¢. It also requires the Public Utilities Commission, Emergency Services Communication Bureau to use up to \$1,000,000 from the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to provide grants to support the consolidation of dispatch centers into existing public safety answering points. It requires the Emergency Services Communication Bureau to adopt routine technical rules to establish the application process and allowable uses for grants.

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This amendment also adds an allocation of \$1,000,000 for the grants.

House Amendment "A" To Committee Amendment "A" (H-801)

This amendment removes the E-9-1-1 surcharge reductions contained in Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 428 requires the Public Utilities Commission, Emergency Services Communication Bureau to use up to \$1,000,000 from the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to provide grants to support the consolidation of dispatch centers into existing public safety answering points. It requires the Emergency Services Communication Bureau to adopt routine technical rules to establish the application process and allowable uses for grants.

**LD 1686 An Act To Amend the Laws Regarding Distributed Energy Generation ONTP
and To Eliminate Gross Metering**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	ONTP	

This bill requires a net energy billing customer that applies for a net energy billing arrangement after April 30, 2018, but before May 1, 2019, to receive 90% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill, a customer that applies for a net energy billing arrangement after April 30, 2019, but before May 1, 2020, to receive 80% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill and a customer that applies for a net energy billing arrangement after April 30, 2020, but before May 1, 2021, to receive 70% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill. It requires that in each 12-month period after April 30, 2021, the percentage of an eligible customer's excess energy generation that applies to that customer's transmission and distribution bill be reduced by no more than 10% and that any reduction applies only to customers that apply for a net energy billing arrangement in that 12-month period.

It specifies that an eligible customer that applies for a net energy billing arrangement before May 1, 2018, may continue with the net energy billing arrangement until April 30, 2033, and that an eligible customer that applies for a net energy billing arrangement after April 30, 2018, may continue with that net energy billing arrangement until April 30th of the calendar year that is 15 years from the year in which the customer applied for the net energy billing arrangement.

This bill prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine. It requires the Public Utilities Commission to amend its current net energy billing rules before January 1, 2019, to be consistent with the Maine Revised Statutes, Title 35-A, section 3209-A.

This bill also requires the Public Utilities Commission to submit a report by January 1, 2020, that includes recommendations on how to transition from net energy billing to time-of-use rates, market-based rates or other rate design options. In its report, the commission must include information regarding an analysis of costs and benefits of net energy billing as well as how those costs and benefits compare to any recommendations the commission makes in this report.

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LD 1690 An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N WOODSOME D	ONTP OTP	

This bill changes the process for siting small cell facilities in order to facilitate wireless broadband deployment, including:

1. Through modifications to the process for issuing utility facility location permits, including small cell facility location permits;
2. Through the establishment of standards governing local land use ordinances applicable to the siting of small cell facilities; and
3. Through the establishment of standards governing the collocation of small cell facilities on poles owned by the State, an agency, a county, a municipality or a district.

LD 1699 An Act To Revise the Renewable Portfolio Standard Laws To Allow Certain Hydropower Facilities To Qualify as New Renewable Capacity Resources

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D KEIM L	ONTP	

This bill allows a hydropower facility licensed after January 1, 2018, with a licensed capacity of no more than 30 megawatts that is interconnected with an electric distribution system located in Maine to qualify as a new renewable capacity resource for purposes of meeting renewable energy portfolio standard requirements.

LD 1700 An Act To Protect Maine Residents and Businesses from Rising Electricity Costs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a task force to examine the cost of the delivery of electricity to homes and businesses in this State and the factors that may cause this cost to rise, including, but not limited to, requests by electric utilities for rate increases, the recovery of costs incurred by electric utilities for recent storm restoration efforts and the possibility that ratepayers in this State may be required to pay a portion of the cost for new transmission lines to meet the demand for power in Massachusetts.

The task force would include among its members representatives of consumers, producers, electric utilities, the Governor's Energy Office, the Public Utilities Commission, the Office of the Public Advocate and legislators. The task force would report its findings, including a proactive and comprehensive approach to protect residents and

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businesses in this State from rising electricity costs, to the Governor and the Legislature.

LD 1701 An Act To Improve the Energy Efficiency of Group Homes in the Northern Part of the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S JACKSON T	ONTP	

This bill provides that money in certain funds established in the Efficiency Maine Trust Act may be used to improve energy efficiency in group homes for persons with intellectual disabilities in Aroostook County. These expenditures are limited to \$3,500 per group home.

LD 1702 An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S DILL J	ONTP	

This bill allows the owner of certain hydropower facilities to offer for sale to the owner or tenant of a rural manufacturing or industrial site electricity generated by those hydropower facilities that is not under contract to be sold to another entity.

LD 1729 An Act To Restore Confidence in Utility Billing Systems PUBLIC 448 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L BERRY S	OTP-AM ONTP	S-467 S-505 KEIM L

This bill was reported out of committee during the Second Regular Session of the Legislature. It was carried over to the next special session of the 128th Legislature by joint order S.P. 748.

This bill establishes requirements relating to so-called electric service drops constructed by customers of large electric transmission and distribution utilities. The bill requires a utility to reimburse a customer for an aboveground or underground customer-constructed service drop at the customer's request, but limits the price to be paid to the cost the utility would have expended to construct an aboveground service drop.

Committee Amendment "A" (S-467)

This amendment, which is the majority report of the committee, strikes the bill and replaces it with the following.

1. It allows the Public Utilities Commission to fairly allocate the costs between ratepayers and shareholders of an investor-owned public utility when an audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance.
2. It directs the Public Utilities Commission to adopt major substantive rules regarding the testing of a transmission and distribution utility's metering and billing systems by a transmission and distribution utility.
3. It directs the Public Utilities Commission to consider whether the rules include provisions related to periodic,

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independent audits of an investor-owned transmission and distribution utility's metering and billing systems.

4. It requires the Public Utilities Commission to submit a report to the Legislature that addresses whether enough is being done by investor-owned transmission and distribution utilities to strengthen and protect their systems, whether it is in the ratepayers' interest to require the utilities to do more to strengthen and protect their systems, and what can be done to improve public safety in storm events, especially in light of lessons learned from recent storms.

Senate Amendment "A" To Committee Amendment "A" (S-505)

This amendment makes the following changes to Committee Amendment "A."

1. It adds an emergency preamble and emergency clause.
2. It clarifies that the costs of the management audit may be allocated to ratepayers or shareholders.
3. It requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019, on whether the commission has exercised the authority granted to it to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends the provision of law governing the cost of a management audit.
4. It provides that the provision of law that authorizes the Public Utilities Commission to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility applies to a management audit concluded at any time after the effective date of the legislation.

Enacted Law Summary

Public Law 2017, chapter 448 does the following.

1. It allows the Public Utilities Commission to fairly allocate the costs between ratepayers or shareholders of an investor-owned public utility when an audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance.
2. It directs the Public Utilities Commission to adopt major substantive rules regarding the testing of a transmission and distribution utility's metering and billing systems by a transmission and distribution utility.
3. It directs the Public Utilities Commission to consider whether the rules include provisions related to periodic, independent audits of an investor-owned transmission and distribution utility's metering and billing systems. In making this determination it requires the Public Utilities Commission to consider any information it has learned from the audit of Central Maine Power Company's billing system that was initiated in Public Utilities Commission, Docket No. 2018-010052.
4. It requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019 on whether the commission has exercised the authority granted to it to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends the provision of law governing the cost of a management audit.
5. It requires the Public Utilities Commission to submit a report to the Legislature that addresses whether enough is being done by investor-owned transmission and distribution utilities to strengthen and protect their systems, whether it is in the ratepayers' interest to require the utilities to do more to strengthen and protect their systems, and what can be done to improve public safety in storm events, especially in light of lessons learned from recent storms.

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6. It provides that the provision of law that authorizes the Public Utilities Commission to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility applies to a management audit concluded at any time after the effective date of the legislation.

Public Law 2017, chapter 448 was enacted as an emergency measure effective July 9, 2018.

LD 1732 An Act To Protect Maine Citizens from an Out-of-state Entity's Misleading Use of In-state Telephone Numbers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B VACHON K	ONTP	

This bill prohibits a voice service provider from renting or selling telephone numbers with Maine area codes to a person unless that person has a sufficient physical presence in the State. It requires the Public Utilities Commission to adopt implementing rules.

LD 1741 Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GIDEON S	OTP-AM ONTP	S-373 S-402 WOODSOME D

This resolve was reported out of committee in the Second Regular Session and carried over on the Study Table to the next special session by joint order S.P. 748.

This resolve establishes the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry.

Committee Amendment "A" (S-373)

This amendment is the majority report of the committee. It removes from the membership of the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry representatives from small-scale and large-scale battery energy storage system owners and adds representatives from small-scale and large-scale energy storage system owners. It removes certain language regarding invited staff support.

Senate Amendment "A" (S-402)

This amendment removes the emergency preamble and emergency clause from the resolve.

LD 1745 An Act To Establish the Wood Energy Program Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T STANLEY S	OTP-AM ONTP	S-464

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This bill contains legislative findings regarding the failure of Stored Solar, LLC to achieve in-state economic benefits and to continually operate its biomass resource facilities at least at 50% capacity except for planned and forced outages as required by law and contract.

This bill prohibits the Public Utilities Commission from providing any funds from the cost recovery fund to pay the above-market costs for energy supplied from the biomass resources of Stored Solar, LLC pursuant to a contract entered into between Central Maine Power Company and Stored Solar, LLC. It requires the commission to distribute funds from the cost recovery fund that are designated for Stored Solar, LLC to contractors that have not received payment for services provided to Stored Solar, LLC to run its biomass resource facilities in Jonesboro and West Enfield. It requires the commission to direct a transmission and distribution utility to enter into a contract for no more than 40 megawatts of biomass resources with a biomass facility that serves the ISO-NE region and that was the next-highest conforming bid after Stored Solar, LLC in a competitive solicitation issued by the Public Utilities Commission on June 17, 2016. It requires the above-market costs of the contract to be paid from any funds remaining in the cost recovery fund after payments are made to contractors and subject to meeting contract terms.

This bill requires the Public Utilities Commission to request that the Attorney General investigate Stored Solar, LLC and institute any proceedings against Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of those funds distributed to contractors by the commission pursuant to this legislation. It specifies that any money recovered by the Attorney General must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.

Committee Amendment "A" (S-464)

This amendment is the majority report and it replaces the bill. It adds an emergency preamble and emergency clause. It specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy fund.

It establishes the wood energy fund and creates the Wood Energy Program within the Efficiency Maine Trust. It requires the trust to use funds, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Program incentives and the distribution of money from the wood energy fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

The amendment also adds an appropriations and allocations section.

LD 1746 An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services PUBLIC 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM	S-390 S-524 HAMPER J

This bill was reported out during the Second Regular Session and carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill clarifies that telephone services available to income-eligible Maine consumers that are supported by

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federal universal service support funds are not subject to the state service provider tax and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

Committee Amendment "A" (S-390)

This amendment amends the sales and use tax laws to specify that federal universal service support funds paid directly to the seller are not included in the definition of "sale price." It removes language regarding rulemaking by the Public Utilities Commission, and it clarifies language regarding adjusting the prepaid wireless telecommunications service fee.

Senate Amendment "A" (S-524)

This amendment adds an effective date of January 1, 2019 to the bill.

Enacted Law Summary

Public Law 2017, chapter 422 clarifies that telephone services available to income-eligible Maine consumers that are supported by federal universal service support funds are not subject to the state service provider tax, that federal universal service support funds paid directly to the seller are not included in the definition of "sale price," and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

It provides that notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission may adjust the prepaid wireless telecommunications service fee if needed to conform to this law.

This law takes effect January 1, 2019.

LD 1785 An Act To Amend the Greater Augusta Utility District Charter

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)
WARREN C
KATZ R

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

LD 1798 Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

RESOLVE 44 EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-633

This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.

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Committee Amendment "A" (H-633)

This amendment allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information, and clarification of the timeframe for project completion and report submissions.

Enacted Law Summary

Resolve 2017, chapter 44 allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information and clarification of the timeframe for project completion and report submissions.

Resolve 2017, chapter 44 was finally passed as an emergency measure effective April 8, 2018.

LD 1799 Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 49
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-704

This resolve provides for legislative review of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-704)

This amendment allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's

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becoming subject to the rule; and

6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

Enacted Law Summary

Resolve 2017, chapter 49 allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's becoming subject to the rule; and
6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

Resolve 2017, chapter 49 was finally passed as an emergency measure effective April 18, 2018.

LD 1810 An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J DAVIS P	ONTP OTP-AM	

This bill amends the laws governing expedited permitting for wind energy development by changing the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County, specifically described as the Town of St. Francis, St. John Plantation, the Town of Fort Kent, the Town of Wallgrass, the Town of Eagle Lake, Winterville Plantation, T14 R6 W.E.L.S., the Town of Portage Lake, Nashville Plantation, Garfield Plantation, T10 R6 W.E.L.S., Oxbow Plantation, the portion of Aroostook County east of those municipalities and also all municipalities in Aroostook County that are wholly located south of the northernmost extent of Penobscot County, excluding Cary Plantation and Molunkus Township.

The bill changes from eight miles to 40 miles the farthest distance from a proposed expedited wind energy development for which a visual impact assessment for potentially affected scenic resources of state or national significance may be required.

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Committee Amendment "A" (H-707)

This amendment is the minority report of the committee. This amendment strikes from the bill language that changes the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County. This amendment also provides that 15 miles, instead of 40 miles as proposed in the bill, is the farthest distance from a proposed expedited wind energy development for which a visual impact assessment for potentially affected scenic resources of state or national significance may be required.

LD 1814 An Act To Amend the Charter of the Lisbon Water Department

P & S 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G MASON R	OTP	

This bill aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

Enacted Law Summary

Private and Special Law 2017, chapter 13 aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

LD 1830 An Act To Amend the Anson and Madison Water District Charter

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill amends the charter of the Anson and Madison Water District to remove from the provision governing a quorum of the board of trustees the requirement that two trustees must be from Anson and two trustees must be from Madison.

LD 1848 An Act To Extend Arrearage Management Programs

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-708

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Maine Revised Statutes, Title 35-A, section 3214, subsection 2-A. The law required the Public Utilities Commission to provide the committee with a report assessing the effectiveness of arrearage management programs and provides the committee with the authority to report out a bill relating to the report.

This bill extends arrearage management programs and the requirement that the Efficiency Maine Trust provide access to a complementary low-income energy efficiency program for participants in arrearage management programs to September 30, 2021. It establishes a new reporting requirement for the Public Utilities Commission and gives the committee authority to report out a bill to the First Regular Session of the 130th Legislature based on the report. It also clarifies that rules adopted by the commission must ensure that a transmission and distribution utility recovers its prudent costs for third party assistance in administering an arrearage management program and

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must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

Committee Amendment "A" (H-708)

This amendment makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. It also clarifies language regarding the recovery in rates of reasonable costs associated with an arrearage management program.

Enacted Law Summary

Public Law 2017, chapter 414 extends arrearage management programs and the requirement that the Efficiency Maine Trust provide access to a complementary low-income energy efficiency program for participants in arrearage management programs to September 30, 2021. It makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. It establishes a new reporting requirement for the Public Utilities Commission and gives the committee authority to report out a bill to the First Regular Session of the 130th Legislature based on the report. It also clarifies that rules adopted by the commission must ensure that a transmission and distribution utility recovers its prudent costs for third party assistance in administering an arrearage management program and must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

LD 1872 An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council

**PUBLIC 408
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-758

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to implement the recommendations made by the Telecommunications Relay Services Advisory Council in its report provided to the committee pursuant to the State Government Evaluation Act.

This bill does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.

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7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission into the Telecommunications Relay Services Council Fund.

Committee Amendment "A" (H-758)

This amendment is the majority report of the committee and it makes the following changes to the bill.

1. It adds an emergency preamble and emergency clause.
2. It specifies that the annual budget request of the Telecommunications Relay Services Council is to be transferred to the Telecommunications Relay Services Council Fund on a quarterly basis by the Public Utilities Commission.
3. It adds a conflict of interest provision.
4. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 408 does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.
7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission on a quarterly basis, into the Telecommunications Relay Services Council Fund.
8. It adds a conflict provision specifying that a member of the council is prohibited from participating in any decision on any contract entered into by the council if that member has any interest, direct or indirect, in any firm, partnership, corporation or association that is party to the contract and that the interest must be disclosed to the council in writing and must be set forth in the minutes of the council.
9. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

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Public Law 2017, chapter 408 was enacted as an emergency measure effective May 1, 2018.

LD 1895 An Act Regarding Energy Costs

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N		

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748. The bill was not referred to committee.

Current law requires the Public Utilities Commission to assess a gas utility an amount necessary to fund the natural gas conservation fund, a fund administered by the Efficiency Maine Trust, which must be used to promote the efficient use of natural gas. The assessment may be collected from consumers of the gas utility. The commission is required to return the value of any funds collected but not used after two years to consumers.

This bill requires the trust to remit any funds held in the fund more than two years after being collected to gas utilities. A gas utility receiving such funds may use those funds to assist residential or commercial consumers or potential consumers in using natural gas for heating. If a utility does not use or contract for the use of such funds within one year of receipt, the utility must return the funds to the trust and the commission is required to determine how to return those unexpended funds to consumers.

**LD 1896 An Act To Improve Efficiency through Electric Rate Design and
Advanced Technology**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E FARRIN B	ONTP OTP-AM	

This bill requires the Public Utilities Commission to promote recovery of fixed transmission and distribution costs through fixed customer costs, to the extent practicable and economically efficient, and to examine and make appropriate changes to transmission and distribution utility rate class designations to the extent such changes would improve equity and economic efficiency. The bill further requires the commission to implement transmission and distribution rates that vary by time of day and season or other relevant cost drivers, to the extent practicable, to achieve economic efficiency.

The bill requires investor-owned transmission and distribution utilities to submit specific rate design proposals to the commission by January 1, 2019, and provides that such plans must include proposals for implementing cost-effective programs and load-control technologies to optimize distribution circuit and transmission system load profiles and rates or programs that encourage incremental usage if such uses would lower rates for all customer classes. The bill removes the requirement that transmission and distribution utilities' proposals include cost-effective conversions of electric space heat systems.

The bill also removes the requirement that rate design changes implemented pursuant to the Maine Revised Statutes, Title 35-A, section 3153-A be implemented on a temporary, pilot or experimental basis and requires the commission to implement policies and practices to encourage competitive electricity providers to offer residential and commercial customers supply prices reflective of real-time market price variations.

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The bill provides that any Efficiency Maine Trust funds targeted to low-income residential transmission and distribution customers that remain unspent at the end of a fiscal year may, at the commission's discretion, be returned to investor-owned transmission and distribution utilities to offset bill increases to low-income transmission and distribution customers resulting from the bill's rate design changes. The bill also provides that Efficiency Maine Trust funds targeted to low-income residential transmission and distribution customers that are uncommitted 2 years after having been collected must be returned to those customers.

Committee Amendment "A" (S-465)

This amendment, which is the minority report of the committee and replaces the bill, specifies that the purposes of the law regarding rate design are to require the Public Utilities Commission to consider fixed customer charges, to the extent practicable and economically efficient, and to set transmission and distribution rates that vary by time of day and season or other relevant cost drivers, to the extent practicable, to achieve economic efficiency. Like the bill, the amendment does the following.

1. It requires investor-owned transmission and distribution utilities to submit specific rate design proposals to the commission by January 1, 2019.
2. It removes the requirement that transmission and distribution utilities' proposals include cost-effective conversions of electric space heat systems.
3. It removes the requirement that rate design changes implemented pursuant to the Maine Revised Statutes, Title 35-A, section 3153-A be implemented on a temporary, pilot or experimental basis and requires the commission to implement policies and practices to encourage competitive electricity providers to offer residential and commercial customers supply prices reflective of real-time market price variations.
4. It provides that Efficiency Maine Trust funds targeted to low-income residential transmission and distribution consumers that are uncommitted two years after having been collected must be returned to those consumers.

The amendment also directs the Office of the Public Advocate to convene a stakeholder group to evaluate options and prepare recommendations for certain issues related to the efficient and effective implementation of smart grid policy, including addressing costs and financial incentives of transmission and distribution utilities and the smart grid coordinator and describing roles for the Public Advocate, Public Utilities Commission, Efficiency Maine Trust and transmission and distribution utilities with regard to nonwires alternatives and other smart grid functions. It also prohibits the Public Utilities Commission from implementing any final decisions related to rate proposals received pursuant to the commission's order of December 15, 2017, in the Public Utilities Commission's Docket No. 2016-00049 from any transmission and distribution utility until 90 days after adjournment of the First Regular Session of the 129th Legislature.

Lastly, it requires the Public Utilities Commission to convene a stakeholder group to discuss allowing the Efficiency Maine Trust to use funds for electricity conservation programs for low-income residential consumers to promote the placement of high-efficiency ductless heat pumps into qualified low-income homes by allowing the trust in its cost-effectiveness test to account for all energy savings derived from a high-efficiency ductless heat pump, including nonelectric savings.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency Matters - PUC/OPA/GEO/EMT

Enacted

LD 1798	Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority	RESOLVE 44 EMERGENCY
LD 1799	Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 49 EMERGENCY

Not Enacted

LD 260	An Act To Create the Maine Energy Office	Died On Adjournment
LD 1515	An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund	ONTP

Biomass

Not Enacted

LD 131	An Act To Protect the Biomass Industry	ONTP
LD 1632	An Act To Establish the Manufacturing Jobs Energy Program	ONTP
LD 1745	An Act To Establish the Wood Energy Program	Veto Sustained

Broadband

Enacted

LD 1472	An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure	PUBLIC 344
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Not Enacted

LD 140	An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund	ONTP
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LD 423	An Act To Extend Internet Availability in Rural Maine	Died On Adjournment
LD 1176	An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet	ONTP
LD 1372	Resolve, To Increase Digital Literacy Education in Rural Communities	Died On Adjournment
LD 1399	An Act To Encourage Broadband Coverage in Rural Maine	Died On Adjournment
LD 1610	An Act To Protect Privacy of Online Customer Personal Information	Died Between Houses
LD 1690	An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits	Majority (ONTP) Report

E911

Enacted

LD 1671	An Act To Create a Grant Program To Assist with Dispatch Center Consolidation	PUBLIC 428
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Electricity

Enacted

LD 1729	An Act To Restore Confidence in Utility Billing Systems	PUBLIC 448 EMERGENCY
LD 1848	An Act To Extend Arrearage Management Programs	PUBLIC 414

Not Enacted

LD 257	An Act To Allow Microgrids That Are in the Public Interest	Veto Sustained
LD 1224	An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates	ONTP
LD 1487	An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives	Died On Adjournment
LD 1700	An Act To Protect Maine Residents and Businesses from Rising Electricity Costs	ONTP

LD 1741	Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry	Died On Adjournment
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LD 1896	An Act To Improve Efficiency through Electric Rate Design and Advanced Technology	Died Between Houses
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Energy Efficiency

Not Enacted

LD 1701	An Act To Improve the Energy Efficiency of Group Homes in the Northern Part of the State	ONTP
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Hydropower

Not Enacted

LD 532	An Act To Remove the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	Majority (ONTP) Report
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LD 1699	An Act To Revise the Renewable Portfolio Standard Laws To Allow Certain Hydropower Facilities To Qualify as New Renewable Capacity Resources	ONTP
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LD 1702	An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites	ONTP
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Natural Gas

Enacted

LD 822	An Act To Ensure Fairness among Large Consumers of Natural Gas	PUBLIC 358
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Not Enacted

LD 1895	An Act Regarding Energy Costs	Died Between Houses
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Solar Energy

Not Enacted

LD 1373	An Act To Protect and Expand Access to Solar Power in Maine	ONTP
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LD 1444	An Act To Prohibit Gross Metering	Veto Sustained
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LD 1686	An Act To Amend the Laws Regarding Distributed Energy Generation and To Eliminate Gross Metering	ONTP
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Telecommunications

Enacted

LD 1746	An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services	PUBLIC 422
LD 1872	An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council	PUBLIC 408 EMERGENCY

Not Enacted

LD 1732	An Act To Protect Maine Citizens from an Out-of-state Entity's Misleading Use of In-state Telephone Numbers	ONTP
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Water/Sewer/Sanitary Charters

Enacted

LD 1814	An Act To Amend the Charter of the Lisbon Water Department	P & S 13
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Not Enacted

LD 1785	An Act To Amend the Greater Augusta Utility District Charter	Leave to Withdraw Pursuant to Joint Rule 310
LD 1830	An Act To Amend the Anson and Madison Water District Charter	ONTP

Wind Energy

Not Enacted

LD 1810	An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development	Died Between Houses
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