



128th MAINE LEGISLATURE

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Legislative Document

No. 1313

H.P. 910

House of Representatives, April 4, 2017

An Act To Establish Energy Policy in Maine

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SANBORN of Portland.
Cosponsored by Senator WOODSOME of York and
Representatives: BERRY of Bowdoinham, COOPER of Yarmouth, HARVELL of Farmington,
O'CONNOR of Berwick, RILEY of Jay, RYKERSON of Kittery.

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

2 **Sec. 1. 35-A MRSA §10109, sub-§3-A**, as enacted by PL 2015, c. 498, §1, is
3 amended to read:

4 **3-A. Payments.** The trust shall transfer funds to the commission ~~\$3,000,000 per~~
5 each year during fiscal years ~~2016-17~~, 2017-18 and 2018-19 in accordance with this
6 subsection to be used by the commission for disbursements to affected customers.
7 ~~Affected customers who use~~ An affected customer who uses the entire disbursement
8 received by that customer toward an efficiency measure approved by the trust in the fiscal
9 year in which it is received must receive \$1 of assistance from the trust for every \$3 of
10 the disbursement plus any additional customer funds that is applied by the affected
11 customer toward the cost of the approved efficiency measure as long as the total of
12 assistance from the trust and the disbursement allocated by the commission under this
13 subsection for that customer for that fiscal year does not exceed 65% of the total measure
14 cost.

15 For the purposes of this subsection, "affected customer" means a customer who is not
16 primarily in the business of selling electricity, is receiving service at a transmission or
17 subtransmission voltage level as defined in section 10110, subsection 6 within the
18 electrical utility transmission system administered by an independent system operator of
19 the New England bulk power system or a successor organization and is an energy-
20 intensive manufacturer, as defined in reports prepared by the U.S. Energy Information
21 Administration. The commission may also determine that a manufacturer not defined as
22 an energy-intensive manufacturer in reports prepared by the U.S. Energy Information
23 Administration is an affected customer if that manufacturer meets the other requirements
24 of the definition under this subsection.

25 A. No later than November 1st of each applicable fiscal year, the commission shall
26 direct funds ~~totaling \$3,000,000 per each~~ year during fiscal years ~~2016-17~~, 2017-18
27 and 2018-19 to be disbursed for the benefit of affected customers in proportion to
28 their retail purchase of electricity as measured in kilowatt-hours for the prior calendar
29 year. The total amount to be disbursed must be determined by the commission by
30 multiplying the percentage of the affected customer's share of the annual load by the
31 actual annual revenues resulting from the sale of carbon dioxide allowances under
32 this section.

33 B. During fiscal years ~~2016-17~~, 2017-18 and 2018-19, an affected customer who
34 receives a disbursement under this subsection is not eligible to receive financial or
35 other assistance from the trust fund established in this section except as allowed
36 under this subsection. This ineligibility does not apply to any trust program
37 opportunity notices issued before July 1, 2016 or to any affected customer that elects,
38 in writing to the commission, to opt out of receiving a disbursement under this
39 subsection for the full period of fiscal years 2017-18 and 2018-19. The commission
40 shall reduce the total amount to be disbursed under paragraph A as necessary to
41 reflect the share of load represented by customers electing to opt out.

42 C. The commission shall include in its annual report pursuant to section 120,
43 subsection 7 to the joint standing committee of the Legislature having jurisdiction

1 over public utilities matters a description of the commission's activities in carrying
2 out the requirements of this subsection, a list of affected customers receiving
3 disbursements, a list of those who elected to use the disbursements toward efficiency
4 measures and the results of the activities under this subsection.

5 **SUMMARY**

6 This bill amends the law regarding the transfer of funds from the Regional
7 Greenhouse Gas Initiative Trust Fund to the Public Utilities Commission for the purpose
8 of the commission's making disbursements to affected manufacturing customers in
9 proportion to their retail purchase of electricity. The bill removes the requirement to
10 transfer \$3,000,000 per year and instead directs the commission to determine the total
11 amount to be disbursed based on a percentage. The bill allows affected customers to opt
12 out of receiving a disbursement. The bill requires an affected customer to use the entire
13 amount disbursed by the commission toward the cost of an approved efficiency measure
14 in order for the affected customer to be eligible to receive matching funds from
15 Efficiency Maine Trust.