

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
S.P. 674 - L.D. 1913

**An Act To Create the Electric Ratepayer Advisory Council**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the affordability of electricity in the State is a major issue facing many ratepayers; and

**Whereas,** stakeholders need to begin immediately to evaluate measures to make electricity more affordable and advise the Public Advocate on these potential measures; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §12004-I, sub-§93** is enacted to read:

**93.**

<u>Public</u>	<u>Electric Ratepayer Advisory Council</u>	<u>Not Authorized</u>	<u>35-A MRSA</u>
<u>Advocate</u>			<u>§1714</u>

**Sec. 2. 35-A MRSA §1714** is enacted to read:

**§1714. Electric Ratepayer Advisory Council**

**1. Appointment; composition.** The Electric Ratepayer Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 93, consists of 18 members as follows:

**A. Thirteen voting members appointed by the Public Advocate including:**

**(1) One member representing the interests of senior citizens and the aging population of the State;**

(2) One member representing an equal justice advocacy organization operating in the State;

(3) One member representing an association of community action agencies as defined in Title 22, section 5321, subsection 2;

(4) One member representing a statewide organization that advocates for affordable housing;

(5) One member from each investor-owned transmission and distribution utility in the State;

(6) One member representing a consumer-owned transmission and distribution utility in the State;

(7) One member representing a large industrial employer based in the State;

(8) One member representing a research organization dedicated to improving the economic outlook of the State and its residents;

(9) One member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If these tribal governments do not make a unanimous joint recommendation, the Public Advocate shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State;

(10) Two public members, one of whom is a customer of an investor-owned transmission and distribution utility serving the northern portion of the State and one of whom is a customer of an investor-owned transmission and distributed utility serving the southern portion of the State; and

(11) One public member who is a small business owner; and

B. Five ex officio, nonvoting members including:

(1) The Public Advocate or the Public Advocate's designee;

(2) The Director of the Governor's Energy Office or the director's designee;

(3) The chair of the commission or the chair's designee;

(4) The Director of the Efficiency Maine Trust or the director's designee; and

(5) The director of the Maine State Housing Authority or the director's designee.

**2. Duties.** The council shall make recommendations to the Public Advocate regarding methods to ensure that ratepayers are able to afford electricity in the State. In developing recommendations, the council shall:

A. Review the electric rates and rate design in effect when the council is developing its recommendations, projected changes in those rates and the policy goals and other factors contributing to projected changes in those rates;

B. Review electric assistance programs in existence when the council is developing its recommendations, including those programs implemented pursuant to section 3214, and consider more streamlined and cost-effective options to provide assistance to all ratepayers that may be struggling to pay their electric utility bills, including an electric utility relief program that provides assistance to individuals receiving benefits under a state or federal low-income assistance program or whose family income is equal to or below 200% of the federal nonfarm income official poverty line;

C. Identify methods to:

(1) Fund electric assistance programs that do not result in shifting costs to ratepayers;

(2) Improve education and outreach efforts regarding electric assistance programs, the retail electricity supply market and energy efficiency programs; and

(3) Make energy efficiency programs more accessible to low-income, moderate-income and small business ratepayers, including those ratepayers that rent housing accommodations or commercial spaces; and

D. Identify any other methods that may improve the affordability of electricity.

**3. Terms.** The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term.

**4. Meetings.** The council shall meet at least once a year.

**5. Chair.** The Public Advocate shall appoint a chair.

**6. Public participation.** Meetings of the council are public proceedings and may allow for public comment.

**7. Staff assistance.** The Public Advocate and the commission shall provide necessary administrative staffing services to the council.

**8. Reports.** By December 1st of each year, the Public Advocate shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the activities of the council and any recommendations the council made to the Public Advocate pursuant to subsection 2. The committee may report out a bill to the Legislature relating to the recommendation of the council.

**Sec. 3. Electric Ratepayer Advisory Council; appointments; meetings.** The Public Advocate shall make initial appointments to the Electric Ratepayer Advisory Council pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 1 no later than 60 days after the effective date of this Act. Notwithstanding Title 35-A, section 1714, subsection 4, during the 2022 calendar year the Electric Ratepayer Advisory Council shall hold its first meeting no later than July 1, 2022 and shall hold at least 5 meetings in total during that calendar year.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

## **EXECUTIVE DEPARTMENT**

### **Public Advocate 0410**

Initiative: Provides a one-time allocation for the cost of contracted services to develop a report on the activities and recommendations of the Electric Ratepayer Advisory Council.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$100,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$100,000</u>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.