

Annual List of Rule-Making Activity
Rules Adopted January 1, 2015 to December 31, 2015
Prepared by the Secretary of State, pursuant to 5 MRS §8053, sub-§5

Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 3203
Chapter number/title: **Ch. 305**, Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity
Filing number: **2015-010**
Effective date: 1/26/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to the Commission's Ch. 305 governing licensing requirements, annual reporting, enforcement, and consumer protection provisions for competitive electricity providers (CEPs). Over the last several years, there has been a significant increase in competitive activity involving residential and small commercial customers. This increased competitive activity has highlighted the need for a review of the provision of Ch. 305. Accordingly, this rulemaking focuses primarily on amendments to the consumer protection provisions of the rule, as well as other proposed changes based on our experience in implementing the rule.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 2000-335 issued on May 1, 2000. Order Adopting Rule and Statement of Factual and Policy Basis, Commission Docket No. 2005-608 issued on March 9, 2006 and Order Adopting and Statement of Factual and Policy Basis, Commission Docket No. 2014-214 issued January 14, 2015. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

Minimal

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 1301, 3203(3), 3203(4)
Chapter number/title: **Ch. 306**, Uniform Information Disclosure
Filing number: **2015-011**
Effective date: 1/26/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts an amended rule that adds certain provisions of the Commission's "Uniform Information Disclosure and Informational Filing" rule (Ch. 306) to the Commission's "Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity" rule (Ch. 305). Specifically, the PUC removes section 2(D) containing the requirement for the contents of the competitive electricity provider (CEP) terms of service document and section 3 containing CEP informational filing requirements. These sections are being incorporated into Ch. 305, by way of the Notice of Rulemaking, Docket No. 2014-0024.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 2014-00215, issued on January 14, 2015. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018.

Fiscal impact of rule:

Minimal

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §6114
Chapter number/title: **Ch. 615**, Exemptions from Regulatory Requirements for Consumer-Owned Water Utilities
Filing number: **2015-018**
Effective date: 2/22/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts Ch. 615, setting forth requirements and procedures related to exemptions, pursuant to 35-A M.R.S. §6114, from regulatory requirements that otherwise would apply to consumer-owned water utilities.

Basis statement / summary:

This rule establishes rules for the form, content, and procedure for granting, modifying, and rescinding exemptions from regulatory requirements before the Maine Public Utilities Commission.

Fiscal impact of rule:

None.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: PL 2001 ch. 624, PL 2003 ch. 20, PL 2003 ch. 644, PL 2009 ch. 372, PL 2013 ch. 120, 10 MRS §§ 1411-1420, 1461-1466, 9721-9725
Chapter number/title: **Ch. 401**, Certification Program for Installers of Solar Energy Equipment in Maine
Ch. 405, Certification of Energy Auditors in Maine
Ch. 407, Energy Efficiency Building Performance Standards Act
Ch. 409, Pilot Energy Conservation Revolving Loan Fund Program
Filing number: **2015-043 thru 046**
Effective date: 3/23/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission repeals a number of outdated rules related to a prior role the Commission had regarding Maine's energy conservation programs.

Basis statement / summary:

Through this Order, we repeal a number of outdated rules related to a prior role the Commission had regarding Maine's energy conservation programs.

Fiscal impact of rule:

No fiscal impact.

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Agency name: Public Utilities Commission
Umbrella-Unit: 65-407
Statutory authority: 35-A MRS §3214, 10110
Chapter number/title: Ch. 317, Statewide Arrearage Management Program
Filing number: 2015-073
Effective date: 4/19/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts a new rule (Ch. 317, *Statewide Arrearage Management Program*) that sets forth requirements and procedures related to the implementation of P.L. 2013 ch. 556, *An Act to Assist Electric Utility Ratepayers*. This rule requires that all transmission and distribution (T&D) utilities create and administer an Arrearage Management Program.

Basis statement / summary:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Commission Docket No. 2015-00015 issued on April 9, 2015. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may be obtained from the Administrative Director of the Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018.

This chapter establishes a process and regulations by which each electric transmission and distribution utility shall implement an Arrearage Management Program (AMP) to assist eligible low-income residential customers who are in arrears with their electricity bills. An AMP implemented pursuant to this section is a plan under which a transmission and distribution utility works with eligible low-income residential customers to establish an affordable payment plan and provide credit towards a customer's accumulated arrears as long as that customer remains in compliance with the terms of the program.

Fiscal impact of rule:

Minimal.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 23-A MRS §3360-A; 35-A MRS §§ 104, 111; PL 2013 ch. 557;
Resolves 2015 ch. 9
Chapter number/title: **Ch. 895**, Underground Facility Damage Prevention Requirements
Filing number: **2015-109**
Effective date: 7/12/2015
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission finally adopts amendments to the Commission's *Underground Facilities Damage Prevention Requirements* rule (Ch. 895) pursuant to recently enacted legislation, Resolves 2015 ch. 9.

Basis statement / summary:

This rule describes the responsibilities of excavators, underground facility operators, the damage prevention system (Dig Safe System, Inc.), and the Public Utilities Commission in implementing Maine's underground facility damage prevention statute. The rule establishes notification, marking, and reporting procedures, defines violations and penalties, and describes the process by which the Public Utilities Commission will enforce the program and monitor its success.

Fiscal impact of rule:

Minimal.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 111, 4508, 4515, 4516-A, 4705-A
Chapter number/title: **Ch. 420**, Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators
Filing number: **2015-171**
Effective date: 9/26/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 420 of the Public Utilities Commission's rules which sets forth safety standards for natural gas and liquefied natural gas operators.

Basis statement / general provisions:

The adopted rule makes minor typographical corrections and clarifications.

Commenter Unitil proposed that the Commission further clarify Section 1(A) of the rule to ensure that the rule remains consistent with federal law regarding jurisdiction of interstate facilities. We agree with Unitil that further jurisdictional clarification of the scope of Ch. 420 is warranted, and adopt Unitil's proposed language for Section 1(A) of the rule.

Fiscal impact of rule:

None

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: PL 2015 ch. 43
Chapter number/title: **Ch. 403**, Rules for the Distribution of Funds to Support Regional Rideshare Programs
Filing number: **2015-253**
Effective date: 12/18/2015
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement / summary:

Through this Order, we repeal an outdated rule related to a prior role the Commission had regarding Maine's energy conservation programs.

Fiscal impact of rule:

No fiscal impact