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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1244, L.D. 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”

Amend the resolve by striking out all of section 1 and inserting the following:

**'Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to:

- 1. Add a provision that specifies that a complaint may be brought for matters within the Public Utilities Commission's jurisdiction by an individual generator for acts or omissions of a transmission and distribution utility that are unreasonable, preferential, discriminatory or anticompetitive and the complaint must be treated in the same manner as a complaint otherwise brought by 10 persons as allowed by Title 35-A, section 1302;
- 2. Clarify in section 1 of the rule that the rule applies to an affiliated generator that:
  - A. Owns or develops generation or generation-related assets in the ISO-New England, or ISO-NE, or Northern Maine Independent System Administrator, or NMISA, power system;
  - B. Imports generation into the ISO-NE or NMISA power system;
  - C. Is directly interconnected to the ISO-NE or NMISA power system;
  - D. Takes any action or makes any plans toward future ownership or development of generation or generation-related assets in the ISO-NE or NMISA power system; or
  - E. Takes any action or makes any plans to import generation or become directly interconnected to the ISO-NE or NMISA power system;

**COMMITTEE AMENDMENT**



- 1           4. The addition of a standard that explicitly prohibits preferential, discriminatory or  
2 other anticompetitive conduct by a transmission and distribution utility;
- 3           5. The clarification that access to books and records is for the purpose of verifying  
4 compliance with the rule and that access to such books and records also applies to books  
5 and records that predate an affiliated generator's becoming subject to the rule; and
- 6           6. The clarification that training of employees to ensure compliance with the rule is  
7 limited to those employees that have access or may have access to the types of  
8 confidential information that is not to be shared.