GOVERNOR'S VETO OVERRIDDEN

JUNE 22, 2015

CHAPTER

232

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FIFTEEN

H.P. 888 - L.D. 1310

An Act To Amend the Community-based Renewable Energy Program

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

Sec. 1. 35-A MRSA §3602, sub-§3-A is enacted to read:

3-A. Net generating capacity. "Net generating capacity" means the output of a generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility and energy consumed for plant lighting, power and auxiliary facilities.

Sec. 2. 35-A MRSA §3603, sub-§2, as amended by PL 2013, c. 454, §3, is further amended to read:

2. Program scope; limits on generating capacity. The commission shall limit participation in the program in accordance with this subsection.

A. The ~~installed~~ net generating capacity of a program participant may not exceed 10 megawatts.

B. The total ~~installed~~ net generating capacity of all program participants combined may not exceed 50 megawatts.

D. Of the 50-megawatt limit on total net generating capacity under paragraph B, ~~10~~ 2 megawatts must be reserved at the outset of the program for program participants that:

(1) Have ~~an installed~~ a net generating capacity of less than 100 kilowatts; or

(2) Are located in the service territory of a consumer-owned transmission and distribution utility.

The commission may modify the amount of net generating capacity reserved under this paragraph based on program experience.

E. The total ~~installed~~ net generating capacity of program participants that receive the renewable energy credit multiplier incentive under section 3605 may not exceed 10 megawatts.

Sec. 3. 35-A MRSA §3609, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

Sec. 4. 35-A MRSA §3610 is enacted to read:

§3610. Project deadline; completion deadline

The commission may not issue an order after December 31, 2015 directing an investor-owned transmission and distribution utility to enter into a long-term contract under this chapter nor allow a consumer-owned transmission and distribution utility to enter into a long-term contract under this chapter. All community-based renewable energy projects that have been selected for a long-term contract must become operational and commence generating electricity by December 31, 2018.

Sec. 5. Viability assessment; request for proposals. The Public Utilities Commission shall review all certified program participant projects under the Maine Revised Statutes, Title 35-A, section 3603 that have not yet reached commercial operations to determine whether the projects are reasonably likely to achieve commercial operations within a 3-year period. For those projects the commission determines will not be viable within a 3-year period, the commission must revoke any contract awarded, but the project may still remain certified. To the extent there is less capacity remaining than is allowed under Title 35-A, section 3603, subsection 2 after the removal of nonviable projects, the commission shall conduct an expedited request for proposals to select community-based renewable energy projects to become program participants and enter into long-term contracts. A project under this process may not elect to choose the renewable energy credit multiplier incentive under Title 35-A, section 3605, and those projects that are operational and have elected the renewable energy credit multiplier do not count towards the 50-megawatt cap on net generating capacity under Title 35-A, section 3603, subsection 2. The commission shall select the projects that provide the most benefit to ratepayers and that have contract pricing levels below 10¢ per kilowatt hour within each contract year. To the maximum extent practicable, the commission must select projects to provide for a total net generating capacity for all projects to meet the maximum allowance under Title 35-A, section 3603, subsection 2 of 50 megawatts.