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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 910, L.D. 1313, Bill, "An Act To Establish Energy Policy in Maine"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

3-A. Payments. The trust shall transfer funds, to the extent funds are available, to the commission \$3,000,000 per each year during fiscal years 2016-17, 2017-18 and 2018-19 and 2019-20 in accordance with this subsection to be used by the commission for disbursements to affected customers. Affected customers who use An affected customer who uses the entire disbursement received by that customer toward an efficiency measure approved by the trust in the fiscal year in which it is received must receive \$1 of assistance from the trust for every \$3 of the disbursement plus any additional customer funds that is are applied by the affected customer toward the cost of the approved efficiency measure as long as the total of assistance from the trust and the disbursement allocated by the commission under this subsection for that customer for that fiscal year does not exceed 65% of the total measure cost.

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

A. No later than November 1st of each applicable fiscal year, the The commission shall direct funds totaling \$3,000,000 per year during fiscal years 2016-17, 2017-18

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1 ~~and 2018-19~~ to be disbursed quarterly during fiscal years 2017-18, 2018-19 and  
2 2019-20 for the benefit of affected customers in proportion to their retail purchase of  
3 electricity as measured in kilowatt-hours for the prior calendar year. The total  
4 amount to be disbursed from the fund, to the extent those funds are available, must be  
5 \$2,500,000 in fiscal year 2017-18, \$2,500,000 in fiscal year 2018-19 and \$1,000,000  
6 in fiscal year 2019-20.

7 B. During fiscal years ~~2016-17, 2017-18 and, 2018-19, and 2019-20,~~ an affected  
8 customer who receives a disbursement under this subsection is not eligible to receive  
9 financial or other assistance from the trust fund established in this section except as  
10 allowed under this subsection. This ineligibility does not apply to any trust program  
11 opportunity notices issued before July 1, 2016 or to any affected customer that elects  
12 in writing to the commission prior to October 1, 2017 to not receive a disbursement  
13 under this subsection for the full period of fiscal years 2017-18 to 2019-20. The  
14 commission shall reduce the total amount to be disbursed under paragraph A as  
15 necessary to reflect the share of load represented by affected customers electing to  
16 opt out.

17 C. The commission shall include in its annual report pursuant to section 120,  
18 subsection 7 to the joint standing committee of the Legislature having jurisdiction  
19 over public utilities matters a description of the commission's activities in carrying  
20 out the requirements of this subsection, a list of affected customers receiving  
21 disbursements, a list of those who elected to use the disbursements toward efficiency  
22 measures and the results of the activities under this subsection.

23 **Sec. 2. 35-A MRSA §10109, sub-§4, ¶A,** as amended by PL 2015, c. 498, §2, is  
24 further amended to read:

25 A. The trust shall allocate 50% of the funds for residential programs and 50% for  
26 commercial and industrial programs. Trust funds must be allocated for measures,  
27 investments, loans, technical assistance and arrangements that reduce electricity  
28 consumption, increase energy efficiency or reduce greenhouse gas emissions and  
29 lower energy costs at commercial or industrial facilities and for investment in  
30 measures that lower residential heating energy demand and reduce greenhouse gas  
31 emissions. The measures that lower residential heating demand must be fuel-neutral  
32 and may include, but are not limited to, energy efficiency improvements to residential  
33 buildings and upgrades to efficient heating systems that will reduce residential energy  
34 costs and greenhouse gas emissions, as determined by the board. The trust shall  
35 ensure that measures to reduce the cost of residential heating are available for low-  
36 income households as defined by the trust. When promoting electricity cost and  
37 consumption reduction, the trust may consider measures at commercial and industrial  
38 facilities that also lower peak capacity demand. Subject to the apportionment  
39 pursuant to this subsection, the trust shall fund conservation programs that give  
40 priority to measures with the highest benefit-to-cost ratio, as long as cost-effective  
41 collateral efficiency opportunities are not lost, and that:

42 (1) Reliably reduce greenhouse gas production and heating energy costs by fossil  
43 fuel combustion in the State at the lowest cost in funds from the trust fund per  
44 unit of emissions; or

1 (2) Reliably increase the efficiency with which energy in the State is consumed  
2 at the lowest cost in funds from the trust fund per unit of energy saved.

3 Notwithstanding this paragraph, during fiscal years 2017-18 to 2019-20, the trust is  
4 not required to allocate 50% of the funds to residential programs and 50% of the  
5 funds to commercial and industrial programs and may instead allocate those funds to  
6 programs at the trust's discretion.

7 **Sec. 3. 35-A MRSA §10111, sub-§2**, as amended by PL 2015, c. 425, §1, is  
8 further amended to read:

9 **2. Funding level.** The natural gas conservation fund, which is a nonlapsing fund, is  
10 established to carry out the purposes of this section. The commission shall assess each  
11 gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-  
12 effective energy efficiency that is achievable and reliable for those consumers who are  
13 eligible to receive funds from the natural gas conservation fund. The commission shall  
14 direct a gas utility that collects any portion of the assessment under this subsection from a  
15 customer that is a large-volume manufacturer to collect the assessment only on the first  
16 1,000,000 centum cubic feet of natural gas used by that manufacturer in each year. The  
17 limitation on the collection of the assessment from large-volume manufacturers may not  
18 affect the trust's determination of the amount necessary to capture all cost-effective  
19 energy efficiency that is achievable and reliable. The limitation does not limit the  
20 eligibility of a large-volume manufacturer to participate in a natural gas conservation  
21 program. All amounts collected under this subsection must be transferred to the natural  
22 gas conservation fund. Any interest on funds in the fund must be credited to the fund.  
23 Funds not spent in any fiscal year remain in the fund to be used for the purposes of this  
24 section.

25 The assessments charged to gas utilities under this section are just and reasonable costs  
26 for rate-making purposes and must be reflected in the rates of gas utilities.

27 All funds collected pursuant to this section are collected under the authority and for the  
28 purposes of this section and are deemed to be held in trust for the purposes of benefiting  
29 natural gas consumers served by the gas utilities assessed under this subsection. In the  
30 event funds are not expended or contracted for expenditure within 2 years of being  
31 collected from consumers, the commission shall ensure that the value of those funds is  
32 returned to consumers.

33 For purposes of this subsection, "large-volume manufacturer" means a customer that is a  
34 gas utility ratepayer engaged in manufacturing in the State and purchases at least  
35 1,000,000 centum cubic feet of natural gas per year.

36 Rules adopted by the commission under this subsection are routine technical rules as  
37 defined in Title 5, chapter 375, subchapter 2-A.'

38 **SUMMARY**

39 This amendment replaces the bill. It requires the Efficiency Maine Trust to transfer  
40 \$2,500,000 in fiscal year 2017-18, \$2,500,000 in fiscal year 2018-19 and \$1,000,000 in  
41 fiscal year 2019-20 from the Regional Greenhouse Gas Initiative Trust Fund to the Public  
42 Utilities Commission to disburse to certain energy-intensive manufacturers defined in

1 statute as affected customers. The amendment clarifies that disbursements to affected  
2 customers are to be made on a quarterly basis. It allows an affected customer to elect not  
3 to receive a disbursement for fiscal years 2017-18 to 2019-20, which would make that  
4 customer eligible to receive financial or other assistance from the Efficiency Maine Trust  
5 from the Regional Greenhouse Gas Initiative Trust Fund. It provides the Efficiency  
6 Maine Trust with discretion in directing remaining regional greenhouse gas initiative  
7 funds to programs, instead of being required to allocate 50% of those funds to residential  
8 programs and 50% of those funds to commercial and industrial programs. Lastly, it limits  
9 the assessment under the natural gas conservation program on a large-volume  
10 manufacturer to be allowed only on the first 1,000,000 centum cubic feet of natural gas  
11 used by that manufacturer in each year, but specifies that this limitation does not limit the  
12 ability of a large-volume manufacturer from participating in a natural gas conservation  
13 program and it does not affect the determination of the trust on the total amount necessary  
14 to capture all cost-effective energy efficiency that is achievable and reliable.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**