

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

—
H.P. 1122 - L.D. 1651

**An Act To Exempt Certain Natural Gas Consumers from an Assessment and
To Extend a Moratorium on Assessments for Other Large-volume
Consumers of Natural Gas**

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

Sec. 1. 35-A MRSA §10111, sub-§2, as amended by PL 2013, c. 369, Pt. A, §25, is further amended to read:

2. Funding level. The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable for those consumers who are eligible to receive funds from the natural gas conservation fund. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

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

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

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

Sec. 2. 35-A MRSA §10111, sub-§2-A is enacted to read:

2-A. Exemption. A wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater is not eligible to participate in any natural gas conservation program under this section. The commission may not allow a gas utility to

collect an assessment under this section through its rates from a wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater.

Sec. 3. Moratorium on assessments by gas utilities on large-volume consumers. Notwithstanding the Maine Revised Statutes, Title 35-A, section 10111, until 90 days after the adjournment of the First Regular Session of the 128th Legislature:

1. Large-volume consumers of a gas utility are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs;

2. The Public Utilities Commission may not allow a gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large-volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large-volume consumers; and

3. The Public Utilities Commission may not order or authorize a gas utility assessed under Title 35-A, section 10111 to exempt any consumers other than large-volume consumers and those consumers exempted under Title 35-A, section 10111, subsection 2-A from the collection of that assessment through its rates.

Prior to 90 days after the adjournment of the First Regular Session of the 128th Legislature, any assessment by the Public Utilities Commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A or under this section.

For the purposes of this section, "large-volume consumer" means a consumer of a gas utility that uses 1,000,000 centum cubic feet or more of natural gas per year.