

128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1895

H.P. 1328

House of Representatives, March 29, 2018

An Act Regarding Energy Costs

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

ROBERT B. HUNT

Clerk

Presented by Representative WADSWORTH of Hiram. (GOVERNOR'S BILL)

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

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- **Sec. 1. 35-A MRSA §10111, sub-§2,** as amended by PL 2017, c. 282, §3, 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. The commission shall direct a gas utility that collects any portion of the assessment under this subsection from a customer that is a large-volume manufacturer to collect the assessment only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer in each year. The limitation on the collection of the assessment from large-volume manufacturers may not affect the trust's determination of the amount necessary to capture all cost-effective energy efficiency that is achievable and reliable. The limitation does not limit the eligibility of a large-volume manufacturer to participate in a natural gas conservation program. 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.
 - For purposes of this subsection, "large-volume manufacturer" means a customer that is a gas utility ratepayer engaged in manufacturing in the State and purchases at least 1,000,000 centum cubic feet of natural gas per year.
- 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-§5 is enacted to read:

- 5. Use of funds. All amounts collected under subsection 2 must be transferred to the natural gas conservation fund, referred to in this subsection as "the fund." Any interest on funds in the fund must be credited to the fund. Except as provided in paragraph B, funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.
 - A. All funds collected pursuant to subsection 2 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 subsection 2 or potential natural gas consumers of those gas utilities as provided in paragraph B.

- B. Notwithstanding any provision of law, rule or commission determination to the contrary, the trust shall remit any funds held in the fund more than 2 years after being collected to gas utilities assessed pursuant to subsection 2. A gas utility receiving funds pursuant to this paragraph may use those funds to assist residential or commercial consumers or potential consumers in using natural gas for heating.
 - C. Any funds received by a gas utility pursuant to paragraph B and not expended or contracted for the purposes permitted in paragraph B within one year of receipt of those funds must be returned to the trust and the commission shall determine how those unexpended or uncontracted funds are returned to consumers.
- The commission may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement the provisions of this subsection.

12 SUMMARY

 Current law requires the Public Utilities Commission to assess a gas utility an amount necessary to fund the natural gas conservation fund, a fund administered by the Efficiency Maine Trust, which must be used to promote the efficient use of natural gas. The assessment may be collected from consumers of the gas utility. The commission is required to return the value of any funds collected but not used after 2 years to consumers

This bill requires the trust to remit any funds held in the fund more than 2 years after being collected to gas utilities. A gas utility receiving such funds may use those funds to assist residential or commercial consumers or potential consumers in using natural gas for heating. If a utility does not use or contract for the use of such funds within one year of receipt, the utility must return the funds to the trust and the commission is required to determine how to return those unexpended funds to consumers.