

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1030

H.P. 747

House of Representatives, February 26, 2003

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**An Act To Allow Consumer-owned Utilities To Purchase Power at  
Negotiated Wholesale Rates, Terms and Conditions**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MURPHY of Kennebunk.  
Cosponsored by Senator HATCH of Somerset and  
Representatives: KETTERER of Madison, PINGREE of North Haven, Senators: SAVAGE of  
Knox, STANLEY of Penobscot.

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

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3           **Sec. 1. 35-A MRSA §3207, sub-§1, ¶A**, as enacted by PL 1997, c.  
4 316, §3, is amended to read:

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7           A. May sell retail generation service only within their  
8           respective service territories, and are authorized to  
9           purchase electric power and energy at wholesale and to  
10           purchase such transmission and related services as may be  
11           required to effect the delivery of such power and energy to  
12           their respective service territories; and

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13           **Sec. 2. 35-A MRSA §3212, sub-§6**, as enacted by PL 1997, c.  
14 639, §2, is amended to read:

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17           **6. Consumer-owned utilities.** Notwithstanding any other  
18           provision of this section, the commission is not required to  
19           conduct a competitive bidding process or select a standard-offer  
20           service provider or providers for the territory of a  
21           consumer-owned transmission and distribution utility if the  
22           consumer-owned transmission and distribution utility chooses one  
23           or more standard-offer service providers for its territory  
24           through a competitive bidding process conducted in accordance  
25           with the commission's rules governing the selection and criteria  
26           for approval of a standard-offer service provider, or if the  
27           consumer-owned transmission and distribution utility enters into  
28           one or more contracts to purchase power at wholesale for the  
29           purpose of providing retail generation service within its service  
30           territory. Selection of a standard-offer service provider or  
31           providers and agreements with or purchases from a standard-offer  
32           service provider or providers or other wholesale power supply  
33           providers are not subject to the approval requirements of section  
34           3133 or 3133-A. A consumer-owned transmission and distribution  
35           utility may choose a single standard-offer service provider. A  
36           consumer-owned transmission and distribution utility that intends  
37           to choose a standard-offer service provider or providers, or to  
38           enter into a wholesale power purchase contract for the purpose of  
39           providing retail generation service within its service territory,  
40           in accordance with this subsection shall notify the commission.

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**SUMMARY**

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45           This bill provides explicit permission for consumer-owned  
46           transmission and distribution utilities to enter into wholesale  
power purchase agreements for the purpose of providing retail  
generation service within their service territories.