

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 170

H.P. 123

House of Representatives, January 25, 2021

**An Act Pertaining to Transmission Lines Not Needed for Reliability
or Local Generation**

Received by the Clerk of the House on January 21, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GROHOSKI of Ellsworth.
Cosponsored by Senator LAWRENCE of York and
Representatives: BERRY of Bowdoinham, KESSLER of South Portland, McDONALD of
Stonington, PEBWORTH of Blue Hill, Senators: BENNETT of Oxford, VITELLI of
Sagadahoc.

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

2 **Sec. 1. 35-A MRSA §3131, sub-§4-A**, as enacted by PL 2009, c. 655, Pt. A, §3, is
3 repealed.

4 **Sec. 2. 35-A MRSA §3131, sub-§4-E** is enacted to read:

5 **4-E. Nonessential transmission line.** "Nonessential transmission line" means a
6 transmission line that is:

7 A. Not constructed primarily to provide electric reliability within the State, as
8 determined by the commission; and

9 B. Not constructed primarily to provide electricity to retail customers within the State.

10 A generator interconnection transmission facility as defined in section 3132, subsection
11 1-B is not a nonessential transmission line.

12 **Sec. 3. 35-A MRSA §3132, sub-§6-A**, as enacted by PL 2009, c. 655, Pt. A, §5, is
13 repealed.

14 **Sec. 4. 35-A MRSA §3132, sub-§6-C** is enacted to read:

15 **6-C. Nonessential transmission line; certificate of public convenience and**
16 **necessity.** The commission shall evaluate and render a decision on any petition for a
17 certificate of public convenience and necessity made by a transmission and distribution
18 utility for a nonessential transmission line that will use ratepayer-funded physical assets in
19 accordance with this subsection. The commission may issue a certificate only if the
20 petitioner has demonstrated that the petitioner agrees to provide a minimum benefit to
21 ratepayers in the State of equal value to the ratepayer-funded physical assets used to
22 construct the nonessential transmission line. The commission shall by order establish the
23 value of ratepayer-funded physical assets used to construct the nonessential transmission
24 line and the benefit amount and method of delivery with preference to a reduction in
25 electricity rates.

26 The commission shall adopt rules necessary to implement this subsection. Rules adopted
27 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
28 subchapter 2-A.

29 **Sec. 5. Public Utilities Commission inquiry; nonessential transmission**
30 **lines.** The Public Utilities Commission shall open an inquiry to determine statutory or rule
31 changes needed to ensure that nonessential transmission lines as defined in the Maine
32 Revised Statutes, Title 35-A, section 3131, subsection 4-E are built in the most competitive
33 and cost-effective manner and with consideration given to ratepayer benefits and
34 greenhouse gas reduction goals. In conducting the inquiry, the commission shall convene
35 a stakeholder group, hold at least 2 stakeholder group meetings and solicit public comment.
36 No later than January 15, 2022, the commission shall submit a report on the results of the
37 inquiry, including findings, recommendations and suggested legislation, to the Joint
38 Standing Committee on Energy, Utilities and Technology. The committee may report out
39 a bill to the Second Regular Session of the 130th Legislature based on the commission's
40 report.

1

SUMMARY

2 This bill establishes requirements for the approval of construction of nonessential
3 transmission lines when the party seeking approval from the Public Utilities Commission
4 is a transmission and distribution utility. The bill defines "nonessential transmission line"
5 as a transmission line that is not being constructed primarily for reliability purposes or to
6 serve retail customers in the State and provides that a generator interconnection
7 transmission facility is not a nonessential transmission line. In addition to meeting the
8 existing requirements in law for approval of a transmission line, a transmission and
9 distribution utility petitioning for commission approval for a nonessential transmission line
10 is required to demonstrate that the petitioner agrees to provide a minimum benefit to
11 ratepayers in the State of equal value to the ratepayer-funded physical assets used to
12 construct the nonessential transmission line. The bill requires the Public Utilities
13 Commission to conduct an inquiry to determine statutory or rule changes needed to ensure
14 that nonessential transmission lines are built in the most competitive and cost-effective
15 manner and with consideration given to ratepayer benefits and greenhouse gas reduction
16 goals and to report the results of the inquiry to the Joint Standing Committee on Energy,
17 Utilities and Technology.