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# **Maine Public Utilities Commission**

## **Annual Report on Electric Restructuring**

**December 29, 2000**

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**Annual Report on Electric Restructuring**

**Report to the Utilities and Energy Committee  
On Actions Taken by the Commission Pursuant to 35-A M.R.S.A. § 3217<sup>1</sup>**

**I. INTRODUCTION**

During its 1997 session, the Legislature enacted comprehensive legislation to restructure Maine's electric utility industry (the Restructuring Act). P.L. 1997, ch. 316 (codified at 35-A M.R.S.A. §§ 3201-3217). 35-A M.R.S.A. § 3217(1) states in part:

1. **Annual restructuring report.** On December 31<sup>st</sup> of each calendar year, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over utility matters a report describing the commission's activities in carrying out the requirements of this chapter and the activities relating to changes in the regulation of electric utilities in other states.

During 2000, the Public Utilities Commission (Commission) directed the implementation of electric industry restructuring for all Maine's customers on March 1, 2000. We significantly increased our participation in regional wholesale market and transmission activities, monitored standard offer service and revised prices and procedures, monitored the activities of open market competitors, and approved rates for the regulated transmission and distribution (T&D) utilities. Our primary focus has been to create a healthy competitive retail electricity marketplace in which consumers can exercise choice and receive electricity at the lowest possible rates. This report describes our activities.

**II. RETAIL MARKET ACTIVITY – YEAR 1****Competitive Electricity Provider Licensing**

By the beginning of 2000, we had approved all the requirements governing licensed competitive electricity providers, and stakeholder groups had developed standard form contracts between utilities and providers, electronic business transactions (EBT) procedures for exchanging data between utilities and providers, and a provider training and testing program.

During 2000, these procedures were carried out regularly, as providers entered Maine at the onset of retail competition. The Commission and the utilities have received positive comments from competitive providers for the

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<sup>1</sup>Copies of documents referred to in this report are available on request or on the Commission's web page ([janus.state.me.us/mpuc](http://janus.state.me.us/mpuc)).

efficiency and effectiveness of the procedures. We usually complete the licensing process in under 30 days. The monthly provider training program taught by the utilities and the Commission has received high marks from the 80 provider representatives who have attended. Finally, utilities have completed the EBT testing process with providers, which often takes months in other states, in as little as one week. The result of these activities has been an environment in which competitive providers can establish their Maine business operations quickly and easily.

As of early December 2000, 35 competitive providers were licensed to provide service in Maine. Of those, 16 are aggregators or brokers and 19 are marketers selling electricity directly to customers. Of the 19 marketers, 9 will serve only large or medium customers.<sup>2</sup> A list of all licensed providers is included as Appendix A.

### **Migration to the Open Market**

As anticipated, migration to the open market began with the state's largest customers. During the Spring, one aggregation group of medium and large customers began purchasing energy from a competitive provider, while other large customers obtained providers independently. Two additional aggregation groups recruited medium-sized business customers for eventual migration to the competitive market. One marketer offered green power to residential customers, but response was minimal. By the end of May 2000, migration to the competitive market followed the patterns shown in the following table:

Load Served by Competitive Providers, End of May 2000

	<b>CMP</b>	<b>BHE</b>	<b>MPS</b>
Residential & Small Commercial	<1%	<1%	2%
Medium Class	6%	2%	21%
Large Class	65%	46%	7%
Total	29%	20%	7%

Enrollment activity declined during summer months because of high wholesale prices. However, an additional residential aggregation group solicited customers for eventual purchase of green power and recruitment continued within existing aggregation groups. In the Fall, retail activity increased and a new aggregation group of medium customers began purchasing energy from the open market. Residential activity remained low.

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<sup>2</sup>Customers are divided into groups for the purposes of standard offer service, consumer protections, and load profiling and settlement. Within this report, we refer to four groups. Residential customers are households. Small commercial customers are businesses with loads less than 20 kW (in CMP's territory), 25 kW (in BHE's territory) or 50 kW (in MPS's and all COUs' territories). Large customers are businesses with loads above 400 kW (in CMP's territory) or 500 kW (in all other territories). Medium customers' loads fall between the small and large customer load breakpoints.

In Northern Maine, migration occurred more quickly. A far higher number of residential customers in Maine Public Service Company's (MPS) territory has migrated to the competitive market – 1680 customers, or 8% of the residential load – than did elsewhere in the State, despite the fact that the standard offer price in MPS's territory is substantially below Bangor Hydro-Electric Company's (BHE). However, the single provider that actively offered service to residential customers was a locally-owned company; a second provider agreed to serve residential customers but did not appear to solicit actively. By December, the percentage of load served by the competitive market in all three rate classes was higher in MPS's territory than in BHE's or Central Maine Power Company's (CMP).

The following table shows migration to the competitive market as of the beginning of December:

**Load Served by Competitive Providers, Beginning of December 2000**

	<b>CMP</b>	<b>BHE</b>	<b>MPS</b>
Residential & Small Commercial	<1%	<1%	8%
Medium Class	14%	3%	64%
Large Class	68%	29%	73%
Total	33%	12%	38%
Total load served in state: 30%			

**Customers Served by Competitive Providers, Beginning of December 2000**

	<b>CMP</b>	<b>BHE</b>	<b>MPS</b>
Residential & Small Commercial	129	37	1680
Medium Class	928	38	111
Large Class	148	7	11
Total	1205	82	1802
Total customers in state: 3089			

During the first year of open access, few aggregation groups targeting residential customers have developed. One residential aggregation group began actively soliciting customers and various internet-based companies operate in Maine, but none of these groups purchases on the open market yet. Only one licensed marketer actively solicits residential sales. The high transaction costs associated with serving residential customers, the lack of residential aggregation throughout other New England states, and a relatively low standard offer rate in CMP's and MPS's territories undoubtedly contribute to the slow growth in residential sales.

## Portfolio Requirement

Pursuant to the Restructuring Act and Commission rule, 30 percent of each competitive provider's electricity sales in Maine must be generated by "eligible resources." Eligible resources are defined as renewable resources and cogeneration facilities constructed prior to 1997 that meet a stated efficiency standard. Chapter 311 of the Commission's rules, which implements the portfolio requirement, specifies that the requirement must be satisfied over each calendar year and requires providers to submit annual reports demonstrating compliance.

As part of its general responsibility to oversee the functioning of Maine's retail electricity market, we have monitored the operation of the portfolio requirement. At this point, it appears that competitive providers are acting in good faith to comply with the requirement. We will be able to verify compliance more definitively when providers file their first annual reports on May 1, 2001.

We have also monitored the cost of the requirement to Maine's electricity customers as well as its benefits to the State. At this point, it appears that the portfolio requirement may result in a substantial premium on the retail cost of electricity, without any clearly identifiable benefits to the State. Because of the nature of the portfolio requirement, it is difficult to determine with any degree of certainty either the cost of the requirement or the benefits it produces. However, based on prices offered to Maine utilities that sought standard offer supply, discussions with providers, and comments in the recent standard offer rulemaking, the portfolio requirement may be increasing the cost of generation services by 1% to 10% (or approximately 1 to 5 mills). Additionally, we have very little indication that the premium is supporting Maine facilities or causing eligible facilities to generate that would not have otherwise operated. It also appears that the portfolio requirement may be causing a barrier to entry into Maine's market for some potential providers.

Because we are concerned about these indications, we explored the possibility of submitting legislation to replace the resource portfolio requirement with a system benefit charge. Under this proposal, utilities would include in their rates a charge that would produce funds to be distributed to eligible resources based on a periodic bidding and selection process. We distributed this suggestion to interested stakeholders, who signaled very little support. We concluded that, with time, the market for eligible resources might mature and that changing the current procedure might be premature. In particular, a planned regional Generation Information System will facilitate a more transparent market for specific fuels. However, we will continue to monitor both the costs and benefits of the portfolio requirement and provide the Committee with reports on its operation.

**Disclosure Labels**

The Restructuring Act requires us to adopt a mechanism for providing information to customers that will enhance their ability to effectively make choices in the competitive electricity market. Chapter 306 of the Commission's rules requires all providers to distribute "uniform disclosure labels" to their residential and small commercial customers every three months.<sup>3</sup> The utilities prepare and distribute the labels to standard offer customers.

The disclosure labels make it easy for customers to compare electricity offers by presenting relevant information in a consistent manner. The labels contain average price, resource mix, and emissions data compared to regional averages. The majority of Maine's electricity consumers who are taking standard offer service received their first labels in September. We have received very few consumer questions regarding the label, so it is difficult to determine the extent to which consumers are responding to the information. Representative labels are shown in Appendix B.

**III. STANDARD OFFER SERVICE IN YEAR 1**

During 2000, standard offer service was available to all Maine consumers, as required by law. Standard offer service was provided in part by providers chosen through a Commission-run competitive solicitation process and in part by the incumbent T&D utilities.<sup>4</sup> Specifically, during 2000, more than 80% of Maine's consumers had access to standard offer service provided directly by a retail provider chosen through our solicitation. However, because this solicitation did not yield acceptable bids for all classes and service territories, we directed CMP and BHE to procure power supply and provide the additional standard offer service needed.

The table below summarizes the standard offer service providers and average prices at the beginning of open access.

Standard Offer Providers and Average Prices on March 1, 2000

	Residential and Small Commercial Class		Medium Class		Large Class	
	Provider	Ave Price ¢/kWh	Provider	Ave Price ¢/kWh	Provider	Ave Price ¢/kWh
CMP	Energy Atlantic	4.089	CMP	5.9	CMP	5.2
BHE	BHE	4.5	BHE	4.9	BHE	4.9
MPS	WPS-ESI	4.2906	WPS-ESI & Energy Atlantic	4.2549	WPS-ESI	4.0038

<sup>3</sup>By statute, providers must also provide comparable information to all their larger customers once a year.

<sup>4</sup>The consumer-owned utilities (COUs) procured standard offer suppliers through their own competitive solicitations.

Because of the utilities' role in providing standard offer service, we monitored utilities' procurement decisions and ensured that standard offer prices remained reflective of the underlying power supply costs. The power supply strategies used by CMP and BHE were different. CMP's strategy was to lock in most components of its supply and price up-front by securing a fixed price, full requirements contract with a wholesale supplier. BHE used a portfolio approach whereby standard offer supply was provided with a blend of wholesale contracts and spot market purchases. The process and results of each approach are described below.

### **Central Maine Power Company**

In late 1999, CMP issued a request for proposals (RFP) for fixed price full requirements wholesale power supply for the standard offer requirements of its medium and large customer classes. CMP evaluated proposals it received, reported the results to the Commission and Public Advocate, negotiated with the bidders whose proposals appeared to yield the lowest cost and risk, and recommended entering into a contract with a supplier. We found that CMP acted prudently, directed CMP to enter the contract as recommended, and set standard offer prices for the medium and large classes as proposed by CMP.

In December 2000, CMP filed a request to increase standard offer prices to medium and large customers, to reflect an increase in the costs associated with purchasing Installed Capability (ICAP) in support of standard offer service. We approved a lesser increase, to be effective in January and February 2001.

Standard Offer prices for CMP's medium and large customers during the first year of standard offer service are:

#### **CMP Standard Offer Prices March 2000 – December 2000**

	<b>Non-Summer (¢/kWh)</b>	<b>Summer (¢/kWh)</b>
Medium Class	5.52	6.81
Large Class		
On-Peak	5.925	11.041
Off-Peak	3.3783	3.8823

#### **CMP Standard Offer Prices in January - February 2001**

	<b>Non-Summer (¢/kWh)</b>	<b>Summer (¢/kWh)</b>
Medium Class	6.4	N/A
Large Class		
On-Peak	6.6327	N/A
Off-Peak	4.0860	N/A

**Bangor Hydro-Electric Company**

In late 1999, BHE conducted an RFP process to acquire standard offer power supply for its service territory. After reviewing the proposals submitted, BHE proposed a portfolio approach whereby it would enter into a contract with a wholesale supplier and acquire the remaining power supply on the spot market. The wholesale supplier contract would serve approximately 60% of the standard offer load, leaving 40% to be served by the ISO-NE regional spot market. We found that BHE had acted prudently and approved BHE's strategy. We also directed BHE to monitor the wholesale market and actively manage its portfolio and noted that we would closely monitor BHE's actual supply costs and consider modifying standard offer prices if they did not reasonably reflect costs.

Because BHE's standard offer supply was partially purchased from the spot market, extraordinary high market price spikes in May and uncertainty in the ICAP market necessitated two adjustments during 2000. In July the Commission approved revised prices to increase standard offer revenues by approximately 1.7%. In September, the Commission approved a 32.5% increase in BHE's standard offer prices.<sup>5</sup> Despite these price increases, standard offer prices remain lower than they would have been if BHE had accepted any of the fixed price bids it received, and they remain lower than any bids offered by competitive providers in the standard offer solicitation process.

BHE's standard offer prices in March 2000 and in December 2000 are:

**BHE Standard Offer Prices on March 1, 2000**

	<b>Non-Summer (¢/kWh)</b>	<b>Summer (¢/kWh)</b>
Residential/Small Commercial	4.5	4.5
Medium Class	4.624	5.704
Large Class On-Peak	5.314	7.459
Shoulder	4.680	6.829
Off-Peak	3.848	4.117

**BHE Standard Offer Prices beginning August 2000**

	<b>August</b>	<b>September (non-summer)</b>	<b>October – February (non-summer)</b>
Residential/Small Commercial	4.608	4.608	6.106
Medium Class	6.127	4.967	6.127
Large Class On-Peak	7.982	5.687	7.041
Shoulder	7.308	5.008	6.201
Off-Peak	4.406	4.118	5.100

<sup>5</sup>An increase of 32.5% in the standard offer resulted in an overall average increase of 10.5% to residential bills.

## **Chapter 301 Rulemaking**

During 2000, we conducted three rulemaking proceedings involving the standard offer rule (Chapter 301). First, beginning in June 2000, we issued a Notice of Rulemaking, received comments from a wide variety of stakeholders, and surveyed providers that participated in the 1999 competitive solicitation process. In August 2000, we adopted an amended Standard Offer Rule that improved the solicitation process and increased the likelihood of successfully choosing standard offer providers for all classes at reasonable standard offer prices.

In October 2000, we initiated an emergency rulemaking to consider amendments to the rule that would close a loophole inadvertently introduced when the rule was amended in August. The loophole would have allowed customers and non-standard offer suppliers to arbitrage standard offer service by, in effect, reselling it into the higher priced regional forward power market.<sup>6</sup> Because this arbitrage opportunity was not intended when the rule was amended in August, and it could adversely impact current standard offer providers and future standard offer bid prices, we amended the rule on an emergency basis.

In November 2000, we again initiated a rulemaking to more permanently determine the opt-out provisions of the rule. Because, by law, the amendments adopted on an emergency basis would be in effect only for 90 days, a rulemaking was needed to consider provisions that would govern this aspect of standard offer service after the emergency rule expires.

### **Current Standard Offer Solicitation**

On October 2, 2000, we issued RFPs for suppliers to provide standard offer service for CMP, BHE and MPS customers for the period beginning March 1, 2001.<sup>7</sup> On December 1, qualified bidders began submitting price bids. Because of the volatility of the wholesale electricity market, bidders wished to submit bids that were open for only a short period of time and to resubmit new bids after that time had expired. We allowed this procedure, and therefore considered bids on a daily basis. On December 11, we accepted a winning bidder for MPS's territory but have kept the bid price and the name of the bidder confidential to avoid placing the bidder at a disadvantage while it secures its supply.

During December, two events exerted a dramatic and undesired impact on the bids we received. First, prices in the natural gas commodity market fluctuated significantly, causing electricity prices to spike in response. In

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<sup>6</sup>The loophole resulted from the provisions governing opt-out penalties that discourage medium and large customers from strategically moving between standard offer and the competitive market.

<sup>7</sup>Some consumer-owned utilities' standard offer service will be provided as part of this solicitation. Other COUs' service will continue to be served under existing contracts.

addition, the FERC issued a decision that set the cost of ICAP deficiency at a higher level than many had anticipated. We believe that the first event is transitory and that the second event has some likelihood of being reversed. Therefore, we ruled that it would be a disservice to the consumers of Maine to accept bid prices that reflect the uncertainties created by the events. Currently, we continue to accept bids and we simultaneously have directed CMP and BHE to explore wholesale power supply arrangements that would allow the utilities to provide standard offer service.

#### **IV. WHOLESALE MARKET AND TRANSMISSION ISSUES**

We continue to fulfill our obligation under the Restructuring Act to monitor events in New England's wholesale markets. We have participated in the rulemakings and deliberations of various New England Power Pool Committees, monitored the progress of the Independent System Operator, initiated, intervened and commented on important cases at the Federal Energy Regulatory Commission, met individually with representatives from each of the market sectors, significantly expanded the time commitment from our own staff to understand and address emerging market issues, and worked collaboratively with regulators from other New England states to enhance the uniformity of markets in the different states and to improve the states' effectiveness in negotiating within and litigating before regional and national organizations.

Because regional activities significantly impact the electricity prices of Maine's consumers, this report will provide explanations of regional entities and procedures, as well as Commission activities.

#### **NEPOOL**

The New England Power Pool (NEPOOL) is a voluntary organization of entities engaged in the power markets, that interact with each other according to a set of formalized rules called the NEPOOL Agreement. NEPOOL has five membership sectors; they are: transmission owners, load providers, public power companies, generators, and end use customers. The NEPOOL Agreement covers the market operation rules and also the regional open access transmission tariff (OATT). Standing committees develop the market rules and the transmission tariff, oversee the bulk power system's reliability, and attempt to develop consensus on filings with the Federal Energy Regulatory Commission (FERC). We actively participate at the NEPOOL Committee meetings. Through the committee process, we support positions that provide greater market transparency and information disclosure and rules that provide increased opportunities for competitive entry. We choose our positions carefully based on principles that will advance the interests of Maine's consumers and promote the development of competitive retail markets in Maine. Regulators do not have a

vote at NEPOOL,<sup>8</sup> but their views are considered because of Maine's active participation at the FERC and FERC's interest in state perspectives.

### **ISO-NE**

The New England power grid comprises 8,000 miles of transmission lines that are owned by seven regulated transmission companies and 330 generating stations that are owned by unregulated companies. A system operator maintains grid reliability by coordinating the operation of all of these facilities. The mix of regulated transmission utilities with unregulated generation and load serving companies that now exist in the region requires a system of commercial rules to guide the operation of the system. The Independent System Operator of New England (ISO-NE) was formed in 1997 to maintain system reliability and to ensure that the operating rules developed by the NEPOOL Committees are applied to the mixture of transmission and generation facilities in a manner that is fair and impartial to all. ISO-NE also has responsibility for ensuring the competitiveness of New England's wholesale markets, and has the authority to monitor the markets and to mitigate certain types of behavior. When the market rules developed by NEPOOL threaten either the reliability of the system or competitiveness of the market, ISO-NE has the authority to unilaterally change the rules that may only be reversed by the FERC. We have supported ISO-NE when it has exercised this authority and when its authority has been challenged at the FERC. We have also been critical of the ISO-NE when it has appeared that the agency was reluctant to exercise its authority as intended. Over the past year, we have held numerous meetings and phone calls with high level ISO-NE employees to discuss specific market problems and ISO-NE representatives have twice traveled to Augusta to explain their positions to the Commissioners in person. The focus of many of these meetings was the ICAP market, of which the Maine Commission and other market participants have been highly critical.

### **Federal Energy Regulatory Commission Activity**

The FERC regulates transmission pricing and has the authority to approve the market-based rates under which the New England and northern Maine markets operate. As a result, all of NEPOOL's market rules, ISO-NE's interpretation of the rules, and decisions about who plans, builds, and pays for transmission are under FERC jurisdiction. The rapid pace of change to the NEPOOL rules necessitated by the move to markets has greatly increased the number, complexity, and contentiousness of the filings before the FERC. The Commission has reacted by devoting more of its legal staff time to monitoring and participating in these proceedings, and has retained the services of expert FERC counsel based in Washington D.C. A brief summary of some of these

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<sup>8</sup>The Commission did, however, assist the State Planning Office to become a voting member.

proceedings is provided below. A summary of all FERC cases in which we have participated is contained in Appendix C.

- Transmission Pricing: All of Maine's utilities were involved in filing "formula based" transmission rates. Commission staff and our FERC counsel were instrumental in negotiating a settlement among the parties, which included ratepayers, independent power producers, and transmission companies.
- ISO Authority: ISO-NE re-calculated the clearing prices in the Operable Capability (OPCAP) market for certain days in the summer of 1999. Rules for the market were poorly written and ISO-NE's rule interpretation caused prices to drop from \$1600/MWh to \$3/MWh. We filed comments in support of the ISO-NE's interpretation of the rules when it was challenged at the FERC by some merchant generators. FERC agreed with the position adopted by ISO-NE and supported by the Commission. The OPCAP market was later eliminated due to this and other problems.

ISO-NE's authority has also been challenged by INDECK, an independent generator located in Maine. ISO-NE instructed the generator to run, but refused to pay the price INDECK had bid because it believed the pattern of the company's bidding demonstrated an intentional effort to raise clearing prices. We supported ISO-NE's exercise of its authority. FERC did not agree, and instructed ISO-NE to modify its method of mitigating such behavior in the future.

ISO-NE was also challenged when it re-settled prices in the ICAP market. Starting in November of 1999, the bid prices in this market increased from near zero to as high as \$9,999/MW for no readily apparent reason. ISO-NE determined that there had been "anomalous conduct in the market" and re-settled the prices back to zero. Had ISO-NE not acted, the higher costs would have dramatically affected consumers receiving standard offer service in Maine. We supported ISO-NE's initial action and continue to support it in subsequent, ongoing legal challenges at FERC.

- NEPOOL Rules: As mentioned above, the NEPOOL rules are undergoing rapid change. NEPOOL filings at FERC, which at one time were largely consented to by all parties, have become much more contentious. We have been actively involved in a number of such proceedings, and are currently working with NEPOOL participants to make changes to ISO-NE's market monitoring and mitigation authority. The changes, which were mandated by the FERC, affect consumers because they will determine when ISO-NE can act to mitigate the exercise of market power. We have also intervened in FERC proceedings and urged the FERC to allow greater freedom of transactions with other electrical grids such as those in New York, Quebec, and New Brunswick. Increasing the number of supply sources to New

England will reduce market concentration, increase competition, and drive energy prices lower for consumers.

- Price Spikes: When energy prices in the New England spot markets reached \$6,000/MWh (\$6.00/kWh) for four hours on May 8, 2000, we wrote to the Chairman and CEO of ISO-NE requesting a detailed and specific explanation for why such prices would occur in a competitive market. When the answer from ISO-NE indicated that the prices resulted largely from the ways in which market rules had been interpreted rather than from market fundamentals, we filed a complaint at the FERC challenging ISO-NE's interpretation of the rules and seeking a recalculation of the prices for the hours in question. We also filed comments at FERC supporting the requests of other parties for the imposition of price caps on the New England market.

### **Regional Transmission Organization**

The FERC has directed T&D utilities and ISO-NE to develop a proposal for an independent Regional Transmission Organization that would perform planning, market monitoring and inter-regional coordination of the region's transmission system. In coordination with other states, we have been active in the negotiations being held to develop this proposal.

### **Collaboration with Other States**

The New England Conference of Public Utilities Commissioners (NECPUC) provides an opportunity for the commissioners of different states to share information and collaborate on solutions to regional issues. NECPUC has created a NEPOOL "Coordinating Committee" which meets regularly to discuss wholesale electric market issues. The group attempts to prevent the balkanization of individual state markets by maintaining uniformity among the rules of different states. The goal of this strategy is to reduce the costs of doing business for suppliers thereby reducing prices to consumers.

NECPUC provides a vehicle for pooling resources. The coordinating committee has developed a work plan that spreads the responsibility for covering various market issues among different states to economize the use of staff resources. The Maine Commission leads the effort to develop and file consensual NECPUC positions at FERC on market issues in the belief that a unanimous position by all six New England states will carry greater weight with the agency than one state speaking alone.

**Northern Maine Independent System Administrator**

The northern part of the State<sup>9</sup> is not directly connected to New England's electric grid. Northern Maine operates as part of the Maritimes Control Area and receives power through transmission facilities owned by New Brunswick Power Company. As a result, the scheduling, market procedures, and financial settlement performed by ISO-NE does not extend to the northern Maine market.

Prior to 2000, the Northern Maine Independent System Administrator (NMISA) was created to schedule the northern Maine transmission system, and to develop and enforce market rules and operating procedures that ensure the integrity of transmission capacity availability and guarantee non-discriminatory markets for balancing energy and ancillary services. We monitored the northern Maine market and NMISA operation during the year and observed that the market appears to be functioning reasonably well.

**V. OTHER RESTRUCTURING ITEMS**

Additional activities required by the restructuring process are described below.

**Consumer Education Program**

During 2000, we continued implementation of the electric restructuring consumer education program. The program, launched in 1998, satisfies both a Legislative mandate that the Commission provide education about electric choice and our own desire to ensure that consumers are informed about changes in the industry before they make electricity supply purchasing decisions.

The program provides information to residential, small commercial and municipal consumers. The program uses a variety of complementary educational methods in an integrated fashion, to reach the broadest audiences. A broad-based public advisory panel has assisted us in program design and implementation.

During 2000, we completed implementation of the third phase of the program to coincide with the beginning of competition in March. We continued advertising on TV, radio and in newspapers to raise general awareness of restructuring, and sent direct mail reference guides to all residential and small commercial consumers in Maine in January 2000. We hosted several community fora in early 2000 and continued to support outreach by selected community-based organizations. The electric choice Speakers' Bureau, composed of senior Commission staff, also continued to speak to groups across the state, and has now reached more than 3,500 consumers.

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<sup>9</sup>Within this context, northern Maine includes the service territories of MPS, Eastern Maine Electric Cooperative, Van Buren Light and Power and Houlton Water Company.

As March 2000 approached, the education campaign increased in intensity. When it became clear in early January that the speed of competitive market development in the residential sector would be slower than expected, however, we slowed the education campaign. Responding to advice from the Advisory Panel, we deferred some planned investments in advertising, newsletters, and other educational activities, to preserve resources in case additional educational activities are necessary as the competitive market develops.

Research results from Spring 2000 show that, despite being scaled back, the campaign increased consumer awareness and understanding of restructuring. For example, general awareness increased from 47% in 1998 to 73% in 2000; consumers who felt "fairly well" or "very well" informed increased from 16% in 1998 to 51% in 2000; and consumers who knew that they would automatically receive Standard Offer if they did not choose a provider increased from 43% in 1998 to 84% in 2000. Research from September 2000, however, suggests that these advances in awareness and knowledge are dropping slightly now that active outreach has stopped, suggesting that, once competition for residential consumers picks up, additional education will likely be appropriate.

Information is available on the toll-free PUC Electric Choice Information Line at 1-877-PUC-FACT (1-877-782-3228) and the PUC Electric Choice website at [www.pucfact.com](http://www.pucfact.com).

### **Low-Income Program**

The Restructuring Act requires the adequate provision of financial assistance to meet the legitimate needs of consumers who are unable to pay their electricity bills. The Act further requires that those funds be collected by utilities at a rate set by the Commission and that funding be based on an assessment of aggregate customer need. 35-A M.R.S.A. § 3214.<sup>10</sup>

Since 1999, we have participated in a Low Income Task Force whose purpose is to determine the most effective way to establish a needs-based, low-income assistance program for electric utility customers. In accordance with the time table set by the task force, we will conduct a rulemaking during early 2001 to develop a statewide program to be implemented by October 2001. In the meantime, the task force is developing procedures that will form the basis for the draft rule and we are gathering data to determine the level of need. Until October 2001, the investor-owned utilities will continue their existing low-income assistance programs.

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<sup>10</sup>During an earlier session, the Legislature considered, but did not accept, a proposal to use divestiture tax income to fund low-income assistance.

## **Rulemakings**

Except for the standard offer rule change mentioned above, we did not make major changes to our rules. We will continue to monitor the operation of the rules to ensure they are achieving the objectives of the Restructuring Act, and propose rule changes when warranted.

All the electric restructuring rules are listed in Appendix D.

## **Competitive Billing and Metering**

The Restructuring Act required implementation of competitive billing and metering by March 1, 2002. During 2000, the Legislature revised the statute, allowing the Commission to determine the appropriate time to implement competitive billing and metering and the customers to whom competition should apply. P.L. 1999, ch. 601. Based on current marketplace conditions, the Commission does not intend to initiate rulemaking activity on this issue during 2001.

## **Demand-Side Management**

Maine law directs the State Planning Office (SPO) to develop, coordinate and oversee statewide conservation programs. P.L. 1999, ch. 336. During 2000, SPO solicited input from stakeholders on appropriate program content. SPO anticipates that program plans will be completed in early 2001 and that implementation will begin during late 2001.

## **Voluntary Renewable Resource Research and Development Fund**

The Restructuring Act requires that electricity consumers be allowed to contribute to a program that funds renewable resource research and development and demonstration projects. 35-A MRSA § 3210. In September 2000, most utilities notified their customers of this provision and began collecting customers' voluntary contributions. At this time, contributions have been minimal, so no projects have yet been funded.

## **Web Site**

We have continued to expand our two easily accessible, user-friendly, targeted web sites – one for consumers and one for competitive providers.<sup>11</sup> The consumers' site was extensively advertised through a variety of media. The competitive providers' site includes details on all aspects of restructuring that providers need for effective operation in Maine. Providers have commented

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<sup>11</sup>The consumer web site is [www.pucfact.com](http://www.pucfact.com) and the supplier web site is [janus.state.me.us/mpuc](http://janus.state.me.us/mpuc).

favorably on the usefulness of their web site, which has further contributed to making Maine an easy place to establish business operations.

## **VI. MEGA-CASES - REVENUE REQUIREMENT, STRANDED COST AND RATE DESIGN**

### **T&D Rates**

The Restructuring Act directed the Commission to establish the revenue requirements, including the level of generation related stranded costs, for each T&D utility prior to the onset of retail access. The Restructuring Act also directed us to design the rates that utilities would charge for T&D-only service. These revenue requirement, stranded cost and rate design proceedings (also referred to as the "mega-cases") were substantially completed during 1999. However, compliance and update phases were completed during the first two months of 2000 and T&D rates for each of the State's investor-owned utilities were put in place by March 1, 2000. The Commission also set T&D-only rates as of March 1, 2000, for all but three of the state's consumer-owned utilities.

The total adjusted test year revenue requirement established for CMP was \$415,130,000; consisting of a T&D revenue requirement of \$269,251,000 and a stranded cost revenue requirement leveled over a two-year period of \$145,879,000 per year. On average, the total rate that CMPs' customers paid for electricity decreased by 9.8% when compared to the pre-restructuring bundled rates. In addition, we changed the structure of the standard residential rate. Under CMP's prior rate structure, the kWh charge increased by 25% after the first 400 kWhs of usage. This rate was leveled and the T&D rate for residential customers was set at 7.74¢/kWh for all kWhs used.

BHE's overall revenue requirement was set at \$103,187,000, consisting of a T&D revenue requirement of \$63,596,000 and a stranded cost revenue requirement of \$39,591,000 per year. We estimated that, assuming all customers took standard offer service, the average total rate for electricity for BHE customers would decrease by 2.4% at the start of restructuring. BHE's rate for residential T&D service was set at 9.5¢/kWh.

MPS's overall revenue requirement was set at \$29,143,000. The T&D revenue requirement was set at \$16,640,000 and, for the period of March 1, 2000 through March 1, 2002, the annual stranded cost revenue requirement was set at \$12,503,000.

MPS's standard residential rate was also changed from an inclining block rate to a leveled per-kWh rate. This was accomplished without increasing the monthly bill of any residential customer. Compared to the pre-March 1, 2000 bundled electric rates, MPS customers achieved the following class average decreases:

Residential	8.2%
Small Commercial	3.7%
Medium Commercial & Industrial	4.6% to 4.8%
Large Commercial & Industrial	4.6% to 5.2%

The overall average decrease for MPS core customers was 6.1%.

### **Consumer-Owned Utility Rates**

On January 31, 2000, the Commission issued orders approving T&D rates for Eastern Maine Electric Cooperative, Houlton Water Company, Kennebunk Light & Power District, Fox Island Electric Cooperative, Madison Electric Works, Swans Island Electric Cooperative and Van Buren Light & Power District. Because these COUs are owned and managed by their customers and because their customers are accustomed to monthly rate changes that reflect purchased power costs, the Commission permitted a more significant level of revenue re-allocation and rate re-design than in the case of CMP, BHE or MPS.

Matinicus Plantation Electric Company and Monhegan Plantation Power District are exempt from the requirements of the Electric Restructuring Act. In addition, because of its remote island location and status as a small COU (less than 150 customers), we granted Isle Au Haut an exemption from the provisions of the Electric Restructuring Act.

### **Special Rates and Contracts**

Before restructuring occurred, CMP, BHE and MPS operated under alternative rate plans or flexible pricing plans that allowed the utilities flexibility in offering reduced or special rate contracts to individual customers. Each alternative rate plan terminated by March 1, 2000. However, many of the special rate contracts entered into under the plans were extended beyond that time or were renewed during 2000. These contracts were unbundled into a generation portion whose price reflected a diligently-purchased open-market generation price. The remaining portion of the contract price was attributed to T&D service. Special targeted rates that were developed under the alternative rate plans and were deemed to be needed after restructuring were unbundled using a similar approach.

### **Federal Jurisdiction Over Transmission**

The FERC has concluded that when a state unbundles the generation component from total electricity prices and allows generation services to be purchased separately from transmission and distribution services, the FERC obtains jurisdiction over retail transmission rates, terms and conditions. As a result, we initiated an investigation to identify all assets of Maine utilities that should appropriately be categorized as transmission, as well as all costs that should be considered transmission-related. As part of this effort, we completely

separated all transmission-related costs from our jurisdictional rate-setting authority and established distribution-only rates.<sup>12</sup>

Because the FERC asserted jurisdiction over retail transmission rates on March 1, 2000, CMP, BHE, and MPS filed for FERC approval of their proposed transmission rates. Each utility asked FERC to adopt a formula rate, that would be updated each year. We intervened in each of the utility's proceedings, acting on behalf of retail ratepayers to ensure that their transmission rates would be just and reasonable. Due to various factors, including increases in regional costs that flow through transmission rates and new transmission investment, the utilities' FERC proceedings resulted in a small increase in consumers' delivery rates.

As a result of these proceedings, the utilities now have formula rates under which their transmission charges will be updated each year. We will analyze each utility's annual filing to ensure that the formulas have been properly implemented. We will also monitor the operation of the formulas to determine if they are producing just and reasonable rates. If this is not the case, we will petition the FERC to correct the problems.

## **VII. EXPENSES OF AFFILIATED TRANSACTIONS**

The Restructuring Act requires us to assess our actual and estimated future costs of implementing the law governing the relationship between a utility and an affiliated competitive provider, and the costs to utilities in complying with those provisions. 35-A M.R.S.A. § 3217(1). 35-A M.R.S.A. § 3205 establishes the standards of conduct and marketing restrictions applicable to investor-owned utilities that market electric energy through an affiliated competitive provider. Chapter 304 of the Commission's Rules expands upon these standards.

MPS's subsidiary, Energy Atlantic, is the only affiliated competitive provider in the State. As a consequence, our cost of enforcing the affiliate standards of conduct in 2000 has been minimal, consisting of reviews of periodic reports required pursuant to Chapter 304. MPS also estimates that it has incurred minimal costs to comply with affiliate transaction rules. However, on October 31, 2000, WPS-ESI filed a complaint against MPS alleging violations of the affiliate standards of conduct and associated Commission rule. It is too early to estimate the expense to the Commission or to MPS of investigating this complaint.

Chapter 304 requires annual audits to be conducted to determine compliance with the standards of conduct. We will conduct the first audit after the completion of one year of retail access. The cost of the audit is not likely to be significant.

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<sup>12</sup>The distribution-only rates include stranded costs.

The subsection also directs us to assess the effect of these compliance costs on ratepayers and shareholders of the utility. Commission expenses and MPS expenses have caused no impact on customers' rates.

### **VIII. CONCLUSION**

We acknowledge and appreciate the hard work and cooperative spirit shown by the Legislature, the utilities, the competitive electricity providers, the Public Advocate and other intervenors, and our own staff during 2000. Through their efforts, the competitive electricity market was introduced successfully to all Maine's consumers on March 1, 2000. 30% of Maine's load has migrated to the open market. Standard offer rates for smaller consumers, coupled with utilities' delivery rates, allowed total bills to decrease for almost all customers on March 1, 2000.

The second year of restructuring, beginning March 1, 2001, promises to be challenging. Sharp increases in fuel costs (especially natural gas, used to power much of New England's generation), continuing instability and flawed rules in the wholesale markets, and FERC's recent decision to raise the price for ICAP are all likely to contribute to substantial increases in the price of electricity supply for many of Maine's residential consumers and most if not all of Maine's businesses. We continue to work with others in and outside of Maine to try to bring effective and efficient competition to the regional wholesale markets as well as Maine's retail market. The success of those efforts will be vital in bringing the long-term benefits of electric restructuring to Maine's citizens.

# **APPENDIX A**

**PLEASE NOTE: Most suppliers sell only to customers with certain characteristics, such as size or location.**

**Go Back**

## All Electricity Suppliers Licensed Anywhere in Maine

There are 35 providers licensed anywhere in Maine. The providers are listed below in alphabetical order. Last updated on 11/29/00.

### 1. AGF DIRECT ENERGY, LLC

Licensed as an Electricity Supplier ( Large Consumers Only)

**Consumer Contact:**

Roland LaPierre (Vice President Sales/Marketing)  
1000 Elm Street, Manchester NH - 03101-1713  
phone: (800) 296-6427 fax: (603) 668-0591  
email: <mailto://rlapierre@agfdirectgas.com>

### 2. ALTERNATE POWER SOURCE, INC.

Licensed as an Electricity Supplier ( Large Consumers Only)

**Consumer Contact:**

Frederick W. Hoey  
400 Blue Hill Drive, Westwood MA - 02090-  
phone: (781) 320-9737 fax: (781) 320-8904  
email: <mailto://FHoey@alternatepower.com>  
**Website:** <http://www.alternatepower.com/>

### 3. COMPETITIVE ENERGY SERVICES, LLC

Licensed as an Aggregator/Broker

**Consumer Contact:**

Mark Isaacson  
148 Middle Street, Portland ME - 04101-  
phone: (207) 772-6190 fax: (207) 772-6320  
email: <mailto://info@energymaine.com>  
**Website:** <http://www.energymaine.com/>

### 4. DUKE ENERGY TRADING AND MARKETING, L.L.C.

Licensed as an Electricity Supplier ( Large Consumers Only)

**Consumer Contact:**

Mark Tourangeau  
10777 Westheimer, Houston TX - 77042-  
phone: (713) 260-8696 fax: (713) 260-5563  
email: <mailto://mptourangeau@duke-energy.com>

### 5. E/PRO ENGINEERING AND ENVIRONMENTAL CONSULTING, LLC

Licensed as an Aggregator/Broker

**Licensee's Comments:**

Will not aggregate. Will act as energy consultant only.

**Consumer Contact:**

Robert G. Letourneau  
41 Anthony Avenue, Augusta ME - 04330-  
phone: (207) 621-7000 fax: (207) 621-7001  
email: <mailto://poweradvise@eproconsulting.com>  
**Website:** <http://www.eproconsulting.com/>

### 6. EASTERN MAINE ELECTRIC COOPERATIVE, INC.

Licensed as an Electricity Supplier ( Large Consumers Only)

**Consumer Contact:**

Charles McAlpin (Director of Public Relations)  
9 Union St., Calais ME - 04619-  
phone: (207) 454-7555 fax: (207) 454-8376  
email: <mailto://cmcalpin@nemaine.com>  
**Website:** <http://emecoop@nemaine.com/>

### 7. ENERGY ATLANTIC, LLC

Licensed as an Electricity Supplier

**Licensed as an Electricity Supplier****Licensee's Comments:**

Accepting residential, commercial, and industrial customers in BHE, CMP, & MPS service areas.

**Consumer Contact:**

Calvin D. Deschene

P.O. Box 1148, Presque Isle ME - 04769-1148

phone: (888) 373-7911 fax: (207) 764-4657

**Website:** <http://www.energylantic.com/>

**8. ENERGY OPTIONS CONSULTING GROUP, LLC****Licensed as an Aggregator/Broker****Licensee's Comments:**

Will aggregate for all customers.

**Consumer Contact:**

Douglas Stevenson

Rt. 1, Box 398, Wayne ME - 04284-

phone: (207) 685-9005 fax: (207) 685-7369

email: <mailto://dsteven@ctel.net>

**9. ENERGY SUPPLY, INC.****Licensed as an Aggregator/Broker****Licensee's Comments:**

Will aggregate large commercial customers and groups.

**Consumer Contact:**

Kenneth Borneman

1 Old County Road, Veazie ME - 04401-

phone: (207) 942-8442 fax: (207) 942-8442

email: <mailto://BornemanK@aol.com>

**10. ENRON ENERGY SERVICES, INC.****Licensed as an Electricity Supplier****Consumer Contact:**

Sharon Pohlmann (Customer Service)

400 Metro Place North, Dublin OH - 43017-

phone: (800) 837-9584 fax: Not available

**11. ENRON POWER MARKETING, INC.****Licensed as an Electricity Supplier ( Large Consumers Only)****Consumer Contact:**

Dan Allegretti (Director)

2 Capital Plaza, Concord NH - 03302-2994

phone: (603) 223-0985 fax: (603) 224-7601

email: <mailto://dallegre@enron.com>

**12. FPL ENERGY POWER MARKETING, INC.****Licensed as an Electricity Supplier ( Large Consumers Only)****Consumer Contact:**

Bruce H. McCracken

100 Middle Street, Portland ME - 04101-

phone: (207) 771-3523 fax: (207) 771-3535

email: [mailto://bruce\\_mccracken@fpl.com](mailto://bruce_mccracken@fpl.com)

**13. H.Q. ENERGY SERVICES (U.S.), INC.****Licensed as an Electricity Supplier ( Large Consumers Only)****Consumer Contact:**

Michael R. Godfrey

Airport Office Park, Coraopolis PA - 15108-

phone: (412) 262-2648 fax: (412) 262-2640

email: <mailto://mgodfrey@sgi.net>

**14. L.K. GOLDFARB ASSOCIATES, INC.****Licensed as an Aggregator/Broker****Licensee's Comments:**

Will not aggregate. Serving as advisor to commercial customers for aggregation.

**Consumer Contact:**

**Consumer Contact:**

Lynn K. Goldfarb  
50 Portland Pier, Portland ME - 04101-  
phone: (207) 828-8667 fax: (207) 773-2047  
email: <mailto://LKGOLD@AOL.COM>  
**Website:** <http://www.lkgoldfarb.com/>

**15. MAINE ELECTRIC CONSUMER COOPERATIVE****Licensed as an Aggregator/Broker**

**Licensee's Comments:**  
Will aggregate large commercial customers only.  
**Consumer Contact:**  
Mark Isaacson  
148 Middle Street, Portland ME - 04101-  
phone: (207) 772-6190 fax: (207) 772-6320  
email: <mailto://info@energymaine.com>  
**Website:** <http://www.energymaine.com/>

**16. MAINE POWEROPTIONS (MAINE HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY)****Licensed as an Aggregator/Broker**

**Licensee's Comments:**  
Will aggregate only non-profit and governmental customers. (See Maine Municipal Bond Bank)  
**Consumer Contact:**  
Stephen M. Gauthier (Program Officer)  
3 University Drive, Augusta ME - 04338-2268  
phone: (207) 621-0744 fax: (207) 623-5359  
email: <mailto://smg@mainebondbank.com>  
**Website:** <http://www.maineoptions.org/>

**17. MAINE INTERFAITH POWER AND LIGHT, INC.****Licensed as an Aggregator/Broker**

**Consumer Contact:**  
Edna Smith (MIPL President)  
70 Country Club Road, Manchester ME - 04351-  
phone: (207) 622-2188 fax: Not available  
**Website:** <http://www.mainecouncilofchurches.org/>

**18. MAINE POWEROPTIONS (MAINE MUNICIPAL BOND BANK)****Licensed as an Aggregator/Broker**

**Licensee's Comments:**  
Will aggregate only non-profit and governmental customers. (See Me. Health & Higher Ed. Facil. Auth.)  
**Consumer Contact:**  
Stephen M. Gauthier (Program Officer)  
3 University Drive, Augusta ME - 04338-2268  
phone: (207) 621-0744 fax: (207) 623-5359  
email: <mailto://smg@mainebondbank.com>  
**Website:** <http://www.maineoptions.org/>

**19. MAINE STATE CHAMBER OF COMMERCE****Licensed as an Aggregator/Broker**

**Consumer Contact:**  
Kelley Wheeler (Assistant to the President)  
7 University Drive, Augusta ME - 04330-4412  
phone: (207) 623-4568 fax: (207) 622-7723  
email: <mailto://kwheeler@mainechamber.org>  
**Website:** <http://www.mainechamber.org/>

**20. NEWENERGY (NEWENERGY EAST, LLC)****Licensed as an Electricity Supplier**

**Consumer Contact:**  
Allison Watson (Business Development Manager)  
PO Box 318, Fairfield ME - 04937-  
phone: (207) 238-9480 fax: Not available

phone: (207) 238-9480 fax: Not available  
email: <mailto://awatson@newenergy.com>

**21. NIAGARA MOHAWK ENERGY MARKETING, INC.**

**Licensed as an Electricity Supplier**

**Consumer Contact:**

Annette Durnack (Vice President Marketing)  
507 Plum Street, Syracuse NY - 13204-  
phone: (888) 758-6888 fax: (315) 460-3281  
email: <mailto://durnackam@nmenergy.com>  
**Website:** <http://www.nmenergy.com/>

**22. ELECTRICITYCHOICE.COM (ONLINECHOICE.COM, INC.)**

**Licensed as an Aggregator/Broker**

**Consumer Contact:**

-- (Customer Service)  
One North Shore Center, Pittsburgh PA - 15212-  
phone: (877) 324-6673 fax: (412) 320-4373  
email: <mailto://info@onlinechoice.com>  
**Website:** <http://www.OnlineChoice.com/>

**23. PA ENERGY STRATEGIES LLC (PA STRATEGIES LLC)**

**Licensed as an Aggregator/Broker**

**Consumer Contact:**

Noreen Copp  
One Monument Square, Portland ME - 04101-  
phone: (207) 791-1480 fax: (207) 791-1466  
email: <mailto://info@paenergy.com>  
**Website:** <http://www.paenergy.com/>

**24. PG&E ENERGY TRADING - POWER, L.P.**

**Licensed as an Electricity Supplier ( Large Consumers Only)**

**Consumer Contact:**

Sean M. Boyle (Director, Energy Marketing)  
7500 Old Georgetown Road, Bethesda MD - 20814-6161  
phone: (301) 280-6696 fax: (301) 280-6652  
email: <mailto://sean.boyle@gen.pge.com>

**25. PPL ENERGYPLUS, LLC (PP&L ENERGYPLUS CO., LLC)**

**Licensed as an Electricity Supplier**

**Licensee's Comments:**

Will sell power to commercial and industrial customers.

**Consumer Contact:**

David J. Bonenberger  
Two North Ninth Street, Allentown PA - 18101-1179  
phone: (610) 774-7239 fax: Not available  
email: <mailto://djbonenberger@papl.com>

**26. SELECT ENERGY, INC.**

**Licensed as an Electricity Supplier**

**Licensee's Comments:**

Not currently accepting residential customers.

**Consumer Contact:**

Margaret Howell (Manager)  
Customer Inquiry Center, Berlin CT - 06037-  
phone: (888) 810-5678 fax: (860) 665-6555  
email: <mailto://welisten@selectenergy.com>  
**Website:** <http://www.selectenergy.com/>

**27. SMARTENERGY.COM (SMARTENERGY.COM, INC.)**

**Licensed as an Electricity Supplier**

**Consumer Contact:**

-- (Customer Relations)  
200 Unicorn Park, Woburn MA - 01801-  
phone: (877) 627-8007 fax: (781) 938-0449  
email: <mailto://questions@smartenergy.com>

email: <mailto:questions@smartenergy.com>  
**Website:** <http://www.smartenergy.com/>

**28. POWERNET, INC. (SYNERNET, INC.)**

**Licensed as an Aggregator/Broker**

**Consumer Contact:**

Jeffrey W. Laniewski (Vice President)  
222 St. John Street, Portland ME - 04102-  
phone: (207) 771-3445 fax: (207) 775-3415  
email: <mailto://jlaniewski@synernet.net>

**29. THE NEW POWER COMPANY**

**Licensed as an Electricity Supplier**

**Consumer Contact:**

Jenny Tektiridis (Vice President, Operations)  
IBM Global Services, Charlotte NC - 28262-4333  
phone: (704) 594-1206 fax: (203) 531-6040  
email: <mailto://jtektiri@newpower.com>  
**Website:** <http://www.newpowercompany.com/>

**30. THE PROCTER & GAMBLE DISTRIBUTING COMPANY**

**Licensed as an Aggregator/Broker**

**Licensee's Comments:**

Will aggregate only large commercial customers.

**Consumer Contact:**

Michele A. Kidd (Purchasing Group Manager)  
6060 Centerhill Road, Cincinnati OH - 45224-  
phone: (513) 634-5575 fax: (513) 634-1633  
email: <mailto://kidd.ma@pg.com>

**31. TRANSCANADA POWER MARKETING LTD.**

**Licensed as an Electricity Supplier ( Large Consumers Only)**

**Consumer Contact:**

Cheryl Popiak  
110 Turnpike Road, Westborough MA - 01581-2863  
phone: (508) 871-1850 fax: (508) 898-0433  
email: [mailto://cheryl\\_popiak@transcanada.com](mailto://cheryl_popiak@transcanada.com)

**32. USOURCE, LLC**

**Licensed as an Aggregator/Broker**

**Consumer Contact:**

Jill Areson-Perkins  
6 Liberty Lane West, Hampton NH - 03842-  
phone: (603) 773-6535 fax: Not available  
**Website:** <http://www.usourceonline.com/>

**33. UTILITY.COM (UTILITY.COM, INC.)**

**Licensed as an Electricity Supplier**

**Consumer Contact:**

Lala Turley (Senior Manager, Customer Operations)  
828 San Pablo Avenue, Albany CA - 94706-1678  
phone: (510) 558-9107 fax: (510) 558-9308  
email: <mailto://lala.turley@utility.com>  
**Website:** <http://www.utility.com/>

**34. WEIL AND HOWE, INC.**

**Licensed as an Aggregator/Broker**

**Consumer Contact:**

Gordon L. Weil  
P.O. Box 1990, Augusta ME - 04332-1990  
phone: (207) 622-4406 fax: (207) 621-0069  
email: <mailto://info@weilnet.com>  
**Website:** <http://www.weilnet.com/>

**35. WPS ENERGY SERVICES, INC.**

**35. WPS ENERGY SERVICES, INC.**

**Licensed as an Electricity Supplier**

**Consumer Contact:**

Marc D. Hess

677 Baeten Road, Green Bay WI - 54304-

phone: (920) 490-6083 fax: (920) 490-5994

email: <mailto:mhess@wpsenergy.com>

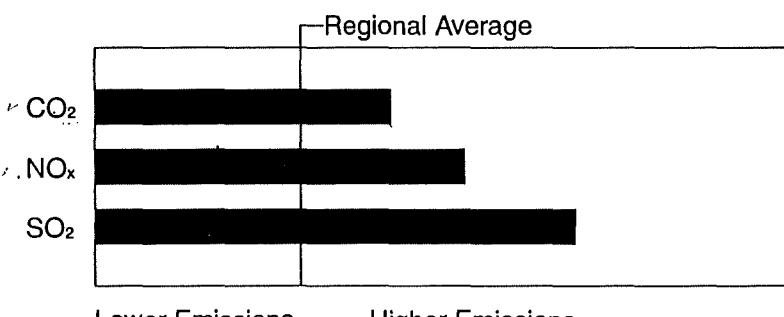
**Website:** <http://www.wpsenergy.com/>

**Developed by Northern Geomatics, Inc.**

# **APPENDIX B**

# Uniform Disclosure Information Label

## For Customers of Bangor Hydro-Electric Company's Standard Offer Service

Average Price Per kWh					
<b>Generation Price</b> Average price per kWh at different levels of use. Prices do not include regulated charges for customer service and delivery.	<b>Average Use Per Month</b>	250 kWh	500 kWh	1000 kWh	2000 kWh
	Residential	4.50 Cents	4.50 Cents	4.50 Cents	4.50 Cents
	<b>Average Use Per Month</b>	<b>1000 kWh</b>	<b>10,000 kWh</b>	<b>20,000 kWh</b>	<b>40,000 kWh</b>
	Small Commercial	4.50 Cents	4.50 Cents	4.50 Cents	4.50 Cents
	Medium Commercial	4.91 Cents	4.91 Cents	4.91 Cents	4.91 Cents
	Large Commercial	4.94 Cents	4.94 Cents	4.94 Cents	4.94 Cents
Your average generation price may vary according to when and how much electricity you consume. See your most recent bill for your monthly use and your Terms of Service for the actual prices. These prices are based upon class load profiles for 1998.					
Contract	The prices and terms of <b>Standard Offer Service</b> are regulated by the Maine Public Utilities Commission, and as such, are evaluated and adjusted periodically.				
Power Sources	Power Sources	%	Power Sources	%	
This electricity product was assigned generation from the following sources.	Biomass	2	Coal	21	
	Hydro	14	Nuclear	22	
	Natural Gas	7	Solar	0	
	Oil	32	Other Renewables	0	
	Wind	0	Municipal	2	
Air Emissions	 <b>Regional Average</b>				
Carbon dioxide (CO <sub>2</sub> ), nitrogen oxide (NO <sub>x</sub> ), and sulfur dioxide (SO <sub>2</sub> ) emission rates from these sources, relative to the regional average.					
Notes	<ol style="list-style-type: none"> <li>1. The power source and air emissions information is based on historical 1998 and 1999 data.</li> <li>2. See reverse side and your contract terms and conditions for further information on this label. You may also call Bangor Hydro at 1-800-499-6600, or the Maine Public Utilities Commission at 1-877-782-3228.</li> </ol>				

## LABEL DESCRIPTIONS

### Generation Price and Contract

Generation Prices displayed are representative average prices for electricity at usage levels that are typical for residential and commercial customers. Contract items displayed present the length of your contract for generation service, and the price terms included in your contract. See your recent bill to determine average monthly use.

### Power Sources

The actual electricity you use will be indistinguishable from the electricity used by your friends and neighbors. This is unavoidable because everyone is served through the same transmission and distribution system. The power sources label cannot tell you about the electricity that you use in your home; instead, it tells you that your dollars are going to pay for particular power plants. Since it is impossible to track the flow of electricity on the grid, however, there is no way to identify the actual power plant that produced the electricity you consume in your home. But it is possible to track the dollars you pay for electricity. Your electricity dollars will support electricity generation from various energy resources in the proportions listed on the power content label.

### Emissions

Emissions for each of the following pollutants are presented as a percent of the regional average emission rate.

**Carbon Dioxide (CO<sub>2</sub>)** is released when certain fuels are burned. It is considered a greenhouse gas and a major contributor to global warming.

**Nitrogen Oxides (NO<sub>x</sub>)** form when certain fuels are burned at high temperatures. They are considered contributors to acid rain and ground-level ozone (or smog).

**Sulfur Dioxide (SO<sub>2</sub>)** is formed when fuels containing sulfur are burned. Major health effects associated with SO<sub>2</sub> include asthma, respiratory illness and aggravation of existing cardiovascular disease.

The production of electricity can produce other harmful emissions and have other environmental impacts. Environmental impacts differ among individual power plants.

For more information about this label please contact:

**Bangor Hydro-Electric Company**  
Rates and Supplier Services  
Email: [standardoffer@bhe.com](mailto:standardoffer@bhe.com)  
Toll free phone: 1-800-499-6600  
Fax: 207-947-1655  
Website: [www.bhe.com](http://www.bhe.com)

or

**Maine Public Utilities Commission**  
Toll free phone: 1-877-782-3228  
Website: [www.pucfact.com](http://www.pucfact.com)

## UNIFORM INFORMATION DISCLOSURE LABEL ELECTRICITY FACTS

Standard Offer Service for Central Maine Power Company Territory  
(Meets or Exceeds Maine's 30% Renewable Requirement)

August 2000

### Generation Price:

Average price per kWh at different levels of use. Prices do not include regulated charges for customer service and delivery:

Ave. Use per Month	250 kWh	500 kWh	1000 kWh	2000 kWh	10,000 kWh	20,000 kWh	40,000 kWh
Ave. Price per kWh	4.089 ¢	4.089 ¢	4.089 ¢	4.089 ¢	4.089 ¢	4.089 ¢	4.089 ¢

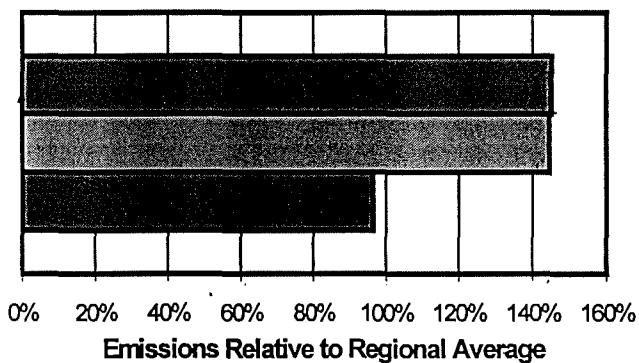
### Power Sources:

Demand for this electricity product in the preceding 12 months was assigned generation from the following sources:

Biomass	12 %
Coal	12 %
Hydro	8 %
Nuclear	22 %
Natural Gas	12 %
Solar	0 %
Oil	20 %
Other Renewables	9 %
Wind	0 %
Municipal Trash	6 %

### Air Emissions:

Carbon dioxide (CO<sub>2</sub>), nitrogen oxide (NO<sub>x</sub>), and sulphur dioxide (SO<sub>2</sub>) emission rates from these sources, relative to the regional average:



### LABEL DESCRIPTION

**Generation Price:** To determine your average monthly supply price, multiply your average monthly use by the per kWh rate. See your bill to determine average monthly use.

**Power Sources:** The actual electricity you use will be indistinguishable from the electricity used by your friends and neighbors. There is no way to identify the actual power plant that produced the electricity you consume in your home because everyone is served through the same transmission and distribution system. But it is possible to track the dollars you pay for electricity. Your electricity dollars will support electricity generation from various energy resources in the proportions listed on the power content label.

**Emissions:** Emissions for each of the following pollutants are presented as a percent of the regional average emission rate. Carbon Dioxide (CO<sub>2</sub>) is released when certain fuels are burned. It is considered a greenhouse gas and a major contributor to global warming. Nitrogen Oxides (NO<sub>x</sub>) form when certain fuels are burned at high temperatures. They are considered contributors to acid rain and ground-level ozone (or smog). Sulfur Dioxide (SO<sub>2</sub>) is formed when fuels containing sulfur are burned. Major health effects associated with SO<sub>2</sub> include asthma, respiratory illness and aggravation of existing cardiovascular disease. The production of electricity can produce other harmful emissions and have other environmental impacts. Environmental impacts differ among individual power plants.

**NOTE:** A more comprehensive disclosure label is available by visiting [www.energyatlantic.com](http://www.energyatlantic.com) or upon request by calling Energy Atlantic toll-free at 1-888-373-7911.

## Uniform Disclosure Information Label Electricity Facts

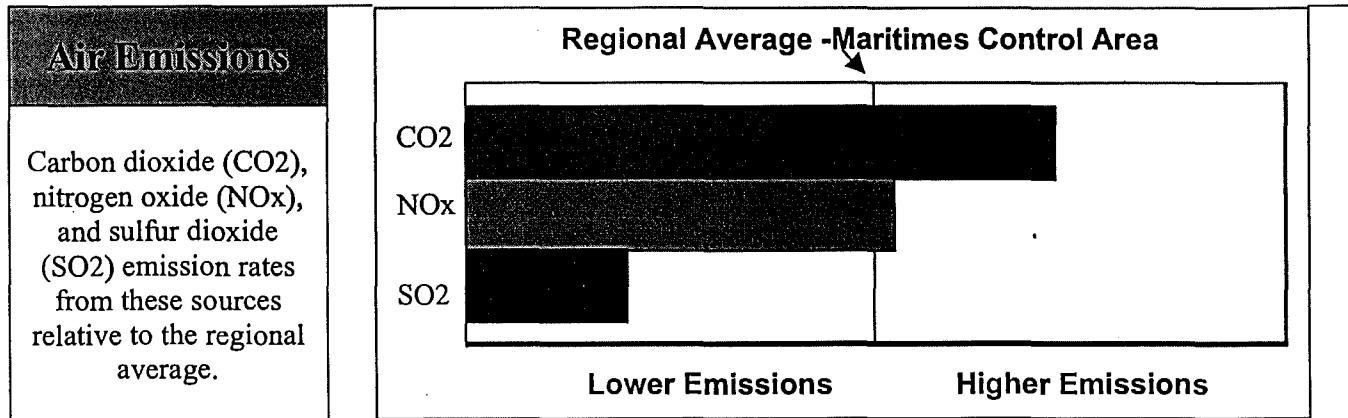
For Residential and Small Non-Residential Customers of Standard Offer Service within  
Maine Public Service Company's Service Territory

August 2000

<b>Generation Price</b>					
Average price per KWh at different levels of use. Prices do not include regulated charges for customer service and delivery.	<b>Average Use per Month</b>	250 KWh	500 KWh	1,000 KWh	2,000 KWh
	<b>Average Price per KWh</b>	4.2906 Cents	4.2906 Cents	4.2906 Cents	4.2906 Cents
	<b>Average Use per Month</b>	1,000 KWh	10,000 KWh	20,000 KWh	40,000 KWh
	<b>Average Price per KWh</b>	4.2906 Cents	4.2906 Cents	4.2906 Cents	4.2906 Cents
	Your average generation price may vary according to when and how much electricity you consume. See your most recent bill for your monthly use.				

Contract	The prices and terms of <b>Standard Offer Service</b> are regulated by the <b>Maine Public Utilities Commission</b> . The above generation prices are scheduled to remain in effect until March 1, 2001. WPS Energy Services is the current provider for Residential and Small Non-Residential customers taking Standard Offer Service.
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<b>Power Sources</b>				
This Electricity product was assigned generation from the following sources.	<b>Power Sources</b>	<b>%</b>	<b>Power Sources</b>	<b>%</b>
	Biomass	53	Coal	8
	Hydro	19	Nuclear	8
	Natural Gas	0	Solar	0
	Oil	12	Other Renewables	0
	Wind	0	Municipal	0



### Notes

1. The power source and air emissions information is based on 2000 year-to-date data.
2. See reverse side for further information.
3. You may also call WPS Energy Services at 1-877-838-0454 or the Maine Public Utilities Commission at 1-877-782-3228 for more information regarding these facts.

## Label Descriptions

**Generation Price:** Generation prices are shown at usage levels that are typical for residential and commercial customers.

**Power Sources:** The actual electricity you use will be indistinguishable from the electricity used by your friends and neighbors. This is unavoidable because everyone is served through the same transmission and distribution system. The power sources label cannot tell you about source of the electricity that you use in your home or business; instead, it tells you that your dollars are going to pay for particular power plants. Since it is impossible to track the flow of electricity on the grid, however there is no way to identify the actual power plant that produced the electricity you consume. But it is possible to track the dollars you pay to particular power plants. Your electricity dollars will support electricity generation from various energy resources in the proportions listed on the power content label.

**Emissions:** Emissions for each of the following pollutants are presented as a percent of the regional average emission rate.

**Carbon Dioxide** (CO<sub>2</sub>) is released when certain fuels are burned. It is considered a major greenhouse gas and a major contributor to global warming.

**Nitrogen Oxides** (NO<sub>x</sub>) form when certain fuels are burned at high temperatures. They are considered contributors to acid rain and ground-level ozone (or smog).

**Sulfur Dioxide** (SO<sub>2</sub>) is formed when fuels containing sulfur are burned. Major health effects associated with SO<sub>2</sub> include asthma, respiratory illness and aggravation of existing cardiovascular disease.

The production of electricity can produce harmful emissions and have other environmental impacts. Environmental impacts differ among different power plants.

# **APPENDIX C**

**APPENDIX C**  
**SUMMARY OF CASES IN WHICH THE MPUC OR NECPUC HAS INTERVENED AND**  
**TAKEN A POSITION AT FERC**  
**1/1/2000-12/1/2000**  
**(in chronological order)**

**Central Maine Power Company Open Access Tariff Dk. Nos. ER00-3092-000 and**  
**ER00-3094-000**

The main issues were (1) how much should generators on the lower levels of the transmission/distribution system pay to get to the PTF system; (2) CMP's proposal to charge for behind-the-meter-generation and (3) cost of capital. Staff and our FERC counsel participated in settlement discussions.

Disposition: This case was settled.

**Bangor Hydro-Electric Company Open Access Tariff Dk. No. ER00-980-000**

The main issue was how much money should be paid by generators on the lower voltage system for local point-to-point service. MPUC Staff and our FERC Counsel participated in these discussions.

Disposition: This case was settled.

**MPS Open Access Transmission Tariff, Docket No. ER00-1053-000**

A settlement agreement in the MPS OATT was filed in June. The settlement addresses the following issues: loss factors, formula rate issues, and timing for formula rate refiling. Maine intervened in this case and was involved in settlement negotiations.

Disposition: This case was settled.

**Dighton Power Associates, Docket No. EL00-40-000**

Generators (including FPL) filed a complaint against ISO-NE requesting that the FERC direct the ISO to resettle the prices for OpCap on specific days in the summer of 99. As a result of a subsequent recalculation by the ISO of the amount of OpCap needed, the settlement price of OpCap was established at \$3/MWh; during the hours and days in question the price for OpCap had cleared at \$1600/MWh. Generators sought to have the clearing price reinstated for the hours and days in question. The MPUC supported the ISO's actions as being consistent with the market rules in effect at the time.

Comments filed February 22, 2000

Disposition: FERC denied the Complaint May 19, 2000

**Short Notice Energy Transactions Dk. No. ER00-2203-000**

NECPUC filed comments in support of NEPOOL's proposed changes to NEPOOL market rules that allow market participants to import firm energy from outside of the control area on short notice (90 minutes or more). (MPUC and NECPUC had been active at NEPOOL in advancing the adoption of these measures.)

Comments filed: May 8<sup>th</sup>, 2000

Disposition: Approved by FERC June 1, 2000

**INDECK Complaint, Docket No. EL00-80-000**

Maine and VDPS filed joint comments supporting ISO's answer to INDECK's complaint against the ISO. We agreed with ISO that it acted within its authority under MR 17 to mitigate INDECK's bids which the ISO found reflected anomalous behavior consistent with an intentional effort to raise the clearing price.

Disposition: The FERC ruled in favor of INDECK. In a motion for clarification INDECK is now also seeking retroactive relief. The MPUC filed comments that INDECK is only entitled to what it asked for - prospective relief. Motion for Clarification is pending.

**ICAP/CMS/MSS**

There are a number of dockets on CMS/MSS and ICAP (see below). MPUC has intervened in these cases, strongly arguing for the immediate termination of the ICAP market and for a more rapid implementation of locational pricing in a congested transmission system (end socialization of congestion costs). NECPUC has intervened supporting the ISO's proposed MSS/CMS proposal but also arguing for a quicker termination of the ICAP market than that initially proposed by the ISO. NECPUC also supported the ISO's amended position in favor of terminating the ICAP market and requirement for ICAP June 1, 2000. NECPUC also filed in defense of ISO's mitigation actions in setting the clearing price for ICAP at zero for certain periods, which was challenged by NUSCO. Finally, NECPUC challenged NEPOOL's suggestion that once FERC decided the outcome of these issues, the matter went back to NEPOOL to determine subject to a supermajority vote what the compliance filing should look like.

Disposition: FERC adopted the ISO's CMS/MSS proposal with a few changes. It did not end socialization of congestion costs until CMS is implemented but is pushing the

ISO for a quicker implementation. FERC eliminated spot market for ICAP but not ICAP requirement. Requires a compliance filing to set the penalty for ICAP deficiency and a proposal for ICAP replacement. NECPUC filed a motion for clarification or rehearing on the ICAP deficiency charge to clarify that the Commission's decision does not prevent the filing of a minimal deficiency charge.

Cases:

ISO-NE	Dk. Nos. EL00-62-001 & ER00-2052-002 (ISO CMS/MSS and ICAP filing)
NEPOOL	Dk. Nos. ER99-2335—000, ER00-984-000, ER00-985-000 (NEPOOL informational filing on CMS/MSS, 49 <sup>th</sup> agreement (60 day extension of allocation of congestion costs) and 50 <sup>th</sup> agreement eliminating OpCap market as of March 1, 2000)
NEPOOL	Dk. No. ER00-2016-000 (Supporting Generators proposal)
CMP et al	Dk. No. EL00-59-000, ER00-2005-000 (Anti-Subsidy Complainant's proposal)

#### **NSTAR Complaint Dk. No. EL 00-83-00**

MPUC filed comments in support of NSTAR's proposed bid cap of \$1000/MWh in the energy and ancillary services markets. We also supported NSTAR's proposal for the disclosure of bid information after 3 months but protested the next day release of supply curve information, suggesting instead release of this information after 2 months. Vermont DPS and New Hampshire filed comments in support of our comments.

Disposition: On July 26, 2000, FERC issued decision in NSTAR case and this case providing for \$1000/MWH cap during OP4 conditions. The cap for EETs is also \$1000. Emergency purchases by the ISO will not set the clearing price. In addition, the FERC required changes to market rule 17 to reduce the ISO's discretion to mitigate under MR17.

#### **ISO-NE (Emergency Rule Filing) Dk. No. ER00-2831-000**

MPUC, VDPS and NHPUC filed joint comments offering qualified support for the proposed change to Market Rule 17 (Mitigation Rule) which will automatically set a default bid of the highest price paid for emergency energy purchases since the initiation of the markets (\$1,100/MWh) for external energy 2/ICAP contracts. This was ISO's response to the May 8<sup>th</sup> price spike involving an E2/ICAP external contract which set the clearing price at \$6000 per MWh for four hours. Our support was qualified because the

price allowed by the rule may be excessive since there is no rationale for using the highest price paid as a cap rather than the lowest or an average. We suggested that the price be reexamined at the 9/30/00 report back date proposed by the ISO. We also offered qualified support for the ISO proposed emergency rule changes to allow for Emergency Energy Transactions (EETs) during OP4. EETs which will be capped at \$1100/MWh will be allowed to set the clearing price. Our support was qualified for the same reason discussed above.

Comments filed: June 25, 2000.

Disposition: FERC issued decision in NSTAR case and this case providing for \$1000/MWH cap during OP4 conditions. The cap for EETs is also \$1000. Emergency purchases by the ISO will not set the clearing price.

#### **May 8<sup>th</sup> Complaint Docket No. EL00-99-00**

The MPUC filed a complaint seeking a recalculation of the \$6000 MWh clearing price for several hours on May 8<sup>th</sup>. As a result of the price spike BHE paid approximately \$2.6 million for energy for five hours on May 8<sup>th</sup>. The MPUC also filed an answer responding to the numerous generator protests to the Complaint.

Complaint filed: August 17, 2000

Disposition: Pending

#### **Compliance Filing- ICAP Deficiency Charge Docket No. EL00-62-005**

The ISO filed a deficiency charge of \$0.17 per KW month in compliance with the Commission's June 28<sup>th</sup> Order requiring it to file a deficiency charge. The ISO filing was supported by the NEPOOL Participants Committee. NECPUC filed comments in support of the deficiency charge of \$0.17.

Comments filed: August 28, 2000

Disposition in early December: pending

#### **Compliance Filing MSS/CMS Docket No. EI00-62-011**

NEPOOL was required by the terms of the MSS/CMS Order to make compliance filings relating to transmission planning. The MPUC protested certain aspects of the filing, which did not comply with the requirement that transmission owners should not have a decisional role in transmission planning and which continued indefinitely the

socialization of costs for transmission upgrades when the parties were unable to agree on what entity should pay these costs.

Disposition: Pending.

**APS Complaint (ICAP clearing prices for April –July) Docket No. EL00-109-00**

The ICAP auction price for April cleared at \$3.25 per KW-month. The preliminary clearing prices for subsequent months were even higher. The Maine Commissioners sent a letter to Philip Pellegrino CEO of the ISO asking the ISO to investigate these prices and to consider mitigation of bids for May through July. Because of our letter and a Complaint filed by APS, the ISO did not clear ICAP for May through July as it had been planning to do. Instead it asked the FERC for guidance on what it should do. The MPUC supported APS's complaint; then when, at MPUC's suggestion, APS amended its complaint to add the filed rate doctrine argument for getting retroactive relief, MPUC filed an amended intervention in support of APS's amended argument and request for relief.

Intervention and Comments filed: September 21, 2000

Amended Intervention and Comments filed: October 16, 2000

Disposition: pending.

**Compliance Filing MSS/CMS Docket No. EI00-62-011**

NEPOOL was required by the terms of the MSS/CMS Order to make compliance filings relating to transmission planning. The MPUC protested certain aspects of the filing, which did not comply with the requirement that transmission owners should not have a decisional role in transmission planning and which continued indefinitely the socialization of costs for transmission upgrades when the parties were unable to agree on what entity should pay these costs.

Comments filed: October 26, 2000

Disposition: Pending.

**APS Complaint Motion for Disclosure Docket No. EL00-109-00**

In the MPUC's letter to the ISO about the April ICAP clearing price and preliminary prices for subsequent months, asked for bid stacks to examine the bidding patterns of players in the ICAP market. The ISO was going to provide the information but when it received complaints from companies owning generations who argued that the NEPOOL

Information Policy did not allow ISO to provide us with the information, it asked us to ask the FERC for the information. The MPUC filed a motion for disclosure asking that the information be made public, that in general bid data be released after 3 months and that the FERC clarify that the NEPOOL Information Policy allows the ISO to provide the confidential market information in its possession to state regulators if the requesting regulators issue a protective order to keep the information confidential. NECPUC later filed an answer in support of the ISO's motion. This information is crucial to state regulators' ability to determine whether the wholesale markets are becoming workably competitive and whether additional changes to market structures are necessary.

Motion filed: November 13, 2000

Disposition: Pending.

#### **Revisions to Market Rule 17 Docket No. ER01-368-000, ER01-369-000**

In the NSTAR Order the FERC required that the Market Rule 17 the market monitoring and mitigation rule be revised to greatly reduce the ISO's discretion to mitigate. MPUC drafted comments for NECPUC in which gave qualified support to changes to market rule 17. The comments were very supportive of the screen that will reduce uplift payments but questioned whether the thresholds for mitigation were too high. NECPUC was also supportive of the continuation of a cap until the energy market is workably competitive. Finally, NECPUC supported ISO's request that the Commission authorize the release of bid data after three months and the release of outage data.

Date of filing: November 22, 2000.

Disposition: Pending.

#### **RTO Proposal**

NECPUC has developed its own Regional Transmission Organization (RTO) proposal that promotes the concept of an independent oversight board. Its proposal has been placed on the New England RTO (NERTO) website.

Disposition: RTO proposals to be filed in January. FERC mediated stakeholder discussions on proposals are currently taking place.

# **APPENDIX D**

**Appendix D**  
**Commission Rules Related to Electric Restructuring**

Chapter 301: Standard Offer Service

Chapter 302: Consumer Education Program: Electric Industry Restructuring

Chapter 303: Utility Employee Transition Benefits

Chapter 304: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers

Chapter 305: Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity

Chapter 306: Uniform Information Disclosure and Informational Filing Requirements

Chapter 307: Sale of Capacity and Energy; Extensions for Divestiture of Assets

Chapter 309: Bill Unbundling and Illustrative Bills

Chapter 311: Eligible Resource Portfolio Requirement

Chapter 312: Voluntary Renewable Resource Research and Development Fund

Chapter 313: Customer Net Energy Billing

Chapter 321: Load Obligation and Settlement Calculations for Competitive Providers of Electricity

Chapter 322: Metering, Billing, Collections, and Enrollment Interactions Among Transmission and Distribution Utilities and Competitive Electricity Providers

Chapter 323: Electric Business Transactions Standards

Chapter 360: Cogeneration and Small Power Production

Chapter 380: Demand Side Energy Management Programs by Electric Utilities

Chapter 820: Utility Requirements for Non-Core Activities and Transactions Between Affiliates

# **APPENDIX E**

## **Appendix E**

35-A M.R.S.A. § 3217(1) directs the Commission to report on activities relating to changes in the regulation of electric utilities in other states. The Energy Information Administration maintains a website that describes the status of state electric restructuring efforts. The contents are too voluminous for this report, but may be accessed on ([http://www.eia.doe.gov/electricity/chg\\_str/tab5rev.html](http://www.eia.doe.gov/electricity/chg_str/tab5rev.html)).