

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1904

S.P. 707

In Senate, February 18, 1994

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**An Act to Establish the Maine Surplus Energy Auction Program.**

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Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CARPENTER of York. (GOVERNOR'S BILL).  
Cosponsored by Representative DONNELLY of Presque Isle and  
Senators: HARRIMAN of Cumberland, VOSE of Washington, Representatives: AIKMAN of  
Poland, CLARK of Millinocket.

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

4 Sec. 1. 35-A MRSA c. 44 is enacted to read:

6 CHAPTER 44

8 MAINE SURPLUS ENERGY AUCTION PROGRAM

10 §4401. Definitions

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Eligible electric utility. "Eligible electric utility" means an electric utility in the State with over \$35,000,000 in annual revenues.

18 2. Marginal cost. "Marginal cost" means the actual additional power supply energy costs incurred by the eligible electric utility to serve the customers selected pursuant to section 4404.

22 §4402. Program established

24 1. Price of electricity. There is established within the commission the Maine Surplus Energy Auction Program. The program shall provide access to surplus electricity to selected industrial and commercial electricity consumers at a price no lower than marginal cost plus one cent per kilowatt hour for a period not to extend beyond December 31, 2001.

32 2. Notification. Within 120 days of the effective date of this section, eligible electric utilities shall provide notice of the program to all industrial and commercial customers within their respective service areas and distribute requests for proposals developed pursuant to this section.

38 3. Selection criteria. Eligible electric utilities shall evaluate proposals and select candidate customers from within their respective service areas for electricity from the surplus energy pool. The proposals must be evaluated and selected on the basis of the following criteria:

44 A. The uses of electricity from the surplus energy pool that will be new or incremental to the customer's existing load;

48 B. The customer's ability to operate competitively at market electricity rates beyond the term of a contract made pursuant to subsection 4;



2 selected industrial and commercial users on the basis of criteria  
established in the law.

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8 This document has not yet been reviewed to determine the  
10 need for cross-reference, stylistic and other technical  
amendments to conform existing law to current drafting standards.