

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1068

H.P. 786

House of Representatives, March 6, 2007

An Act To Enhance Maine's Energy Independence and Security

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PIEH of Bremen.

Cosponsored by Senator BARTLETT of Cumberland and

Representatives: ADAMS of Portland, BLANCHARD of Old Town, BLISS of South Portland, FITTS of Pittsfield, FLETCHER of Winslow, HINCK of Portland, Senators: MARRACHÉ of Kennebec, RAYE of Washington.

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

2 **Sec. 1. 35-A MRSA §3210, sub-§3**, as amended by PL 1999, c. 398, Pt. I, §3, is
3 further amended to read:

4 **3. Portfolio requirements.** As a condition of licensing pursuant to section 3203,
5 each competitive electricity provider in this State must demonstrate in a manner
6 satisfactory to the commission that no less than 30% of its portfolio of supply sources for
7 retail electricity sales in this State is accounted for by eligible resources. If a competitive
8 electricity provider represents to a customer that the provider is selling to the customer a
9 portfolio of supply sources that includes more than 30% eligible resources, the resources
10 necessary to supply more than 30% of that customer's load may not be applied to meet the
11 aggregate 30% portfolio requirement. Rules adopted under this subsection are major
12 substantive rules pursuant to Title 5, chapter 375, subchapter H-A 2-A.

13 A. Effective January 1, 2008, each competitive electricity provider in this State must
14 demonstrate in a manner satisfactory to the commission that no less than 1% of its
15 portfolio of supply sources for retail electricity sales in this State is accounted for by
16 new capacity resources as defined under section 3210-C, subsection 1, paragraph C.
17 Resources described under this paragraph are qualifying resources for this paragraph
18 only.

19 B. Each January 1st after January 1, 2008, a competitive electricity supplier must
20 demonstrate that its portfolio includes an additional 1% per annum from qualifying
21 new capacity resources, starting with 2% on January 1, 2009 and ending with 10% on
22 January 1, 2017.

23 C. If by March 31, 2010 the commission determines that the provisions of
24 paragraphs A and B have not been successful in the years 2008 and 2009 in
25 stimulating investment in new capacity resources and that the resulting alternative use
26 of renewable energy credits has burdened ratepayers without providing the benefits of
27 new capacity resources, the commission may suspend all or part of the percentage
28 provisions of paragraphs A and B and report to the joint standing committee of the
29 Legislature having jurisdiction over utilities and energy matters with
30 recommendations for alternative actions to stimulate investment in new renewable
31 capacity.

32 D. Similarly, in every 2nd year beginning in 2012, if the commission determines by
33 March 31st of that year that investment in new capacity resources is not sufficient to
34 meet the provisions of paragraphs A and B, the commission may suspend part or all
35 of the percentage provisions of paragraphs A and B and make recommendations for
36 further action to the Legislature.

37 **Sec. 2. 35-A MRSA §3210, sub-§8**, as enacted by PL 2005, c. 646, §2, is further
38 amended to read:

39 **8. Credit trading.** The commission shall allow competitive electricity providers to
40 satisfy the portfolio requirements of subsection 3 through the use of renewable energy
41 credits ~~if the commission determines that a reliable system of electrical attribute trading~~
42 ~~exists.~~

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SUMMARY

2 This bill amends the section of law that established targets for the State to increase its
3 proportions of electricity supplied by new renewable generating capacity. It specifies that
4 each competitive electricity provider must demonstrate that no less than 1% of the
5 portfolio of supply sources for retail electricity sales is accounted for by new capacity
6 resources with an established goal of 10% in 2017. It provides a preventive mechanism
7 that would permit the Public Utilities Commission to suspend all or part of the plan if
8 new investment is not being stimulated.