

MAINE STATE LEGISLATURE

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L.D. 802

Date: **5-31-11**

MINORITY

(Filing No. S-196)

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "**A**" to S.P. 246, L.D. 802, Bill, "An Act To Amend the Requirements for Electric Transmission Lines"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 35-A MRSA §3132, sub-§5-A is enacted to read:

5-A. Commission order; certificate of public convenience and necessity. The commission shall issue a certificate of public convenience and necessity as follows.

A. The commission may issue a certificate of public convenience and necessity for a proposed transmission line only if it finds:

(1) That the construction and operation of the proposed transmission line reduces electricity costs for consumers, is necessary to meet the reliability requirements imposed by the Federal Energy Regulatory Commission or its designated electric reliability organization or is otherwise needed for local reliability; and

(2) That public need exists for the proposed transmission line pursuant to paragraph B.

B. In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. Except as provided in subsection 6-A for a high-impact electric transmission line, if the commission finds that the requirements under paragraph A are satisfied, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics; reliability; public health and safety; scenic, historic and recreational values; state renewable energy generation goals; the proximity of the proposed transmission line to inhabited dwellings; and alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. The commission shall, as necessary and in accordance with subsections 7 and 8, consider the findings of the

1 Department of Environmental Protection under Title 38, chapter 3, subchapter 1,
2 article 6 with respect to the proposed transmission line and any modifications ordered
3 by the Department of Environmental Protection to lessen the impact of the proposed
4 transmission line on the environment. A person may submit a petition for and obtain
5 approval of a proposed transmission line under this section before applying for
6 approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart
7 6-A and Title 38, section 438-A and, except as provided in subsection 4, before
8 identifying a specific route or route options for the proposed transmission line.
9 Except as provided in subsection 4, the commission may not consider the petition
10 insufficient for failure to provide identification of a route or route options for the
11 proposed transmission line. The issuance of a certificate of public convenience and
12 necessity establishes that, as of the date of issuance of the certificate, the decision by
13 the person to erect or construct was prudent. At the time of its issuance of a
14 certificate of public convenience and necessity, the commission shall send to each
15 municipality through which a proposed corridor or corridors for a transmission line
16 extends a separate notice that the issuance of the certificate does not override,
17 supersede or otherwise affect municipal authority to regulate the siting of the
18 proposed transmission line. The commission may deny a certificate of public
19 convenience and necessity for a transmission line upon a finding that the transmission
20 line is reasonably likely to adversely affect any transmission and distribution utility
21 or its customers.

22 **Sec. 2. 35-A MRSA §3132, sub-§6, as amended by PL 2009, c. 615, Pt. A, §1**
23 **and c. 655, Pt. A, §4, is repealed.'**

24 SUMMARY

25 This amendment is the minority report. The amendment reorganizes provisions
26 related to certificates of public convenience and necessity and provides that in addition to
27 the Federal Energy Regulatory Commission or its designated electric reliability
28 organization's standards determining if a transmission line is being constructed for the
29 purpose of reliability, the Public Utilities Commission may make an independent finding
30 that a transmission line is needed for reliability.