

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 802

S.P. 246

In Senate, March 1, 2011

An Act To Amend the Requirements for Electric Transmission Lines

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

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

2 **Sec. 1. 35-A MRS §3132, sub-§6**, as amended by PL 2009, c. 615, Pt. A, §1
3 and c. 655, Pt. A, §4, is repealed and the following enacted in its place:

4 **6. Commission order; certificate of public convenience and necessity.** In its
5 order, the commission shall make specific findings with regard to the public need for the
6 proposed transmission line. Except as provided in subsection 6-A for a high-impact
7 electric transmission line, if the commission finds that a public need exists, it shall issue a
8 certificate of public convenience and necessity for the transmission line. In determining
9 public need, the commission shall, at a minimum, take into account economics,
10 reliability, public health and safety, scenic, historic and recreational values, state
11 renewable energy generation goals, the proximity of the proposed transmission line to
12 inhabited dwellings and alternatives to construction of the transmission line, including
13 energy conservation, distributed generation or load management. If the commission
14 orders or allows the erection of the transmission line, the order is subject to all other
15 provisions of law and the right of any other agency to approve the transmission line. The
16 commission shall, as necessary and in accordance with subsections 7 and 8, consider the
17 findings of the Department of Environmental Protection under Title 38, chapter 3,
18 subchapter 1, article 6, with respect to the proposed transmission line and any
19 modifications ordered by the Department of Environmental Protection to lessen the
20 impact of the proposed transmission line on the environment. A person may submit a
21 petition for and obtain approval of a proposed transmission line under this section before
22 applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2,
23 Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before
24 identifying a specific route or route options for the proposed transmission line. Except as
25 provided in subsection 4, the commission may not consider the petition insufficient for
26 failure to provide identification of a route or route options for the proposed transmission
27 line. The issuance of a certificate of public convenience and necessity establishes that, as
28 of the date of issuance of the certificate, the decision by the person to erect or construct
29 was prudent. At the time of its issuance of a certificate of public convenience and
30 necessity, the commission shall send to each municipality through which a proposed
31 corridor or corridors for a transmission line extends a separate notice that the issuance of
32 the certificate does not override, supersede or otherwise affect municipal authority to
33 regulate the siting of the proposed transmission line. The commission may deny a
34 certificate of public convenience and necessity for a transmission line upon a finding that
35 the transmission line is reasonably likely to adversely affect any transmission and
36 distribution utility or its customers.

37 The commission may not issue a certificate of public convenience and necessity for a
38 transmission line pursuant to this subsection unless it finds that the construction and
39 operation of the proposed transmission line either reduces costs for consumers or is
40 necessary to meet the reliability requirements imposed by the Federal Energy Regulatory
41 Commission or its designated electric reliability organization.

1 **SUMMARY**

2 This bill amends the statute governing the issuance of certificates of public
3 convenience and necessity for transmission lines. This bill provides that the Public
4 Utilities Commission may not approve a certificate of public convenience and necessity
5 for a transmission line unless it finds that the construction and operation of the proposed
6 transmission line either reduces costs for consumers or is necessary to meet the reliability
7 requirements imposed by the Federal Energy Regulatory Commission or its designated
8 electric reliability organization.

9 The bill also corrects a conflict that was created by Public Law 2009, chapter 615 and
10 chapter 655 by incorporating the changes made by both chaptered laws.