

MAINE STATE LEGISLATURE

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Date: 3/30/18

L.D. 1799
(Filing No. H-704)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1244, L.D. 1799, "Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended to:

- 1. Add a provision that specifies that a complaint may be brought for matters within the Public Utilities Commission's jurisdiction by an individual generator for acts or omissions of a transmission and distribution utility that are unreasonable, preferential, discriminatory or anticompetitive and the complaint must be treated in the same manner as a complaint otherwise brought by 10 persons as allowed by Title 35-A, section 1302;
- 2. Clarify in section 1 of the rule that the rule applies to an affiliated generator that:
 - A. Owns or develops generation or generation-related assets in the ISO-New England, or ISO-NE, or Northern Maine Independent System Administrator, or NMISA, power system;
 - B. Imports generation into the ISO-NE or NMISA power system;
 - C. Is directly interconnected to the ISO-NE or NMISA power system;
 - D. Takes any action or makes any plans toward future ownership or development of generation or generation-related assets in the ISO-NE or NMISA power system; or
 - E. Takes any action or makes any plans to import generation or become directly interconnected to the ISO-NE or NMISA power system;

COMMITTEE AMENDMENT

ROFS

1 3. Add in section 2 of the rule a definition of "directly interconnected" to clarify that
2 the term refers to the physical electrical connection of a generator to a transmission and
3 distribution utility's transmission and distribution assets that allows that generator to
4 transport electric power across the transmission and distribution utility's electric plant;

5 4. Add in section 2 of the rule a definition of "service territory" to clarify that it refers
6 to the geographic area in which a transmission and distribution utility is authorized to
7 provide service based on a finding of need by the Public Utilities Commission or a
8 legislative finding of need;

9 5. Clarify in section 3, paragraph A of the rule that a transmission and distribution
10 utility may not have an affiliate that owns generation or generation-related assets that are
11 directly interconnected to any facilities owned or operated by the transmission and
12 distribution utility or if the point of interconnection of generation or generation-related
13 assets of the affiliate is within the service territory of the transmission and distribution
14 utility;

15 6. Add in section 4 of the rule a general standard that explicitly prohibits preferential,
16 discriminatory or other anticompetitive conduct by a transmission and distribution utility;

17 7. Clarify in section 4, subsection O of the rule that access to books and records is
18 for the purpose of verifying compliance with the standards of conduct and that access to
19 such books and records also applies to books and records that predate an affiliated
20 generator's becoming subject to the rule; and

21 8. Clarify in section 7 of the rule that the training of employees to ensure compliance
22 with the rule is limited to those employees that have access or may have access to the
23 types of confidential information that is not to be shared.

24 The Public Utilities Commission is not required to hold hearings or undertake further
25 proceedings prior to final adoption of the rule in accordance with this section.'

SUMMARY

26
27 This amendment allows for the final adoption of portions of Chapter 308: Standards
28 of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the
29 Public Utilities Commission as long as the Public Utilities Commission makes several
30 changes including:

31 1. The addition of a provision relating to complaints by individual generators of
32 unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a
33 transmission and distribution utility;

34 2. The addition of a provision and definitions to make clear that a transmission and
35 distribution utility may not have an affiliate that owns generation or generation-related
36 assets that are directly interconnected to any facilities owned or operated by the
37 transmission and distribution utility or if the point of interconnection of generation or
38 generation-related assets of the affiliate is within the service territory of the transmission
39 and distribution utility;

40 3. The clarification of the applicability of the rule to affiliated generators;

COMMITTEE AMENDMENT

PROFS

COMMITTEE AMENDMENT "A" to H.P. 1244, L.D. 1799

- 1 4. The addition of a standard that explicitly prohibits preferential, discriminatory or
- 2 other anticompetitive conduct by a transmission and distribution utility;
- 3 5. The clarification that access to books and records is for the purpose of verifying
- 4 compliance with the rule and that access to such books and records also applies to books
- 5 and records that predate an affiliated generator's becoming subject to the rule; and
- 6 6. The clarification that training of employees to ensure compliance with the rule is
- 7 limited to those employees that have access or may have access to the types of
- 8 confidential information that is not to be shared.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1799

LR 2862(02)

Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

A (H-704)

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission as a result of final adoption of rules regarding standards of conduct for transmission and distribution utilities and affiliated generators are expected to be minor and can be absorbed within existing budgeted resources.