

MAINE STATE LEGISLATURE

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L.D. 1913

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MAJORITY

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 674, L.D. 1913, "An Act To Review Strategies for Improving Utility Rate Affordability and To Provide Utility Relief"

Amend the bill by striking out the title and substituting the following:

'An Act To Create the Electric Ratepayer Advisory Council'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the affordability of electricity in the State is a major issue facing many ratepayers; and

Whereas, stakeholders need to begin immediately to evaluate measures to make electricity more affordable and advise the Public Advocate on these potential measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 5 MRSA §12004-I, sub-§93 is enacted to read:

93.

<u>Public</u>	<u>Electric Ratepayer Advisory Council</u>	<u>Not Authorized</u>	<u>35-A MRSA</u>
<u>Advocate</u>			<u>§1714</u>

Sec. 2. 35-A MRSA §1714 is enacted to read:

§1714. Electric Ratepayer Advisory Council

1 **1. Appointment; composition.** The Electric Ratepayer Advisory Council, referred to
2 in this section as "the council" and established by Title 5, section 12004-I, subsection 93,
3 consists of 18 members as follows:

4 A. Thirteen voting members appointed by the Public Advocate including:

5 (1) One member representing the interests of senior citizens and the aging
6 population of the State;

7 (2) One member representing an equal justice advocacy organization operating in
8 the State;

9 (3) One member representing an association of community action agencies as
10 defined in Title 22, section 5321, subsection 2;

11 (4) One member representing a statewide organization that advocates for
12 affordable housing;

13 (5) One member from each investor-owned transmission and distribution utility in
14 the State;

15 (6) One member representing a consumer-owned transmission and distribution
16 utility in the State;

17 (7) One member representing a large industrial employer based in the State;

18 (8) One member representing a research organization dedicated to improving the
19 economic outlook of the State and its residents;

20 (9) One member who is a member of a federally recognized Indian nation, tribe or
21 band in the State based on the joint recommendation of the tribal governments of
22 the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the
23 Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and
24 the Penobscot Nation. If these tribal governments do not make a unanimous joint
25 recommendation, the Public Advocate shall appoint a member of a federally
26 recognized Indian nation, tribe or band in the State and rotate the appointment
27 among members of each federally recognized Indian nation, tribe or band in the
28 State;

29 (10) Two public members, one of whom is a customer of an investor-owned
30 transmission and distribution utility serving the northern portion of the State and
31 one of whom is a customer of an investor-owned transmission and distributed
32 utility serving the southern portion of the State; and

33 (11) One public member who is a small business owner; and

34 B. Five ex officio, nonvoting members including:

35 (1) The Public Advocate or the Public Advocate's designee;

36 (2) The Director of the Governor's Energy Office or the director's designee;

37 (3) The chair of the commission or the chair's designee;

38 (4) The Director of the Efficiency Maine Trust or the director's designee; and

39 (5) The director of the Maine State Housing Authority or the director's designee.

1 **2. Duties.** The council shall make recommendations to the Public Advocate regarding
2 methods to ensure that ratepayers are able to afford electricity in the State. In developing
3 recommendations, the council shall:

4 A. Review the electric rates and rate design in effect when the council is developing
5 its recommendations, projected changes in those rates and the policy goals and other
6 factors contributing to projected changes in those rates;

7 B. Review electric assistance programs in existence when the council is developing its
8 recommendations, including those programs implemented pursuant to section 3214,
9 and consider more streamlined and cost-effective options to provide assistance to all
10 ratepayers that may be struggling to pay their electric utility bills, including an electric
11 utility relief program that provides assistance to individuals receiving benefits under a
12 state or federal low-income assistance program or whose family income is equal to or
13 below 200% of the federal nonfarm income official poverty line;

14 C. Identify methods to:

15 (1) Fund electric assistance programs that do not result in shifting costs to
16 ratepayers;

17 (2) Improve education and outreach efforts regarding electric assistance programs,
18 the retail electricity supply market and energy efficiency programs; and

19 (3) Make energy efficiency programs more accessible to low-income, moderate-
20 income and small business ratepayers, including those ratepayers that rent housing
21 accommodations or commercial spaces; and

22 D. Identify any other methods that may improve the affordability of electricity.

23 **3. Terms.** The term of a member appointed to the council is 3 years, except that a
24 vacancy during an unexpired term must be filled in the same manner as for the original
25 member for the unexpired portion of the member's term.

26 **4. Meetings.** The council shall meet at least once a year.

27 **5. Chair.** The Public Advocate shall appoint a chair.

28 **6. Public participation.** Meetings of the council are public proceedings and may
29 allow for public comment.

30 **7. Staff assistance.** The Public Advocate and the commission shall provide necessary
31 administrative staffing services to the council.

32 **8. Reports.** By December 1st of each year, the Public Advocate shall submit a report
33 to the joint standing committee of the Legislature having jurisdiction over utilities and
34 energy matters on the activities of the council and any recommendations the council made
35 to the Public Advocate pursuant to subsection 2. The committee may report out a bill to the
36 Legislature relating to the recommendation of the council.

37 **Sec. 3. Electric Ratepayer Advisory Council; appointments; meetings.** The
38 Public Advocate shall make initial appointments to the Electric Ratepayer Advisory
39 Council pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 1 no
40 later than 60 days after the effective date of this Act. Notwithstanding Title 35-A, section
41 1714, subsection 4, during the 2022 calendar year the Electric Ratepayer Advisory Council

1 shall hold its first meeting no later than July 1, 2022 and shall hold at least 5 meetings in
2 total during that calendar year.

3 **Sec. 4. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **EXECUTIVE DEPARTMENT**

6 **Public Advocate 0410**

7 Initiative: Provides a one-time allocation for the cost of contracted services to develop a
8 report on the activities and recommendations of the Electric Ratepayer Advisory Council.

9	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
10	All Other	\$0	\$100,000
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$100,000

13

14 Amend the bill by adding before the summary the following:

15 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
16 takes effect when approved.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19

SUMMARY

20 This amendment replaces the bill and adds an emergency preamble and clause. The
21 amendment establishes the Electric Ratepayer Advisory Council to make recommendations
22 to the Public Advocate regarding methods to ensure that ratepayers in the State are able to
23 afford electricity. The amendment establishes the membership and duties of the council
24 and requires the Public Advocate to submit an annual report to the joint standing committee
25 of the Legislature having jurisdiction over utilities and energy matters on the activities of
26 the council and recommendations made by the council to the Public Advocate. The
27 amendment requires that the council hold its first meeting no later than July 1, 2022 and
28 hold at least 5 meetings during the 2022 calendar year. The amendment also adds an
29 appropriations and allocations section.

30

FISCAL NOTE REQUIRED

31

(See attached)

**130th MAINE LEGISLATURE****LD 1913****LR 2295(02)****An Act To Review Strategies for Improving Utility Rate Affordability and To Provide Utility Relief**

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-529)
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$100,000	\$0	\$0

Fiscal Detail and Notes

This bill establishes the Electric Ratepayer Advisory Council to make recommendations to the Office of the Public Advocate (OPA) on methods to ensure access to affordable electricity. The OPA and Public Utilities Commission will provide administrative and staffing services to the council. The bill requires the OPA to submit an annual report on the council's activities and recommendations regarding access to affordable electricity. The bill includes a one-time allocation of \$100,000 to the Public Advocate Regulatory Fund in fiscal year 2022-23 for the cost of contracted services to develop the report within the reporting timeline established in the bill.

Additional costs to the Maine State Housing Authority, the Governor's Energy Office and the Efficiency Maine Trust associated with the director or the director's designee serving on the council can be absorbed within existing budgeted resources.