

MAINE STATE LEGISLATURE

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Date: 4/19/22

(Filing No. S-569)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 723,
L.D. 2010, "An Act To Help Maine Residents with High Electricity Costs"

Amend the amendment in section 1 by inserting after subsection 1 the following:

'2. "Consumer-owned transmission and distribution utility" has the same meaning as in the Maine Revised Statutes, Title 35-A, section 3201, subsection 6.'

Amend the amendment in section 1 by inserting after subsection 2 the following:

'3. "Department" means the Department of Economic and Community Development.'

Amend the amendment in section 1 by renumbering the subsections to read consecutively.

Amend the amendment by striking out all of sections 2, 3, 4, 5, 6, 7 and 8 and inserting the following:

'Sec. 2. Identification of eligible customers. Resolved: That, by September 1, 2022, each covered utility shall identify which of its customers are eligible customers and report to the department the number of eligible customers in each relief payment tier specified in section 5, subsections 1 to 3 and the amount of the total payments the covered utility will be required to make to eligible customers in accordance with the department's determination under section 5.

Sec. 3. Energy rate relief payments. Resolved: That, by September 15, 2022, the commission shall verify the amounts reported by each covered utility under section 2 and certify the total amount for each covered utility to the department, the Treasurer of State and the State Controller. By September 30, 2022, the State Controller shall transfer the total amount certified by the commission from the funds designated by the department to the fund. Within 15 days after the State Controller has transferred the total amount to the fund, the Treasurer of State shall pay from the fund to each covered utility the amount attributable to that utility. The covered utility shall deposit funds received into a separate account to be used only for the purposes of this section and not for other purposes.

Sec. 4. Energy rate relief payments by covered utilities. Resolved: That, by October 30, 2022, each covered utility shall credit to the account of each eligible customer the amount of relief payment to which the eligible customer is entitled under section 5 unless the eligible customer is no longer a customer of the utility. By November 15, 2022,

SENATE AMENDMENT

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1 the covered utility shall report to the department the total amount of relief payments applied
2 to eligible customer accounts and the total number of eligible customers who received an
3 account credit in each relief payment tier specified in section 5, subsections 1 to 3. When
4 a covered utility credits the relief payment to the customer's bill, the utility may deduct that
5 amount from the separate account set aside for purposes of this section under section 3 and
6 treat that amount as if it were a payment by the customer. Any funds that a covered utility
7 does not credit to an eligible customer under this section by June 1, 2023 must be returned
8 to the Treasurer of State, who, by December 31, 2023, shall transfer the funds to the
9 department.

10 **Sec. 5. Energy rate relief payment distribution. Resolved:** That the
11 department shall determine the amount of relief payments for covered utilities to credit to
12 an eligible customer based on the number of kilowatt-hours billed by the covered utility to
13 the customer on the February 2022 invoice in accordance with the following relief payment
14 tiers:

- 15 1. Tier 1 includes eligible customers that used at least 1,000 but no more than 49,999
16 kilowatt-hours;
- 17 2. Tier 2 includes eligible customers that used at least 50,000 but no more than 100,000
18 kilowatt-hours; and
- 19 3. Tier 3 includes eligible customers that used more than 100,000 kilowatt-hours.

20 **Sec. 6. Energy Rate Relief Fund. Resolved:** That the Energy Rate Relief Fund
21 is established for purposes of facilitating relief payments under this section. The fund
22 consists of all resources transferred to the fund by the State Controller under section 3 and
23 funds identified by the department to implement this section. The fund must be used to
24 provide relief payments to covered utilities or consumer-owned transmission and
25 distribution utilities under this section. The department may use the fund to provide energy
26 rate relief to eligible customers of a consumer-owned transmission and distribution utility.
27 Any amounts remaining in the fund on June 30, 2023 must be transferred by the State
28 Controller to the department.

29 **Sec. 7. Review. Resolved:** That, by June 30, 2023, the department shall undertake
30 a review of each covered utility to ensure that the relief payment under section 3 has been
31 credited to eligible customers or returned to the State in accordance with section 4. If the
32 department determines that any of the requirements of this section have not been complied
33 with, the department may issue appropriate orders to correct the noncompliance or provide
34 a report to the joint standing committee of the Legislature having jurisdiction over energy,
35 utilities and technology matters recommending legislation to address the matter.

36 **Sec. 8. Appropriations and allocations. Resolved:** That the following
37 appropriations and allocations are made.

38 **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**
39 **Energy Rate Relief Fund N961**

40 Initiative: Provides a base allocation to authorize expenditure of funds received to provide
41 relief payments to covered utilities.

42 OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
43 All Other	\$0	\$500

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OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$500

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

SUMMARY

This amendment amends Committee Amendment "A" by requiring the Department of Economic and Community Development to administer the energy rate relief fund payments, instead of the Public Utilities Commission, using funds designated by the department. It authorizes the department to determine the amount of relief payments for covered utilities to credit to eligible customers according to tiers based on the number of kilowatt-hours used by eligible customers. It also authorizes the department to use funds for providing energy rate relief to consumer-owned transmission and distribution utilities and makes other technical changes.

SPONSORED BY: 

(President JACKSON, T.)

COUNTY: Aroostook

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



130th MAINE LEGISLATURE

LD 2010

LR 2606(04)

Resolve, To Help Certain Businesses with Electricity Costs

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-569)

Sponsor: Pres. Jackson of Aroostook

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - American Recovery Plan Act (ARPA) Funds

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	(\$8,549,500)	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$0	(\$8,549,000)	\$500	\$500
Transfers				
General Fund	\$0	\$8,549,500	\$0	\$0
Other Special Revenue Funds	\$0	(\$8,549,500)	\$0	\$0

Fiscal Detail and Notes

This amendment eliminates the transfer from the unappropriated surplus of the General Fund to the Treasurer of State in fiscal year 2022-23 to pay for energy rate relief payments. It also shifts the responsibility for determining the amount of the payments from the Public Utilities Commission (PUC) to the Department of Economic and Community Development (DECD).

The amendment replaces the methodology for determining the amount of relief payments in the committee amendment and instead requires the DECD to use a tiered structure of kilowatt-hour usage reflected on a customer's February 2022 invoice and the number of eligible customers identified by each covered utility. The DECD has indicated that it will use \$7.0 million in existing funds from the American Rescue Plan Act (ARPA) of 2021 already allocated to the DECD in Public Law 2021, chapter 483 to provide the relief payments. The amount to be credited to each eligible customers bill will depend on 1) the individual's usage; 2) the total number of eligible customers identified by the covered utilities; and 3) the \$7.0 million in ARPA funds to be used for this purpose.

SA (S-569)

This amendment includes a base Other Special Revenue Funds allocation of \$500 in fiscal year 2022-23 to a newly established Energy Rate Relief Fund within the DECD to allow expenditure of any funds received to facilitate energy rate relief payments to eligible customers of a consumer-owned transmission and distribution utility. Additional costs to the PUC and the DECD associated with administering the program can be absorbed within existing budgeted resources.