

MAINE STATE LEGISLATURE

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Date 6/20/23

(Filing No S-353)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S P 622, LD 1591, "An Act to Promote Economic Reuse of Contaminated Land Through Clean Energy Development"

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

Sec. 1. 35-A MRSA §3210, sub-§11, as enacted by PL 2019, c 477, §1, is amended to read

11. Report; ~~Class IA resource and thermal renewable energy credit portfolio requirements.~~ By March 31, 2024 and every ~~5~~ 3 years thereafter, the ~~commission~~ Governor's Energy Office shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy matters based on a review, conducted in consultation with the ~~Governor's Energy Office commission~~, of the status and impacts of the implementation of the portfolio requirements ~~for Class IA resources under subsections 3, 3-A, 3-B and thermal renewable energy credits under subsection 3-C~~. The review must be completed through a public process and must include consideration of impacts of these renewable portfolio requirements on energy prices and assessment of benefits, including, but not limited to, on greenhouse gas emissions and the economy of the State. ~~The report required under this subsection may be submitted in conjunction with the report required under subsection 3-A, paragraph C.~~ After reviewing the report required under this subsection, the committee may report out legislation regarding renewable portfolio requirements

Sec. 2. 35-A MRSA §3210, sub-§12 is enacted to read

12 Standard-offer service provider. In accordance with section 3210-J, subsection 4, a standard-offer service provider may satisfy the requirements of this section using renewable energy credits procured pursuant to section 3210-J and assigned by the commission to that standard-offer service provider for the purposes of satisfying the requirements of this section

Sec. 3. 35-A MRSA §3210-J is enacted to read

COMMITTEE AMENDMENT

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§3210-J. Renewable energy procurement; reuse of contaminated lands

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings

A "Combined project" means an eligible Class IA resource paired and collocated with an energy storage system connected to the State's electricity grid, whether metered jointly or separately from the eligible Class IA resource

B "Contaminated land" means agricultural land contaminated by perfluoroalkyl and polyfluoroalkyl substances as defined in Title 38, section 1614, subsection 1, paragraph F that may no longer be used for its current or historical agricultural purposes as determined by the Department of Agriculture, Conservation and Forestry in accordance with applicable state and federal food safety standards

C "Eligible Class IA resource" means a Class IA resource, as defined in section 3210, subsection 2, paragraph A-3

(1) That begins commercial operation on or after September 19, 2023, and

(2) For which a system impact study required by the New England independent system operator has been filed

D "Energy storage system" has the same meaning as in section 3481, subsection 6

2. Competitive procurement. The commission shall direct investor-owned transmission and distribution utilities to enter into one or more contracts for energy and renewable energy credits from eligible Class IA resources or combined projects in accordance with this section. Customers who have made an election pursuant to section 3210, subsection 10 are subject to prohibitions on bidding on or obtaining a contract under this section as provided in section 3210, subsection 10 for contracts under section 3210-G

A The commission shall initiate competitive solicitations for contracts under this paragraph for energy and renewable energy credits equal to 5% of the retail electricity sales in this State for the period from January 1, 2021 to December 31, 2021 plus any amount determined pursuant to paragraph B

B The commission shall determine the amount of energy or renewable energy credits from Class IA resources selected for contracts pursuant to section 3210-G that have not been fulfilled and shall add this amount to the amount of energy and renewable energy credits to be contracted under paragraph A

C The commission shall initiate the first competitive solicitation to select eligible Class IA resources or combined projects for contract under this section by January 1, 2024

D For any amount of energy or renewable energy credits required to be procured under paragraph A that are not procured in the first competitive solicitation, the commission shall initiate a 2nd competitive solicitation within 12 months of the conclusion of the first solicitation. The commission shall initiate additional solicitations in the same manner until contracts have been approved to procure eligible Class IA resources or combined projects in accordance with paragraph A

1 E. The commission shall require each bidder to demonstrate in the bid proposal the
2 economic and community benefits the proposal will provide, including but not limited
3 to.

4 (1) Jobs that will be created,

5 (2) Excise, income, property and sales taxes that will be paid, and

6 (3) Goods and services that will be purchased.

7 F. In conducting a solicitation and selecting eligible Class IA resources or combined
8 projects for contracts under this section, the commission shall.

9 (1) Consider the expected effect of eligible Class IA resources on other renewable
10 resources, as defined in section 3210, subsection 2, paragraph C, due to congestion
11 and curtailment.

12 (2) Select only those eligible Class IA resources or combined projects for contracts
13 that will benefit ratepayers, and

14 (3) Of those eligible Class IA resources or combined projects that benefit
15 ratepayers, give preference to eligible Class IA resources or combined projects as
16 follows.

17 (a) Primary preference to those eligible Class IA resources or combined
18 projects that are located on contaminated land, and

19 (b) Secondary preference to those eligible Class IA resources or combined
20 projects that minimize use of farmland that is not contaminated land and
21 minimize use of forested land.

22 G. In conducting a solicitation and selecting combined projects for contracts under this
23 section, the commission shall.

24 (1) Require 2 separate bid proposals, one with the energy storage system and one
25 without, and

26 (2) Require an energy storage system selected for a contract to remain stationary
27 and under the same ownership throughout the contract term.

28 H. The commission may establish a process by rule to allow an energy storage system
29 to apply to the commission to be paired with and added to a contract awarded to an
30 eligible Class IA resource after that resource has been awarded a contract.

31 **3. Contract terms** A contract entered into pursuant to this section must be for a term
32 of no more than 20 years, unless the commission finds a contract for a longer term to be
33 prudent.

34 **4. Renewable energy credits.** The commission shall by rule establish a process to
35 assign renewable energy credits procured pursuant to subsection 2 to a standard-offer
36 service provider in order to satisfy that standard-offer service provider's renewable resource
37 portfolio requirements under section 3210.

38 **5. Rules.** The commission shall adopt rules to implement this section. Rules adopted
39 in accordance with this subsection are routine technical rules pursuant to Title 5, chapter
40 375, subchapter 2-A.

ROS

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively

3 **SUMMARY**

4 This amendment replaces the bill It directs the Public Utilities Commission to initiate
5 a competitive solicitation for energy and renewable energy credits equal to 5% of the retail
6 electricity sales in this State for the period from January 1, 2021 to December 31, 2021 plus
7 any amount contracted under previous procurements that the commission determines are
8 unfulfilled Projects eligible for the solicitation include Class IA resources that begin
9 commercial operation on or after September 19, 2023 and for which a system impact study
10 has been filed Projects pairing such Class IA resources with an energy storage system are
11 also eligible In conducting a solicitation and selecting projects for contracts, the
12 commission is directed to consider the expected effect of eligible Class IA resources on
13 other renewable resources due to congestion and curtailment, to select only those eligible
14 Class IA resources or combined projects for contracts that will benefit ratepayers and to
15 give a primary preference to those eligible Class IA resources or combined projects that
16 are located on contaminated lands and secondary preference to eligible Class IA resources
17 or combined projects that minimize use of farmland that is not contaminated land and
18 minimize use of forested land The commission must use procured renewable energy
19 credits to offset a standard-offer service provider's renewable resource portfolio
20 requirements

21 The amendment also requires the Governor's Energy Office, in consultation with the
22 commission, to review the impacts of the State's renewable resources portfolio
23 requirements and submit a report to the joint standing committee of the Legislature having
24 jurisdiction over energy matters by March 31, 2024 and every 3 years thereafter

25 **FISCAL NOTE REQUIRED**

26 (See attached)



131st MAINE LEGISLATURE

LD 1591

LR 1019(02)

An Act to Promote Economic Reuse of Contaminated Land Through Clean Energy Development

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 353)
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission or to the Governor's Energy Office to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources