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**ENERGY, UTILITIES AND TECHNOLOGY**

Reproduced and distributed under the direction of the Secretary of the Senate.

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

COMMITTEE AMENDMENT “ ” to S.P. 148, L.D. 327, “An Act to Provide Maine Ratepayers with Equitable Access to Interconnection of Distributed Energy Resources”

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

**'An Act to Provide Maine Ratepayers with Equitable Access to Interconnection of Distributed Generation Resources'**

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

**'Sec. 1. 35-A MRSA §107, sub-§1**, as amended by PL 2021, c. 398, Pt. UUU, §3, is further amended to read:

- 1. Appointment.** The commission shall appoint:
  - A. An administrative director, a director of telephone and water utility industries, a director of electric and gas utility industries, a director of consumer assistance and safety and a director of emergency services communication;
  - B. With the approval of the Attorney General, a general counsel; ~~and~~
  - C. An assistant administrative director; and
  - D. An interconnection ombudsman to assist with interconnection under section 3474.

**Sec. 2. 35-A MRSA §107, sub-§2, ¶F** is enacted to read:

F. Notwithstanding section 116 or any other provision of this Title, the interconnection ombudsman is funded only through fees assessed under section 3474, federal money and contributions from private and public sources.

**Sec. 3. 35-A MRSA §3473, sub-§1**, as enacted by PL 2013, c. 562, §1, is repealed and the following enacted in its place:

**1. Monitoring.** The commission shall monitor the level of solar energy development in the State in relation to the goals in section 3474, basic trends in solar energy markets and the relative costs and benefits from solar energy development, including but not limited to:

**COMMITTEE AMENDMENT**

- 1           A. Revenue from the sale of renewable energy credits;
- 2           B. Societal benefits through avoided greenhouse gas emissions;
- 3           C. Reduced electricity prices; and
- 4           D. Avoided or reduced costs associated with:
  - 5               (1) Electricity capacity requirements;
  - 6               (2) Environmental compliance requirements;
  - 7               (3) Portfolio requirements established in section 3210;
  - 8               (4) Renewable energy credit price suppression; and
  - 9               (5) Electricity transmission and distribution costs.

10           **Sec. 4. 35-A MRSA §3473, sub-§1-A** is enacted to read:

11           **1-A. Reporting.** By January 1st of each year, the commission shall provide a  
12 summary report of its findings under subsection 1 to the joint standing committee of the  
13 Legislature having jurisdiction over energy matters.

14           **Sec. 5. 35-A MRSA §3474, sub-§3**, as enacted by PL 2021, c. 264, §1, is amended  
15 to read:

16           **3. Interconnection rules.** The commission shall adopt rules related to the  
17 interconnection of renewable capacity resources, as defined in section 3210-C, subsection  
18 1, paragraph E, using solar power, referred to in this subsection as "solar resources," and  
19 energy storage systems, as defined in section 3481, subsection 6, whether or not colocated  
20 with solar resources, to investor-owned transmission and distribution utilities, as defined  
21 in section 3201, subsection 11-A, in a manner that supports the goals in this section and  
22 ensures:

23           A. The State's interconnection rules reflect nationally recognized best practices, which  
24 may include, but are not limited to, those established by the Interstate Renewable  
25 Energy Council, or successor organization, and prioritize interconnection of solar  
26 resources and energy storage systems owned by customers of investor-owned  
27 transmission and distribution utilities and used to serve an on-site load;

28           B. Customers affected by deficiencies in the rules are able to access timely resolution  
29 processes that do not place an undue burden on the customer; and

30           C. Investments in investor-owned transmission and distribution utility distribution  
31 upgrades related to load are coordinated with utility infrastructure upgrades required  
32 for the interconnection of renewable capacity resources using solar power and energy  
33 storage systems.

34 Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter  
35 375, subchapter 2-A.

36           **Sec. 6. 35-A MRSA §3474, sub-§4** is enacted to read:

37           **4. Interconnection ombudsman; fund.** The interconnection ombudsman appointed  
38 pursuant to section 107, subsection 1 shall assist persons seeking interconnections  
39 governed by rules adopted under subsection 3. The commission shall appoint an

1 interconnection ombudsman who possesses technical expertise related to interconnection  
2 and interconnection procedures.

3 A. The duties of the interconnection ombudsman include but are not limited to:

4 (1) Tracking interconnection disputes;

5 (2) Facilitating the efficient and fair resolution of disputes between customers  
6 seeking to interconnect and investor-owned transmission and distribution utilities;

7 (3) Reviewing investor-owned transmission and distribution utility interconnection  
8 policies to assess opportunities for reducing interconnection disputes;

9 (4) Convening stakeholder groups as necessary to facilitate effective  
10 communication between interconnection stakeholders; and

11 (5) Preparing reports that detail the number, type, resolution timeline and outcome  
12 of interconnection disputes.

13 B. The commission by rule shall establish a fee to be paid by persons seeking  
14 interconnections to fund the interconnection ombudsman. Notwithstanding Title 5,  
15 section 8071, rules adopted under this paragraph are routine technical rules as defined  
16 in Title 5, chapter 375, subchapter 2-A.

17 C. The interconnection ombudsman fund is established within the commission as a  
18 nonlapsing fund for the purposes of funding the interconnection ombudsman. The  
19 commission shall deposit all fees collected under this subsection into the fund and all  
20 money in the fund must be used to fully fund the interconnection ombudsman. In  
21 addition to the fees established in accordance with this subsection, the fund may accept  
22 federal money and contributions from private and public sources.

23 **Sec. 7. Solar interconnection cost allocation method and rules.** The Public  
24 Utilities Commission shall:

25 1. Within 6 months of the effective date of this Act, adopt interconnection rules in  
26 accordance with the Maine Revised Statutes, Title 35-A, section 3474, subsection 3 that  
27 prioritize interconnection of solar resources and energy storage systems owned by  
28 customers of investor-owned transmission and distribution utilities and used to serve an  
29 on-site load;

30 2. Within 12 months of the effective date of this Act, make a good faith effort to appoint  
31 an interconnection ombudsman with expertise related to interconnection of distributed  
32 generation resources, including solar resources and energy storage systems; and

33 3. Within 6 months of the effective date of this Act, contract with an expert to evaluate  
34 whether treating distributed generation resources that use the tariff rate program under the  
35 Maine Revised Statutes, Title 35-A, section 3209-B as load-reducing resources would  
36 provide greater value to all ratepayers than the treatment of those resources as wholesale  
37 generation resources. The expert shall also evaluate whether the tariff rate program has  
38 been implemented in a way that maximizes the value of the portfolio of the resources to all  
39 ratepayers. By September 1, 2024, the commission shall provide a copy of the expert's  
40 report and a description of any actions the commission recommends with respect to the  
41 findings in the report to the joint standing committee of the Legislature having jurisdiction  
42 over energy matters. The joint standing committee may report out a bill to the 132nd  
43 Legislature in 2025 related to the report.

1           **Sec. 8. Interconnection working group.** The Public Utilities Commission shall  
2 convene a working group, referred to in this section as "the working group," to collaborate  
3 to prevent and resolve disputes relating to the implementation of the State's small generator  
4 interconnection procedures for Level 1 and Level 2 facilities, as defined in Chapter 324 of  
5 the commission's rules.

6           1. The working group's duties include the identification and discussion of issues related  
7 to:

8           A. Transparency of investor-owned transmission and distribution utility activities in  
9 the interconnection process;

10           B. Current and emerging technical issues resulting in disputes between the State's  
11 investor-owned transmission and distribution utilities and customers seeking to  
12 interconnect;

13           C. Circuits and line sections that have been determined to be unsafe for the  
14 interconnection of Level 1 facilities; and

15           D. Topics that would be appropriately included in the duties of the interconnection  
16 ombudsman.

17           2. The working group shall hold monthly meetings for its first year, and thereafter the  
18 working group shall meet at least quarterly until the commission submits its final report in  
19 2025.

20           3. The members of the working group must include:

21           A. One or more representatives from Central Maine Power Company;

22           B. One or more representatives from Versant Power;

23           C. Representatives from 2 or more companies engaged in the development and  
24 construction of Level 1 and Level 2 facilities in the Central Maine Power Company  
25 service territory;

26           D. Representatives from 2 or more companies engaged in the development and  
27 construction of Level 1 and Level 2 facilities in the Versant Power service territory;  
28 and

29           E. Any other person that the commission determines necessary to ensure that all  
30 interests related to interconnection issues are fairly represented.

31           4. By December 6, 2023, the commission shall submit a report summarizing the  
32 working group's activities under this section to the joint standing committee of the  
33 Legislature having jurisdiction over energy matters. The commission shall submit to the  
34 committee an additional report by December 6, 2024 and a final report of the working  
35 group by December 6, 2025. The committee may report out a bill to the Second Regular  
36 Session of the 132nd Legislature regarding the contents of the final report.

37           **Sec. 9. Appropriations and allocations.** The following appropriations and  
38 allocations are made.

39 **PUBLIC UTILITIES COMMISSION**

40 **Public Utilities - Administrative Division 0184**

1 Initiative: Provides one-time allocations for expenditures related to contracted consulting  
 2 services and related STA-CAP.

3	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
4	All Other	\$110,210	\$0
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$110,210</u>	<u>\$0</u>

7 **PUC - Interconnection Ombudsman Fund N467**

8 Initiative: Provides allocations to establish one Utility Analyst position to serve as the  
 9 Interconnection Ombudsman and associated All Other costs.

10	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
11	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
12	Personal Services	\$118,414	\$122,203
13	All Other	\$15,391	\$15,391
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$133,805</u>	<u>\$137,594</u>

16 **PUC - Interconnection Ombudsman Fund N467**

17 Initiative: Provides allocations to establish the program and account.

18	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
19	All Other	\$500	\$500
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>

22  
 23 **PUBLIC UTILITIES COMMISSION**  
 24 **DEPARTMENT TOTALS**

25		<b>2023-24</b>	<b>2024-25</b>
26	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$244,515</b>	<b>\$138,094</b>
27			
28	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$244,515</b></u>	<u><b>\$138,094</b></u>

29  
 30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 31 number to read consecutively.

32 **SUMMARY**

33 This amendment replaces the bill, which is a concept draft. It creates a position within  
 34 the Public Utilities Commission for an interconnection ombudsman that is funded primarily  
 35 by fees paid by persons seeking interconnections, but may also be funded by federal funds  
 36 and contributions from private and public sources. It establishes the duties of this position  
 37 and requires the commission to make a good faith effort to appoint an interconnection  
 38 ombudsman within 12 months of the effective date of this legislation.

39 The amendment identifies costs and benefits of solar energy development that the  
 40 commission must monitor and requires the commission to provide an annual summary

1 report regarding its monitoring activities to the joint standing committee of the Legislature  
2 having jurisdiction over energy matters.

3 It directs the commission to adopt interconnection rules applicable to solar resources  
4 and to energy storage systems within 6 months of the effective date of this legislation. The  
5 rules must reflect nationally recognized best practices and prioritize interconnection of  
6 solar resources and energy storage systems owned by customers to offset on-site load.

7 The amendment also requires the commission to contract with an expert to conduct an  
8 evaluation of and issue a report addressing whether treating distributed generation  
9 resources that use the tariff rate program as load-reducing resources will provide greater  
10 value to all ratepayers than treating those resources as wholesale generation resources and  
11 whether the tariff rate established by the Maine Revised Statutes, Title 35-A, section  
12 3209-B, subsection 5 has been implemented in a way that maximizes the value of the  
13 portfolio of the resources to all ratepayers. The commission must provide a copy of the  
14 expert's report and a description of any actions the commission recommends with respect  
15 to the findings in the report to the joint standing committee of the Legislature having  
16 jurisdiction over energy matters by September 1, 2024.

17 Lastly, the amendment requires the commission to establish a working group to  
18 collaborate to prevent and resolve disputes relating to the implementation of the State's  
19 small generator interconnection procedures for Level 1 and Level 2 facilities. The working  
20 group must meet monthly for its first year and at least quarterly thereafter until the working  
21 group submits its final report. The working group's final report must be submitted to the  
22 joint standing committee of the Legislature having jurisdiction over energy matters by  
23 December 6, 2025.

24 **FISCAL NOTE REQUIRED**

25 **(See attached)**