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## **Resolve, Regarding ISO New England**

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

**Whereas,** reliable and lower-cost electric service is essential to the public welfare of this State; and

**Whereas,** the development of Maine's indigenous renewable energy resources, including wind energy, is vital to this State's economy and is an essential tool to combat climate change; and

**Whereas,** 2 of Maine's transmission and distribution utilities are members of the Independent System Operator New England regional transmission organization; and

**Whereas,** the Public Utilities Commission has reported to the Legislature that ISO New England's rules, policies, practices and methods of allocating costs among the New England states have been prejudicial to the interests of Maine consumers and inhibit the full development potential of Maine's indigenous renewable power industry; and

**Whereas,** the Public Utilities Commission has identified alternatives to ISO New England that may have the potential to lower costs for Maine consumers and better encourage the development of Maine's indigenous renewable power industry; and

**Whereas,** the State desires to lower energy costs for Maine consumers through altering or concluding its relationship with the ISO New England regional transmission organization, while minimizing uncertainties for indigenous renewable energy developers in this State; and

**Whereas,** pursuant to paragraph 43 of the stipulation approved by the Public Utilities Commission in PUC Docket No. 2007-355, Central Maine Power Company has agreed to commence a proceeding before the Public Utilities Commission to determine whether it will remain a member of the ISO New England regional transmission organization; 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, be it

### **Sec. 1 Public Utilities Commission order regarding alternative structure.**

**Resolved:** That should the Public Utilities Commission determine, in a proceeding pursuant to paragraph 43 of the stipulation approved by the Public Utilities Commission in PUC Docket No. 2007-355, that it is in the interests of Maine consumers and consistent with state policy to expand wind energy development in Maine and for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England, the Public Utilities Commission then shall subsequently order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities. The plan must also encourage development of indigenous renewable power resources, including wind

energy, in the State. The plan must include a request for a certificate of public convenience and necessity by the investor-owned utilities to directly interconnect the transmission system of Maine Public Service Company with the transmission system of Bangor Hydro-Electric Company or Central Maine Power Company and otherwise expand the transmission system in Maine to maintain reliability and to facilitate the economic interconnection of indigenous renewable power resources. If requests for certificates of public convenience and necessity have already been submitted to the commission for approval prior to the submission of the plan, the plan must address the incorporation of the proposed interconnection and reliability projects, without prejudicing the commission's determination of whether such projects are in the public interest. The plan must also include all relevant commercial agreements necessary to implement the plan and petitions for all relevant regulatory approvals. The commission shall undertake a review of the plan and shall allow for public comment on the plan. The plan must enable the investor-owned utilities, subject to any required regulatory approvals, to provide timely notice of a decision to not renew membership in, and to effect a withdrawal from, ISO New England no later than the scheduled termination of the regional transmission organization's transmission owners agreement pursuant to its terms.

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

## SUMMARY

This resolve provides that if the Public Utilities Commission finds under a specific proceeding that nonrenewal of any membership in ISO New England is in the interests of Maine consumers, then the Public Utilities Commission shall order Maine's 3 investor-owned transmission and distribution utilities to file a plan to form an alternative structure, to encourage development of indigenous renewable power resources, to directly interconnect and expand transmission systems and to execute relevant commercial agreements and necessary petitions.