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Date: (Filing No. S- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 386, L.D. 897, “An Act Regarding the Calculation of Electric Rate Contracting Costs”

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

**'An Act Regarding Required Negative Pricing Provisions in Contracts for Energy Resulting from Competitive Solicitations Conducted by the Public Utilities Commission'**

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,** Public Law 2025, chapter 392 was enacted as an emergency measure during the First Special Session of the 132nd Legislature and requires the Public Utilities Commission to include provisions governing negative pricing in contracts for energy resulting from competitive solicitations conducted by the commission; and

**Whereas,** those provisions are inconsistent with similar negative pricing provisions adopted by other New England states and do not ensure that there is a mechanism in these contracts to reduce post-restructuring stranded costs, and therefore, they do not achieve the result they were intended to achieve; and

**Whereas,** it is critically important that Maine citizens have continued access to low-cost, locally generated power through the timely procurement of long-term contracts administered by the commission and that these contracts include provisions to reduce post-restructuring stranded costs during periods of negative pricing; 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,'

**COMMITTEE AMENDMENT**

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

3 **'Sec. 1. 35-A MRSA §3149, first ¶**, as enacted by PL 2025, c. 392, §1, is amended  
4 to read:

5 The commission may not approve a contract for energy resulting from a competitive  
6 solicitation conducted by the commission under this Title unless the contract includes a  
7 provision that requires the reduction of payments ~~to the bidder under the contract~~ by the  
8 ~~stranded costs arising from energy produced~~ absolute value of the applicable negative price  
9 multiplied by the energy produced and delivered under the contract during negative price  
10 intervals. The commission may grant an exception from the inclusion of such a negative  
11 price provision if the bidder demonstrates good cause for the exception and the commission  
12 finds that the contract is cost-effective, includes other price protections for ratepayers and  
13 will avoid to the maximum extent possible the curtailment of existing renewable resource  
14 generators.'

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

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

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

## 20 SUMMARY

21 This amendment replaces the bill, which is a concept draft, and changes the title. It also  
22 adds an emergency preamble and clause. The amendment changes the requirement for  
23 contract provisions governing negative pricing in contracts for energy resulting from  
24 competitive solicitations conducted by the commission by requiring the contract to include  
25 a provision that requires the reduction of payments under the contract by the absolute value  
26 of the applicable negative price multiplied by the energy produced and delivered under the  
27 contract.

## 28 FISCAL NOTE REQUIRED

29 (See attached)