

Annual List of Rulemaking Activity
Rules Adopted January 1, 2019 to December 31, 2019
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 111, 314, 315
Chapter number/title: **Ch. 395**, Construction Standards, Ownership, Cost Allocation, and Customer Charges Rules for Electric Distribution Line Extensions and Service Drops
Filing number: **2019-018**
Effective date: 2/3/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to the Commission's *Construction Standards, Ownership, Cost Allocation, and Customer Charges Rules for Electric Distribution Line Extensions and Service Drops* rule (Ch. 395). These amendments clarify the responsibility for installation, ownership and maintenance of both above-ground and underground service drops. The adopted rule specifies that transmission and distribution (T&D) utilities shall install, own and maintain above-ground service drops, and that customers shall install, own and maintain underground service drops.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2018-00202, issued on January 18, 2019. Copies of this Statement and Order will be filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04330-0018.

Fiscal impact of rule:

Minimal.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 1301, 3203(9), 3209-A, 3210; PL 2011 ch. 262 §2; PL 2019 ch. 16 §2
Chapter number/title: **Ch. 313**, Consumer Net Energy Billing
Filing number: **2019-066**
Effective date: 4/22/2019
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

On April 2, 2019, the Governor signed into law PL 2019 ch. 16, "An Act To Eliminate Gross Metering" (Act). The Act directs the Commission to amend its NEB rules to be substantively equivalent to the rules in effect on January 1, 2017, and, further, that the amended rules must apply retroactively to all NEB customers that entered into a net energy billing arrangement between March 29, 2017 and the effective date of the rules adopted pursuant to the Act.

The Act will not become effective until 90 days after the end of the current legislative session. However, because the reductions in nettable energy pursuant to the rule were to be phased-in gradually over time, in the initial few years of the phase-in period, the costs to ratepayers for the second meter would be likely to exceed the cost reduction benefits ratepayers would realize through the reductions in nettable energy.

Accordingly, the Commission finds that the continued operation of Ch. 313 in its current form creates an immediate threat to the general welfare that allows the Commission to proceed pursuant to the emergency rulemaking provisions of the *Administrative Procedure Act*, 5 MRS §8054.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Emergency Rule, Docket No. 2019-00075, issued on April 12, 2019.

Fiscal impact of rule:

None.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 3205-A, 3104-A
Chapter number/title: **Ch. 320**, Electric Transmission and Distribution Utility Service Standards
Filing number: **2019-098**
Effective date: 7/14/2019
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission finally adopts Ch. 320 regarding electric transmission and distribution (T&D) utility service as directed by the Legislature pursuant to recently enacted legislation, Resolves 2019 ch. 19.

Basis statement:

The factual and policy basis for this chapter is set forth in the Commission's Order Adopting Final Rule and Statement of Factual and Policy Basis, Docket No. 2018-00311, issued on June 7, 2019. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

Minimal.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 7104-B
Chapter number/title: **Ch. 285**, Maine Telecommunications Education Access Fund
Filing number: **2019-141**
Effective date: 8/4/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 285 - *Maine Telecommunications Education Access Fund* (MTEAF) of the Commission's rules. The amendments are intended to harmonize the definitions and provisions of the rule with Ch. 288 - *Maine Universal Service Fund* (MUSF). The Commission is also making other, non-substantive editorial amendments.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2019-00034, issued on July 15, 2019. Copies of the Order have been filed with this chapter at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 7104
Chapter number/title: **Ch. 288**, Maine Universal Service Fund
Filing number: **2019-142**
Effective date: 8/4/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 288 – *Maine Universal Service Fund* (MUSF) of the Commission’s rules. The amendments are intended to harmonize the contribution mechanism of Ch. 285 - *Maine Telecommunications Education Access Fund* (MTEAF) of the Commission’s rules and the Maine E911 Fund. The Commission is also making other, non-substantive editorial amendments.

Basis statement:

The factual and policy basis for this chapter is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2019-00022, issued on July 15, 2019. Copies of the Order have been filed with this chapter at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS § 104, 111, 1301, 3203(9), 3210; PL 2019, ch. 16 §2
Chapter number/title: **Ch. 313**, Customer Net Energy Billing
Filing number: **2019-145**
Effective date: 8/12/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 313 – Customer *Net Energy Billing* (NEB) of the Commission’s rules. The amendments are intended to make the NEB rules substantively equivalent to the rules in effect on January 1, 2017, pursuant to PL 2019 ch. 16, *An Act to Eliminate Gross Metering*. The Commission is also making other, non-substantive amendments to the rule.

Basis statement:

The factual and policy basis for this Chapter is set forth in the Commission's Order Adopting Rule, Docket No. 2019-00076 issued on July 31, 2019. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 704, 1308
Chapter number/title: **Ch. 32** (*Repeal*), Electric Utilities Service Standards
Filing number: **2019-154**
Effective date: 8/27/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement / Summary:

In this Order, the Commission repeals Ch. 32 of the Commission's rules (65-407 CMR ch. 32), which sets forth rules establishing service standards for electric transmission and distribution utilities. Ch. 32 has been replaced by Ch. 320, which was adopted by the Commission on June 7, 2019.

Fiscal impact of rule:
Minimal.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 111, 301, 711, 7903, 8302; PL 2017 ch. 199
Chapter number/title: **Ch. 880**, Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure
Filing number: **2019-203**
Effective date: 11/23/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 880 of the Commission's rules regarding attachments to joint use utility poles. The Commission amends the portions of Ch. 880 that concern rate formulae and allocation of costs. The Commission also amends other portions of Ch. 880 for purposes of clarifying previous changes to the rule, and other, non-substantive editorial amendments.

Basis statement / Summary:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2019-00028, issued on November 6, 2019. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 1301,3203(9), 3210, 3210-B; PL 2019 ch. 477
Chapter number/title: **Ch. 311**, Portfolio Requirement
Filing number: **2019-216**
Effective date: 12/7/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 311, the PUC portfolio requirement rule, to implement recently enacted legislation (Public Law 2019 ch. 477 – *An Act to Reform Maine’s Renewable Portfolio Standard*). (The Commission also provisionally adopts amendment to Section 4(B).)

Basis statement / Summary:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2019-00177, issued on November 8, 2019. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

Minimal.

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Umbrella-Unit: **65-407**
Statutory authority: 35-A M.R.S.A. §§ 104, 111, 1301, 3203(9), 3209-A, 3210; Public Law 2019 ch. 16 §2
Chapter number/title: **Ch. 313**, Consumer Net Energy Billing
Filing number: **2019-217**
Effective date: 12/7/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to its net energy billing (NEB) rules (ch. 313). These amendments implement changes to NEB contained by recently legislation.

Basis statement / Summary:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 2019-00197, issued on November 22, 2019; the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 2019-00076, issued on July 31, 2019; the Commission's Order Adopting Emergency Rule, Docket No. 2019-00075, issued on April 9, 2019; the Commission's Order Adopting Final Rule, Docket No. 2011-00398, issued on January 11, 2012 ; the Commission's Order Adopting Final Rule, Docket No. 2008-00410, issued on June 9, 2009; the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 98-621, issued on December 10, 1998; and Order Adopting Provisional Rule and Statement of Factual and Policy Basis, Commission Docket No. 2008-410, issued on January 8, 2009. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 101 Second Street, Hallowell, Maine 04347; 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Public Utilities Commission (PUC)**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111; Resolve 2007 ch. 183; PL 2019 ch. 478
Chapter number/title: **Ch. 324**, Small Generator Interconnection Procedures
Filing number: **2019-230**
Effective date: 12/11/2019
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The Public Utilities Commission amends its Small Generator Interconnection Rule (ch. 324) pursuant to emergency rulemaking procedures set forth in 5 MRS §8054. The purpose of the amendments is to ensure the timeliness of the small generator interconnection process under Ch. 324 as directed by the Legislature through *An Act to Promote Solar Energy Projects and Distributed Generation Resources in Maine*, Public Law 2019 ch. 478 (the Act). The emergency amendments to the rules are the result of a consensus reached among both investor-owned transmission and distribution (T&D) utilities and distributed generation developers. Accordingly, the Commission will complete a rulemaking process regarding Ch. 324 within that timeframe.

Basis statement / Summary:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Emergency Rule, Docket No. 2019-00303, issued on November 27, 2019. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 101 Second Street, Hallowell, Maine 04347; 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.

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Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 1301, 3488; PL 2019 ch. 478
Chapter number/title: **Ch. 312** (*New*), Distributed Generation Procurement
Filing number: **2019-271**
Effective date: 12/29/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts a new rule, Ch. 312 - *Distributed Generation Procurement*, that contains provisions governing the periodic procurement of distributed renewable resources. The Commission adopts this rulemaking as a result of recently enacted legislation.

Basis statement / Summary:

The factual and policy basis for this chapter is set forth in the Commission's Order Adopting Rule, Docket No. 2019-00219 issued on December 11, 2019. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

Fiscal impact of rule:

No fiscal impact.