

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding a Biomass-generated Energy Purchase and Sale Agreement and Payments to Contractors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Legislative findings; contract termination and fund distribution. The Legislature finds that Stored Solar, LLC, a Maine limited liability company with biomass resource facilities located in Jonesboro and West Enfield, has failed to achieve the in-state economic benefits required under Public Law 2015, chapter 483, section 1 by failing to provide payments to logging contractors in a reasonable time and by failing to make sufficient in-state biomass purchases pursuant to the contract entered into between Central Maine Power Company and Stored Solar, LLC, pursuant to Public Utilities Commission Docket No. 2016-00084 and in accordance with Public Law 2015, chapter 483, section 1. The Legislature further finds that Stored Solar, LLC has failed in its commitment to continually operate its biomass resource facilities at least at 50% capacity except for planned and forced outages; therefore, notwithstanding any provision of Public Law 2015, chapter 483, the Public Utilities Commission:

1. Fund transfer prohibited. May not transfer any funds from the fund established in Public Law 2015, chapter 483, section 1, subsection 5 for the above-market costs for energy supplied from the biomass resources of Stored Solar, LLC pursuant to any contract entered into pursuant to Public Utilities Commission Docket No. 2016-00084 and in effect on the effective date of this Act;

2. Payments to logging contractors. Shall distribute funds from the fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are designated for Stored Solar, LLC to logging contractors that have not received payment for services provided, as of the effective date of this Act, to Stored Solar, LLC to run its biomass resource facilities in Jonesboro and West Enfield; and

3. Fund transfer. Shall direct a transmission and distribution utility to enter into a contract for no more than 40 megawatts of biomass resources with the biomass resource facility that submitted the next-highest ranked conforming bid after Stored Solar, LLC in response to the competitive solicitation issued by the Public Utilities Commission on June 17, 2016, pursuant to Public Utilities Commission Docket No. 2016-00084, if the biomass resource facility serves the ISO-NE region, as defined in the Maine Revised Statutes, Title 35-A, section 1902, subsection 3. The above-market costs of the contract must be paid with any funds remaining in the fund after making all payments under subsection 2. The contract requirements in Public Law 2015, chapter 483, section 1, subsection 3 govern the contract entered into in accordance with this subsection. Any funds remaining in the fund established in Public Law 2015, chapter 483, section 1, subsection 5 after all the above-market costs are paid in accordance with this subsection and payments are made in accordance with subsection 2 must be transferred to the Maine Budget Stabilization Fund established under Title 5, section 1532.

Sec. 2. Recovery of funds. The Public Utilities Commission shall request that the Attorney General investigate Stored Solar, LLC and institute any proceedings against Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of funds that were distributed by the commission

to contractors in accordance with section 1, subsection 2. If the State prevails in its action against Stored Solar, LLC under this section, the court shall award to the State the costs of investigation, expert witness fees, costs of the action and reasonable attorney's fees. Any money recovered under this section must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.

SUMMARY

This bill contains legislative findings regarding the failure of Stored Solar, LLC to achieve in-state economic benefits and to continually operate its biomass resource facilities at least at 50% capacity except for planned and forced outages as required by law and contract.

This bill prohibits the Public Utilities Commission from providing any funds from the cost recovery fund to pay the above-market costs for energy supplied from the biomass resources of Stored Solar, LLC pursuant to a contract entered into between Central Maine Power Company and Stored Solar, LLC. It requires the commission to distribute funds from the cost recovery fund that are designated for Stored Solar, LLC to contractors that have not received payment for services provided to Stored Solar, LLC to run its biomass resource facilities in Jonesboro and West Enfield. It requires the commission to direct a transmission and distribution utility to enter into a contract for no more than 40 megawatts of biomass resources with a biomass facility that serves the ISO-NE region and that was the next-highest conforming bid after Stored Solar, LLC in a competitive solicitation issued by the Public Utilities Commission on June 17, 2016. It requires the above-market costs of the contract to be paid from any funds remaining in the cost recovery fund after payments are made to contractors and subject to meeting contract terms.

This bill requires the Public Utilities Commission to request that the Attorney General investigate Stored Solar, LLC and institute any proceedings against Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of those funds distributed to contractors by the commission pursuant to this legislation. It specifies that any money recovered by the Attorney General must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.