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An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly

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

Sec. 1. 35-A MRSA §102, sub-§20-B, as enacted by PL 1999, c. 398, Pt. A, §9 and affected by §§104 and 105, is amended to read:

20-B. Transmission and distribution utility. "Transmission and distribution utility" means a person, its lessees, trustees or receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity's own use or the use of the entity's tenants or the use of a consumer located adjacent to the entity and not otherwise offered for sale to others. For purposes of this subsection, "adjacent" has the same meaning as defined by the commission by rule pursuant to section 2102, subsection 5.

Sec. 2. 35-A MRSA §2102, sub-§5 is enacted to read:

5. Exemption for certain private electric facilities. The provisions of this section do not apply to the construction of a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting that generator to a consumer of the electricity who is located adjacent, as defined by the commission by rule, to the generator. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §3132, sub-§1-B, as enacted by PL 2007, c. 148, §2, is amended to read:

1-B. Exception; generator interconnection transmission facility. The construction of a generator interconnection transmission facility is not subject to the requirements of this section. For the purposes of this subsection, "generator interconnection transmission facility" means a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting such generator either to the transmission system of a transmission and distribution utility or to a consumer of the electricity located adjacent to the generator. For purposes of this subsection, "adjacent" has the same meaning as defined by the commission by rule pursuant to section 2102, subsection 5.

SUMMARY

This bill allows an electricity generator to build an interconnection from the generator's facility to a consumer of the electricity located adjacent to the generator without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility. The Public Utilities Commission is directed to adopt rules to determine when a consumer is located adjacent to a generator.