



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2097

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H.P. 1494

House of Representatives, February 6, 2020

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### **An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GROHOSKI of Ellsworth.  
Cosponsored by Senator LAWRENCE of York and  
Representatives: BERRY of Bowdoinham, Speaker GIDEON of Freeport, GRIGNON of  
Athens, KESCHL of Belgrade, RILEY of Jay, Senators: CYRWAY of Kennebec, President  
JACKSON of Aroostook, VITELLI of Sagadahoc.

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

2 **Sec. 1. 35-A MRSA §3131, sub-§1-B** is enacted to read:

3 **1-B. Elective transmission line.** "Elective transmission line" means a transmission  
4 line that is:

5 A. Not constructed primarily to provide electric reliability within the State, as  
6 determined by the commission; and

7 B. Not constructed primarily to provide electricity to retail customers within the  
8 State.

9 **Sec. 2. 35-A MRSA §3131, sub-§4-A,** as enacted by PL 2009, c. 655, Pt. A, §3,  
10 is repealed.

11 **Sec. 3. 35-A MRSA §3132, sub-§6-A,** as enacted by PL 2009, c. 655, Pt. A, §5,  
12 is repealed.

13 **Sec. 4. 35-A MRSA §3132, sub-§6-C** is enacted to read:

14 **6-C. Elective transmission line; certificate of public convenience and necessity.**  
15 The commission shall evaluate and render a decision on any petition for a certificate of  
16 public convenience and necessity made by a transmission and distribution utility for an  
17 elective transmission line in accordance with this subsection. The commission may issue  
18 a certificate only if the petitioner has demonstrated:

19 A. That the petitioner provided equal access to rights-of-way and data and  
20 information about the petitioner's transmission system to any person seeking to  
21 compete with the petitioner to construct the elective transmission line; and

22 B. That the proposed elective transmission line:

23 (1) Will not use ratepayer-funded assets; or

24 (2) Will use ratepayer-funded assets and:

25 (a) The petitioner made these assets available on equal terms to any person  
26 seeking to compete with the petitioner to construct the elective transmission  
27 line; and

28 (b) The petitioner agrees to provide a benefit to ratepayers in the State of  
29 equal value to the ratepayer-funded assets used to construct the elective  
30 transmission line. The commission shall by order establish the value of  
31 ratepayer-funded assets used to construct the elective transmission line and  
32 the benefit amount and method of delivery with preference to a reduction in  
33 electricity rates.

34 The commission shall adopt rules necessary to implement this subsection. Rules adopted  
35 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
36 subchapter 2-A.

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## SUMMARY

2           This bill establishes requirements for the approval of construction of elective  
3 transmission lines when the party seeking approval from the Public Utilities Commission  
4 is a transmission and distribution utility. The bill defines "elective transmission line" as  
5 a transmission line that is not being constructed primarily for reliability purposes or to  
6 serve retail customers in the State. In addition to meeting the existing requirements in  
7 law for approval of a transmission line, a transmission and distribution utility petitioning  
8 for commission approval for an elective transmission line is required to demonstrate:

9           1. That the petitioner provided equal access to rights-of-way and data and  
10 information about the petitioner's transmission system to any person seeking to compete  
11 with the petitioner to construct the transmission line; and

12           2. That the proposed elective transmission line either will not use ratepayer-funded  
13 assets or will use ratepayer-funded assets and the petitioner made these assets available  
14 on equal terms to any person seeking to compete with the petitioner to construct the  
15 transmission line and agrees to provide a benefit to ratepayers in the State of equal value,  
16 as determined by the commission, to the ratepayer-funded assets used to construct the  
17 transmission line.