



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1745

S.P. 644

In Senate, December 22, 2017

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

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

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative STANLEY of Medway and
Senators: CARPENTER of Aroostook, SAVIELLO of Franklin, WOODSOME of York,
Representatives: BERRY of Bowdoinham, Speaker GIDEON of Freeport, MARTIN of Eagle
Lake.

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

2 **Sec. 1. Legislative findings; contract termination and fund distribution.**

3 The Legislature finds that Stored Solar, LLC, a Maine limited liability company with
4 biomass resource facilities located in Jonesboro and West Enfield, has failed to achieve
5 the in-state economic benefits required under Public Law 2015, chapter 483, section 1 by
6 failing to provide payments to logging contractors in a reasonable time and by failing to
7 make sufficient in-state biomass purchases pursuant to the contract entered into between
8 Central Maine Power Company and Stored Solar, LLC, pursuant to Public Utilities
9 Commission Docket No. 2016-00084 and in accordance with Public Law 2015, chapter
10 483, section 1. The Legislature further finds that Stored Solar, LLC has failed in its
11 commitment to continually operate its biomass resource facilities at least at 50% capacity
12 except for planned and forced outages; therefore, notwithstanding any provision of Public
13 Law 2015, chapter 483, the Public Utilities Commission:

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

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

24 **3. Fund transfer.** Shall direct a transmission and distribution utility to enter into a
25 contract for no more than 40 megawatts of biomass resources with the biomass resource
26 facility that submitted the next-highest ranked conforming bid after Stored Solar, LLC in
27 response to the competitive solicitation issued by the Public Utilities Commission on June
28 17, 2016, pursuant to Public Utilities Commission Docket No. 2016-00084, if the
29 biomass resource facility serves the ISO-NE region, as defined in the Maine Revised
30 Statutes, Title 35-A, section 1902, subsection 3. The above-market costs of the contract
31 must be paid with any funds remaining in the fund after making all payments under
32 subsection 2. The contract requirements in Public Law 2015, chapter 483, section 1,
33 subsection 3 govern the contract entered into in accordance with this subsection. Any
34 funds remaining in the fund established in Public Law 2015, chapter 483, section 1,
35 subsection 5 after all the above-market costs are paid in accordance with this subsection
36 and payments are made in accordance with subsection 2 must be transferred to the Maine
37 Budget Stabilization Fund established under Title 5, section 1532.

38 **Sec. 2. Recovery of funds.** The Public Utilities Commission shall request that the
39 Attorney General investigate Stored Solar, LLC and institute any proceedings against
40 Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of
41 funds that were distributed by the commission to contractors in accordance with section
42 1, subsection 2. If the State prevails in its action against Stored Solar, LLC under this
43 section, the court shall award to the State the costs of investigation, expert witness fees,

1 costs of the action and reasonable attorney's fees. Any money recovered under this
2 section must be transferred to the Maine Budget Stabilization Fund established under the
3 Maine Revised Statutes, Title 5, section 1532.

4 **SUMMARY**

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

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

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