

Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 190, L.D. 257, Bill, “An Act To Enable Municipalities Working with Utilities To Establish Microgrids”

Amend the bill by striking out the title and substituting the following:

**'An Act To Allow Microgrids That Are in the Public Interest'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 35-A MRSA §2305-B, sub-§§1 and 2,** as enacted by PL 2001, c. 110, §2, are amended to read:

**1. Transmission and distribution utilities; microgrids.** A transmission and distribution utility or a person who constructs, maintains or operates a new microgrid approved in accordance with section 3351, subsection 3 may construct and maintain its lines in, upon, along, over, across or under the roads and streets in any municipality in which it is authorized to supply electricity, subject to the conditions and restrictions provided in this chapter and chapter 25.

**2. Persons other than transmission and distribution utilities.** A person other than a transmission and distribution utility or person who constructs, maintains or operates a new microgrid approved in accordance with section 3351, subsection 3 may not construct or maintain electric lines, including poles or other related structures, in, upon, along, over, across or under a road, street or other public way unless:

- A. The person satisfies the requirements of section 2503;
- B. The person or the person's contractor hired to construct the line provides to the applicable licensing authority a performance bond:
  - (1) In the amount of the value of the line, including poles or other related structures, to be located in the public way; and
  - (2) That is enforceable for one year from the date the line is energized;

**COMMITTEE AMENDMENT**

1 C. Prior to constructing the line, the person notifies the transmission and distribution  
2 utility in whose service territory the line is proposed to be built of the proposed  
3 location of the line; and

4 D. If a public utility objects to the line on the basis that it may constitute a  
5 duplication of existing transmission or distribution facilities or may interfere with the  
6 adequate and safe delivery of electricity to others, the commission issues a finding  
7 that the line is not a duplication of existing transmission or distribution facilities and  
8 does not interfere with the adequate and safe delivery of electricity to others. A  
9 finding is not required under this paragraph unless a public utility has objected in  
10 writing to the applicable licensing authority.

11 **Sec. 2. 35-A MRSA c. 33-A** is enacted to read:

12 **CHAPTER 33-A**

13 **MICROGRIDS**

14 **§3351. Microgrids**

15 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
16 following terms have the following meanings.

17 A. "Distributed energy resources" means small-scale electrical generation sources  
18 located close to where the generated electricity is used.

19 B. "New microgrid" means a group of interconnected loads and distributed energy  
20 resources within clearly defined electrical boundaries that acts as a single controllable  
21 entity with respect to the electric grid and can connect and disconnect from the  
22 electric grid to enable the new microgrid to operate in both electric grid-connected  
23 mode and nongrid-connected mode, also referred to as island mode, and that is  
24 constructed after April 1, 2018.

25 **2. Microgrids, public utility exception.** Notwithstanding section 2102 or any other  
26 provision of this Title, a person that constructs, maintains or operates a new microgrid  
27 approved under subsection 3 does not, as a result of furnishing service through that new  
28 microgrid to participating consumers, become a public utility and is not subject to  
29 regulation as a public utility under this Title.

30 **3. Commission approval.** The commission shall approve a petition to construct and  
31 operate a new microgrid if the commission finds that operation of the new microgrid is in  
32 the public interest and the new microgrid meets at least the following requirements:

33 A. The proposed new microgrid will serve a total load of no more than 10  
34 megawatts;

35 B. The distributed energy resources for the new microgrid meet the portfolio  
36 requirements in section 3210, subsections 3 and 3-A;

37 C. The person proposing the new microgrid demonstrates that the person has the  
38 financial capacity to operate the proposed new microgrid;

39 D. The person proposing the new microgrid demonstrates the technical capability to  
40 operate the proposed new microgrid;



1 under the roads and streets. The amendment directs the Public Utilities Commission to  
2 submit a report to the joint standing committee of the Legislature having jurisdiction over  
3 energy and utility matters by January 15, 2020.

4

**FISCAL NOTE REQUIRED**

5

**(See attached)**