1	L.D. 273
2	Date: (Filing No. H-)
3	ENERGY, UTILITIES AND TECHNOLOGY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	127TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT "" to H.P. 191, L.D. 273, Bill, "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"
12	Amend the bill by striking out the title and substituting the following:
13 14 15	'An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste-to-energy Resources'
16 17	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
18 19	'Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-2, as amended by PL 2009, c. 542, §2, is further amended to read:
20 21 22	B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from eligible resources, <u>waste-to-energy resources</u> or renewable capacity resources.
23	Sec. 2. 35-A MRSA §3210, sub-§2, ¶D is enacted to read:
24 25	D. "Waste-to-energy resource" means a pyrolytic or other waste system that is a source of electrical generation and:
26	(1) That is fueled by municipal solid waste in conjunction with recycling:
27	(2) Whose total power production capacity does not exceed 35 megawatts;
28 29 30 31	(3) That is licensed to comply with the air emission requirement levels for resource recovery facilities established pursuant to Title 38, section 585, including, but not limited to, standards for mercury established pursuant to Title 38, section 585-B, subsection 5;
32 33	(4) That complies with all applicable licensing requirements for solid waste facilities as established pursuant to Title 38, section 1310-N;

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1 2 3 4 5 6	 (5) Whose residuals are transported to a landfill that is licensed to meet at least the performance standards and siting criteria established by rules adopted pursuant to Title 38, section 1304, including, but not limited to, standards prohibiting contamination of groundwater outside the solid waste boundary of landfills; and (6) That is not a party to a power purchase agreement entered into pursuant to
0 7	(6) That is not a party to a power purchase agreement entered into pursuant to the federal Public Utility Regulatory Policies Act of 1978.
8	Sec. 3. 35-A MRSA §3210, sub-§3-B is enacted to read:
9 10	3-B. Portfolio requirements; waste-to-energy resources. Portfolio requirements for waste-to-energy resources are governed by this subsection.
11 12 13 14	As a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than the following percentage of its portfolio of supply sources for retail electricity sales in this State is accounted for by waste-to-energy resources:
15	A. One percent for the period from January 1, 2017 to February 14, 2018; and
16	B. Two and a half percent beginning February 15, 2018.
17 18	Waste-to-energy resources used to satisfy the requirements of this subsection may not be used to satisfy the requirements of subsection 3 or subsection 3-A.
19 20 21	The commission shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
22 23	Sec. 4. 35-A MRSA §3210, sub-§8, as amended by PL 2009, c. 329, Pt. A, §2, is further amended to read:
24 25 26 27 28 29 30 31 32	8. Credit trading. The commission shall allow competitive electricity providers to satisfy the portfolio requirements of subsections 3 and, 3-A and 3-B through the use of renewable energy credits if the commission determines that a reliable system of electrical attribute trading exists. When renewable energy credits are used to satisfy the portfolio requirements of subsections 3 and, 3-A and 3-B, the value of a renewable energy credit for electricity generated by a community-based renewable energy project, as defined in section 3602, that is participating in the community-based renewable energy project multiplier under section 3605 is 150% of the amount of the electricity.
33	Sec. 5. 35-A MRSA §3210, sub-§10 is enacted to read:
34 35 36 37 38	10. Alternative compliance payment; portfolio requirements for waste-to- energy resources. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for waste-to-energy resources under subsection 3-B through an alternative compliance payment mechanism in accordance with this subsection.
39 40 41	A. The commission shall set the alternative compliance payment base rate at \$10 per megawatt-hour. Beginning January 1, 2018, the commission shall adjust the alternative compliance payment rate by the annual change in the United States

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1Department of Labor, Bureau of Labor Statistics Consumer Price Index. The2commission shall calculate and publish the alternative compliance payment rate no3later than January 31st of each year.

B. The commission shall collect alternative compliance payments made by
 competitive electricity providers and shall deposit all funds collected under this
 paragraph in the Energy Efficiency and Renewable Resource Fund established under
 section 10121, subsection 2 to be used to fund research, development and
 demonstration projects relating to renewable energy technologies and to fund rebates
 for cost-effective renewable energy technologies.

10The commission shall adopt rules to implement this subsection. Rules adopted pursuant11to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter122-A.

13 Sec. 6. Existing contracts. Retail electricity sales pursuant to a supply contract or 14 standard-offer service arrangement executed by a competitive electricity provider that is 15 in effect on the effective date of this Act are exempt from the requirements of the Maine 16 Revised Statutes, Title 35-A, section 3210, subsection 3-B until the end date of the 17 current term of the supply contract or standard-offer service arrangement.'

SUMMARY

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19 This amendment is the minority report of the committee and it replaces the bill and 20 changes the title. This amendment differs from the bill in the following ways.

I. It changes the term "waste energy resources" to "waste-to-energy resources" to be
 consistent with other statutory provisions.

23 2. It removes the section that would have added waste energy resources to the
 24 definition of "renewable capacity resource" in order to clarify that waste-to-energy
 25 resources would create a separate class of renewable energy credits.

It amends the definition of "renewable energy credit" to include electricity
 generated from waste-to-energy resources.

4. It includes in the definition of "waste-to-energy resource" a provision that
disqualifies any generator that is a party to a power purchase agreement under the federal
Public Utility Regulatory Policies Act of 1978.

5. It lowers the proposed portfolio requirement for waste-to-energy resources from
3.5% to 1% from January 1, 2017 to February 14, 2018 and to 2.5% beginning February
15, 2018 to more accurately reflect the level of generation from the eligible waste-toenergy facilities in Maine and to lessen the impact on ratepayers.

It adds language to clarify that renewable energy credits from waste-to-energy
 resources used to satisfy the new portfolio requirement may not be used to satisfy eligible
 resources and new renewable capacity resources portfolio requirements.

7. It sets the initial alternative compliance payment base rate at \$10 per megawatthour, to be adjusted for inflation on an annual basis and published annually by the Public
Utilities Commission.

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