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# ENERGY, UTILITIES AND TECHNOLOGY

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 546, L.D. 860, “An Act to Require Competitive Electricity Providers to Provide Certain Information to the Public Advocate”

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

**'An Act to Allow the Public Advocate to Obtain Information from Public Utilities, Competitive Electricity Providers and Standard-offer Service Providers'**

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

**'Sec. 1. 35-A MRSA §1702, sub-§1**, as amended by PL 2021, c. 659, §13, is further amended to read:

**1. Review and recommendations.** The Public Advocate may review, investigate and make appropriate recommendations to the commission or the Legislature with respect to:

- A. The reasonableness of rates charged or proposed to be charged by any public utility;
- B. The reasonableness and adequacy of the service or the terms and conditions of such service furnished or proposed to be furnished by any public utility, standard-offer service provider or competitive electricity provider;
- C. Any proposal by a public utility to reduce or abandon service to the public;
- D. The issuance of certificates of public convenience and necessity. Recommendations may include alternative analyses and plans as necessary;
- E. Terms and conditions of public utilities;
- F. Mergers and consolidations of public utilities;
- G. Contracts of public utilities with affiliates or subsidiaries; and
- H. Securities, regulations and transactions of public utilities.

**Sec. 2. 35-A MRSA §1708**, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

**§1708. Information from utilities, standard-offer service providers and competitive electricity providers**

**1. Reports and filings.** Utilities shall provide to the Public Advocate copies of all reports and other information required to be filed with or that may be submitted to the commission, except to the extent that this requirement is waived, in writing, by the Public Advocate.

**2. Commission order; information disclosure.** The Public Advocate may petition the commission for information or data from a public utility, standard-offer service provider or competitive electricity provider that is necessary for the Public Advocate to carry out the purposes of this chapter. The commission may, upon a showing of good cause, order a public utility, standard-offer service provider or competitive electricity provider to provide such information or data to the Public Advocate. To the extent that the information or data would otherwise be confidential pursuant to this Title or rules adopted pursuant to this Title, the Public Advocate or the utility, standard-offer service provider or competitive electricity provider may request that the commission issue a protective order pursuant to section 1311-A to protect such information or data from disclosure.

**3. Data and information requests.** In a proceeding before the commission, the Public Advocate has the same right to request data or information as an intervenor.

**Sec. 3. Office of the Public Advocate to conduct study; prepare report.** The Office of the Public Advocate, referred to in this section as "the office," shall conduct a study and prepare a report regarding rates and business practices of standard-offer service providers and competitive electricity providers. The study must take into account differences in products and services offered by standard-offer service providers and competitive electricity providers, including, but not limited to, value-added services, such as behind-the-meter services that may reduce a customer's electricity demand, and varying contract periods.

1. In conducting the study and preparing the report under this section, the office shall consult with and solicit recommendations from interested parties, including at least 3 competitive electricity providers and one current or former provider of standard-offer service to residential and small commercial customers, regarding the study methodology, the office's analysis, any recommendations developed by the office and the report. The office shall provide interested parties with the opportunity to review and provide comments on at least one draft report prior to submitting the final report pursuant to subsection 2.

2. The office shall submit a final report by December 3, 2025 to the Joint Standing Committee on Energy, Utilities and Technology. The final report must include all comments and recommendations the office received from interested parties in an appendix to the final report. After receiving the final report, the committee may report out legislation relating to the final report to the Second Regular Session of the 132nd Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill and does the following.

1. It amends the duties of the Public Advocate to include the review and investigation of the reasonableness and adequacy of the service or the terms and conditions of such service furnished or proposed to be furnished by any public utility, standard-offer service provider or competitive electricity provider. It also allows the Public Advocate to make recommendations to the Legislature with respect to its review and investigation.

2. It repeals and replaces existing law to clarify existing provisions and adds specific authority for the Public Advocate to petition the Public Utilities Commission for information or data from a public utility, standard-offer service provider or competitive electricity provider that is necessary for the Public Advocate to carry out the purposes of the Maine Revised Statutes, Title 35-A, chapter 17. To the extent that the information or data would otherwise be confidential pursuant to applicable laws and rules, the Public Advocate, the public utility, standard-offer service provider or competitive electricity provider may request that the commission issue a protective order to protect such information or data from disclosure.

3. It directs the Office of the Public Advocate to conduct a study and prepare a report regarding rates and business practices of standard-offer service providers and competitive electricity providers. In conducting the study and preparing a report, the office is required to consult with and solicit recommendations from interested parties. The final report must be submitted to the Joint Standing Committee on Energy, Utilities and Technology by December 3, 2025, and the committee may report out legislation based on the final report to the Second Regular Session of the 132nd Legislature.

**FISCAL NOTE REQUIRED**

**(See attached)**