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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 1494, L.D. 2097, Bill, "An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities"

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

'An Act Pertaining to Transmission Lines Not Needed for Reliability or Local Generation'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 35-A MRSA §3131, sub-§4-E is enacted to read:

4-E. Nonessential transmission line. "Nonessential transmission line" means a transmission line that is:

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

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

A generator interconnection transmission facility as defined in section 3132, subsection 1-B is not a nonessential transmission line.'

Amend the bill by striking out all of section 4 and inserting the following:

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

6-C. Nonessential transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity made by a transmission and distribution utility for a nonessential transmission line that will use ratepayer-funded physical assets in accordance with this subsection. The commission may issue a certificate only if the petitioner has demonstrated that the petitioner agrees to provide a minimum benefit to ratepayers in the State of equal value to the ratepayer-funded physical assets used to construct the nonessential transmission line. The commission shall by order establish the

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1 value of ratepayer-funded physical assets used to construct the nonessential transmission
2 line and the benefit amount and method of delivery with preference to a reduction in
3 electricity rates.

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

7 **Sec. 5. Public Utilities Commission inquiry; nonessential transmission**
8 **lines.** The Public Utilities Commission shall open an inquiry to determine statutory or
9 rule changes needed to ensure that nonessential transmission lines as defined in the Maine
10 Revised Statutes, Title 35-A, section 3131, subsection 4-E are built in the most
11 competitive and cost-effective manner and with consideration given to ratepayer benefits
12 and greenhouse gas reduction goals. In conducting the inquiry, the commission shall
13 convene a stakeholder group, hold at least 2 stakeholder group meetings and solicit public
14 comment. No later than February 1, 2021, the commission shall submit a report on the
15 results of the inquiry, including findings, recommendations and suggested legislation,
16 required by this section to the joint standing committee of the Legislature having
17 jurisdiction over energy, utilities and technology matters. The committee may report out
18 a bill to the First Regular Session of the 130th Legislature based on the commission's
19 report.'

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

22 SUMMARY

23 This amendment does the following.

24 1. It changes the terminology in the bill from "elective transmission line" to
25 "nonessential transmission line" and clarifies that a generator interconnection
26 transmission facility is not a nonessential transmission line.

27 2. It changes the requirements in the bill for Public Utilities Commission approval of
28 a nonessential transmission line. Under the amendment, the commission may issue a
29 certificate of public convenience and necessity for a nonessential transmission line that
30 will use ratepayer-funded physical assets if the petitioner has demonstrated that the
31 petitioner agrees to provide a minimum benefit to ratepayers in the State of equal value to
32 the ratepayer-funded physical assets used to construct the nonessential transmission line.

33 3. It removes from the bill the requirement that the petitioner provide equal access to
34 rights-of-way and data and information about the petitioner's transmission system to any
35 person seeking to compete with the petitioner.

36 4. It adds a provision that requires the Public Utilities Commission to conduct an
37 inquiry to determine statutory or rule changes needed to ensure that nonessential
38 transmission lines are built in the most competitive and cost-effective manner and with

1 consideration given to ratepayer benefits and greenhouse gas reduction goals and to
2 report the results of the inquiry to the joint standing committee of the Legislature having
3 jurisdiction over energy, utilities and technology matters.

4

FISCAL NOTE REQUIRED

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(See attached)