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Date: (Filing No. S- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 622, L.D. 1591, “An Act to Promote Economic Reuse of Contaminated Land Through Clean Energy Development”

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

**Sec. 1. 35-A MRSA §3210, sub-§11**, as enacted by PL 2019, c. 477, §1, is amended to read:

**11. Report; ~~Class IA resource and thermal renewable energy credit portfolio requirements.~~** By March 31, 2024 and every ~~5~~ 3 years thereafter, the ~~commission~~ Governor's Energy Office shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy matters based on a review, conducted in consultation with the ~~Governor's Energy Office commission~~, of the status and impacts of the implementation of the portfolio requirements ~~for Class IA resources under subsections 3, 3-A, 3-B and thermal renewable energy credits under subsection 3-C.~~ The review must be completed through a public process and must include consideration of impacts of these renewable portfolio requirements on energy prices and assessment of benefits, including, but not limited to, on greenhouse gas emissions and the economy of the State. ~~The report required under this subsection may be submitted in conjunction with the report required under subsection 3-A, paragraph C.~~ After reviewing the report required under this subsection, the committee may report out legislation regarding renewable portfolio requirements.

**Sec. 2. 35-A MRSA §3210, sub-§12** is enacted to read:

**12. Standard-offer service provider.** In accordance with section 3210-J, subsection 4, a standard-offer service provider may satisfy the requirements of this section using renewable energy credits procured pursuant to section 3210-J and assigned by the commission to that standard-offer service provider for the purposes of satisfying the requirements of this section.

**Sec. 3. 35-A MRSA §3210-J** is enacted to read:

1 **§3210-J. Renewable energy procurement; reuse of contaminated lands**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
3 following terms have the following meanings.

4 A. "Combined project" means an eligible Class IA resource paired and collocated with  
5 an energy storage system connected to the State's electricity grid, whether metered  
6 jointly or separately from the eligible Class IA resource.

7 B. "Contaminated land" means agricultural land contaminated by perfluoroalkyl and  
8 polyfluoroalkyl substances as defined in Title 38, section 1614, subsection 1, paragraph  
9 F that may no longer be used for its current or historical agricultural purposes as  
10 determined by the Department of Agriculture, Conservation and Forestry in accordance  
11 with applicable state and federal food safety standards.

12 C. "Eligible Class IA resource" means a Class IA resource, as defined in section 3210,  
13 subsection 2, paragraph A-3:

14 (1) That begins commercial operation on or after September 19, 2023; and

15 (2) For which a system impact study required by the New England independent  
16 system operator has been filed.

17 D. "Energy storage system" has the same meaning as in section 3481, subsection 6.

18 **2. Competitive procurement.** The commission shall direct investor-owned  
19 transmission and distribution utilities to enter into one or more contracts for energy and  
20 renewable energy credits from eligible Class IA resources or combined projects in  
21 accordance with this section. Customers who have made an election pursuant to section  
22 3210, subsection 10 are subject to prohibitions on bidding on or obtaining a contract under  
23 this section as provided in section 3210, subsection 10 for contracts under section 3210-G.

24 A. The commission shall initiate competitive solicitations for contracts under this  
25 paragraph for energy and renewable energy credits equal to 5% of the retail electricity  
26 sales in this State for the period from January 1, 2021 to December 31, 2021 plus any  
27 amount determined pursuant to paragraph B.

28 B. The commission shall determine the amount of energy or renewable energy credits  
29 from Class IA resources selected for contracts pursuant to section 3210-G that have not  
30 been fulfilled and shall add this amount to the amount of energy and renewable energy  
31 credits to be contracted under paragraph A.

32 C. The commission shall initiate the first competitive solicitation to select eligible  
33 Class IA resources or combined projects for contract under this section by January 1,  
34 2024.

35 D. For any amount of energy or renewable energy credits required to be procured under  
36 paragraph A that are not procured in the first competitive solicitation, the commission  
37 shall initiate a 2nd competitive solicitation within 12 months of the conclusion of the  
38 first solicitation. The commission shall initiate additional solicitations in the same  
39 manner until contracts have been approved to procure eligible Class IA resources or  
40 combined projects in accordance with paragraph A.

1 E. The commission shall require each bidder to demonstrate in the bid proposal the  
2 economic and community benefits the proposal will provide, including but not limited  
3 to:

4 (1) Jobs that will be created;

5 (2) Excise, income, property and sales taxes that will be paid; and

6 (3) Goods and services that will be purchased.

7 F. In conducting a solicitation and selecting eligible Class IA resources or combined  
8 projects for contracts under this section, the commission shall:

9 (1) Consider the expected effect of eligible Class IA resources on other renewable  
10 resources, as defined in section 3210, subsection 2, paragraph C, due to congestion  
11 and curtailment;

12 (2) Select only those eligible Class IA resources or combined projects for contracts  
13 that will benefit ratepayers; and

14 (3) Of those eligible Class IA resources or combined projects that benefit  
15 ratepayers, give preference to eligible Class IA resources or combined projects as  
16 follows:

17 (a) Primary preference to those eligible Class IA resources or combined  
18 projects that are located on contaminated land; and

19 (b) Secondary preference to those eligible Class IA resources or combined  
20 projects that minimize use of farmland that is not contaminated land and  
21 minimize use of forested land.

22 G. In conducting a solicitation and selecting combined projects for contracts under this  
23 section, the commission shall:

24 (1) Require 2 separate bid proposals, one with the energy storage system and one  
25 without; and

26 (2) Require an energy storage system selected for a contract to remain stationary  
27 and under the same ownership throughout the contract term.

28 H. The commission may establish a process by rule to allow an energy storage system  
29 to apply to the commission to be paired with and added to a contract awarded to an  
30 eligible Class IA resource after that resource has been awarded a contract.

31 **3. Contract terms.** A contract entered into pursuant to this section must be for a term  
32 of no more than 20 years, unless the commission finds a contract for a longer term to be  
33 prudent.

34 **4. Renewable energy credits.** The commission shall by rule establish a process to  
35 assign renewable energy credits procured pursuant to subsection 2 to a standard-offer  
36 service provider in order to satisfy that standard-offer service provider's renewable resource  
37 portfolio requirements under section 3210.

38 **5. Rules.** The commission shall adopt rules to implement this section. Rules adopted  
39 in accordance with this subsection are routine technical rules pursuant to Title 5, chapter  
40 375, subchapter 2-A.'

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

3 **SUMMARY**

4 This amendment replaces the bill. It directs the Public Utilities Commission to initiate  
5 a competitive solicitation for energy and renewable energy credits equal to 5% of the retail  
6 electricity sales in this State for the period from January 1, 2021 to December 31, 2021 plus  
7 any amount contracted under previous procurements that the commission determines are  
8 unfulfilled. Projects eligible for the solicitation include Class IA resources that begin  
9 commercial operation on or after September 19, 2023 and for which a system impact study  
10 has been filed. Projects pairing such Class IA resources with an energy storage system are  
11 also eligible. In conducting a solicitation and selecting projects for contracts, the  
12 commission is directed to consider the expected effect of eligible Class IA resources on  
13 other renewable resources due to congestion and curtailment, to select only those eligible  
14 Class IA resources or combined projects for contracts that will benefit ratepayers and to  
15 give a primary preference to those eligible Class IA resources or combined projects that  
16 are located on contaminated lands and secondary preference to eligible Class IA resources  
17 or combined projects that minimize use of farmland that is not contaminated land and  
18 minimize use of forested land. The commission must use procured renewable energy  
19 credits to offset a standard-offer service provider's renewable resource portfolio  
20 requirements.

21 The amendment also requires the Governor's Energy Office, in consultation with the  
22 commission, to review the impacts of the State's renewable resources portfolio  
23 requirements and submit a report to the joint standing committee of the Legislature having  
24 jurisdiction over energy matters by March 31, 2024 and every 3 years thereafter.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**