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Date: (Filing No. S- )

**ENERGY, UTILITIES AND TECHNOLOGY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 697, L.D. 1959, “An Act To Ensure Transmission and Distribution Utility Accountability”

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

**'Sec. 1. 5 MRSA §12021, sub-§6, ¶D-1** is enacted to read:

D-1. An investor-owned public utility under Title 35-A, section 113, subsection 6;

**Sec. 2. 5 MRSA §12025** is enacted to read:

**§12025. Exception for investor-owned public utility**

Notwithstanding any provision of this subchapter to the contrary, an investor-owned public utility under Title 35-A, section 113, subsection 6 is not subject to any of the requirements of this subchapter except for section 12022, subsection 3.

**Sec. 3. 35-A MRSA §113, sub-§6** is enacted to read:

**6. Investor-owned utility selection of vendors.** An investor-owned public utility shall, no later than November 1, 2022, comply with the requirements of Title 5, section 12022, subsection 3 to ensure that the utility secures the best value in its procurements. For the purposes of this subsection, "investor-owned public utility" means a public utility that operates as a for-profit corporation owned by shareholders and is not wholly owned by its customers. The commission by rule may define when competitive procurement by an investor-owned utility under Title 5, section 12022, subsection 3 may be waived, including when the utility is responding to emergencies or in other situations in which the commission determines competitive procurement is impractical. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 35-A MRSA §301, sub-§1-A** is enacted to read:

**1-A. Minimum service standards and report card for transmission and distribution utilities.** The commission shall adopt rules in accordance with this subsection governing the evaluation of transmission and distribution utility service that serves more

**COMMITTEE AMENDMENT**

1 than 50,000 customers in the State, which must take into account the specific characteristics  
2 of each utility and its service territory. Rules adopted pursuant to this subsection are major  
3 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4 A. The rules must include specific, quantitative metrics pertaining to utility operations  
5 and activities relating to each of the following categories:

6 (1) Service quality, including but not limited to reliability of service and timeliness  
7 of restoring service after outages;

8 (2) Customer service, including but not limited to timeliness and accuracy of bills;

9 (3) Customer satisfaction, using a statistically valid survey selected by the  
10 commission;

11 (4) Field services, including but not limited to communication with and  
12 responsiveness to municipalities, businesses and individuals; and

13 (5) Distributed energy resources interconnection.

14 B. The commission shall set reporting requirements for each metric, including data  
15 specifications and reporting periods, adequate to track progress in areas of  
16 performance.

17 C. The commission shall designate service standards based on thresholds of  
18 performance.

19 D. For each service standard, the commission shall require quarterly filing of  
20 quantifiable data sufficient for the commission to calculate and publish a quantitative  
21 score for the service standard.

22 E. The commission shall impose administrative penalties for designated thresholds of  
23 poor performance for service standards in accordance with section 1508-A, subsection  
24 1, paragraph E unless the utility demonstrates good cause for its failure to meet the  
25 standard.

26 F. The commission shall publish quarterly reports containing scores for the service  
27 standards in paragraph A, subparagraphs (1), (2), (4) and (5) for each utility. The  
28 commission shall publish reports containing scores for the service standard in  
29 subparagraph (3) at least annually.

30 G. Once every 3 years, the commission may audit the data reported by a utility for  
31 each standard.

32 H. A failure by a utility to accurately report data in accordance with the requirements  
33 of this section is a violation of this section subject to an administrative penalty under  
34 section 1508-A.

35 **Sec. 5. 35-A MRSA §301, sub-§5** is enacted to read:

36 **5. Transmission and distribution utility report required; audits.** If the commission  
37 has not made a rate determination within the preceding 2 years for a transmission and  
38 distribution utility that serves more than 50,000 customers, the utility shall submit a report  
39 to the commission that includes a comparison of the utility's actual costs with cost estimates  
40 used in the utility's most recent rate case to set rates. Upon a finding of the commission  
41 that there was a difference of more than 5% between the transmission and distribution  
42 utility's actual costs and estimated costs, the commission may:

1           A. Require an audit of the transmission and distribution utility in accordance with  
2           section 113; or

3           B. Disallow cost recovery in the transmission and distribution utility's future rate cases.

4           This subsection takes effect January 15, 2024.

5           **Sec. 6. 35-A MRSA §301, sub-§6** is enacted to read:

6           **6. Transmission and distribution utility expenditures; comparison.** No later than  
7           November 1, 2022, the commission shall initiate a proceeding to conduct a detailed  
8           comparison of the annual expenditures of each transmission and distribution utility in the  
9           State with the annual expenditures of other comparable transmission and distribution  
10           utilities located in the United States. When conducting this analysis, the commission shall  
11           identify specific categories in which spending by a transmission and distribution utility  
12           significantly deviated from those expenditures of comparable transmission and distribution  
13           utilities. For the purposes of this subsection, a comparable transmission and distribution  
14           utility is one that is of approximately equal size in the United States. The commission may  
15           use the results of this analysis in future rate cases involving a transmission and distribution  
16           utility. The commission may undertake a new comparison or update an existing one in  
17           accordance with this subsection at any time the commission determines is necessary. This  
18           subsection applies only to a transmission and distribution utility that serves more than  
19           50,000 customers in the State.

20           **Sec. 7. 35-A MRSA §1316**, as amended by PL 1999, c. 398, Pt. A, §21 and affected  
21           by §§104 and 105, is further amended to read:

22           **§1316. Testimony presented by employees of public utilities or, competitive service**  
23           **electricity providers, affiliated interests or utility contractors to legislative**  
24           **committees and to, the Public Utilities Commission and the Public Advocate**

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

27           A. "Employee" means a person who currently performs or formerly performed a  
28           service for wages or other remuneration under a contract of hire, expressed or implied,  
29           but does not include an independent contractor for a public utility, competitive  
30           electricity provider, affiliated interest or utility contractor.

31           A-1. "Affiliated interest" has the same meaning as in section 707, subsection 1,  
32           paragraph A.

33           B. "Employer" means a public utility or, competitive service electricity provider,  
34           affiliated interest or utility contractor licensed to do business in this State with one or  
35           more employees.

36           C. "Legislative committee" means a joint standing committee or a joint select  
37           committee of the Legislature, a task force, commission or council or any other  
38           committee established by the Legislature and composed wholly or partly of Legislators  
39           for the purpose of conducting legislative business.

40           D. "Own time" means an employee's vacation or personal time, earned as a condition  
41           of employment.

1           E. "Utility contractor" means a person that provides goods or services to a public utility  
2           or competitive electricity provider.

3           **2. Right of employees to provide testimony.** ~~Employees of a public utility or~~  
4 ~~competitive service provider~~ have the right to represent themselves and to testify before or  
5 provide information to a legislative committee ~~or~~, the commission or the Public Advocate  
6 on their own time. An employee ~~of a public utility or competitive service provider~~ who  
7 complies with this section may not be denied the right to testify before or provide  
8 information to a legislative committee ~~or~~, the commission or the Public Advocate.

9           **2-A. Right of utility contractors to provide testimony.** A utility contractor has the  
10 right to testify before or provide information to a legislative committee, the commission or  
11 the Public Advocate.

12           **3. Discharge of, threats to or discrimination against employees of utility service**  
13 **providers for testimony presented to legislative committees ~~or~~, the commission or the**  
14 **Public Advocate.** ~~Unless otherwise provided for, a~~ A supervisor may not discharge,  
15 threaten or otherwise discriminate against an employee ~~of a public utility or competitive~~  
16 ~~service provider~~ regarding the employee's compensation, terms, conditions, location or  
17 privileges of employment because the employee, in compliance with this section, in good  
18 faith testifies before or provides information to a legislative committee ~~or~~ ~~to~~, the  
19 commission or the Public Advocate regarding the operation of the business of a public  
20 utility or competitive ~~service~~ electricity provider or because the employee brings the  
21 subject matter of the testimony or information to the attention of a person having  
22 supervisory authority.

23 This subsection does not apply to an employee who has testified before or provided  
24 information to a legislative committee ~~or~~ ~~to~~, the commission or the Public Advocate unless  
25 the employee has first brought the subject matter of the testimony or information in writing  
26 to the attention of a person having supervisory authority with the employer and has allowed  
27 the employer a reasonable time to address the subject matter of the testimony or  
28 information. If appropriate, the employer shall respond in writing.

29           **4. Exceptions.** ~~The protection~~ protections created in ~~subsection~~ subsections 3 ~~does~~  
30 and 9 do not apply to testimony or information that, upon reasonable inquiry by the  
31 employee or utility contractor, would be found to be false, ~~slanderous, libelous or~~  
32 ~~defamatory or to testimony that violates a term or condition of a collectively bargained~~  
33 ~~agreement or to testimony that discloses trade secrets or corporate strategy, the disclosure~~  
34 ~~of which would result in harm to the employer.~~

35           **5. Civil actions for injunctive relief or other remedies by employees.** An employee  
36 ~~of a public utility or competitive service provider~~ who alleges a violation of rights under  
37 this section and who has made reasonable efforts to exhaust all grievance procedures, as  
38 provided for in the contract of employment or ~~which that~~ otherwise may be available at the  
39 employee's place of employment, may bring a civil action, including an action for  
40 injunctive relief, within 90 days after the occurrence of that alleged violation or after the  
41 grievance procedure or similar process terminates. The action may be brought in the  
42 Superior Court for the county where the alleged violation occurred, the county where the  
43 complainant resides or the county where the person against whom the civil complaint is  
44 filed resides. An employee must establish each ~~and every~~ element of the employee's case  
45 by a preponderance of the evidence.

1           **5-A. Civil actions for injunctive relief or other remedies by utility contractors.** A  
2 utility contractor that alleges a violation of rights under this section may bring a civil action,  
3 including an action for injunctive relief, within 90 days after the occurrence of that alleged  
4 violation. The action may be brought in the Superior Court for the county where the alleged  
5 violation occurred, the county where the complainant resides or the county where the  
6 person against whom the civil complaint is filed resides. A utility contractor must establish  
7 each element of the utility contractor's case by a preponderance of the evidence.

8           **6. Remedies ordered by court.** A court, in rendering a judgment in an action brought  
9 pursuant to this section, may order reinstatement of the employee, the payment of back  
10 wages, full reinstatement of fringe benefits and seniority rights or any combination of these  
11 remedies. ~~A If an employee or utility contractor is the prevailing party, a court may also~~  
12 ~~shall award the prevailing party employee or utility contractor all or a portion of the costs~~  
13 ~~of litigation, including reasonable attorneys' attorney's fees and witness fees, if the court~~  
14 ~~determines that the award is appropriate.~~

15           **7. Collective bargaining rights Agreements.** This section does not diminish or  
16 impair the rights of a person under any collective bargaining agreement. A public utility,  
17 competitive electricity provider or affiliated interest may not enter into an agreement  
18 preventing employees from exercising their rights to testify before or provide information  
19 to a legislative committee, the commission or the Public Advocate pursuant to this section.

20           **8. Jury trial; common-law rights.** Any action brought under this section may be  
21 heard by a jury. Nothing in this section derogates any common-law rights of an employee  
22 or employer.

23           **9. Contracts with utility contractors.** If a utility contractor, in compliance with this  
24 section and in good faith, testifies before or provides information to a legislative committee,  
25 the commission or the Public Advocate, a public utility or competitive electricity provider  
26 may not respond to such action by the utility contractor by:

27           A. Terminating or threatening to terminate a contract with the utility contractor; or

28           B. Harming or threatening to harm the utility contractor financially.

29           **10. Notice of rights required.** A public utility and a competitive electricity provider  
30 shall notify the public utility's and the competitive electricity provider's employees,  
31 affiliated interests and utility contractors of their rights under this section.

32           **11. Penalties.** The commission shall impose penalties for violations of this section.  
33 This subsection does not apply in the case of an employee of a utility contractor alleging a  
34 violation under subsection 3.

35           **12. Rulemaking.** The commission may adopt rules to implement this section. Rules  
36 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
37 375, subchapter 2-A.

38           **Sec. 8. 35-A MRS §1508-A, sub-§1,** as amended by PL 2021, c. 108, §§3 and 4  
39 and c. 318, §7, is repealed and the following enacted in its place:

40           **1. Penalty.** Unless otherwise specified in law, the commission shall, in an  
41 adjudicatory proceeding, impose an administrative penalty as specified in this section.

42           A. For violations of this Title, a commission rule or a commission order by a public  
43 utility, voice service provider, dark fiber provider, wholesale competitive local

1 exchange carrier or competitive electricity provider, the commission may impose an  
2 administrative penalty for each violation in an amount between .10% and .25% of the  
3 annual gross revenue that the public utility, voice service provider, dark fiber provider,  
4 wholesale competitive local exchange carrier or competitive electricity provider  
5 received from sales in the State. Each day a violation continues constitutes a separate  
6 offense. The maximum administrative penalty for any related series of violations may  
7 not exceed 5% of the annual gross revenue that the public utility, voice service  
8 provider, dark fiber provider, wholesale competitive local exchange carrier or  
9 competitive electricity provider received from sales in the State.

10 B. For a violation in which a public utility, voice service provider, dark fiber provider,  
11 wholesale competitive local exchange carrier or competitive electricity provider was  
12 explicitly notified by the commission that it was not in compliance with the  
13 requirements of this Title, a commission rule or a commission order and that failure to  
14 comply could result in the imposition of administrative penalties, the commission shall  
15 impose an additional administrative penalty between .10% and .25% of the annual  
16 gross revenue that the public utility, voice service provider, dark fiber provider,  
17 wholesale competitive local exchange carrier or competitive electricity provider  
18 received from sales in the State.

19 B-1. In addition to any penalty imposed on a competitive electricity provider under  
20 paragraph A or B, the commission may:

21 (1) For a willful violation of this Title by any 3rd-party sales agent undertaking  
22 the retail sale or marketing of electricity on behalf of a competitive electricity  
23 provider, impose an additional administrative penalty on the competitive electricity  
24 provider in an amount that does not exceed \$5,000 or .25% of the annual gross  
25 revenue that the 3rd-party sales agent received from sales and commissions in the  
26 State. Each day a violation continues constitutes a separate offense. The maximum  
27 administrative penalty for any related series of violations may not exceed \$500,000  
28 or 5% of the annual gross revenue that 3rd-party sales agent received from sales  
29 and commissions in the State, whichever amount is lower; and

30 (2) For a violation in which a 3rd-party sales agent was explicitly notified by the  
31 commission that it was not in compliance with the requirements of this Title, a  
32 commission rule or a commission order and that failure to comply could result in  
33 the imposition of administrative penalties or the termination of the 3rd-party sales  
34 agent's registration, impose an administrative penalty that does not exceed  
35 \$500,000 and may terminate the registration of the 3rd-party sales agent.

36 C. The commission may impose an administrative penalty in an amount that does not  
37 exceed \$1,200 on any person that is not a public utility, voice service provider, dark  
38 fiber provider, wholesale competitive local exchange carrier, competitive electricity  
39 provider or 3rd-party sales agent undertaking the retail sale or marketing of electricity  
40 on behalf of a competitive electricity provider and that violates this Title, a commission  
41 rule or a commission order. Each day a violation continues constitutes a separate  
42 offense. The administrative penalty may not exceed \$29,000 for any related series of  
43 violations.

44 D. The commission shall impose an administrative penalty on a transmission and  
45 distribution utility in an amount that does not exceed 10% of its annual gross revenue

1           received from ratepayers in the State that fails for 2 consecutive calendar quarters or  
2           otherwise consistently fails to meet a standard established by the commission pursuant  
3           to section 301, subsection 1-A, paragraph A. Each calendar quarter that the  
4           transmission and distribution utility fails to meet the standard constitutes a separate  
5           offense. The commission shall use the proceeds from the penalty imposed under this  
6           paragraph to reduce energy costs for low-income customers.

7           **Sec. 9. 35-A MRSA §1509**, as amended by PL 2003, c. 505, §24, is further amended  
8 to read:

9           **§1509. Limitation on imposing penalty**

10           An action that may result in the imposition of an administrative penalty under this  
11 chapter must be commenced within 5 20 years after the cause of action accrues.

12           **Sec. 10. 35-A MRSA §1513** is enacted to read:

13           **§1513. Divestiture of underperforming investor-owned transmission and distribution**  
14           **utility**

15           The commission shall initiate an adjudicatory proceeding in accordance with this  
16           section and section 708, subsection 2, paragraph A, subparagraph (8) to determine whether  
17           divestiture of an investor-owned transmission and distribution utility is warranted if the  
18           utility consistently fails to meet the service standards established in section 301, subsection  
19           1-A, paragraph A, consistently fails to meet the requirements of section 301, subsection 1  
20           or is unable to fulfill its statutory duties as a public utility because it is financially impaired  
21           or if a proceeding is requested by the Public Advocate. If, at the conclusion of the  
22           adjudicatory proceeding, the commission determines that divestiture of an investor-owned  
23           transmission and distribution utility is warranted, the following procedures apply.

24           **1. Consideration of proposals to acquire the utility or its assets.** The commission  
25           shall request proposals from qualified buyers interested in acquiring the transmission and  
26           distribution utility or its assets.

27           **2. Determination by the commission.** The commission shall order the owner of the  
28           investor-owned transmission and distribution utility to divest the utility if a proposal from  
29           a qualified buyer:

30           A. Will result, over the long term, in net benefits to ratepayers in the form of lower  
31           rates or better service than the rates and service provided by the transmission and  
32           distribution utility;

33           B. Will result in greater local control of the utility's management and operations in a  
34           manner that improves the ability of local management to protect the interests of the  
35           utility's ratepayers in this State;

36           C. Is for a fair and reasonable purchase price; and

37           D. Demonstrates that the buyer has sufficient financial and technical capability,  
38           expertise and experience to own and operate the utility and the ability to comply with  
39           all of the legal requirements, including but not limited to compliance with Title 38,  
40           section 576-A and section 577, subsection 1, for an investor-owned transmission and  
41           distribution utility.

1 If more than one proposal meets the criteria established in this subsection, the commission  
2 shall order divestiture in accordance with the proposal that results in the greatest net  
3 benefits to ratepayers.

4 **Sec. 11. 35-A MRSA §1514** is enacted to read:

5 **§1514. Franchise of investor-owned transmission and distribution utility**

6 The franchise of each investor-owned transmission and distribution utility in the State  
7 expires 20 years from the date of its most recent reorganization under section 708. The  
8 commission shall determine whether to renew a franchise or to award the franchise to a  
9 different entity following the procedures for a divestiture under section 1513.

10 **Sec. 12. 35-A MRSA §3146** is enacted to read:

11 **§3146. Climate change protection plan**

12 No later than July 1, 2023, and every 3 years thereafter, a transmission and distribution  
13 utility shall submit to the commission a 10-year plan that includes specific actions for  
14 addressing the expected effects of climate change on the utility's assets needed to transmit  
15 and distribute electricity to its customers. The commission shall request input from  
16 interested parties on the transmission and distribution utility's plan and shall order the  
17 transmission and distribution utility to take any action the commission determines is  
18 reasonable and necessary to ensure that the utility will be able to continue to meet the  
19 requirements of section 301, subsection 1 for the foreseeable future.

20 **Sec. 13. 35-A MRSA §3147** is enacted to read:

21 **§3147. Integrated grid planning**

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

24 A. "Covered utility" means a large, investor-owned transmission and distribution utility  
25 as defined in section 3201, subsection 12.

26 B. "Environmental justice" means the fair treatment and meaningful involvement of all  
27 persons regardless of race, color, national origin or income with respect to the  
28 development, implementation and enforcement of environmental laws, rules,  
29 regulations and policies.

30 C. "Grid plan" means a 10-year integrated grid plan for a covered utility developed in  
31 accordance with this section designed to improve system reliability and resiliency and  
32 enable cost-effective compliance with the greenhouse gas reduction obligations and  
33 climate policies pursuant to Title 38, section 576-A and section 577, subsection 1.

34 D. "Hosting capacity" means a threshold at a circuit at which new distributed energy  
35 resources will result in upgrades or changes to the electrical distribution system and  
36 require cost considerations of related upgrades and changes.

37 **2. Plan development.** The commission shall develop and implement grid plans for  
38 covered utilities in order to transition to a clean, affordable and reliable electric grid in a  
39 cost-effective manner. The commission may contract with an independent organization to  
40 assist in development of a grid plan and shall hold technical conferences or stakeholder  
41 workshops before the grid plan is developed to define requirements and inform data,  
42 assumptions, methodologies and tools that will assist the commission in determining what



1 actions if any it will direct a covered utility to take. In developing the grid plan, the  
2 commission shall solicit input from regional transmission entities with respect to  
3 transmission system planning and experts in distribution system design with respect to  
4 distribution system planning. Covered utilities shall provide the information requested by  
5 the commission in order to develop a grid plan.

6 **3. Plan submission.** No later than December 15, 2023, and every 3 years thereafter,  
7 the commission shall seek public comment on grid plans developed in accordance with this  
8 section. The commission shall open an adjudicatory proceeding or proceedings on each  
9 covered utility's grid plan and shall ensure to the greatest extent practicable that any  
10 information related to the grid plan is provided in a form accessible to interested parties  
11 and all relevant data and distribution planning modeling tools are available to stakeholders  
12 subject to commercial nondisclosure requirements, confidential energy infrastructure  
13 requirements, codes of conduct and other commercial requirements, commission  
14 requirements and Federal Energy Regulatory Commission requirements. The commission  
15 shall require each covered utility to implement the grid plan. For the initial grid plan, the  
16 commission may provide a phase-in schedule to allow a covered utility to comply with  
17 components incrementally. The commission shall develop reporting metrics, establish  
18 baselines and track progress in implementing the grid plan.

19 **4. Plan revision and enforcement.** The commission may, at any time as it determines  
20 necessary, revise a grid plan to address any deficiencies in the grid plan and may order a  
21 covered utility to take any reasonable actions to align its business, programs, operations  
22 and investments with the plan. The commission may assess administrative penalties in  
23 accordance with section 1508-A for any failure by a covered utility to follow any  
24 commission order to align its business, programs, operations and investments with the plan.

25 **5. Contents of plan.** A grid plan developed under this section must:

26 A. Describe how the covered utility's assets and operations will be used to achieve the  
27 goals and implement the strategies of the State's climate action plan under Title 38,  
28 section 577 with specific reference to the climate action plan and incorporate relevant  
29 information from reports and analysis completed by other state agencies and quasi-  
30 independent state entities;

31 B. Evaluate the electric system of the covered utility and its relationship to the regional  
32 grid;

33 C. Include a 3-year action plan to optimize near-term grid investments and operations  
34 consistent with the grid plan;

35 D. For strategies related to customer energy consumption and usage characteristics,  
36 reference and incorporate all relevant elements of the Efficiency Maine Trust triennial  
37 plan developed under section 10104, subsection 4, including all of the trust's analysis  
38 of cost-effective potential for energy efficiency savings; plans to implement energy  
39 efficiency programs, demand management programs, beneficial electrification  
40 programs such as heat pump and electric vehicle initiatives and energy storage  
41 initiatives; and analysis of nonwires alternative opportunities;

42 E. Include more than one planning scenario and mechanisms for achieving grid plan  
43 goals, which may include, but are not limited to, policies, programs, rates, use of

1            software or technology and infrastructure planning, including nonwires alternatives;  
2            and

3            F. Include, at a minimum, the following:

4                    (1) Forecasts of projected load, including forecasts of end-use electrification,  
5                    energy efficiency and distributed energy resources;

6                    (2) Baseline energy supply data and assessments, including but not limited to  
7                    planned generation retirements and new generation that is planned or needed  
8                    including generation of electricity from renewable sources and from energy storage  
9                    installations;

10                   (3) An analysis of hosting capacity, including locational benefits of distributed  
11                   energy resources and areas of existing or potential system congestion;

12                   (4) An analysis of available and emerging technologies necessary to enable load  
13                   management and flexibility; and

14                   (5) An assessment of the environmental, equity and environmental justice effects  
15                   of the grid plan.

16            **Sec. 14. Plan status to committee.** No later than October 15, 2023, the Public  
17            Utilities Commission shall provide an interim report regarding the status of the  
18            development of grid plans under the Maine Revised Statutes, Title 35-A, section 3147 to  
19            the joint standing committee of the Legislature having jurisdiction over energy and utility  
20            matters. No later than July 15, 2024, the commission shall submit a final report on the  
21            development of grid plans to the committee. The joint standing committee of the  
22            Legislature having jurisdiction over energy and utility matters may report out a bill in  
23            connection with the interim report provided by the commission to the Second Regular  
24            Session of the 131st Legislature and the final report provided by the commission to the  
25            First Regular Session of the 132nd Legislature.

26            **Sec. 15. Adoption of rules by Public Utilities Commission establishing**  
27            **minimum requirements.** No later than June 30, 2023, the Public Utilities Commission  
28            shall adopt the rules required by the Maine Revised Statutes, Title 35-A, section 301,  
29            subsection 1-A.

30            **Sec. 16. Assessment of resources needs at Public Utilities Commission.** No  
31            later than December 1, 2022, the Public Utilities Commission shall provide to the joint  
32            standing committee of the Legislature having jurisdiction over energy and utility matters a  
33            report that includes an assessment of staffing and resources that may be necessary to  
34            implement the Maine Revised Statutes, Title 35-A, section 3147. After receiving the report,  
35            the committee may report out legislation on the subject matter of the report to the 131st  
36            Legislature in 2023.

37            **Sec. 17. Public Utilities Commission; report.** The Public Utilities Commission  
38            shall review laws and rules within its authority for requirements applicable to public  
39            utilities that are substantially similar to the requirements for a governing body of an entity  
40            under the Maine Revised Statutes, Title 5, section 12022, other than subsection 3 of that  
41            section. By January 1, 2023, the commission shall provide the joint standing committee of  
42            the Legislature having jurisdiction over energy and utility matters with a report that  
43            includes the following:

1 1. Identification of the laws and rules applicable to public utilities that the commission  
2 finds to be substantially similar to Title 5, section 12022; and

3 2. Consideration of the feasibility of requiring investor-owned utilities to comply with  
4 the requirements of Title 5, section 12022, if those requirements are not otherwise  
5 established by laws and rules that are substantially similar.

6 After reviewing the report, the joint standing committee may report out related  
7 legislation to the 131st Legislature in 2023.

8 **Sec. 18. Appropriations and allocations.** The following appropriations and  
9 allocations are made.

10 **PUBLIC UTILITIES COMMISSION**

11 **Public Utilities - Administrative Division 0184**

12 Initiative: Provides allocations for contracted services.

|                                       |                |                |
|---------------------------------------|----------------|----------------|
| 13 <b>OTHER SPECIAL REVENUE FUNDS</b> | <b>2021-22</b> | <b>2022-23</b> |
| 14 All Other                          | \$0            | \$200,000      |
| 15                                    |                |                |
| 16 OTHER SPECIAL REVENUE FUNDS TOTAL  | \$0            | \$200,000      |

17 **Public Utilities - Administrative Division 0184**

18 Initiative: Provides allocations for 5 Staff Attorney positions and 6 Utility Analyst positions  
19 and associated All Other costs.

|                                       |                |                |
|---------------------------------------|----------------|----------------|
| 20 <b>OTHER SPECIAL REVENUE FUNDS</b> | <b>2021-22</b> | <b>2022-23</b> |
| 21 POSITIONS - LEGISLATIVE COUNT      | 0.000          | 11.000         |
| 22 Personal Services                  | \$0            | \$590,546      |
| 23 All Other                          | \$0            | \$105,996      |
| 24                                    |                |                |
| 25 OTHER SPECIAL REVENUE FUNDS TOTAL  | \$0            | \$696,542      |

27 **PUBLIC UTILITIES COMMISSION**

|  |                |                  |
|--|----------------|------------------|
| 28 <b>DEPARTMENT TOTALS</b>            | <b>2021-22</b> | <b>2022-23</b>   |
| 29                                     |                |                  |
| 30 <b>OTHER SPECIAL REVENUE FUNDS</b>  | <b>\$0</b>     | <b>\$896,542</b> |
| 31                                     |                |                  |
| 32 <b>DEPARTMENT TOTAL - ALL FUNDS</b> | <b>\$0</b>     | <b>\$896,542</b> |

33  
34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
35 number to read consecutively.

36 **SUMMARY**

37 This amendment replaces the bill. The amendment:

38 1. Defines investor-owned public utilities as reporting entities for the purposes of the  
39 Maine Revised Statutes, Title 5, chapter 379, subchapter 3;

- 1           2. Exempts investor-owned public utilities from the requirements of Title 5, chapter  
2 379, subchapter 3, except section 12022, subsection 3, which is related to the development  
3 and adoption of written policies and procedures governing the selection of vendors;
- 4           3. Requires each investor-owned public utility to comply with Title 5, section 12022,  
5 subsection 3 no later than November 1, 2022 and allows the Public Utilities Commission  
6 to adopt rules to determine when the requirements of Title 5, section 12022, subsection 3  
7 may be waived;
- 8           4. Requires the commission to adopt rules governing the evaluation of transmission  
9 and distribution utility performance and establishing metrics for utility operations and  
10 activities related to service quality, customer service, field services and distributed energy  
11 resources interconnection. The commission must publish quarterly report cards on utility  
12 performance and must impose administrative penalties for a utility's poor performance  
13 unless the utility demonstrates good cause for its failure to meet the service standards;
- 14           5. Authorizes the commission to perform audits and disallow cost recovery for certain  
15 transmission and distribution utilities when the commission has not made a rate  
16 determination in the preceding 2 years;
- 17           6. Requires the commission to conduct a detailed expenditure analysis for certain  
18 transmission and distribution utilities;
- 19           7. Clarifies and adds protections for utility contractors and employees of utilities,  
20 competitive electricity providers, affiliated interests and utility contractors who provide  
21 testimony to legislative committees, the commission or the Public Advocate;
- 22           8. Changes the commission's existing administrative penalty statute to require that the  
23 commission impose administrative penalties in accordance with Title 35-A, section 1508-A  
24 and modifies the method for calculating the penalties. It corrects a technical conflict in  
25 existing law. It also adds a new administrative penalty provision specific to violations of  
26 the service standard requirements in Title 35-A, section 301, subsection 1-A;
- 27           9. Changes the time limitation for the commission's imposition of an administrative  
28 penalty from 5 years to 20 years;
- 29           10. Provides for a process to determine whether an underperforming investor-owned  
30 utility should be required to divest its utility assets to a qualified buyer;
- 31           11. Establishes that the franchise of each investor-owned transmission and distribution  
32 utility expires 20 years from the date of its most recent reorganization and requires the  
33 commission to determine whether to renew the franchise or award the franchise to a  
34 different entity;
- 35           12. Requires transmission and distribution utilities to develop and submit to the  
36 commission a 10-year plan including specific actions for addressing the expected effects  
37 of climate change;
- 38           13. Requires the commission to develop integrated grid plans for certain transmission  
39 and distribution utilities using information provided by the transmission and distribution  
40 utilities. The grid plan must be designed to improve system reliability and resiliency and  
41 enable cost-effective achievement of greenhouse gas reduction and climate policy goals;

