

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
S.P. 386 - L.D. 897

An Act Regarding the Nonwires Alternative Process and Required Negative Pricing Provisions in Contracts for Energy Resulting from Competitive Solicitations Conducted by the Public Utilities Commission

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3132-B, sub-§1, as enacted by PL 2019, c. 298, §13, is amended to read:

1. Planning study. Each investor-owned transmission and distribution utility in this State shall annually complete and submit to the commission and to the Office of the Public Advocate, for review by the nonwires alternative coordinator, a planning study for small transmission projects and distribution projects. In completing the planning study, an investor-owned transmission and distribution utility shall develop and use system planning models. The study must:

- A. Analyze system needs for the next 5 years and provide a schedule of proposed projects and associated costs;
- B. Describe system capacity and load by substation and circuit; and
- C. Identify corresponding planned and anticipated growth-related investments.

After review of a planning study submitted under this subsection, the nonwires alternative coordinator may provide comments or recommendations, which may include recommendations to achieve the policy goals established in section 3143. An investor-owned transmission and distribution utility may, at its discretion, incorporate recommendations on a planning study made by the nonwires alternative coordinator. Failure to incorporate recommendations made by the nonwires alternative coordinator may not result in a presumption of imprudence.

Sec. 2. 35-A MRSA §3132-C, sub-§4, as enacted by PL 2019, c. 298, §14, is amended to read:

4. Recommendations. On the basis of the investigation under subsection 1, the nonwires alternative coordinator shall develop and provide to the commission or to an investor-owned transmission and distribution utility, as appropriate, recommendations

regarding cost-effective nonwires alternatives to the wires project, including a proposed plan for procurement of the recommended nonwires alternatives.—~~The proposed procurement plan must be~~ that identifies components that are behind the meter or on the grid side of the meter and is consistent with the provisions of section 3132-D.

Sec. 3. 35-A MRSA §3132-C, sub-§5 is enacted to read:

5. Rules. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 4. 35-A MRSA §3149, first ¶, as enacted by PL 2025, c. 392, §1, is amended to read:

The commission may not approve a contract for energy resulting from a competitive solicitation conducted by the commission under this Title unless the contract includes a provision that requires the reduction of payments ~~to the bidder under the contract by the stranded costs arising from energy produced~~ absolute value of the applicable negative price multiplied by the energy produced and delivered under the contract during negative price intervals. The commission may grant an exception from the inclusion of such a negative price provision if the bidder demonstrates good cause for the exception and the commission finds that the contract is cost-effective, includes other price protections for ratepayers and will avoid to the maximum extent possible the curtailment of existing renewable resource generators.