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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 888, L.D. 1310, Bill, “An Act To Amend the Community-based Renewable Energy Program”

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

'Sec. 1. 35-A MRSA §3602, sub-§3-A is enacted to read:

3-A. Net generating capacity. "Net generating capacity" means the output of a generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility and energy consumed for plant lighting, power and auxiliary facilities.

Sec. 2. 35-A MRSA §3603, sub-§2, as amended by PL 2013, c. 454, §3, is further amended to read:

2. Program scope; limits on generating capacity. The commission shall limit participation in the program in accordance with this subsection.

A. The ~~installed~~ net generating capacity of a program participant may not exceed 10 megawatts.

B. The total ~~installed~~ net generating capacity of all program participants combined may not exceed 50 megawatts.

D. Of the 50-megawatt limit on total net generating capacity under paragraph B, ~~40~~ 2 megawatts must be reserved at the outset of the program for program participants that:

- (1) Have ~~an installed~~ a net generating capacity of less than 100 kilowatts; or
- (2) Are located in the service territory of a consumer-owned transmission and distribution utility.

The commission may modify the amount of net generating capacity reserved under this paragraph based on program experience.

COMMITTEE AMENDMENT

1 E. The total ~~installed~~ net generating capacity of program participants that receive the
2 renewable energy credit multiplier incentive under section 3605 may not exceed 10
3 megawatts.

4 **Sec. 3. 35-A MRSA §3609**, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

5 **Sec. 4. 35-A MRSA §3610** is enacted to read:

6 **§3610. Project deadline; completion deadline**

7 The commission may not issue an order after December 31, 2015 directing an
8 investor-owned transmission and distribution utility to enter into a long-term contract
9 under this chapter nor allow a consumer-owned transmission and distribution utility to
10 enter into a long-term contract under this chapter. All community-based renewable
11 energy projects that have been selected for a long-term contract must become operational
12 and commence generating electricity by December 31, 2018.

13 **Sec. 5. Viability assessment; request for proposals.** The Public Utilities
14 Commission shall review all certified program participant projects under the Maine
15 Revised Statutes, Title 35-A, section 3603 that have not yet reached commercial
16 operations to determine whether the projects are reasonably likely to achieve commercial
17 operations within a 3-year period. For those projects the commission determines will not
18 be viable within a 3-year period, the commission must revoke any contract awarded, but
19 the project may still remain certified. To the extent there is less capacity remaining than is
20 allowed under Title 35-A, section 3603, subsection 2 after the removal of nonviable
21 projects, the commission shall conduct an expedited request for proposals to select
22 community-based renewable energy projects to become program participants and enter
23 into long-term contracts. A project under this process may not elect to choose the
24 renewable energy credit multiplier incentive under Title 35-A, section 3605, and those
25 projects that are operational and have elected the renewable energy credit multiplier do
26 not count towards the 50-megawatt cap on net generating capacity under Title 35-A,
27 section 3603, subsection 2. The commission shall select the projects that provide the most
28 benefit to ratepayers and that have contract pricing levels below 10¢ per kilowatt hour
29 within each contract year. To the maximum extent practicable, the commission must
30 select projects to provide for a total net generating capacity for all projects to meet the
31 maximum allowance under Title 35-A, section 3603, subsection 2 of 50 megawatts.'

32 **SUMMARY**

33 This amendment is the majority report of the committee and strikes and replaces the
34 bill. The amendment provides a definition for the term "net generating capacity." The
35 amendment changes the limits on generating capacity from installed generating capacity
36 to net generating capacity. The amendment reduces the reserved amount of megawatts
37 from 10 to 2 for program participants that have a net generating capacity of less than 100
38 kilowatts or are located in the service territory of a consumer-owned transmission and
39 distribution utility. The amendment removes the scheduled repeal of the law regulating
40 community-based renewable energy and clarifies that the Public Utilities Commission
41 may not issue an order after December 31, 2015 directing an investor-owned transmission
42 and distribution utility to enter into any long-term contract or allow a consumer-owned
43 transmission and distribution utility to enter into any long-term contract. The amendment

1 specifies that all community-based renewable energy projects that have been selected for
2 a long-term contract must become operational and commence generating electricity by
3 December 31, 2018.

4 The amendment requires the commission to review all certified program participant
5 projects that have not yet reached commercial operations to determine whether projects
6 are reasonably likely to achieve commercial operations within a 3-year time period. This
7 amendment provides that those projects determined not viable remain certified, but any
8 contract that had been issued is to be revoked. The amendment allows the commission to
9 conduct an expedited request for proposals to select community-based renewable energy
10 projects to become program participants and enter into long-term contracts, if there is
11 capacity remaining after the removal of nonviable projects. The amendment specifies
12 that only those projects that provide the most benefit to ratepayers and have contract
13 pricing below 10¢ per kilowatt hour within each contract year may be chosen. Lastly, this
14 amendment prohibits a project under this process from choosing the renewable energy
15 credit multiplier incentive. Those projects that are operational and have elected the
16 renewable energy credit multiplier do not count towards the 50-megawatt cap on net
17 generating capacity.