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Date: (Filing No. S-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 267, L.D. 822, Bill, “An Act To Ensure Fairness among Large Consumers of Natural Gas”

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

'Sec. 1. 35-A MRSA §10111, sub-§2, as amended by PL 2017, c. 282, §3, is further amended to read:

2. Funding level. The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable for those consumers who are eligible to receive funds from the natural gas conservation fund. The commission shall direct a gas utility that collects any portion of the assessment under this subsection from a customer that is a large-volume manufacturer and large-volume agricultural business to collect the assessment only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer or agricultural business in each year. The limitation on the collection of the assessment from large-volume manufacturers and large-volume agricultural businesses may not affect the trust's determination of the amount necessary to capture all cost-effective energy efficiency that is achievable and reliable. The limitation does not limit the eligibility of a large-volume manufacturer or large-volume agricultural business to participate in a natural gas conservation program. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

The assessments charged to gas utilities under this section are just and reasonable costs for rate-making purposes and must be reflected in the rates of gas utilities.

All funds collected pursuant to this section are collected under the authority and for the purposes of this section and are deemed to be held in trust for the purposes of benefiting natural gas consumers served by the gas utilities assessed under this subsection. In the event funds are not expended or contracted for expenditure within 2 years of being

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1 collected from consumers, the commission shall ensure that the value of those funds is
2 returned to consumers.

3 For purposes of this subsection, "large-volume manufacturer" means a customer that is a
4 gas utility ratepayer engaged in manufacturing in the State and purchases at least
5 1,000,000 centum cubic feet of natural gas per year. For purposes of this subsection,
6 "large-volume agricultural business" means a customer that is a gas utility ratepayer that
7 purchases at least 1,000,000 centum cubic feet of natural gas per year and is engaged in
8 the commercial growing or harvesting of plants or commercial aquaculture, as defined in
9 Title 12, section 6001, subsection 1, in the State.

10 Rules adopted by the commission under this subsection are routine technical rules as
11 defined in Title 5, chapter 375, subchapter 2-A.'

12 **SUMMARY**

13 This amendment replaces the bill. It limits the assessment under the natural gas
14 conservation program on a large-volume agricultural business to be allowed only on the
15 first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each
16 year, but specifies that this limitation does not limit the ability of a large-volume
17 agricultural business from participating in a natural gas conservation program and it does
18 not affect the determination of the trust on the total amount necessary to capture all cost-
19 effective energy efficiency that is achievable and reliable.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**