



Maine Conservation Voters

Inform. Vote. Protect.

Testimony in Support of LD 1949, An Act Relating to Energy Fairness

Senator Lawrence, Representative Sachs, and distinguished members of the Joint Standing Committee on Energy, Utilities and Technology, my name is Lucy Hochschartner, and I am the Climate and Clean Energy Director with Maine Conservation Voters (MCV). MCV represents over 14,000 members and supporters who are building a just, thriving future for all by acting on the climate crisis, protecting the environment, and safeguarding our democracy. I am here today to testify in support of LD 1949, An Act Relating to Energy Fairness. I'd first like to speak to why this bill is important to me and the groups supporting it, followed by details of each section.

In my brief testimony, I hope you can all think about the person, or people, who brought you to this committee. For me, I never thought I would work on energy issues. But then, I saw the ways climate change was endangering the home I loved and transforming the energy system was a path to fixing it. As time went on, I increasingly kept in mind people I talked to who simply did not have the money to pay their bills. I have never felt more helpless than in conversation with these people, with no solution to offer. Now, I think a lot about my niece, who is autistic and nonverbal. If she is ever in an insecure energy situation, not only would she have all of the regular problems to contend with, but she also wouldn't be able to use the device she needs to communicate. I imagine you're thinking about some people like this too — maybe they're constituents, family, or friends. The Energy Fairness Act keeps these people in mind.

When we start by thinking about what will help these people, I am always amazed by how bipartisan the policy becomes. I have had plenty of conversations, in fact one just last night, with people who could not have more politics that are more different than my own. And yet, we tend to agree — we need an energy system that works as well for customers as it does for utility executives. Across Maine, people are hurting.¹ It does not matter where we live or what party we support. We all understand that electricity is not a luxury, it is a necessity, and more work needs to be done to ensure everyone has it.

Many organizations agree. What I have most loved about getting to advocate for this bill is getting to know so many new partners. While not everyone could make it in person, Maine Council on Aging, Maine Equal Justice, Presente!, and more were submitting written testimony.

¹ See attached graph of householders age 65+ with incomes under \$20,000

While not regular advocates in this committee, these organizations recognize that their members and constituencies would immediately and directly benefit from this legislation.

The Energy Fairness Act takes the first step toward a better system by expanding protections from high bills for customers right now, and paving the way to bring on more clean energy, which will lower bills in the future. As MCV has long testified, it is true that the only way our state will ever have affordable energy is by having clean energy. In fact, research shows that the move to 100% clean electricity could save Mainers up to \$1300 per year by 2040.² What is equally true, though, is that customers who are struggling cannot wait that long. That is why additional steps must be taken in the short term.

Disconnection Protections

The first step this legislation takes is to enact disconnection protections for especially vulnerable populations, just as they do in the state of Massachusetts. This bill would protect older adults, those with medical conditions or disabilities, and those with an infant in the home. While everyone needs electricity, these populations are particularly vulnerable and similar to those protected in Massachusetts. After work with stakeholders, the sponsor's amendment in front of you further limits this protection to those who meet an income-based means test. This is also similar to Massachusetts and is a compromise that limits the scope of the change proposed. This is a common sense, measured reform that can always be built upon in the future. The income-based means test used here is different from Massachusetts, and expands upon it by opening it up to customers attesting that they make less than 60% area median income, which is how low-income was defined in the recent energy burden study from the Office of the Public Advocate.³ This report even recommends expanding existing programs to those making 80% area median income to more fully capture those in need of assistance and be in line with new Efficiency Maine programs like the Manufactured and Mobile Home Initiative. As stated earlier, this is a measured compromise.

But, it will have a huge impact, for a small group of customers. For instance, as the rules stand now in Chapter 815, even if you are someone who needs electricity to operate a medical device or refrigerate necessary medication, you can have your power shut off by the utility.⁴ These protections are focused on situations like these. Unlike the winter moratorium on shutoffs, the customer will have to seek out these protections and attest to attempting to access assistance

² Brattle Group and Evolved Energy Research for the Governor's Energy Office. (2024). *Maine Pathways to 2040:*

Analysis and Insights.

<https://www.maine.gov/energy/sites/maine.gov.energy/files/2025-01/Maine%20Pathways%20to%202040%20Analysis%20and%20Insights.pdf>

³ VEIC for the Electricity Ratepayer Advisory Council. (2024). Quantifying Maine's Household Energy Burden and Affordability Gap.

<https://www.maine.gov/meopa/sites/maine.gov.meopa/files/inline-files/ERAC%20Report%20with%20Consultants%20Reports%20Embedded.pdf>

⁴ 65-407, Chapter 815

<https://www.maine.gov/mpuc/sites/maine.gov.mpuc/files/inline-files/chapter%20815.pdf>

programs. In other words, these protections are likely to be used only by the most vulnerable customers who have nowhere else to turn, and they will continue driving families to the assistance that can prevent them from being vulnerable to disconnection in the first place.

Competitive Electricity Providers

This legislation also strikes a compromise on the need for energy choice and protection from predatory practices by some competitive electricity providers. The compromise is based on rules that have existed in New York since 2016.⁵ Under this legislation, it is important to be clear that low-income customers would still be able enroll with competitive electricity providers, as long as those providers have first received a waiver for their program from the PUC verifying that the customer would see a reduction off the standard offer.

In Maine, customers have paid more than \$135 million over the standard offer to competitive electricity providers since 2016.⁶ Preliminary data suggests LIAP customers are more likely to be enrolled in CEP programs and that CEPs charge them higher rates than non-LIAP customers. While I understand and take very seriously concerns about limiting low-income customers' choices, this compromise strikes a balance. It preserves choice, but it also prevents assistance dollars from being spent on more expensive forms of electricity. I would also add that in all my conversations around the state, people of all income levels are looking for help better understanding the offers in front of them. That is what this legislation would allow the commission to do.

Utility Accountability

This legislation also helps all customers save by building on the great work of LD 325, which was passed by the last legislature.⁷ Customers should not be charged for utility lobbying, board of director needs, investor relations, and legal fees used to argue for higher rates. This legislation acknowledges the need and right of the utility to recover prudent expenses from its ratepayers. However, it sets easily understandable restrictions to ensure customers are not paying for the items that more clearly belong to shareholders.

Improved reporting

Currently, utilities are required to report many affordability metrics to the commission each year, which provides critical information to regulators. This legislation moves to make reporting

⁵ French, Marie . (Dec 2016). PSC permanently bans ESCOs from selling to low-income customers. *Politico*.

<https://www.politico.com/states/new-york/albany/story/2016/12/energy-retailer-low-income-ban-subject-to-court-injunction-made-permanent-108144>

⁶ Howington, Timothy E and Baldwin, Susan M. (2024). Is Maine's CEP-Served Residential Electric Supply Market Affordable?

<https://www.maine.gov/meopa/sites/maine.gov.meopa/files/inline-files/ERAC%20Report%20with%20Consultants%20Reports%20Embedded.pdf>

⁷ LD 325, 131st legislature,

https://www.mainelegislature.org/legis/bills/display_ps.asp?id=325&PID=1456&snum=131

quarterly, includes a few additional key metrics, puts reporting in a public docket for all to access, and uses more granular zip code level data, as is the case in other parts of the country.⁸ Regulators, advocates, and this legislature will only be able to tackle the affordability crisis if we understand where it is happening and what it looks like. This bill would allow for that.

Administrative charge proceedings

The legislation also increases transparency by requiring the public utilities commission to investigate utility administrative charges. I have certainly heard reports of massive overhead charges being passed on to customers during things like the interconnection process, but also, this proceeding applies to administrative charges on things like line extensions as well. These charges affect all kinds of customers, and it is important that the commission help us to ensure that all administrative charges are understandable and valid. If they are not, not only are they costing customers money, but they are preventing the transition to clean, affordable electricity.

Registered Apprenticeship Programs

A fair energy system would not be complete without fair standards for the workers who make it all possible. This legislation aligns Maine's standards for registered apprenticeship programs on renewable projects with federal law. In doing so, not only is it better for workers, but it also will make sure that our state's workforce has the training they need to build a safe and reliable grid.

Establish Environmental Justice Definitions

Finally, this legislation supports the commission in regulating the system to be more fair for all by establishing environmental justice definitions. This comes directly out of recommendations made by the Governor's Office of Policy Innovation and the Future after being directed by the legislature in Public Law 2021, Chapter 279, An Act To Require Consideration of Climate Impacts by the Public Utilities Commission and To Incorporate Equity Considerations in Decision Making by State Agencies.⁹ These definitions will particularly support low-income customers in Maine in ensuring that their needs are taken into account at the commission.

I have been so grateful to work with this committee throughout the year, and I have been impressed by the focus and consideration you bring to each and every bill. The Energy Fairness Act would help people who need it right now and is supported by a broad group. I urge you to vote "ought to pass" on LD 1949.

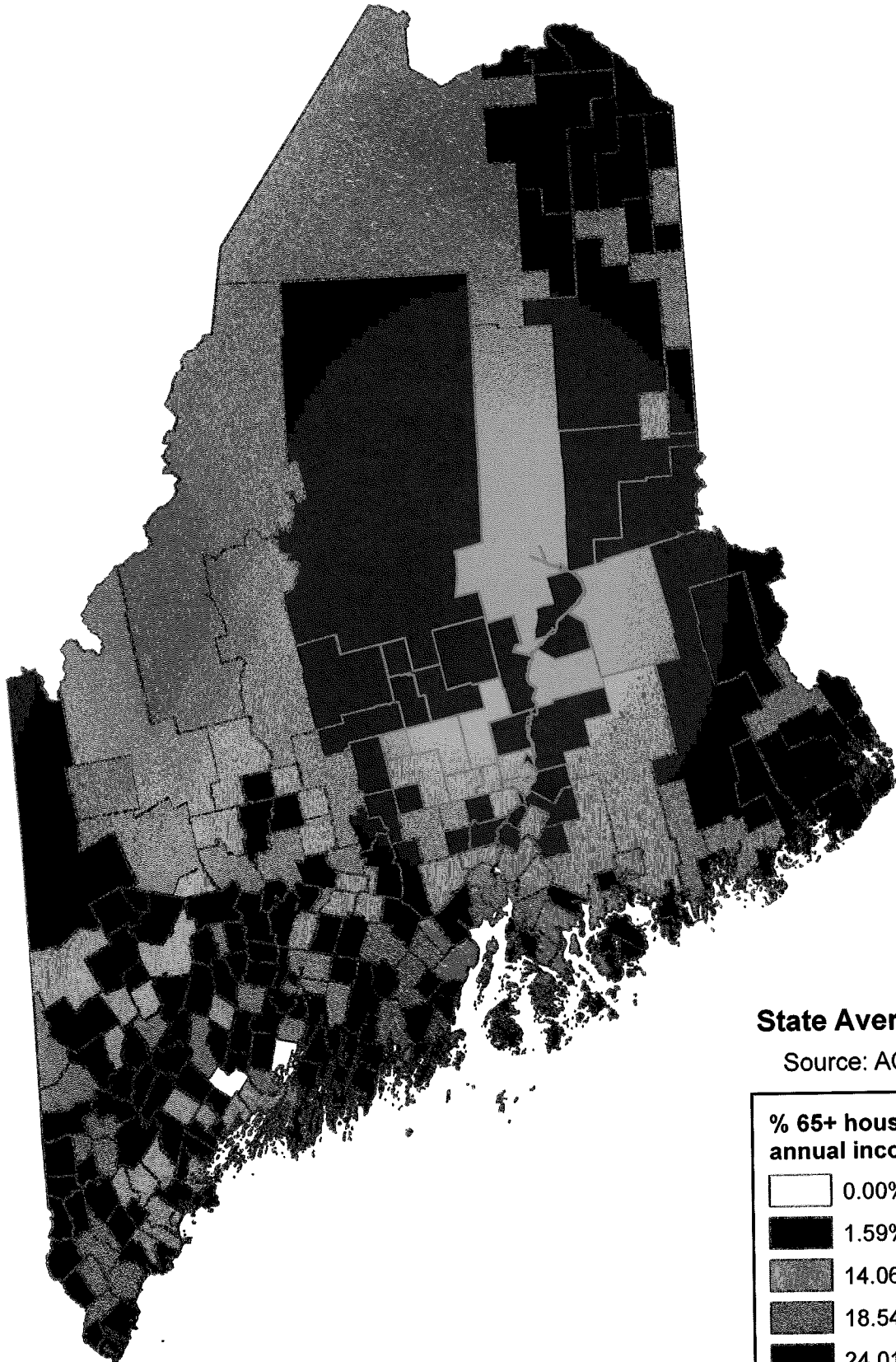
Sincerely,
Lucy Hochschartner

⁸ Energy Justice Lab. (May 2024). Utility Disconnections Dashboard: Technical Documentation. https://utilitydisconnections.org/doc/utility-disconnections-dashboard-technical-documentation_20230529.pdf

⁹ Governor's Office of Policy Innovation and the Future. (Feb 2022). Report on Equity Considerations in Decision Making. [https://www.maine.gov/dep/publications/documents/GOPIF%20Report%20Pursuant%20to%20Public%20Law%202021%20Chapter%20279%20\(LD%201682\)_2-25-2022.pdf](https://www.maine.gov/dep/publications/documents/GOPIF%20Report%20Pursuant%20to%20Public%20Law%202021%20Chapter%20279%20(LD%201682)_2-25-2022.pdf)

Map 44

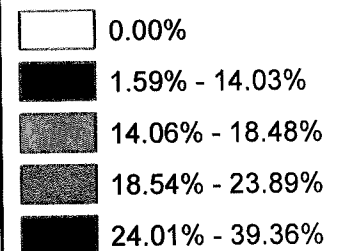
**Percentage of Households with a Householder Age 65+ Years
with Annual Income less than \$20,000**



State Average: 17.06%

Source: ACS, 2018-2022

**% 65+ households with
annual income <\$20,000**



MAY 2025

**WE SUPPORT THE ENERGY
FAIRNESS ACT.**

THE UNDERSIGNED 625 MAINERS SUPPORT
THE ENERGY FAIRNESS ACT.

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Nancy Davis, Owls Head
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Nancy L Gilbert, Durham
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Susan Neal, Portland
Susan Parks, Augusta
Susan Bosco, Portland
Susan Randall, Belgrade

Susan Lowery, Harpswell
Susan Dixon, Belfast
Susan G Wind, Rockland
Susan R Mayne, Bernard
Susanna Place, Georgetown
Susanne Lee, North Yarmouth
Susanne Raynor, Topsham
Suzanne McGinn, Cape Elizabeth
Suzanne Hoppe, Springvale
Suzanne Crilley, Scarborough
Sydney Cromwell, Winslow
Tanya Lipari, Ellsworth
Taylor Trush, Portland
Tegan Rand, West Bath
Tessa McNamara, Westport Island
Theresa LaPlante, Cumberland Center
Thomas Huntington, Newcastle
Thomas Rothrock, Bethel
Thomas Atwater, Wells
Tina Streker, Nobleboro
Tom Mikulka, Cape Elizabeth
Tom G White, Brunswick
Toni Seger, Lovell
Rebecca Sawyer, Portland
Rebecca Clark, Whitneyville
Rebecca R Lambert, Portland
Rhonda L Millett, Gorham
Ric Pomilia, Brooklin
Richard Legere, Portland
Richard Page, Farmingdale
Richard Esten, Hebron
Richard Gregor, Brooksville
Richard Osann, Bar Harbor
Richard Flanagan, Fairfield
Richy Ainsworth, Sweden
Rick Winter, Brunswick
Rick Peterson, Portland

Rita M. Breton, Scarborough
Robert Stoddard, Portland
Robert Lawrence, Rockport
Robert Summers, Portland
Robert Foster, South Portland
Robert Henry Dodge, Falmouth
Robert N Center, Scarborough
Robert O Stuart, Richmond
Roberta Boczkiewicz, Castine
Roberta B Beavers, South Berwick
Roberta J. Hill, Turner
Robin Steinwand, Saint Albans
Roger Leisner, Augusta
Rol Fessenden, Brunswick
Ronald Himmer, Brunswick
Ronald Scorsone, Falmouth
Ronald Barry, Lewiston
Ronald Davis, Orono
Rosalind Revilock-Frost, York
Tracy Townsend, Portland
Trevor Legere, Portland
Trish And Jeremi Stevens, Troy
Tristan Taber, Hallowell
Tyana Moore-Eldridge, Portland
Valerie Reynolds, South Portland
Valerie Gikas, Portland
Valerie S Razsa, Gray
Vanessa Berrill, Portland
Vernon Owen Grumbling, Wells
Vesa Wuoristo, Bangor
Victor Langelo, Topsham
Virginia May, Biddeford
Wanda Stahl, Wells
Wayne Whitney, Brunswick
Wayne Cobb, Portland
William Weber, Portland
William E Hall, Peaks Island
William G. Fitzsimmons, Topsham