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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 123, L.D. 170, “An Act Pertaining to Transmission Lines Not Needed for Reliability or Local Generation”

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

Sec. 1. 35-A MRSA §3131, sub-§4-E is enacted to read:

4-E. Nonessential transmission line. "Nonessential transmission line" means a transmission line that is:

- A. Not constructed primarily to provide electric reliability within the State or primarily to meet the renewable energy goals of the State, as determined by the commission; and
- B. Not constructed primarily to provide electricity to retail customers within the State.

A generator interconnection transmission facility as defined in section 3132, subsection 1-B is not a nonessential transmission line.

Sec. 2. 35-A MRSA §3132, sub-§6-F is enacted to read:

6-F. Nonessential transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity made by a transmission and distribution utility for a nonessential transmission line in accordance with this subsection.

A. For purposes of this subsection, the following terms have the following meanings.

- (1) "Frontline communities" means the people and communities that experience the consequences of climate change first and to a greater degree than other people and communities.
- (2) "Impacted community" means a municipality or unorganized or deorganized territory in which a nonessential transmission line or related facilities, including but not limited to roads, infrastructure and necessary appurtenances, is proposed to be located.

COMMITTEE AMENDMENT

1 (3) "Municipal officers" has the same meaning as in Title 30-A, section 2001,
2 subsection 10, except that, in the case of an unorganized or deorganized territory,
3 "municipal officers" means the county commissioners.

4 B. The commission may issue a certificate of public convenience and necessity for a
5 nonessential transmission line only if the petitioner has demonstrated that the
6 petitioner:

7 (1) Entered into negotiations with stakeholders including, but not limited to, the
8 Office of the Public Advocate under paragraph C to determine an appropriate
9 combination of benefits and protections for utility ratepayers or for residents of
10 impacted communities;

11 (2) Made reasonable attempts to contact municipal officers of each of the impacted
12 communities and to hold public informational meetings in each impacted
13 community in order to provide information about the petitioner's intent to construct
14 the line, detailed plans for the siting and design of the line and methods to provide
15 public comment to the Office of the Public Advocate in advance of entering into
16 negotiations under paragraph C; and

17 (3) If the petitioner does not have the ability to finance the nonessential
18 transmission line through the use of revenue bonds, made a reasonable attempt to
19 negotiate ownership of the line by an entity that is authorized by charter or other
20 law to own transmission facilities and that has the ability to finance the line through
21 the use of revenue bonds in order to reduce financing costs and to maximize long-
22 term economic benefits to ratepayers of the State.

23 C. The Office of the Public Advocate, when negotiating with the petitioner under
24 paragraph B, shall:

25 (1) Solicit public comment from stakeholders for a period of at least 30 days;

26 (2) Seek to negotiate substantial benefits for ratepayers, including, but not limited
27 to, low-income ratepayers, frontline communities, businesses and industrial
28 customers; and

29 (3) Seek to ensure the construction and operation of the nonessential transmission
30 line meet standards for environmental protection that exceed the minimum
31 applicable requirements of Title 38.

32 The commission shall adopt rules necessary to implement this subsection. Rules adopted
33 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
34 subchapter 2-A.

35 **Sec. 3. 35-A MRSA §3136, sub-§4**, as amended by PL 2007, c. 148, §14, is further
36 amended to read:

37 **4. Commission approval required; certificate of public convenience and**
38 **necessity; environmental factors.** A location to be taken by eminent domain for such
39 transmission or distribution lines must be approved by the commission before a
40 transmission and distribution utility can exercise the right of eminent domain granted in
41 subsection 1 or subsection 3. The commission may not approve a taking by eminent domain
42 for a nonessential transmission line without first consulting the municipal officers in the
43 locations in which the right of eminent domain is proposed to be exercised for assistance

1 in its determination of public need. The commission may not approve a location to be taken
2 by eminent domain for the construction, rebuilding or relocation of a transmission line that
3 requires a certificate of public convenience and necessity under section 3132, unless the
4 commission has issued a certificate of public convenience and necessity for that
5 transmission line. Environmental factors to be considered for proper location of a
6 transmission line are not subject to review by the commission under this section when the
7 location of the transmission line has received site location of development approval under
8 Title 38, section 484. For the purposes of this subsection, "municipal officers" has the same
9 meaning as in Title 30-A, section 2001, subsection 10, except that, if the location is in the
10 unorganized or deorganized territory, "municipal officers" means the county
11 commissioners.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 SUMMARY

15 This amendment establishes requirements for the approval of construction of
16 nonessential transmission lines when the party seeking approval from the Public Utilities
17 Commission is a transmission and distribution utility. The amendment defines a
18 "nonessential transmission line" and requires the party petitioning for approval to
19 demonstrate that it has entered into negotiations with stakeholders, made reasonable
20 attempts to contact municipal officers in each of the impacted communities, provided
21 information about the proposed construction to impacted communities and, if the petitioner
22 does not have the ability to finance the nonessential transmission line through the use of
23 revenue bonds, made a reasonable attempt to negotiate ownership of the line by an entity
24 that does have the ability to finance the line through the use of revenue bonds. The
25 amendment also requires the commission to consult with municipal officers before
26 approving a taking by eminent domain for a nonessential transmission line.

27 FISCAL NOTE REQUIRED

28 (See attached)