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H.P. 783

House of Representatives, March 5, 2019

An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.
Cosponsored by Senator FOLEY of York and
Representatives: BRENNAN of Portland, HUTCHINS of Penobscot, STANLEY of Medway,
Senators: DILL of Penobscot, WOODSOME of York.

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

2 **Sec. 1. 35-A MRSA §102, sub-§20-B**, as enacted by PL 1999, c. 398, Pt. A, §9
3 and affected by §§104 and 105, is amended to read:

4 **20-B. Transmission and distribution utility.** "Transmission and distribution
5 utility" means a person, its lessees, trustees or receivers or trustees appointed by a court,
6 owning, controlling, operating or managing a transmission and distribution plant for
7 compensation within the State, except where the electricity is distributed by the entity that
8 generates the electricity through private property alone solely for that entity's own use or
9 the use of the entity's tenants or the use of a consumer located adjacent to the entity and
10 not otherwise offered for sale to others. For purposes of this subsection, "adjacent" has
11 the same meaning as defined by the commission by rule pursuant to section 2102,
12 subsection 5.

13 **Sec. 2. 35-A MRSA §2102, sub-§5** is enacted to read:

14 **5. Exemption for certain private electric facilities.** The provisions of this section
15 do not apply to the construction of a transmission line, together with all associated
16 equipment and facilities, that is constructed, owned and operated by a generator of
17 electricity solely for the purpose of electrically and physically interconnecting that
18 generator to a consumer of the electricity who is located adjacent, as defined by the
19 commission by rule, to the generator. Rules adopted pursuant to this subsection are
20 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

21 **Sec. 3. 35-A MRSA §3132, sub-§1-B**, as enacted by PL 2007, c. 148, §2, is
22 amended to read:

23 **1-B. Exception; generator interconnection transmission facility.** The
24 construction of a generator interconnection transmission facility is not subject to the
25 requirements of this section. For the purposes of this subsection, "generator
26 interconnection transmission facility" means a transmission line, together with all
27 associated equipment and facilities, that is constructed, owned and operated by a
28 generator of electricity solely for the purpose of electrically and physically
29 interconnecting such generator either to the transmission system of a transmission and
30 distribution utility or to a consumer of the electricity located adjacent to the generator.
31 For purposes of this subsection, "adjacent" has the same meaning as defined by the
32 commission by rule pursuant to section 2102, subsection 5.

33 SUMMARY

34 This bill allows an electricity generator to build an interconnection from the
35 generator's facility to a consumer of the electricity located adjacent to the generator
36 without becoming subject to regulation by the Public Utilities Commission as a
37 transmission and distribution utility. The Public Utilities Commission is directed to
38 adopt rules to determine when a consumer is located adjacent to a generator.