

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Enhance Maine's Energy Independence and Security**

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

**Sec. 1. 35-A MRSA §3210, sub-§3,** as amended by PL 1999, c. 398, Pt. I, §3, is further amended to read:

**3. Portfolio requirements.** As a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. If a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% eligible resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement. Rules adopted under this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter H-A2-A.

A. Effective January 1, 2008, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than 1% of its portfolio of supply sources for retail electricity sales in this State is accounted for by new capacity resources as defined under section 3210-C, subsection 1, paragraph C. Resources described under this paragraph are qualifying resources for this paragraph only.

B. Each January 1st after January 1, 2008, a competitive electricity supplier must demonstrate that its portfolio includes an additional 1% per annum from qualifying new capacity resources, starting with 2% on January 1, 2009 and ending with 10% on January 1, 2017.

C. If by March 31, 2010 the commission determines that the provisions of paragraphs A and B have not been successful in the years 2008 and 2009 in stimulating investment in new capacity resources and that the resulting alternative use of renewable energy credits has burdened ratepayers without providing the benefits of new capacity resources, the commission may suspend all or part of the percentage provisions of paragraphs A and B and report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with recommendations for alternative actions to stimulate investment in new renewable capacity.

D. Similarly, in every 2nd year beginning in 2012, if the commission determines by March 31st of that year that investment in new capacity resources is not sufficient to meet the provisions of paragraphs A and B, the commission may suspend part or all of the percentage provisions of paragraphs A and B and make recommendations for further action to the Legislature.

**Sec. 2. 35-A MRSA §3210, sub-§8,** as enacted by PL 2005, c. 646, §2, is further amended to read:

**8. Credit trading.** The commission shall allow competitive electricity providers to satisfy the portfolio requirements of subsection 3 through the use of renewable energy credits ~~if the commission determines that a reliable system of electrical attribute trading exists.~~

### SUMMARY

This bill amends the section of law that established targets for the State to increase its proportions of electricity supplied by new renewable generating capacity. It specifies that each competitive electricity provider must demonstrate that no less than 1% of the portfolio of supply sources for retail electricity sales is accounted for by new capacity resources with an established goal of 10% in 2017. It provides a preventive mechanism that would permit the Public Utilities Commission to suspend all or part of the plan if new investment is not being stimulated.