

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 Promote Electricity Transmission Independence**

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

**Sec. 1. 35-A MRS §3204-A** is enacted to read:

### **§ 3204-A. Divestiture of transmission**

**1. Authority.** The commission may, after an adjudicatory hearing conducted pursuant to section 1305, order a transmission and distribution utility to divest or otherwise transfer control or operation of some or all of its transmission or transmission-related assets if the commission finds that the utility constructed a transmission line without approval pursuant to subsection 3 or the divestiture:

- A. Will lower the costs of electricity to consumers in the State;
- B. Will not have a negative impact on the operation of the transmission system; and
- C. Is in the public interest.

**2. Independent transmission company.** If the commission orders a transmission and distribution utility to divest or otherwise transfer control or operation of some or all of its transmission or transmission-related assets pursuant to subsection 1, the commission may order the transmission or transmission-related assets to be sold or transferred to an independent transmission company approved by the Federal Energy Regulatory Commission or a successor agency.

**3. Construction of transmission line without approval** The commission may investigate pursuant to section 1303 if a transmission and distribution utility began construction of a transmission line under federal authority after the commission declined to issue a certificate of public convenience and necessity for the transmission line pursuant to section 3132.

**4. Approval.** The terms of a divestiture or transfer of transmission or transmission-related assets ordered to be divested or transferred pursuant to subsection 1 must receive approval by order of the commission before the terms may be carried out.

**5. Compensation.** The commission shall ensure that a transmission and distribution utility receives fair compensation for the transfer or divestiture of that utility's transmission or transmission-related assets pursuant to this section.

**6. Timing.** A transmission and distribution utility must complete the divestiture or transfer of transmission or transmission-related assets within 12 months of an order to divest or transfer pursuant to subsection 1 unless the commission grants an extension. The commission may grant an extension of time

to comply with an order issued pursuant to subsection 1 if the commission finds that the transmission and distribution utility requesting the transfer has acted in good faith to complete the divestiture or transfer in a timely manner.

## **SUMMARY**

This bill allows the Public Utilities Commission to order the transfer or divestiture of a transmission and distribution utility's transmission or transmission-related assets if the commission finds it will lower costs of electricity to consumers in the State, will not have a negative impact on the operation of the transmission system and is in the public interest or if the commission finds that the utility constructed a transmission line without approval.