

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 Establish the Northern Maine Power Agency

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

Sec. 1. 10 MRSA c. 1005 is enacted to read:

CHAPTER 1005

northern maine power agency

§ 9251. Northern Maine Power Agency established

1. Establishment; purpose. The Northern Maine Power Agency, referred to in this chapter as "the agency," is established as a body corporate and politic and a public instrumentality of the State. The corporation is a special purpose corporation. The exercise by the agency of the powers conferred by this chapter is considered the performance of essential public functions. The purposes of the agency are to:

- A. Purchase and supply electric capacity and energy to serve the standard offer requirements of the transmission and distribution utilities participating in the northern Maine independent system administrator; and
- B. Construct, lease and operate transmission facilities projects as defined in section 963-A, subsection 49-H.

2. Approvals. This chapter may not be interpreted to exempt the construction, ownership, leasing or operation of a project or facility by the agency from an approval required by law or rule or to alter the service territories or rights of a transmission and distribution utility.

3. Boards. The powers of the agency are exercised by a board of directors, referred to in this chapter as "the board," that consists of 6 members, appointed by the boards of directors of the transmission and distribution utilities that are participating in the northern Maine independent system administrator:

- A. The chief executive officer of the agency, elected by the other members of the board. The vote of the chief executive officer is only an advisory vote and may not be counted if that vote causes a tie on the board;
- B. The chief executive officer or the chief executive officer's designee representing each of the 4 affected transmission and distribution utilities; and
- C. The Public Advocate or the Public Advocate's designee.

4. Standard offer. To ensure that a sufficient electric load is supplied, every customer of a transmission and distribution utility participating in the northern Maine independent system administrator is required to take standard offer service from the transmission and distribution utility to which the customer is connected.

A. A customer taking service other than standard offer service under contract on the effective date of this section may continue to purchase the contractual service for as long as the customer does so continuously from that supplier and is exempt from this section.

B. A customer having an average calendar year electric load calculated by monthly peaks of at least 15 megawatts is exempt from this section.

The agency may obtain standard offer power supply under the same conditions as prescribed in statute for consumer-owned utilities. Each transmission and distribution utility participating in the northern Maine independent system administrator shall obtain standard offer supply as otherwise provided under Title 35-A and may obtain the standard offer supply from the agency or another authorized entity.

5. Powers. The agency has all the powers necessary to carry out this chapter including, without limitation, those general powers provided to a nonprofit corporation by the Maine Nonprofit Corporation Act.

A. The agency is authorized to recover from customers its operating costs, subject to approval of the Public Utilities Commission, as an energy surcharge on power supply charges. The agency shall recover from customers on a uniform and nondiscriminatory basis the actual cost of power supply obtained pursuant to this chapter.

B. The agency shall recover all costs relating to transmission service as prescribed in the Federal Power Act, 16 United States Code, Section 791a.

SUMMARY

This bill establishes the Northern Maine Power Agency in order to obtain power supply for standard offer service to construct or lease and operate transmission facilities to the 4 utilities participating in the northern Maine independent system administrator.