

**§3207. Marketing; consumer-owned utilities**

**1. Consumer-owned utilities; limitations.** Consumer-owned transmission and distribution utilities:

A. May sell retail generation service only within their respective service territories, and are authorized to purchase electric power and energy at wholesale, provided that the consumer-owned transmission and distribution utility complies with the requirements of section 3203, subsection 3 and section 3210, subsection 3, and to purchase such transmission and related services as may be required to effect the delivery of such power and energy to their respective service territories; and [PL 2003, c. 141, §1 (AMD).]

B. May not sell wholesale generation service except incidental sales necessary to reduce the cost of providing retail service. [PL 1997, c. 316, §3 (NEW).]  
[PL 2003, c. 141, §1 (AMD).]

**1-A. Consumer-owned utilities in the northern Maine independent system administrator's area.** Notwithstanding subsection 1, a consumer-owned transmission and distribution utility with service territory within an area administered as of January 1, 2009 by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine:

A. May sell retail generation service only within its service territory and is authorized to purchase electric power and energy at wholesale, as long as the consumer-owned transmission and distribution utility complies with the requirements of section 3203, subsection 3 and section 3210, subsection 3, and to purchase such transmission and related services as may be required to effect the delivery of such power and energy to its service territory; and [PL 2009, c. 108, §1 (NEW).]

B. May sell wholesale generation service in excess of its retail generation service as part of providing retail service in accordance with paragraph A. [PL 2009, c. 108, §1 (NEW).]  
[PL 2009, c. 108, §1 (NEW).]

**2. Commission review of marketing within territory.** Notwithstanding any other provision of this chapter, the commission by rule shall limit or prohibit sale of generation services by competitive providers within the service territory of a consumer-owned transmission and distribution utility if the commission determines that allowing such sales would cause the consumer-owned transmission and distribution utility to lose its tax-exempt status under federal or state law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A [PL 1997, c. 316, §3 (NEW).]

**SECTION HISTORY**

PL 1997, c. 316, §3 (NEW). PL 2003, c. 141, §1 (AMD). PL 2009, c. 108, §1 (AMD).

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