

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-619

September 28, 1999

PUBLIC UTILITIES COMMISSION  
Renewable Resource Portfolio  
Requirement (Chapter 311)

SUPPLEMENTAL  
ORDER FINALLY  
ADOPTING RULE AND  
STATEMENT OF  
POLICY BASIS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Supplemental Order, we finally adopt a rule establishing the requirements and standards governing the implementation of Maine's eligible resource portfolio requirement.

On December 2, 1998, the Commission provisionally adopted a rule governing the implementation of a renewable resource portfolio requirement. Because the rule was denominated as a "major substantive" rule by 35-A M.R.S.A. § 3210(3), it required legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with those provisions, the Commission submitted the rule to the Legislature for approval.

On May 24, 1999, Resolves 1999, Chapter 47 became effective. This Chapter authorized the adoption of the rule without requiring any changes to the provisional rule. On June 29, 1999, the Commission issued an Order Finally Adopting Rule and Statement of Policy Basis that adopted the provisional rule without change.<sup>1</sup>

However, Public Law 1999, ch. 398, Sec. I-4 was also enacted which requires that the following changes be made to the language of the provisional rule:

1. Change the renewable resources portfolio requirement to an eligible resources portfolio requirement;
2. Change the definition of "renewable resource" to conform with the definition of that term provided in the Maine Revised Statutes, Title 35-A, section 3210, subsection 2, paragraph C;
3. Add a definition of "efficient resource" that conforms with the definition of that term provided in Title 35-A, section 3210, subsection 2, paragraph A; and
4. Insert a provision that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply

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<sup>1</sup> Section 8072(8) of Title 5 requires agencies to finally adopt major substantive rules within 60 days of the effective date of the legislation approving the rule.

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.

Chapter 398, however, did not take effect until September 18, 1999. Section I-4 specifically states that the Commission is not required to hold hearings or conduct other formal proceedings to modify its major substantive rule in accordance with this section and such modifications do not require review or approval by the Legislature. Accordingly, we issue this supplemental order finally adopting rule with the changes required by Chapter 398.

Accordingly, we

### O R D E R

1. That the attached Chapter 311, Renewable Resource Portfolio Requirements is hereby finally adopted; and
2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State; and
3. That the Administrative Director shall send copies of this Order and attached rule to:
  - A. All electric utilities in the State;
  - B. All persons who have filed with the Commission within the past year a written request for notices of rulemakings;
  - D. All persons who have filed comments in Docket No. 98-619; and
  - E. The Executive Director of the Legislative Council (20 copies).
4. That the Administrative Director shall notify all persons on the Commission's list of persons who wish to receive notice of all electric restructuring proceedings that the rule was adopted and is available upon request.

