

Chapter 326 GREEN POWER OFFER

SUMMARY: This Chapter establishes requirements, standards and procedures and a competitive bidding process to implement the green power offer program for residential and small commercial electricity customers.

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§1 PURPOSE

The purpose of this Chapter is to implement a green power offer program for residential and small commercial electricity customers.

§2 DEFINITIONS

- A. **Consumer-Owned Transmission and Distribution Utility.** “Consumer-owned transmission and distribution utility” has the same meaning as specified in Title 35-A, section 3201(6).
- B. **GIS.** “GIS” means the NEPOOL Generation Information System or successor system.
- C. **GIS Certificates.** “GIS certificates” mean certificates created pursuant to the NEPOOL Generation Information System that represent attributes of electric power and that may be traded separately from the energy commodity.
- D. **Green Power Offer.** “Green power offer” means renewable energy credits associated with electricity generated from renewable capacity resources as defined in Title 35-A, section 3210-C, subsection 2, paragraph B-2.
- E. **Green Power Offer Provider.** “Green power offer provider” means a person or entity that provides the green power offer or premium green power offer to customers pursuant to this Chapter.
- F. **Investor-Owned Transmission and Distribution Utility.** “Investor-owned transmission and distribution utility means either a large investor-owned transmission and distribution as specified in Title 35-A, section 3201(12) or a small investor-owned transmission and distribution as specified in Title 35-A, section 3201(16).
- G. **NMISA.** “NMISA” means the Northern Maine Independent System Administrator or successor organization.
- H. **Non-Region Renewable Energy Credits.** “Non-Region Renewable Energy Credits” mean a tradable instrument that represents an amount of generated electricity in any region, other than New England, that has a tracking system comparable to the GIS.
- I. **Premium Green Power Offer.** “Premium green power offer” means a Commission-determined subset of a green power offer. The subset could be based on resource type, year of commercial operation, size or location of the generation resource.
- J. **Renewable Energy Credit.** “Renewable energy credit” means a tradable instrument that represents an amount of generated electricity. For purposes of this Chapter, a renewable energy credit means either a GIS certificate, or a tradable instrument that represents the attributes of electric power generated in the region of the State administered by the NMISA that is authorized by the Commission through order.
- K. **Residential Customer.** “Residential customer” means a customer taking service as a residential customer under the terms and conditions of the applicable transmission and distribution utility.

- L. **Small Commercial Customer.** "Small commercial customer" means a non-residential customer taking service from an investor-owned transmission and distribution utility under terms and conditions that do not include a demand charge or a non-residential customer that is taking service from a consumer-owned transmission and distribution utility with a demand of 20 kilowatts or less.

§3 GREEN POWER OFFER

- A. **Supply Arrangement.** The Commission shall arrange for a green power offer to be available to residential and small commercial customers in the service territory of investor-owned transmission and distribution utilities. The green power offer shall be renewable energy credits that correspond to either all or a portion of the customer's monthly usage. The Commission may arrange for a single green power offer that will be available throughout the State. In the event that the Commission determines that a green power offer comprised of renewable energy credits cannot be made available upon acceptable terms, it may arrange for a green offer comprised completely or partially of non-region renewable energy credits.
- B. **Periodic Solicitations.** The Commission shall periodically conduct a competitive solicitation process to choose a green power offer provider through the issuance of a request for proposals. The Commission is not required to arrange for a green power offer in the event it receives no bids or determines the bids are inadequate or unacceptable.
- C. **Request for Proposals.** The request for proposals shall contain all the standards, procedures and requirements for the bid solicitation process and the evaluation and selection criteria. The Commission delegates to the Director of the Electricity and Gas Utility Industries the authority to develop and approve the requests for proposals and related contracts. The request for proposals shall, at a minimum, either specify or require a bidder proposal on the following items:
1. the term for which the green power offer supplier shall provide the green power offer;
 2. restrictions, if any, for customers to switch onto or off of the green power offer;
 3. customer prices for the green power offer and options for election of the green power offer for less than 100% of customer usage;
 4. mechanisms for customers to sign up or enroll to obtain the green power offer, including provisions for transmission and distribution utilities to provide customer account numbers;
 5. consequences of customer non-payment;
 6. termination of service;
 7. a plan for marketing or advertising the green power offer;

8. a brand or logo for the green power offer or a proposal for the development of a brand or logo; and
 9. a proposed contract between the green power offer supplier and the transmission and distribution utility to govern billing, collecting and other administrative aspects of the green power offer program.
- D. **Evaluation of Proposals; Bidder Negotiations.** The Commission shall evaluate submitted proposals to determine compliance with the standards, procedures and requirements contained in the request for proposals. Following review of proposals, the Commission may engage in negotiations or discussions with bidders or a subset of bidders to clarify, refine or improve the proposals. At the direction of the Commission, the applicable transmission and distribution utility shall participate in bid evaluations or negotiations. The Commission may accept one or more of the proposals or none of the proposals based on its assessment of whether proposals meet the requirements of the request for proposals and this Chapter. In evaluating proposals, the Commission shall consider bidder experience and success in providing a green power offer or a similar product in other states, and the extent to which a proposal will incorporate renewable energy credits associated with community-based renewable energy projects as defined in Title 35-A, section 3602, subsection 1 and whether the green offer supplier is an entity based in the State.
- E. **Selection Criteria.** The Commission will select proposals that satisfy the requirements of the request for proposals issued pursuant to subsection C and that will provide the maximum value to green power offer customers taking into account both the cost of the green power offer to customers and non-cost aspects including, but not limited to, customer sign-up ease and flexibility and the potential to maximize customer participation in the program.
- F. **Brand; Logo.** The Commission may create or cause to be created a brand or logo to identify the green power offer to customers. The Commission may develop the brand or logo in consultation with the green power provider. The Commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both.
- G. **Promotion.** The Commission may use up to \$100,000 per year from the conservation program fund established under Title 35-A, section 3211-A, subsection 5 or successor provision to promote the green power offer or to otherwise support the purposes of this Chapter.
- H. **Non-Payment.** A customer that does not pay for the green power offer will be terminated from the green power option. Charges for the green power offer shall not be included in any disconnection notice or in any calculation of payment arrangements. Disconnection of customers for non-payment of charges other than charges for the green power option will continue to be conducted in accordance with the provisions of Chapter 815 of the Commission's rules.
- I. **Utility Renewable Energy Credits.** The Commission may require the green power offer provider to purchase or otherwise acquire renewable energy credits that are owned or controlled by a transmission and distribution utility if it determines that such action will provide value to ratepayers.

- J. **Consumer-Owned Transmission and Distribution Territories.** A green power offer option may be available to customers in the service territories of consumer-owned transmission and distribution utilities as follows:
1. in the event that the Commission arranges for standard offer service in the service territory of a consumer-owned transmission and distribution utility and the consumer-owned transmission and distribution utility elects to have the Commission arrange a green power offer for its customers;
 2. the consumer-owned transmission and distribution utility chooses to establish a green power offer through a competitive bidding process conducted in accordance with this Chapter; or
 3. upon the request of the consumer-owned transmission and distribution utility, the Commission shall include the consumer-owned transmission and distribution utility territory as part of the request for proposals issued pursuant section 3(C) of this Chapter if the consumer-owned transmission and distribution utility agrees to comply with the transmission and distribution utility obligations contained in section 4 of this Chapter.

The consumer-owned transmission and distribution utility shall notify the Commission that it requests that the Commission arrange for a green power offer pursuant to paragraph 1 or 3 a minimum of 30 days prior to the issuance of a request for proposals. The consumer-owned transmission and distribution utility that chooses to arrange for green power offer pursuant to paragraph 2 shall notify the Commission a minimum of 30 days prior to the issuance of a request for proposals.

- K. **Premium Green Power Offer.** In addition to the green power offer, the Commission may include in the solicitation the requirement that the green power offer supplier also arrange for a premium green power offer as an alternative for customers. The Commission will specify the nature of and terms and conditions for the premium green power option for which it is soliciting a proposal. The arrangement for a premium green power offer shall be in accordance with the provisions of this section.
- L. **Ocean Wind Green Power Offer.** The Commission will develop and market an ocean wind green power offer, in accordance with provisions governing green power offers under Title 35-A, section 3212-A and this Chapter, that is composed of renewable energy credits associated with electricity generated from deep-water offshore wind energy pilot projects to coincide with the start-up date of any deep-water offshore wind energy pilot project that secures a long-term contract pursuant to P.L. 2009, ch. 615, sec. A-6.
- M. **Customer Verification.** The green power offer provider shall obtain and retain for a minimum period of one year verification of customer sign-up or enrollment. The green power offer provider may comply with this provision through written verification signed by the customer, electronic records or third party verification as approved by the Commission.
- N. **Reports.** On July 1 of each year, the green power offer supplier shall provide an annual report to the Commission covering the previous calendar year. The annual report shall demonstrate that the green power offer supplier acquired and retired renewable energy

credits that correspond to the electricity usage of customers that have the green power offer, and that the renewable energy credits were not used for other purposes. The annual report shall contain other information specified by the Commission. The green power offer supplier shall provide information relevant to its activities at any time as requested by the Commission. At the direction of the Commission, the green power offer supplier shall provide information regarding the green power offer to customers.

§4 UTILITY OBLIGATIONS AND RESPONSIBILITIES

- A. **Billing, Collections, and Administration.** The transmission and distribution utility shall be responsible for billing, collections, and administration of the green power offer as follows:
1. the transmission and distribution utility shall be responsible for billing, collecting and remitting customer payments to the green power offer provider for green power offer provided to customers within its service territory.
 2. the transmission and distribution utility shall be responsible for administering the green power offer including, but not limited to, tracking the usage of green power offer customers and other necessary information and transmitting that information to the green power offer supplier.
 3. the transmission and distribution utility shall provide a separate line item on customer bills for green power offer.
 4. except as provided in section 3(H) of this Chapter, the transmission and distribution utility shall not be responsible for collections of amounts not paid by the customer for the green power offer.
 5. charges for the green power offer shall follow the transmission and distribution utility's existing payment allocation methodology as used for non-basic charges.
- B. **Customer Sign Up or Enrollment.** As directed by the Commission, each transmission and distribution utility shall provide a mechanism or mechanisms for customers to sign up or enroll to take the green power offer. Mechanisms under this provision may include a check-off option on the bill or on a response card, a green power offer website or by telephone. For the purpose of facilitating customer sign-up for the green power offer, the Commission may direct a transmission and distribution utility to provide customer account numbers to the green power offer provider for those customers that have signed up for the green power offer but have been unable to provide customer account numbers to the green power offer provider. Green power offer providers may only use customer account numbers for signing up or enrolling customers for the green power offer and will agree to comply with customer confidentiality provisions that are applicable to transmission and distribution utilities.
- C. **Customer Inquiries.** Customer inquiries regarding utility billing and collecting shall be the responsibility of the transmission and distribution utility.
- D. **Cost Responsibility.** The transmission and distribution utility shall be responsible for the cost of utility billing, collecting, remitting customer payments, customer sign-up or

enrollment and other utility services related to billing, collection and administration of the green power offer.

- E. **Bill Inserts; Promotional Material.** As directed by the Commission, each transmission and distribution utility shall include green power offer promotional materials as bill inserts in customer bills. Any incremental cost of the bill inserts will be paid for by the green power offer provider pursuant to Commission-approved rate schedules.
- F. **Contract.** The transmission and distribution utility shall enter into a Commission-approved contract with the green power offer provider to govern billing, collections and administration of the green power offer.
- G. **Premium Green Power Offer.** In the event the Commission arranges for a premium green power offer as an alternative for customers pursuant to section 3(K) of this Chapter, the transmission and distribution utility's obligations and responsibilities are the same as for green power offer under this section.
- H. **Cost Recovery.** All incremental and prudent costs incurred by the transmission and distribution utility to carry out activities required by this section are recoverable in rates.

§5 WAIVER OR EXEMPTION

Upon request of any person subject to the provisions of this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Electric and Gas Utility Industries, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

§6 REPEAL

This Chapter is repealed on December 31, 2015, unless the Legislature extends the authority for the Commission to arrange for a green power offer.

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 3212-A

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on October 22, 2010. It was filed with the Secretary of State on October 25, 2010 and became effective on October 30, 2010 (filing 2010-521).

