

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 322 - METERING, BILLING, COLLECTIONS, AND ENROLLMENT INTERACTIONS AMONG TRANSMISSION AND DISTRIBUTION UTILITIES AND COMPETITIVE ELECTRICITY PROVIDERS

SUMMARY - This Chapter establishes terms and standards governing metering, billing and collections by transmission and distribution utilities and by competitive electricity providers operating in Maine. The Chapter also establishes procedures governing customer enrollment for generation service, transfers among generation service providers, and termination of generation service.

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§ 1 DEFINITIONS

A. Aggregator. "Aggregator" means an entity that gathers individual customers together for the purpose of purchasing electricity, provided such entity is not engaged in the purchase or resale of electricity directly with a competitive electricity provider, and provided further that such customers contract for electricity directly with a competitive electricity provider.

B. Broker. "Broker" means an entity that acts as an agent or intermediary for a customer in the sale and purchase of electricity but that does not take title to electricity, provided such entity is not engaged in the purchase or resale of electricity directly with a competitive electricity provider, and provided further that such customers contract for electricity directly with a competitive electricity provider.

C. Bulk Power System Administrator. "Bulk power system administrator" means the Independent System Operator of the New England bulk power system (ISO-NE) or an equivalent functional organization that carries out financial settlement with competitive electricity providers operating in the portion of Maine that is not in ISO-NE's territory.

D. Competitive Electricity Provider. "Competitive electricity provider" means a marketer, broker, aggregator, or any other entity selling electricity to the public at retail in Maine.

E. Customer. "Customer" means any person who has applied for, been accepted for or is receiving generation service from a competitive electricity provider for retail use. This term includes an applicant for generation services when the context addresses the process of application for generation service in this Chapter.

F. Customer-Specific Information. "Customer-specific information" is information that describes the usage, technical configuration or type of utility service subscribed to by a particular customer of a transmission and distribution utility and is available to the utility solely by virtue of the utility-customer relationship.

G. Consumer-owned Utility. "Consumer-owned utility" means any transmission and distribution utility wholly owned by its consumers, as described in 35-A M.R.S.A. § 3201(6).

H. Current Charge. "Current charge" means an amount that a transmission and distribution utility or a competitive electricity provider has billed to a customer and whose due date has not yet passed.

I. Due Date. "Due date" means the last day a transmission and distribution or a competitive electricity provider bill must be paid to avoid payment of late fees or the initiation of collection action for a past due amount.

J. EBT Standards. "EBT Standards" means the standards, established by the Electronic Business Transactions Standards working group and adopted by rule, that govern the procedures, electronic protocols, and data formats for transferring data electronically among transmission and distribution utilities and competitive electricity providers.

K. Enroll. "Enroll" means the assignment of a customer to a competitive electricity provider.

L. Generation Service. "Generation service" means the provision of electric power to a retail consumer through a transmission and distribution utility but does not encompass any activity related to the transmission or distribution of that power.

M. Investor-Owned Utility. "Investor-owned utility" means a large investor-owned transmission and distribution utility or a small investor-owned transmission and distribution utility, as described in 35-M.R.S.A. § 3201(12) and 35-M.R.S.A. § 3201(16).

N. Marketer. "Marketer" means an entity that as an intermediary purchases and takes title to electricity for sale to retail customers.

O. Notification to Cancel. "Notification to cancel" means notification from a competitive electricity provider to a transmission and distribution utility that the competitive electricity provider will no longer provide generation service to a customer.

P. Notification to Enroll. "Notification to enroll" means notification from a competitive electricity provider to a transmission and distribution utility that the competitive electricity provider has agreed to provide generation service to a customer.

Q. Past Due Charge. "Past due charge" means an amount that a transmission and distribution utility or a competitive electricity provider has billed to a customer that has not been paid in full by the due date of the bill.

R. Prior Competitive Electricity Provider. "Prior competitive electricity provider" means a competitive electricity provider that had provided generation service to a customer but no longer does so.

S. Standard Offer Provider. "Standard offer provider" means an entity selected pursuant to Chapter 301 or by a COU pursuant to 35-A M.R.S.A. § 3212 to provide all or a specified portion of electric generation service to consumers receiving standard offer service.

T. Standard Offer Service. "Standard offer service" means electric generation service provided to any electricity consumer who does not obtain electric generation service from a competitive electricity provider.

U. Transmission and Distribution Utility. “Transmission and distribution utility” means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the state.

§ 2 SCOPE

A. Applicability

Unless otherwise stated, provisions in this Chapter that are applicable to competitive electricity providers do not apply to aggregators, brokers, and standard offer providers.

B. Exceptions to the Rule by Contract

When specifically provided in this Chapter, a transmission and distribution utility and a competitive electricity provider may agree in a written contract to provisions different from those stated in this Chapter. The contract shall include all agreed to revisions to the provisions in this Chapter, including time frames for implementation. The contract shall not remove any consumer protections contained in the Commission's rules. The transmission and distribution utility may charge its reasonable costs of implementing the revised terms and shall state all such charges in the contract. Upon request by a competitive electricity provider for revised provisions, the transmission and distribution utility shall state the price and time frame for completion within 15 business days of the request.

§ 3 BILL ISSUANCE FOR GENERATION SERVICE AND FOR TRANSMISSION AND DISTRIBUTION SERVICE

A. Transmission and Distribution Service Billing

The transmission and distribution utility shall be responsible for calculating and issuing bills to customers for transmission and distribution services.

B. Generation Service Billing

Competitive electricity providers shall have two options for calculating and issuing generation service bills to their customers.

1. Consolidated Utility Billing

The transmission and distribution utility shall calculate and issue bills for generation service upon request of a competitive electricity provider. The transmission and distribution utility shall calculate and issue bills for generation service for all customers receiving standard offer service.

2. Provider Billing

Competitive electricity providers may calculate and issue bills for generation service for their own customers.

C. Bill Content for Generation Services

Chapter 301 and Chapter 305 of the Commission's rules govern the content of bills for standard offer service. Chapter 305 governs the content of competitive electricity provider bills and consolidated utility bills.

D. Bill Format under Consolidated Utility Billing

1. For each competitive electricity provider for which a transmission and distribution utility provides consolidated utility billing, the format of the utility-provided standard bill shall be identical, except for provider logo, price level and structure, and message area. The bill for generation service shall appear on a separate page or be otherwise clearly separated from the bill for transmission and distribution service.

2. A transmission and distribution utility may provide a nonstandard bill format at the request of a competitive electricity provider in conformance with Section 2(B).

3. The bill for generation service and for transmission and distribution service shall cover the same time period.

4. This subsection applies to standard offer providers.

E. Prior Competitive Electricity Provider Past Due Charges under Consolidated Utility Billing

Past due charges owed by a customer to a prior competitive electricity provider shall be collected by the transmission and distribution utility for one bill following issuance of the final bill for generation service. At the end of this collection period, the transmission and distribution utility shall inform a competitive electricity provider of a customer's past due charges and shall no longer be responsible for collection. This provision does not apply to past due charges associated with standard offer service.

F. Charge for Consolidated Utility Billing

A transmission and distribution utility shall charge a competitive electricity provider the utility's incremental cost of providing basic bill issuance, bill calculation, and collections pursuant to Sections (3), (4) and (6). On or before June 1, 1999, the utility shall file a proposed term and condition containing the terms and the amount of this charge. This provision applies to standard offer providers.

G. Agency Billing

At the request of a customer, the transmission and distribution utility shall send a customer's bill to the customer's competitive electricity provider using the method that would be used to send the bill to the customer. This provision does not apply to residential customers or to customers with demands below 100 kW as defined in Section 4(A)(1) of Chapter 305 of the Commission's Rules. The competitive electricity provider shall provide to the customer all of the information provided on or enclosed with the transmission and distribution utility bill, if Commission rules require that such information be provided to customers. Except as provided in this subsection or other provisions in the Commission's rules, no entity may act as a customer's agent for purposes of receiving transmission and distribution utility bills, unless the transmission and distribution utility consents.

§ 4 BILL CALCULATION FOR GENERATION SERVICE AND FOR TRANSMISSION AND DISTRIBUTION SERVICE

A. Standard Rate Structure under Consolidated Utility Billing

The standard rate structure for generation service shall be identical to or less complex than the rate structure for transmission and distribution service. A less complex structure is defined as a structure in which multiple transmission and distribution rate elements are combined into one rate element.

B. Rate Testing under Consolidated Utility Billing

The transmission and distribution utility shall test and approve a competitive electricity provider's standard rate structure within 20 business days of the time the competitive electricity provider requests the structure and shall implement the rate change in accordance with section 4(C). A transmission and distribution utility may provide a nonstandard rate structure at the request of a competitive electricity provider, in conformance with section 2(B).

C. Implementing Rate Changes under Consolidated Utility Billing

The transmission and distribution utility shall implement a tested and approved change to a customer's rate level or rate structure on the customer's next normally scheduled meter read date if that customer's competitive electricity provider

notifies the transmission and distribution utility of the change to the rate level or rate structure no less than 5 business days before the customer's next normally scheduled meter read date. Otherwise, the transmission and distribution utility shall implement the tested and approved change on the following normally scheduled meter read date for that customer.

D. Bill Adjustments

1. Transmission and Distribution Service

The procedures for adjusting prior usage and charges for transmission and distribution service and standard offer service shall be governed by the provisions of Chapter 81 of the Commission's rules.

2. Generation Service Bill under Consolidated Utility Billing

The transmission and distribution utility shall adjust the usage of all prior generation service and the charges contained in all prior bills it issued for generation service, under provisions identical to those governing adjustments to transmission and distribution service usage and charges.

3. Bulk Power System Administrator Settlement Data

Adjustments to data sent to the bulk power system administrator shall be made by the transmission and distribution utility in conformance with terms determined by the administrator, as they may change from time to time.

E. Non-generation Service Billing

The transmission and distribution utility may provide billing for non-generation services or products at the request of a competitive electricity provider, in conformance with Section 2(B).

§ 5 METERING FOR GENERATION SERVICE AND FOR TRANSMISSION AND DISTRIBUTION SERVICE

A. Meter Equipment

1. Standard Meter Installation

The transmission and distribution utility shall determine the standard meter to be installed for billing purposes at each customer's location and shall be solely responsible for its installation.

2. Nonstandard Meter Installation

a. The transmission and distribution utility shall install a nonstandard meter at the request of a competitive electricity provider. The transmission and distribution utility shall comply with requests for nonstandard meters and shall charge its reasonable incremental costs of owning, maintaining, and installing the nonstandard meter to the competitive electricity provider.

b. The transmission and distribution utility shall accommodate requests for nonstandard meters as quickly as practicable. The transmission and distribution utility shall prioritize installation requests by considering the order of requests, the complexity of implementation, and equity among customer groups.

c. A competitive electricity provider may install metering equipment at its customer's location in addition to the meter installed for billing purposes. Additional metering equipment shall be prohibited at the generation side of the customer's billing meter. The additional metering equipment shall not interfere with or in any way affect the operation of the meter installed for transmission and distribution billing purposes.

B. Meter Standards

Transmission and distribution utilities and competitive electricity providers shall comply with all national, state and company standards when owning, installing and maintaining meters.

C. Meter Reading

1. Meter Reading by Transmission and Distribution Utilities

The transmission and distribution utility shall read each customer's meter for the purpose of calculating transmission and distribution service bills, generation service bills, including standard offer service bills, and load estimations required by bulk power system administrators. The transmission and distribution utility shall provide to a competitive electricity provider the customer's usage since the last meter reading within 5 business days of the most recent meter reading.

2. Meter Reading by Competitive Electricity Providers

A competitive electricity provider may read its customer's meter, but, for the purpose of provider billing, it shall calculate and issue bills for generation service using the customer's usage provided by the transmission and distribution service in accordance with Section 5(C)(1).

3. Estimated Meter Reads

When a customer enrolls for generation service, including standard offer service, the transmission and distribution utility shall determine the customer's usage by performing a read of the meter unless physical circumstances make it impractical to do so. In all other instances, the transmission and distribution utility may estimate the usage since the last meter reading pursuant to the provisions in Chapter 81 of the Commission's rules.

§ 6 COLLECTIONS AND PAYMENTS

A. Collections under Provider Billing

The transmission and distribution utility shall collect payments for its issued bills and a competitive electricity provider shall collect payments for its issued bills.

B. Collections under Consolidated Utility Billing

1. Except as provided under Section 3(E), the transmission and distribution utility shall collect all bill payments it issued under a consolidated utility billing contract with a competitive electricity provider.

2. Within 5 business days of recording a customer's payment, the transmission and distribution utility shall transfer to a competitive electricity provider funds equal to the portion of the provider's customers' payments that are allocated to the competitive electricity provider pursuant to Section 6(C) of this Chapter.

C. Allocation of Partial Payments under Consolidated Utility Billing

1. When a customer's payment is less than the total amount of the customer's bill, the partial payment shall be allocated in the following order:

a. Past due transmission and distribution and standard offer charges with the oldest charge paid first. When transmission and distribution charges and standard offer charges are of the same age, the transmission and distribution charge shall be paid first.

b. Past due competitive electricity provider charges with the oldest charge paid first.

c. Current transmission and distribution charges.

d. Current standard offer charges.

e. Current competitive electricity provider charges.

2. Notwithstanding subsection C(1), when a Special or Regular Payment Arrangement or Budget Payment Plan is in effect on an account, payment shall be allocated first to the amount due under the arrangement or plan and then to the competitive electricity provider charges, with the oldest competitive electricity charges paid first.

3. Consumer-owned utilities may petition the Commission for authority to use a different method for allocating partial payments.

§ 7 ENROLLMENT FOR GENERATION SERVICE

A. Enrollment by Competitive Electricity Provider

1. Notice to Transmission and Distribution Utility

A competitive electricity provider shall provide the transmission and distribution utility with a notification to enroll a customer for generation service. For customers with demand of 100 kW or less, as described in Section 4(A)(1) of Chapter 305 of the Commission's rules, notification shall not occur until the end of the rescission period specified in Section 4(C) of Chapter 305.

2. Enrollment Date

If the transmission and distribution utility receives from the competitive electricity provider a notification to enroll a customer no less than 2 business days before the customer's next normally scheduled meter read date, the transmission and distribution utility shall enroll the customer with the provider on the customer's next normally scheduled meter read date. Otherwise, enrollment will occur on the following normally scheduled meter read date, except for enrollments occurring March 1, 2000.

3. Multiple Enrollments

At the time of a customer's normally-scheduled read date, if the transmission and distribution utility has received a notification to enroll the customer from more than one competitive electricity provider, the first notification received by the transmission and distribution utility shall be carried out even if the enrollment notification by the competitive provider is received subsequent to the customer's request for standard offer service or the customer's current competitive electricity provider's notification to the utility of its intent to drop the customer.

4. Notification to Enroll by Competitive Electricity Provider Required

A transmission and distribution utility may not enroll a customer to receive generation service from a competitive electricity provider unless that provider has provided notification to enroll the customer pursuant to this section.

B. Arranging for Standard Offer Service

Pursuant to Chapter 301 of the Commission's rules, the transmission and distribution utility shall arrange for a customer to receive standard offer service if the customer has provided notice to the transmission and distribution utility pursuant to the provisions in Chapter 301. Pursuant to Chapter 301, the transmission and distribution utility shall arrange for the customer to receive standard offer service if the customer has not chosen a competitive electricity provider. The transmission and distribution utility shall transfer the customer to standard offer service on the customer's next normally scheduled meter read date pursuant to procedures contained in Chapter 301. If the customer requests to transfer to standard offer service on a date other than the normally scheduled meter read date, the transmission and distribution utility shall transfer the customer pursuant to the provisions of Chapter 301.

C. Arranging for Transmission and Distribution Service

Chapter 81 governs a customer's application to receive transmission and distribution service. A competitive electricity provider may not arrange for its customer to receive transmission and distribution service.

D. Procedure When Delivery Service Changes

1. New Service

If the transmission and distribution utility has received a notification to enroll for generation service from a competitive electricity provider at the time a customer's transmission and distribution service begins, the transmission and distribution utility shall enroll the customer with the competitive electricity provider. Otherwise, the transmission and distribution utility shall arrange for the customer to receive standard offer service.

2. Customer Moves to New Location

If a customer moves to a new location within its existing transmission and distribution utility service territory and does not interrupt transmission and distribution utility service, and the transmission and distribution utility has not received a notification to enroll from a new competitive electricity provider, the transmission and distribution utility shall retain the customer's enrollment with its competitive electricity provider at the customer's new location. This provision only applies if the meter at the new location is compatible with the competitive electricity provider's rates. If the meter is not compatible

with the competitive electricity provider's rates, the transmission and distribution utility shall arrange for the customer to receive standard offer service.

§ 8 CANCELLATION OF GENERATION SERVICE

A. Notice to Transmission and Distribution Utility

A competitive electricity provider shall provide the transmission and distribution utility with a notification to cancel a customer's generation service as soon as practicable after determining that the cancellation should occur. For customers with demand of 100 kW or less as described in Chapter 305 of the Commission's rules, the competitive electricity provider shall follow the provisions of Chapter 305. If the transmission and distribution utility has received a notification to enroll the customer for generation service from a new competitive electricity provider pursuant to Section 7(A) of this Chapter by the cancellation date, and the cancellation date is a normally scheduled meter read date pursuant to section 8(A)(2), the transmission and distribution utility shall enroll the customer with the new competitive electricity provider. Otherwise, the transmission and distribution utility shall arrange for the customer to receive standard offer service.

B. Cancellation Date

1. If the transmission and distribution utility has received a notification to cancel or a customer requests cancellation of generation service for which it is enrolled no less than 2 business days before the customer's next normally scheduled meter read date, the transmission and distribution utility will cancel the customer's generation service on the next normally scheduled meter read date. Otherwise, cancellation will occur on the following normally scheduled meter read date.

2. If a competitive electricity provider or a customer requests cancellation of the competitive electricity provider's service on a date other than the next normally scheduled meter read date, the transmission and distribution utility shall accommodate the request as soon as practicable and shall enroll the customer for standard offer service. The transmission and distribution utility shall calculate the customer's usage and charge for competitive generation service and for standard offer service by prorating the customer's usage or by performing an unscheduled meter read pursuant to the provisions of Chapter 301 and shall charge a transfer fee as provided in Chapter 301.

§ 9 TRANSFER OF CUSTOMER DATA

A. Transfer of Customer-Specific Data

1. Applicability

For purposes of this subsection, competitive electricity providers include aggregators, brokers, and standard offer providers.

2. Provision of Customer-Specific Information

Upon request by a competitive electricity provider, the transmission and distribution utility shall provide to the competitive electricity provider a customer's kWh usage, maximum monthly demands (if recorded for billing purposes), and other customer-specific information, agreed upon by the competitive electricity provider and the transmission and distribution utility, related to the customer's identity and usage, for each billing period in the previous 12 months, to the extent that it is available.

3. Charges

The transmission and distribution utility shall charge a competitive electricity provider its incremental costs of providing all data described in Section 9(A)(2) to the competitive electricity provider. These costs shall not include development, installation, maintenance, or training needs carried out by the transmission and distribution utility in support of electronic data transfer. The costs and terms of payment shall be contained in the contract between the transmission and distribution utility and the competitive electricity provider.

4. Transfer of Additional Data

The transmission and distribution utility may provide a competitive electricity provider with information not specified in Section 9(A)(2) and Section 9(B) at the request of the competitive electricity provider in accordance with Section 2(B). The transmission and distribution utility shall comply with such requests to the greatest extent practicable.

5. Authorization

a. Before issuing a request to receive customer-specific information, a competitive electricity provider must obtain customer authorization. Customer authorization may be in writing, provided electronically, or occur through a notification in the competitive provider's terms of service document issued pursuant to Chapter 305. The notification shall specify that by becoming a customer of the competitive electricity provider, the customer authorizes the transmission and distribution utility to provide customer-specific information to the competitive electricity provider. The notification in the terms of service document must be conspicuous and precisely identify

the information that may be provided. If customer authorization is provided electronically, the competitive electricity provider must maintain a security system sufficient to confirm the identify the customer.

b. Before providing customer-specific information to the competitive electricity provider, the transmission and distribution utility must obtain written evidence that the provider has complied with the customer authorization requirement. This requirement is satisfied by a contractual provision or a written certification that obligates the competitive electricity provider to seek customer-specific information from the utility only after complying with the customer authorization requirements contained in Commission rules.

c. This customer authorization provision does not apply to routine business data transferred pursuant to section 9(B).

B. Routine Business Data

1. Applicability

For purposes of this subsection, competitive electricity providers include standard offer providers.

2. Transfer of Routine Business Data

The transmission and distribution utility shall provide to the competitive electricity providers serving customers in its territory, and competitive electricity providers shall provide to the transmission and distribution utility, the data necessary to carry out routine business transactions as specified in the EBT Standards.

3. EBT Standards

Each transmission and distribution utility and each competitive electricity provider shall transfer data between each other in accordance with procedures and formats specified in the EBT Standards, except, however, consumer-owned utilities may carry out alternative transfer procedures subject to approval by the Commission. Any costs or charges of sending data pursuant to this subsection shall be paid by the entity that sends the data. Any costs or charges of receiving data shall be paid by the entity that receives the data.

4. EBT Training

Each competitive electricity provider and each transmission and distribution utility shall be capable of complying with the data transfer provisions in Section 9(B)(1). An individual with responsibility for compliance with these provisions shall attend a training session(s) as established in the EBT Standards. A competitive electricity provider must attend training and demonstrate successful data transaction capability with a

transmission and distribution utility using the procedures established in the EBT Standards before providing a notification to enroll a customer with the transmission and distribution utility. Transmission and distribution utilities shall share the responsibility and costs for conducting the training required in this provision in proportions related to their annual kWh sales.

5. Authorization

For purposes of routine business data, the enrollment of a customer shall be considered authorization for the transmission and distribution utility to provide routine business data to the competitive electricity provider.

§ 10 CONTRACT

The transmission and distribution utility shall enter into a contract with competitive electricity providers, including standard offer providers, that defines the terms, procedures, and prices associated with implementing the provisions of this Chapter. Contracts that conform to a Commission-approved standard form contract shall be filed with the Commission for informational purposes and do not require Commission approval. Contracts that do not conform to a Commission-approved standard form contract shall be filed with the Commission for approval. The Commission shall inform the transmission and distribution utility and the competitive electricity provider within 30 days of the filing date whether the contract has been approved, rejected, or will be subject to further Commission investigation. This provision applies to standard offer providers. Approval of contracts pursuant to this section is delegated to the Director of Technical Analysis.

§ 11 WAIVER

Upon the request of any person subject to 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 Technical Analysis, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

BASIS STATEMENT: The factual and policy basis for this Chapter is set forth in the Commission's Order Adopting Rule and Statement of Policy Basis, Docket No. 98-810, issued on March 15, 1999, and Order Correcting Rule issued on April 9, 1999, and Order Adopting Rule and Statement of Policy Basis, Docket No. 99-659, issued December 17, 1999. Copies of this Statement and Order have been filed with this Chapter at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 1301, 3202(1) and (2), 3203(9), (14) and (16-A).

EFFECTIVE DATE: This Chapter was approved as to form and legality by the Attorney General on _____. It was filed with the Secretary of State on _____ and will be effective on _____.