



JANET MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENERGY RESOURCES
62 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0062

CELINA CUNNINGHAM
ACTING COMMISSIONER
DEPARTMENT OF ENERGY RESOURCES

May 20, 2026

Philip L. Bartlett II
Chair
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Dear Chair Bartlett:

I write to request your coordination in addressing the potential impact on Maine ratepayers from the development of large data centers. On April 29, 2026, Governor Janet Mills issued Executive Order 5 FY 25/26, An Order Establishing the Maine Data Center Advisory Council. Section 1 directs that:

1. Ratepayer Protection; Immediate Agency Actions

The Department of Energy Resources shall coordinate with the Maine Public Utilities Commission to identify and implement strategies as soon as possible to protect ratepayers from new or increased energy costs resulting from data center development to the extent permissible under law. These strategies should be designed to:

- i. Safeguard customers against increased energy supply costs, including the risks associated with overbuilding new generation;
- ii. Safeguard customers against increased transmission and distribution costs, including by mitigating the risk of stranded utility assets; and
- iii. Promote the development of market and regulatory mechanisms to ensure that costs attributable to data center development are fully borne by the entities responsible for creating those costs.

To promptly implement directive 1.ii and inform any regulatory mechanisms pursuant to 1.iii, I encourage you to initiate a proceeding to gather at a minimum the following information:

- The process by which a large data center would obtain electric or gas services from any public utility in Maine. This information should describe relevant service

standards, terms and conditions, rate schedules, security deposits or other financial considerations, and approximate timelines.

- The number and status of service applications pertaining to large data centers, as well as inquiries or potential future applications, that are known to public electric and gas utilities in Maine.
- The extent and manner by which embedded and marginal costs for public electric and gas utility services are apportioned through existing rate schedules to new large data centers, to the customer class to which the large data center would belong, and to other customer classes.
- Any existing or planned mechanisms that may serve to protect other ratepayers from new or increased electric or gas utility costs resulting from data center development.

At a minimum, this information should address the following topics:

- The existence of so-called “large load” or “large customer” tariffs, and any specific eligibility terms thereof.
 - Any minimum contract tenor, including any relevant termination or exit fees.
 - Any minimum service fees or charges.
 - Any financial assurance requirements or creditworthiness or financial viability standards.
- Any additional considerations that may result in safeguards and reduction of rates associated with the additional large loads.

As this proceeding unfolds, I encourage you to provide a workshop opportunity for engagement, as well as opportunities for the public to provide written input to inform additional steps you may take in response. To the extent that information you obtain through the proceeding is afforded confidential treatment under existing laws or rules, we encourage you to allow the Department access of information as appropriate. Additionally, it is important that the public understand the confidentiality protections and any public purpose which they serve.

In addition to the work done by the Commission, the Department of Energy Resources will examine strategies to safeguard customers against increased energy supply costs including the risks associated with overbuilding new generation pursuant to directive 1.i. We look forward to working collaboratively with the Commission and its staff to obtain information, some of which may be available to you from the regional independent system operator or through other bodies, and to inform any strategies that may be developed.

The Data Center Advisory Council, created by the Governor through the same executive order, will soon commence to evaluate issues related to large-scale data center development in Maine and make recommendations to protect ratepayers, maintain electric grid reliability, minimize environmental impacts, and enable responsible economic development. I look forward to working with you to keep the Council informed of the Commission’s work on these matters and expertise on other relevant strategies and recommendations to further protect Maine ratepayers.

Together, these efforts aim to identify, and implement, where applicable, short and mid-term strategies to protect and benefit Maine ratepayers. I look forward to working with you on these important issues. Thank you for your prompt attention in furtherance of the priorities set forth in the Executive Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Celina Cunningham", with a long horizontal flourish extending to the right.

Celina Cunningham
Acting Commissioner
Department of Energy Resources