



STATE OF MAINE

OFFICE OF THE  
PUBLIC ADVOCATE

**ANNUAL REPORT**

July 1, 2018 - June 30, 2019

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Janet T. Mills  
GOVERNOR

Barry J. Hobbins  
Public Advocate

August 1, 2019

Dear Governor Mills, Chairman Lawrence, Chairman Berry, and Members of the Joint Standing Committee on Energy, Utilities, and Technology (“EUT”),

As required by 35-A M.R.S. §1702 (6), the Office of the Public Advocate (“OPA”) submits this Annual Report of activities which provides an overview of the office’s work in the prior year. During the past year, the Office of the Public Advocate has been active in numerous proceedings at the state, regional and federal level. The office has continued its legislative involvement by attending all public hearings and work sessions and testifying on legislation affecting Maine utility customers before legislative committees. The office participated in several stakeholder groups along with others such as AARP, the Community Action Agencies, Efficiency Maine, Maine State Housing Authority, Maine Equal Justice Partners, the Governor’s Energy Office, Conservation Law Foundation, Acadia Center, Natural Resources Council of Maine, Maine Renewable Energy Association and Industrial Energy Consumer Group (“IECG”). The OPA is looking forward to participating in additional groups formed in the past legislative session which will look at the creation of the Maine Power Delivery Authority, the study of the economic, environmental and energy benefits of energy storage to the Maine Electrical Industry, study transmission grid reliability and rate stability in Northern Maine and reforming Maine’s Renewable Portfolio Standard.

The OPA’s primary responsibility is to represent the interests of Maine users of utility services. Our attorneys and staff advocate for rates, services and practices to benefit residential customers in state and regional forums and provide information and advice to ratepayers. For FY 2018-2019 we had a total budget of \$1,899,122.00.

This office has pursued its mission for the past 38 years earning both the respect of customers and regulated utilities. While there are a variety of ways to measure the success of the office, the most easily understood is money saved for the utility consumers. Advocacy by the OPA up to and including Fiscal Year 2019 brings the OPA’s 38-year total to more than \$587,848,904.90.

This past year has brought changes to Augusta and State Government with the seating of a new Governor, the 129<sup>th</sup> Legislature and most recently a new Public Utilities Commission (“PUC”) Chairman.

The creation of The Office of Innovation and Future (“OIF”) by Governor Mills is designed to engage the State of Maine in strategic planning and long-term research for the future which fits well with the focus and emphasis of the EUT. Strides have already been

seen in the areas of wind and solar energy. The OPA looks forward to working with the OIF.

On June 5, 2019 the OPA released the “Maine Low-Income Home Energy Burden Study” completed by Synapse Energy Economics, Inc. This comprehensive report concluded that Maine’s low-income residents encounter a higher energy burden than other higher income residents. A full copy of the study can be found at our website ([www.maine.gov/meopa](http://www.maine.gov/meopa)).

This past year also saw significant involvement by the OPA in the CMP Metering and Billing matter (MPUC #2019-00015), CMP Rate Design (MPUC 2018-00194), the sale of Emera Maine (MPUC#2019-00097), the Reorganization of Maine Water (MPUC#2019-00096) and a Request for Approval of a Rate Change by Northern Utilities, Inc. d/b/a Unutil (MPUC#2019-00092). An overview of these cases is included herein.

The OPA continues its assistance to customers with record-high utility bills along with helping them to navigate thru the Consumer Assistance Division established with the PUC.

The OPA monitored as well as participated and joined in the PUC’s approval of the New England Clean Energy Connect (NECEC) which would construct a high voltage transmission line that would be used to deliver power from Quebec to utilities in Massachusetts. The OPA has continued its participation in the case to ensure that it provides benefits to Maine ratepayers and that Maine ratepayers are not adversely affected by CMP’s pursuit of the project.

These matters and many others my office is involved in all result in proceedings being initiated by the Maine Public Utilities Commission (“MPUC”) which in turn resulted in more time spent by our senior counsel and supporting staff on these matters as well an increased need for consultants. Both the past and present Governor’s, the EUT and the 129<sup>th</sup> Legislature supported an increase in funding for the OPA to meet the need of the costs involved with rate payer advocacy.

An updated edition of the Ratewatcher Telecom Guide is scheduled for release early this fall. As always, the OPA provides information to consumers about unregulated communications services such as Internet and cellular services that are available to Maine consumers.

It is continuing issue and a frustrating fact that parts of Maine are “under-served” when it comes to reliable cell phone signals and broadband. Legislation that came before the EUT this past session was aimed at addressing these problems and we feel that progress in those areas is being made with the assistance and guidance of the ConnectME Authority.

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The OPA also led a stakeholder's group in sheparding through the Legislature a bill that established the position of nonwires coordinator (NWA) in the Office of the Public Advocate. The law requires the Public Advocate to hire a consultant to be the NWA. The summary of this bill (LD p1181) is outlined in the Legislative Advocacy section in this report.

The OPA continues striving for a greater understanding by Maine ratepayers as to what this office does on an on-going basis and what it can do to assist them. The issues are often complex and difficult to resolve, but we strive to do our very best to represent the long-term best interests of Maine's utility consumers.

The OPA also strives in its efforts to benefit the utility ratepayer in improving the reliability of utility services and to keep the costs of those services as low as possible. Simple put – the OPA is here for the consumers of utility services.

I along with my staff of the Office of the Public Advocate are pleased and honored to work on behalf of Maine consumers and to represent their interests before the Maine Public Utilities Commission, the Maine Legislature, Federal and State courts, and Federal agencies and we look forward to continuing to do so.

Sincerely,

A handwritten signature in cursive script that reads "Barry J. Hobbins". The signature is written in black ink and is positioned above the printed name and title.

Barry J. Hobbins  
Public Advocate



## TABLE OF CONTENTS

1	Electricity
10	Natural Gas
16	Telecommunications
19	Water
21	Legislative Advocacy
31	Support for Utility Customers
33	Cumulative Savings
34	Consultant Costs
35	Public Advocate Staff Time

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ABOUT THE OFFICE OF  
THE PUBLIC ADVOCATE

**PUBLIC ADVOCATE**

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### **2017-00232 Request for Approval of CPCN for the New England Clean Energy Connect Construction of a 1,200 MW HVDC Transmission Line from Quebec-Maine Border to Lewiston (“NECEC”) Pertaining to Central Maine Power**

On September 27, 2017, CMP filed a Petition for a CPCN to construct the NECEC, a high voltage direct current (“HVDC”) transmission line from the Maine-Québec border at Beattie Township to Lewiston. The purpose of the line is to deliver 1,200 MW of Québec hydroelectric resources to the ISO-New England (“ISO-NE”) grid from. The line is part of a joint proposal from CMP and an affiliate of Hydro Quebec that was selected by Massachusetts utilities through an RFP process to provide a significant amount of renewable power. CMP’s portion of the project would be 143 miles of DC transmission line to a DC/AC converter station in Lewiston, along with significant upgrades to CMP’s existing grid to accommodate the power flows. The cost of the project is estimated to be \$950 million, which is intended to be paid for by entirely by Massachusetts customers. The OPA intervened in the PUC proceeding to protect CMP’s ratepayers from any adverse impacts of the project. The PUC granted a CPCN on May 9, 2019. The PUC’s decision has been appealed by NextEra Energy Resources, owners of existing fossil and nuclear generation in New England and a developer of renewable energy projects. Through the efforts of the OPA, the PUC included a number of conditions in its approval, including a requirement that the project be moved into a separate affiliated company that would insulate Maine consumers from any adverse financial impacts arising from the project and a variety of public benefit payments not included in CMP’s proposal, including the funding of a \$40 million Low-Income Customer Benefits Fund and a \$140 million Rate Relief Fund.

### **2011-00494 Commission Initiated Investigation into Maine Electric Utilities Transmission Planning Standards and Criteria**

In April 2019, the Commission opened this investigation into the transmission planning standards used by CMP and Emera Maine regarding their “local” transmission system, meaning those parts of their system over which ISO-New England has no planning responsibility. The Commission had previously issued an order in 2013 setting various “safe harbor” planning standards and criteria that utilities could rely upon in planning. This reopening of those safe harbor standards was spurred by a request from our office to change an element of that order to allow non-utility parties to request less stringent standards. The Commission declined our request but reopened the case because of certain changes in planning at the regional level, and because of other improved standards. At the end of the

fiscal year, Commission Staff had filed a Bench Analysis proposing changes to relax some of the standards. We support the views of the Staff since they would lead to less expensive transmission investments in Maine. The case is currently scheduled into the fall, but without an end date.

### **2019-00047 Commission Initiated Investigation of Ten-Person Complaints Concerning Service of Central Maine Power Company on the Towns of Dover-Foxcroft, Jackman and Caratunk**

Three separate Ten-Person Complaints were filed in three successive months, starting in November 2018, against CMP by groups of ratepayers in three rural towns served by CMP. The complaints spoke variously of frequent and extended outages, lack of CMP maintenance on lines and insufficient CMP personnel assigned to these areas. CMP responded that each complaint should be dismissed as lacking merit, that its reliability was adequate or that CMP was in the process of addressing the issues. In February, the Commission opened this investigation, finding that none of the three complaints were “without merit” as CMP argued. The investigation began with discovery on CMP. The Complainants were then allowed to file testimony in May (only the lead complainant from Jackman did so), followed by more discovery. CMP then filed responsive testimony in July. We expect the case to wrap up in the fall.

### **2010-00256 Application for License to Operate as a Competitive Electricity Provider Pertaining to Electricity Maine, LLC**

In July 2017, after a Staff investigation, the Commission issued an order to Electricity Maine to “show cause why it should not be found to have violated Maine Statutes and Commission rules regarding its operations as a licensed competitive electricity provider (CEP) in Maine and be subject to appropriate sanctions.” This order stated that CMP customers had been solicited by door-to-door salesmen who in some cases said they were from CMP, and in other cases, checking meters or auditing CMP bills. Customers, believing what they were told, produced their CMP bills and other information and later found out that they had been signed up for service from Electricity Maine. CMP and the Commission both received complaints and the Commission began investigating. It found that Electricity Maine had hired a third-party contractor sales force, provided some training, and sent them out to solicit. Complaints soon followed.

The OPA intervened in the case in February. In May 2019, Electricity Maine filed testimony that did not deny the allegations but described Electricity Maine’s response to the complaints, where the company pulled certain individuals off the sales force, increased training and eventually suspended door-to-door sales in Maine.

A hearing was held in July, and we will be briefing the matter in August and expect a Commission decision in the early fall.

### **2018-00185 Request for Approval of Easement Agreement/Affiliate Transactions Pertaining to Central Maine Power Company, Emera Maine, Maine Electric Power Company**

In July 2018 CMP and Emera Maine sought approval to transfer easement rights they separately hold in an undeveloped transmission right of way known as the Bridal Path which runs from Houlton to Haynesville. The utilities sought to transfer these interests to their jointly-owned utility affiliate, the Maine Electric Power Company or MEPCO. The stated purchase price was \$8.75 million but the book value of the property was less than \$100,000. We opposed this transaction, arguing that if CMP and Emera sought to build a transmission line on the property, the amount they could put into rates would be the book value, but that if the transaction were approved and MEPCO then built a line, the \$8.75 million would go into rates, thus violating the “no harm” standard found in 35-A M.R.S. § 707. The Commission agreed, noting that the rates associated with transmission lines are under the jurisdiction of the Federal Energy Regulatory Commission which uses a formulaic approach to ratemaking, and that the Maine PUC would have little ability to influence those rates and thus could not prevent the harm to ratepayers. Thus, the Commission rejected the petition.

### **2018-00194 Commission Initiated Investigation into Rates and Revenue Requirements Pertaining to Central Maine Power Company**

In July 2018, the Commission ordered CMP to file a rate case. CMP filed the case on October 15, 2018, seeking a \$22.9 million increase in its revenue requirement. Because of the size of the increase, CMP proposed to “mitigate” it by accelerating the amortization of money owed to ratepayers from the change in the tax rate that went into effect on January 1, 2018, and by changing an element of the depreciation on its plant, thereby offsetting the increase. This proposed increase stemmed largely from payroll, vegetation management and service company charges that it said had increased. Further, CMP claimed that its cost of capital had gone up. We secured the services of a rate accountant and a finance expert and filed opposing testimony.

During this period, the Commission’s auditor – the Liberty Consulting Group – filed its Final Report, parts of which showed CMP’s customer service failures following the roll-out of its new \$55 million billing system. The customer service and implementation issues were made a part of this case, and implementation was also to be addressed in Docket No. 2019-00015.

In its April 2019 Rebuttal filing, CMP greatly increased its request, to \$35.6 million. Further, because of significant one-time adjustments that come out of rates on July 1, CMP is seeking a \$49.5 million increase. The majority of the requested increase from \$22.9 to \$35.6 million was based on vegetation management and payroll costs, a change in the storm cost recovery mechanism, and a change in the rate-effective date from July 1 to October 1.

We filed responsive testimony in which we agreed to certain increases but continued to oppose others. There were also issues about which we took no position vis-à-vis expert testimony but will address in our brief.

July 2019 was busy with three well-attended public witness hearings (one each in Portland, Hallowell and Farmington), and three days of evidentiary hearings. Also, we filed, and the Commission approved, a Motion to Stay the proceedings so that there will be no rate increase until the Commission has concluded its investigation in Docket No. 2019-00015.

CMP also filed, as part of this case, a proposal to change its rate design. The most important issue here was the proposal to increase the monthly fixed customer charge for residential ratepayers. We secured a well-known and respected consultant who filed testimony that there should be no change in the customer charge. This portion of the case is scheduled to conclude in the fall.

### **2018-00171 Commission Initiated Investigation into Rate-Setting Mechanisms Regarding Non-Wire Alternatives**

At the beginning of the fiscal year, the Commission opened this investigation, picking up where a prior case, Docket No. 2016-00049, left off. That case ended when the Commission ordered CMP and Emera Maine to file proposals for how they would deliver non-wires alternatives (NWAs) to traditional investments, for the benefit of ratepayers. The utilities were to include in these plans proposed mechanisms to remove existing rate incentives for developing traditional investments over less expensive non-wire alternatives. After reviewing those proposals, the OPA hired a consultant to help us develop a response, and we filed her testimony in December. In March, the utilities filed additional testimony on how NWA projects would be developed. After this, the proceeding was put on hold given actions taken at the Legislature to establish the position of the nonwires coordinator which will be housed at the OPA. At year's end the case was on permanent hold. For more, see P.L. 2019 ch. 298 (LD 1181) under Legislative Advocacy.

## **2018-00321 Efficiency Maine Trust: Request for Approval of Fourth Triennial Plan**

On November 2, 2018, the Efficiency Maine Trust (EMT) filed its Fourth Triennial Plan with the Commission, requesting approval of a budget of approximately \$130 million to support EMT's programs. This budget was supported in large part by the June 2018 report prepared by Synapse Energy Economics, et al., titled the Avoided Energy Supply Components in New England (AESC).

The OPA participated extensively in the Commission's review of the EMT's plan and budget, filing data requests, participating in technical conferences, and submitting the expert testimony of our consultants on the Trust's programs, its budgeting, and the AESC study. The Commission's consultant, London Economics International, also filed an in-depth analysis and critique of the AESC study.

The Commission ultimately approved a budget that was more than \$25 million less than that requested by the Trust. However, on June 17, 2019, EMT filed a request for a significant change to the plan, due to the recently enacted amendments to the Efficiency Maine Trust Act contained in P.L. 2019, ch. 313, which the OPA supported. EMT is expected to file a revised plan in late August 2019 based on these changes.

## **2019-00015 Commission Initiated Investigation of Metering and Billing Issues Pertaining to Central Maine Power Company**

On January 14, 2019 the Commission opened an investigation into the metering and billing issues that have plagued Central Maine Power's new SmartCare system since the time of its implementation in late October 2017. This investigation is a follow-on case from Docket No. 2018-00052, in which the Commission had engaged the services of Liberty Consulting to conduct an audit of CMP's metering and billing system to determine the extent of the problems.

The OPA engaged the Maine accounting firm of BerryDunn to assist in its efforts in this case. The OPA's goal is to hold CMP accountable for the thousands of customer complaints following the implementation of SmartCare. Of particular concern are the customers who have called the Commission to complain after receiving bills showing very high and uncharacteristic usage of electricity have been put in a special category of "high usage" complaints. To date there have been more than 3,000 of these customers. On June 24, 2019, the OPA requested the Commission's approval of a testing protocol that would allow BerryDunn to examine CMP metering and billing data for the more than 1,300 customers who filed high-usage complaints from May 1, 2018 to the present. The OPA chose this date because these customers were not included in the Liberty audit conducted as part of the 2018-00052 docket, which had a study period that concluded at the end of April 2018. BerryDunn is proceeding with this data extraction and analysis and is expected to file

testimony regarding its findings at the end of August or shortly thereafter to stay on track with the Commission’s expedited scheduling of this proceeding. In addition, the OPA has retained a consultant to provide testimony on CMP’s failure to follow customary and prudent practices when it implemented the SmartCare system.

### **2019-00019 Emera Maine: Request for Approval of Proposed Rate Increase**

On January 23, 2019, Emera Maine filed a request to increase its rates by 17 percent to account for its alleged deficiency in revenue of \$17 million. This was the fourth time in the past five years that Emera Maine had sought an increase in its rates. On March 25, 2019, Emera Maine announced to the press that it had entered into an agreement with ENMAX, a large energy company in Alberta, Canada, for ENMAX to purchase Emera Maine. (See the entry below regarding this request for reorganization.)

Both the Commission and the OPA questioned whether Emera Maine could seek a rate increase at a time when it was seeking regulatory approval of a change in ownership. At the Commission’s request, the OPA and Emera Maine filed briefs on the issue. In its filing, the OPA moved the Commission to dismiss Emera’s rate case.

On April 23, 2019, Emera Maine voluntarily withdrew its rate case, resulting in an order of dismissal. In its application for reorganization, Emera Maine explained that it had agreed to withdraw the rate case in part as a result of the OPA’s concerns.

### **2019-00097 Maine Electric Power Company, Emera Maine: Request for Approval of Reorganization with ENMAX Pertaining to Emera Maine, Maine Electric Power Company, and Chester SVC Partnership**

On May 7, 2019, Emera Maine filed a request for approval of a reorganization of its ownership, specifically the purchase of the utility by ENMAX Corporation of Canada. ENMAX is a multifaceted energy company headquartered in Calgary, Alberta. It provides electricity to the City of Calgary, which is its sole shareholder. In addition to this regulated side of the business, ENMAX operates a competitive energy business that sells wind and solar based energy, as well as natural gas, to customers throughout the Alberta territory. ENMAX has agreed to pay \$959 million for Emera Maine.

The Commission must evaluate this reorganization using a new statutory standard. The OPA proposed legislation to change the standard for approval of utility reorganizations set forth in 35-A M.R.S. § 708. The Maine Legislature adopted this new standard in Public Law 353, (L.D. 1560). The previous standard required the utility seeking to reorganize to show that there would be “no net harm” to ratepayers flowing from the transaction. Pursuant to the new statutory standard, the utility must show that the reorganization will



result in a net benefit to ratepayers, which includes an examination of whether the reorganization would result in a rate increase. In addition, the statute requires the Commission determine whether the reorganization would result in a loss of local control.

To meet this standard, ENMAX has set forth in its petition a number of proposals that it believes will benefit Emera Maine's ratepayers, including a commitment that rates would not increase until January 2021 at the earliest. (See the note above regarding Emera Maine's filing and subsequent withdrawal of a request for an increase in rates pending this merger proceeding.) ENMAX has also pledged that it will keep local management in place for the day-to-day operation of Emera, Maine.

In July and August, the OPA and its expert consultants participated in technical conferences in which they were able to question Emera Maine and ENMAX officials regarding the specific proposals that have been set forth to effectuate this merger. The OPA's focus is to ensure that ENMAX has the requisite financial stability and operational expertise to assume ultimate responsibility for the operation of Maine's second largest transmission and distribution utility.

**EL16-19 Federal Energy Regulatory Commission, ISO New England Inc., Participating Transmission, Owners Administrative Committee Emera Maine; Town of Braintree Electric Light Department; NSTAR Electric Company; Chicopee Electric Light Department; Central Maine Power Company; Maine Electric Power Company (MEPCO); Connecticut Municipal Electric Energy Cooperative & Connecticut Transmission Municipal Electric Energy Cooperative; The City of Holyoke Gas and Electric Department; New Hampshire Transmission, LLC; Green Mountain Power Corporation; Massachusetts Municipal Wholesale Electric Company; New England Power Company, d/b/a National Grid; New Hampshire Electric Cooperative, Inc.; Eversource Energy Service Company as agent for: The Connecticut Light and Power Company, Western Massachusetts Electric Company, and Public Service Company of New Hampshire; Town of Hudson Light and Power Department; Town of Middleborough Gas & Electric Department; Town of Norwood Municipal Light Department; Town of Reading Municipal Light Department; Town of Wallingford (CT) Electric Division; Taunton Municipal Lighting Plant; The United Illuminating Company; Unitil Energy Systems, Inc. and Fitchburg Gas and Electric Light Company; Vermont Electric Cooperative, Inc.; Vermont Electric Power Company, Inc. and Vermont Transco, LLC; Vermont Public Power Supply Authority; Shrewsbury Electric and Cable Operations Order Instituting Section 206 Proceeding and Establishing Hearing and Settlement Judge Procedures re ISO New England Inc. Participating Transmission Owners Administrative Committee et al under EL16-19**

In 2015, the FERC determined that the formula transmission rates charged by the New England Transmission Owners (NETOs) appeared to be unjust and unreasonable, and opened a proceeding. The OPA intervened because these formula rates make up a significant part of the rates of both CMP and Emera Maine. Over the next two years, the New England Transmission Owners and the so-called Consumer Interested Parties, including the OPA, participated in settlement discussions. At the end of last year, a partial settlement that we joined was pending at FERC. In May, the FERC rejected the settlement and set the case for hearing. Since that time, parties have created a litigation schedule, but settlement talks have continued between the utilities and the prior non-settling parties.

## OTHER ELECTRIC CASES

•2018-00181

Commission Initiated Investigation of Avoided Costs and Other Parameters Regarding the Determination of Cost-Effectiveness Pertaining to Efficiency Maine Trust

•2019-00104

Request for Approval of Tariff Revision (7/1/19) of Stranded Costs/Revenue Requirements for 3/1/18 Through 2/28/19 Pertaining to Emera Maine

•2019-00050

Request for Approval of Rate Change Regarding Annual Reconciliation of Stranded Cost Revenue and Cost Pertaining to Central Maine Power Company

•2019-00049

Request for Approval of Annual Compliance Filing Pertaining to Central Maine Power Company

### **2017-00209 Commission Initiated Investigation into Large Volume Customer Underbilling by Maine Natural Gas Corporation**

On August 23, 2017, the Commission began an investigation into the significance and impact of Maine Natural Gas Corporation (MNG) underbilling a number of its largest customers for periods going back as far as 2002. According to MNG, the underbilling was caused by mistakes associated with the installation and documentation of these customers' meters. The Company took several corrective measures to prevent this happening again, but also asserted that it should not be required to refund any amounts that other customers may have been overbilled as a result.

The OPA argued that all of the non-underbilled customers were overbilled in their cost of gas rates as a result of this underbilling, partly through being charged for the inaccurate amount of gas on MNG's system that was considered lost and unaccounted for as a result of the problems with the underbilled customers' meters. The OPA also argued that these overbilled amounts should be refunded to customers. Although MNG claimed that this would constitute prohibited retroactive ratemaking, the OPA pointed out that the ban on retroactive ratemaking applies to a utility's base rates for distribution service, and not to the separate cost of the commodity actually being sold to its customers. Additionally, Maine's cost natural gas statute, 35-A M.R.S. § 4703, allows the Commission to adjust a utility's cost of gas rate to account for previous over or under charges.

The Commission agreed with the OPA that MNG's customers could and should be refunded for the amounts they had been overcharged, although it used a different method to calculate the amounts due. On January 14, 2019, the Commission issued an order requiring MNG to refund gas rate overcharges of \$721,795.57 to the customers who were adversely impacted by the underbillings.

### **2018-149 Maine Natural Gas Corporation: Annual Cost of Gas Review for 9/1/18 to 8/31/19**

On June 15, 2018, Maine Natural Gas Corporation (MNG) filed its proposed 2018-2019 Annual Reconciliation Adjustment, followed a few days later by its cost of

reconciliation calculations. MNG used an average cost methodology to calculate an under-recovery for the previous period of \$686,528, and also included \$111,851 for lost and unaccounted for (LAUF) gas, which it sought to recover from customers. MNG further asserted that it was due \$48,421 for third party transfers, which occur when the Company buys gas from transportation customers with excess pipeline balances, and an additional amount to cover the cost of the credit guarantee furnished on MNG's behalf by its corporate parent to the pipelines involved in the Atlantic Bridge pipeline expansion project.

The OPA disagreed with MNG on most of these calculations. First, the OPA argued that MNG's under-recovery should be based on its actual gas purchase invoices for the previous period, not averages, and that allowing MNG to recover an amount for LAUF gas would lead to a double-recovery, because gas losses are replaced by MNG on an ongoing basis and included in its purchase invoices. Secondly, MNG's own workpapers showed that it was due less than it claimed for its third-party transfers. And finally, the OPA argued that MNG had greatly over-calculated the cost of the credit guarantee by basing the amount that would need to be paid under the guarantee on the full value of the contract with the pipelines, rather than construction costs expended to date.

The Commission agreed with the OPA on all points, finding that MNG had incorrectly calculated the amounts for which it was seeking recovery. On August 29, 2018, the Commission issued an order reducing the amount that MNG could recover in its cost of gas adjustment by \$627,000 and initiating another case to examine how some of MNG's costs should be treated in the future.

### **2017-147 Bangor Natural Gas Company, Inc.: Annual Review of Cost of Gas Activities Report**

On June 30, Bangor Natural Gas Company, Inc. (Bangor) filed its annual cost of gas activities report, reporting its gas purchases, sales and hedging activities. In the course of reviewing this information, it emerged that Bangor was charging the cost of replacing all of the lost and unaccounted for (LAUF) gas on its system to only its "bundled" customers, i.e., those who receive both gas supply and delivery service from Bangor. At the same time, Bangor was charging its transportation customers (those receiving only transportation service from Bangor) a fee to compensate for LAUF gas, calculated at one percent of the gas Bangor delivers to them. The amounts collected through this fee, however, were not used to reduce the amount that the bundled customers paid to replace all LAUF gas on Bangor's system, but instead retained by Bangor as revenue.

The OPA, in a motion for summary judgment filed on March 22, 2018, argued that this practice violated Maine's cost of gas statute, 35-A M.R.S. § 4703, which only

allows Bangor to charge its bundled customers for costs related to supplying gas to them. The statute does not allow Bangor to charge those bundled customers for costs related to serving other classes of customers, such as the cost of replacing the transportation customers' share of LAUF gas. Bangor argued, in part, that its practices regarding costs related to LAUF gas had been approved by the Commission in prior proceedings.

At deliberations held on July 11, 2019, the Commission agreed with the OPA, upheld the Examiner's Report granting our motion for summary judgment, and ordered further investigation into this matter. No written order has yet been issued.

## OTHER NATURAL GAS CASES

- 2018-00305**  
Annual Cost of Gas Activities Report for May 1, 2017 – April 30, 2018  
Pertaining to Bangor Natural Gas Company, Inc.
- 2018-00007**  
Commission Initiated Investigation of the Impact of the tax Cuts and Jobs  
Act of 2017 Pertaining to Bangor Natural Gas Company, Inc.
- 2018-00289**  
Request for Recovery of Veazie & Orrington Lateral Capacity Charges for  
Maritimes and Northeast Pipeline Pertaining to Bangor Natural Gas  
Company, Inc.
- 2018-00070**  
Request for Approval of an Affiliated Interest Transaction Between Bangor  
Gas and Certain Affiliates and Subsidiaries of Hearthstone Utilities, Inc.  
Pertaining to Bangor Natural Gas Company, Inc.
- 2019-00030**  
Petition Seeking Finding that Certain Requirements Relating to 35-A  
M.R.S.A. Section 707 and Chapter 820 Do Not Apply To Conversion  
Services To Be Offered by a Utility Affiliate Pertaining to Bangor Natural  
Gas Company, Inc.
- 2018-00301**  
Commission Initiated Investigation of Indexed and Fixed Price Option  
Rates, FPO Hedging Practices and Lost Gas Value Pertaining to Maine  
National Gas Corporation
- 2018-00005**  
Commission Initiated Investigation of the Impact of the Tax Cuts and Jobs  
Act of 2017 Pertaining to Maine Natural Gas Corporation
- 2018-00057**  
Request for Approval of Annual Compliance Filing of New Rate Caps and  
Actual Rate to be Charged Pertaining to Maine Natural Gas Corporation
- 2019-00048**  
Request for Approval of Annual Filing of New Rate Caps and Actual Rate to  
be Charged Pertaining to Maine Natural Gas Corporation
- 2018-00041**  
Request for Approval of Cost of Gas Factor Rates for the 2018 Summer  
Period Pertaining to Northern Utilities, Inc. d/b/a Unitil
- 2018-00124**  
Request for Approval of Revision to Delivery Service Terms and Conditions  
Regarding Peaking Service Demand Charge (8/1/18) Pertaining to Northern  
Utilities, Inc. d/b/a Unitil

- 2018-00087**  
Request for Approval of an Affiliated Interest Transaction Pertaining to Northern Utilities, Inc. d/b/a Unutil
- 2018-00051**  
Request for Approval of Targeted Infrastructure Replacement Adjustment Rate (35-A M.R.S.A. Section 4706) and 2017 Cast Iron Replacement Program Reporting Pertaining to Northern Utilities, Inc. d/b/a/ Unutil
- 2018-00087**  
Request for Approval of an Affiliated Interest Transaction Pertaining to Northern Utilities, Inc. d/b/a Unutil
- 2018-00102**  
Request for Approval of Issue of Securities Pertaining to Northern Utilities, Inc. d/b/a Unutil
- 2019-00042**  
Request for Approval of Targeted Infrastructure Replacement Adjustment Rate (35-A M.R.S.A. Section 4706) and 2018 Cast Iron Replacement Program Reporting Pertaining to Northern Utilities, Inc. d/b/a Unutil
- 2019-00074**  
Request for Approval of an Affiliated Interest Transaction with Granite State Gas Transmission, Inc. Pertaining to Northern Utilities, Inc. d/b/a Unutil
- 2018-00184**  
Request for Approval of Annual Cost Annual Cost of Gas Adjustment (2018) Pertaining to Summit Natural Gas of Maine, Inc.  
Commission Initiated Investigation of the Impact of the Tax Cuts and Jobs Act of 2017 Pertaining to Summit Natural Gas of Maine, Inc.



### **2018-00219 10-Person Complaint Regarding Unreliable Landline Service Pertaining to Consolidated Communications**

On July 31, 2018, twenty-one customers of Consolidated Communications who reside in the area of Brooksville filed a complaint with the Commission regarding the poor level of service they were receiving with respect to their landline telephones. The complainants cited serious outages – some as long as a week – as well as poor reception and dropped calls. Many of these customers were elderly or had health issues and had no other means of telephonic communication available to them in their homes. In addition, they reported Consolidated’s failure to make timely service calls as well as its inability to diagnose and repair the problems.

The Commission opened an investigation on October 2, 2018. Consolidated filed information regarding its provision of service in Brooksville. The OPA and several of the complainants and residents of Brooksville attended a public meeting conducted by the Commission in Brooksville on January 24, 2019. Consolidated was also present to hear the complaints and explain its plans to rectify the issues. Consolidated subsequently reported its progress in making the necessary repairs and devoting sufficient service resources to its customers in Brooksville. On August 2, 2019, the Commission entered an order closing the investigation concluding that Consolidated had taken adequate steps to address the service issues in the Brooksville area.

### **2018-00319 Commission Initiated Investigation Regarding 2018 SQI Results Pertaining to Consolidated Communications**

On November 20, 2018, the Commission opened an investigation into Consolidated Communications’ failure to meet statutorily mandated service quality metrics for the second and third quarters of 2018. The particular metrics in issue were a failure to meet the benchmark of no more than 20 percent for “Percentage of Network Troubles Not Resolved in 48 Hours.” In the second quarter of 2018, Consolidated had a 23 percent SQI for this metric; in the third quarter it was 33 percent.

The OPA engaged in discovery and participated in a technical conference on April 18, 2019, Consolidated explained that its failure to meet the metrics was

attributable to severe weather, labor shortages and the press of other business, particularly its expansion of internet service. Consolidated further explained that had engaged in hiring to fill technician openings and redirected its resources to meet the metrics. This case remains open. The OPA continues to monitor Consolidated's performance.

## OTHER TELECOMMUNICATIONS CASES

•**2018-00291**

Request by Viasat Carrier Services, Inc. for Approval for Designation as an Eligible Telecommunications Carrier

•**2018-00314**

Request for Approval of Reorganization Pertaining to China, Community Service Telephone, Maine Telephone, Northland Telephone, Sidney Telephone, Standish Telephone

•**2019-00184**

Rulemaking: Amendments to Chapter 880, Attachment to Joint Use Utility Poles

**2018-00112 Maine Water Company: Request for Approval or Reorganization**

On May 4, 2018, the Maine Water Company (MWC) filed an application for approval of a proposed reorganization whereby its corporate parent, Connecticut Water Service, Inc. (CTWS), would be acquired by SJW Group (SJW) of California. This reorganization would have resulted in MWC becoming part of a much larger corporate entity, with operations in California, Texas, Connecticut, and Maine. A request for approval was also filed with Connecticut's Public Utility Regulatory Authority (PURA).

The OPA engaged in extensive discovery of the proposed transaction and the current and post-acquisition operations and organization of MWC, CTWS, and SJW. Additional complexity was added to the case by: (1) the intervention of Eversource Energy, which had made a competing offer to acquire CTWS; and (2) SJW and CTWS negotiating a revised version of their merger and acquisition agreement after proceedings had already begun.

On January 23, 2019, MWC filed a withdrawal of its application, after the parties to the merger received a draft decision from the Connecticut PURA indicating that it was unlikely to approve the acquisition of CTWS by SJW. The Commission, through a procedural order issued on January 23, 2019, closed this docket. MWC, however, has since filed a new and revised application for this transaction, now being processed in Docket 2019-00096, and there is another parallel proceeding in Connecticut.

## OTHER WATER CASES

•2018-00058

Request for Approval of a Limited Waiver of Chapter 69 Pertaining to Stonington Water Company

•2018-00059

Commission Initiated Investigation into the Acts and Practices of the West Paris Water District Pursuant to 35-A M.R.S.A. Section 1303  
Request for Approval of a Limited Waiver of Chapter 69 Pertaining to Stonington Water Company

•2018-00112

Request for Approval of Reorganization Between SJW Group and CTWS Pertaining to the Maine Water Company

•2018-00008

Commission Initiated Investigation of the Impact of the Tax Cuts and Jobs Act of 2017 Pertaining to all the Maine Water Companies

•2018-00305

Request for Approval of Tariff Revision (1/1/19) Pertaining to the Maine Water Company

Public Advocate Barry Hobbins as well as representatives from the Office of the Public Advocate attended all public hearings and work sessions of the Joint Standing Committee on Energy, Utilities and Technology (EUT) during the first session of the 129<sup>th</sup> Legislature. The OPA presented testimony during the public hearings and participated in work sessions and language review sessions. The OPA also actively participated during the legislative session in stakeholder groups which we believe greatly benefit the ratepayers of Maine. More information can be found on our website at [www.maine.gov/meopa/reports](http://www.maine.gov/meopa/reports).

### **LD 91 “An Act To Eliminate Gross Metering”**

LD 91 “An Act To Eliminate Gross Metering” clarified the definition of “net energy billing” to mean a billing and metering practice under which a customer is billed on the basis the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

LD 91 will restore stability in the market and net metering is simpler and less expensive than gross metering.

This bill was signed into public law by Governor Mills on April 2, 2019 and the net energy billing rules apply retroactively to all net energy billing customers that entered into a net energy billing arrangement between March 29, 2017.

### **LD 147 “An Act To Extend Internet Availability in Rural Maine”**

LD 147 “An Act To Extend Internet Availability in Rural Maine” authorizes the use of funds in the telecommunications education access fund to support mobile Internet access technology including providing mobile hot spots.

This program will provide students and other residents in underserved areas access to the internet which they otherwise would not have.

This legislation included an emergency preamble, was signed by Governor Mills on April 23, 2019 and became effective immediately giving Mainers in rural areas the ability to connect.

The OPA is very supportive of efforts to expand broadband throughout rural and the hard-to-reach areas of Maine.

### **LD 658 “Resolve, To Increase Energy Independence for Maine”**

LD 658 “Resolve, To Direct a Plan for Energy Independence for Maine” directs the Governor's Energy Office (“GEO”) to adopt a 10-year energy independence plan, including conservation and renewable energy strategies, for the State to become a net exporter of energy by 2030 and requires the office to develop the plan through a collaborative stakeholder process. The plan must be submitted to the Joint Standing Committee on Energy, Utilities and Technology (“EUT”) by December 31, 2019 and authorizes the EUT to report out a bill to the Second Regular Session of the 129th Legislature related to the plan.

LD 658 directs a plan for development of renewable resources and gives the State the opportunity to become a leader in transitioning to a clean economy.

The GEO will convene a collaborative group of agencies and stakeholders which will collaboratively and with a strategic planning process develop this plan. The OPA is a member of this stakeholder group.

This Resolve was signed by the Governor on May 17, 2019.

### **LD 807 “An Act Regarding the Duties of the Public Advocate”**

LD 807 “An Act Regarding the Duties of the Public Advocate” removed an exception to the Office of the Public Advocate’s (“OPA”) ability to petition, initiate, or intervene and appear in, any proceedings before the Maine Public Utilities Commission (“MPUC”), appeals from orders of the commission or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in the State. The exception the bill removes is the prohibition against the OPA's intervening in any proceedings in which commission staff is representing a position substantially similar to that of the OPA.

LD 807 would preserve for the Public Advocate the discretion to pursue issues after judging a variety of factors including likelihood of our ability to influence the outcome to ratepayers' benefit, likelihood that Staff would pursue the issue, importance of the issue, and the expenditure of the OPA's limited resources. This would allow for more advocacy and representation in regional matters.

The OPA views LD 807 as providing opportunity for independent action that was previously limited by statute.

Governor Mills signed this legislation into public law on April 30, 2019.

### **LD 832 “An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs”**

LD 832 “An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs” requires cable television system operators offer subscribers the option of purchasing access to cable channels or programs on cable channels individually.

A serious impediment to legislation that involves cable companies is that to the extent cable is regulated, it is at the federal level. The cable companies have been very effective in arguing that efforts to legislate at the state level are preempted by federal law. The Public Advocate travelled to the Federal Communications Commission (“FCC”) in Washington, DC to seek additional information. The FCC indicated that although they could not locate any specific Commission ruling regarding the matter of preemption the FCC was not in a position to express an opinion on possible preemption issues.

It is the experience of the Office of the Public Advocate (“OPA”) many consumers experience a high level of frustration with their cable providers due about what they believe is a lack of choice in channel selection and object to paying for channels they do not watch and do not want. The current system relies on municipalities having franchise agreements with the cable companies, many of which go back many years and are quite restrictive of consumer choice. Cable companies have enjoyed monopoly power due to these franchise agreements.

There is a strong likelihood of lawsuits challenging this on the grounds of federal preemption.

LD 832 became public law on June 15, 2019.



## **LD 912 “An Act To Establish the Wood Energy Investment Program”**

LD 912 “An Act To Establish the Wood Energy Investment Program” would establish the wood energy investment fund and create the Wood Energy Investment Program within the Efficiency Maine Trust (“EMT”). This would help to strengthen the Maine's forest products industry and lower energy costs by increasing the efficient use of wood for energy. It would further require EMT to use funds to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects.

LD 912 attempts to establish more localized markets for wood energy and will utilize funds previously appropriated but unspent.

This bill has been carried over to any special or regular session, or both, of the 129<sup>th</sup> Legislature.

## **LD 994 - Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy**

LD 994 “Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy” directs the Public Utilities Commission (“PUC”) to approve the long-term contract for capacity and associated energy between Maine Aqua Ventus I, GP, LLC (“MAV”) and Central Maine Power Company (“CMP”) submitted to the commission in December 2017.

The pilot program is supported by grants from the US Department of Energy and the project will deploy two floating turbines designed by University of Maine. Maine has significant offshore wind energy resources, which can play a role in addressing transportation and home heating needs.

The Maine Aqua Ventus project was stalled when the PUC delayed the long-term contract approval and solicited public comment on whether to reopen the Request for Proposals.

On June 19, 2019 Governor Mills signed the Resolve directing the PUC to approve the contract for Maine Aqua Ventus advancing the University of Maine’s long stalled offshore wind project. This would be a first of a kind wind project allowing for great potential to lead in floating offshore wind development.

## **P.L. 2019, ch. 298 LD 1181 “An Act To Reduce Electricity Costs through Nonwires Alternatives”**

LD 1181 “An Act To Reduce Electricity Costs through Nonwires Alternatives” establishes the position of nonwires alternative (NWA) coordinator in the Office of the Public Advocate (“OPA”). The duties of the NWA include but are not limited to investigation and identification of nonwires alternatives to proposed transmission lines and proposed transmission projects and evaluation of the costs and benefits of nonwires alternatives compared to utility capital investments in the transmission and distribution system. This bill, sponsored by Representative Seth Berry, was first heard by the Committee on March 27, 2019.

The law requires the Public Advocate to hire a consultant to be the Non-Wires Alternatives Coordinator. The Coordinator, under the supervision of the OPA, will be responsible for reviewing utility proposals for significant transmission and distribution investments and developing, where possible, cost-effective NWAs. In proceedings filed by utilities for approval of transmission lines with estimated costs greater than \$20 million, the Coordinator will participate in the case, essentially acting as the OPA’s expert engineering witness. For smaller transmission projects and all distribution investments with costs estimated to exceed \$500,000, the Coordinator will work with the utilities and Efficiency Maine Trust to develop cost-effective NWAs. Where the utility and the OPA/Coordinator can agree, the utility will simply develop the project with input from the Coordinator on particular NWA applications. Where the utility and the OPA/Coordinator cannot agree, the matter will be filed with the Commission for resolution.

The Coordinator will routinely consult with EMT and other stakeholders and must file periodic reports on its activities and on the costs and benefits of the NWAs it proposes.

The law requires utilities to develop system planning models for distribution and to file annual reports detailing proposed investments and forecasting system needs.

Following stakeholder meetings and work sessions, the Committee voted it out with a unanimous “Ought to Pass as Amended.” This bill was signed by Governor Mills on June 14, 2019 and will become effective on September 19, 2019.

The OPA has issued an RFP to secure a consultant and expect to begin this important work in the fall.

## **LD 1494 “An Act To Reform Maine’s Renewable Portfolio Standard”**

LD 1494 “An Act To Reform Maine’s Renewable Portfolio Standard” increases the percentage of supply sources from to 80% by 2030 and 100% by 2050 for retail electricity sales in the State that must be accounted for by new renewable capacity resources. It makes several changes to resource eligibility to meet these requirements and creates a renewable portfolio standard for thermal energy resources. LD 1494 also directs the Public Utilities Commission (“PUC”) to procure long-term contracts (at least twenty years) for an amount of renewable capacity resources that is equal to 1/2 the amount of the portfolio requirements for these resources and requires the PUC to conduct annual competitive solicitations for the long-term contracts bases on economic benefits such as job creation and tax revenue.

LD 1494 updates Maine’s Renewable Portfolio Standard (“RPS”) – a policy involving an increase in wind, solar, biomass and hydro and will work to reduce carbon pollution in Maine.

This bill was signed by Governor Mills on June 26, 2019.

## **LD 1556 “An Act Regarding Filing Fees in Transmission Line Proceedings”**

LD 1556 “An Act Regarding Filing Fees in Transmission Line” increases the amount paid to the OPA for expenses incurred which exceed the amount of the filing fee that is required to be submitted in any Certificate of Public Convenience and Necessity Proceeding (“CPCN”).

Prior law required that, when a person files with the Public Utilities Commission (“PUC”) a petition for issuance of a CPCN, for the construction, rebuilding or relocation of a transmission line, that person must pay, in addition to the filing fee paid to the commission, an additional filing fee to the OPA equal to 1/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. LD 1556 increases the amount of the additional filing fee to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. It also allows the OPA to recover expenses in the CPCN proceeding that exceed the amount of the original filing fee.

This bill provided specifically, that if the expenses of the OPA in the transmission line proceeding exceed the amount of the original filing fee, the OPA may bill the entity monthly for additional incurred expenses.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the OPA for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The OPA is required to return any portion of the filing fee that is not expended for these purposes to the person who paid the fee.

Governor Mills signed this legislation into public law on May 30, 2019.

### **LD 1560 “An Act Regarding Utility Reorganizations”**

LD 1560 “An Act Regarding Utility Reorganizations” provides that the reorganization of a utility may not occur without the approval of the Public Utilities Commission (“PUC”) unless it is established by the applicant for approval that the reorganization provides net benefits to the utility's ratepayers and is consistent with the interests of the utility's investors.

In determining whether a utility reorganization provides net benefits to the utility's ratepayers, the commission at a minimum must examine whether the reorganization will result in a rate increase for the utility's ratepayers and whether the reorganization will result in a loss of local control of the utility's management and operations in a manner that limits the ability of local management to protect the interests of the utility's ratepayers in this State.

LD 1560 changed the standard of “no net harm” to require “net benefits” to ratepayers. The OPA believes that changing the standard the PUC would use in reviewing and deciding utility reorganizations will greatly benefit the ratepayers of Maine.

LD 1560 contained an emergency preamble due to pending utility reorganization proposals if approved, these reorganizations will affect a significant number of Maine ratepayers, and result in control of these utilities being far removed from Maine. It is critical that the standard of review be changed so that these reorganizations are required to produce “net positive benefits” for Maine ratepayers. This bill sponsored by Senator Mark Lawrence was signed into public law by Governor Mills on June 18, 2019 and this Act applies retroactively to March 27, 2019.

## **LD 1646 “An Act To Restore Local Ownership and Control of Maine’s Power Delivery Systems”**

LD 1646 “An Act To Restore Local Ownership and Control of Maine’s Power Delivery Systems” proposes to create the Maine Power Delivery Authority as a consumer-owned utility to acquire and operate all transmission and distribution systems in the State currently operated by the investor-owned transmission and distribution utilities known as Central Maine Power Company (“CMP”) and Emera Maine (“EMERA”).

LD 1646 would enact Chapter 40 of Title 35-A to create the Maine Power Delivery Authority (“MPDA”). MPDA would be a statewide authority that would begin the process of converting Maine’s investor-owned utilities to one large customer-owned utility.

LD 1646 would establish a Governance board composed of Governor-appointed members who are representative of the customers served by the incumbent utilities in a proportional manner.

LD 1646 would allow for the creation of the statewide public electric district without the need to obtain approval from the Public Utilities Commission (“PUC”).

This bill has been carried over to any special or regular session, or both, of the 129<sup>th</sup> Legislature.

## **LD 1711 “An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine”**

LD 1711 “An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine” which would amend and enact provisions regarding energy billing and the Maine Solar Energy Act.

LD 1711 will expand a range of solar electric projects and would increase the cap on the number of customers who can receive power from a community solar farm from 9 to 200. This bill will help community solar farms in creating access for residents and businesses who are not able to have panels on their own properties.

It is the hope that LD 1711 will create jobs and give the solar industry some stability. A competitive market process should help with the reducing of costs and

the OPA believes this legislation provides an important and thoughtful step in developing a solar policy for this state.

Governor Mills signed LD 1711 on June 26, 2019.

### **LD 1796 “Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine”**

This Resolve directs the Governor's Energy Office (“GEO”) to convene a stakeholder group to identify and develop strategies to address the transmission grid reliability and electric rate stability for the northern Maine service territory.

The GEO is directed to submit a report that includes its findings, together with any proposed implementing legislation, to the Joint Standing Committee on Energy, Utilities and Technology, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

There is and continues to be a need in the northern Maine service territory for reliability and dependability. This stakeholder study is timely, and LD 1796 will help to address the current and projected reliability and rate stability needs of the area.

Governor Mills signed this legislation on June 17, 2019 and the Office of the Public Advocate (“OPA”) was pleased and privileged to be named as a representative in the stakeholder group.

### **LD 1844 “Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine’s Power Delivery Systems”**

LD 1844 “Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine’s Power Delivery Systems” would evaluate the proposal of the Maine Power Delivery System as set forth in LD 1646 “Act To Restore Local Ownership and Control of Maine’s Power Delivery Systems” which proposes to create the Maine Power Delivery Authority as a consumer-owned utility to acquire and operate all transmission and distribution systems in the State currently operated by the investor-owned transmission and distribution utilities known as Central Maine Power Company (“CMP”) and Emera Maine (“EMERA”).

The Public Utilities Commission (“PUC”) will be charged with the task of contracting with independent consultants to aid in the evaluation of the proposal. The commission may seek public input and may consult with the Office of the Public Advocate and the Governor's Energy Office as needed to conduct the evaluation. On

or before February 15, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report on the evaluation.

This resolve was approved by Governor Mills on July 2, 2019.

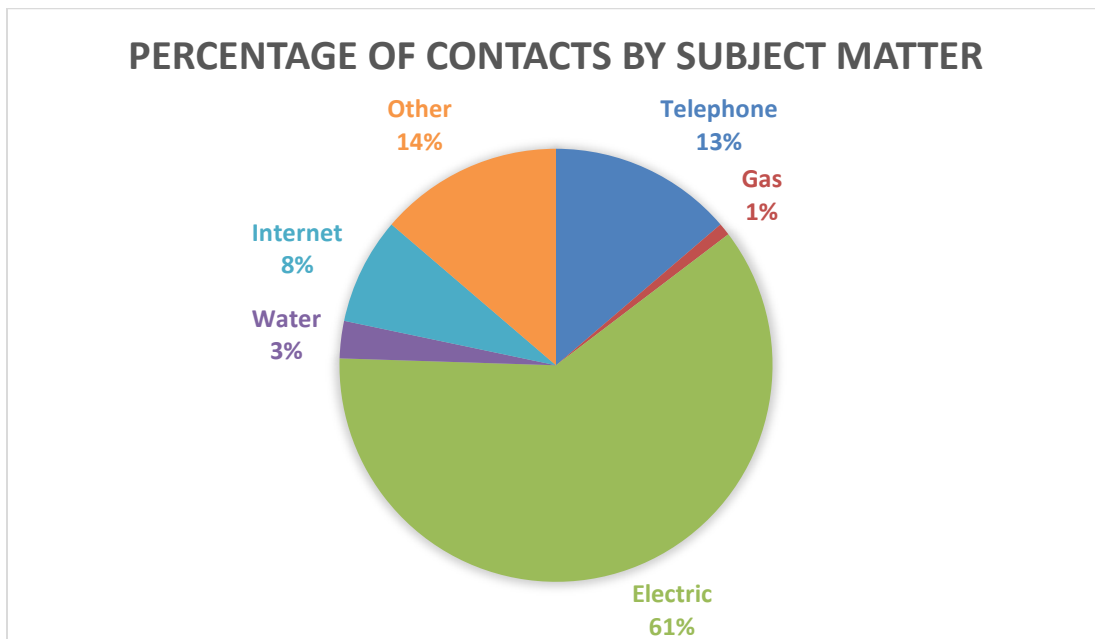
## SUPPORT FOR UTILITYCUSTOMERS

### Assisting Litigants

Cases before the Maine Public Utilities Commission (PUC) are often a daunting prospect for concerned citizens wanting to express their opinions in a particular case. Building on the instructional documents already created, we have begun revising all of our documents to meet accessibility standards and ensure access by all. We have assisted 15 *pro se* litigants in five separate cases and worked with nine individual groups exploring the option of filing a ten-person complaint against a utility. Of the nine groups, four proceeded with the complaint and filed with the Public Utilities Commission. Three complaints alleged unreasonable or insufficient service by Central Maine Power and one complaint focused on unreliable landline service pertaining to Consolidated Communications. Assisting individuals with these complaints is an ongoing process as there are frequently questions about case process and format.

### Responding to Customer Concerns

In the past year, the Consumer Advisor received and addressed consumer calls, emails and in-person questions. These calls often require multiple follow-ups with the utility and the consumer before the issue is completely resolved.





In addition to consumer complaints that come in to the office directly, the Office of the Public Advocate participated in three public witness hearings allowing Central Maine Power ratepayers to voice their opinions on a proposed rate increase. The OPA also participated in two hearings to allow public input on the proposed New England Clean Energy Connect transmission line.

### **Consumer Education**

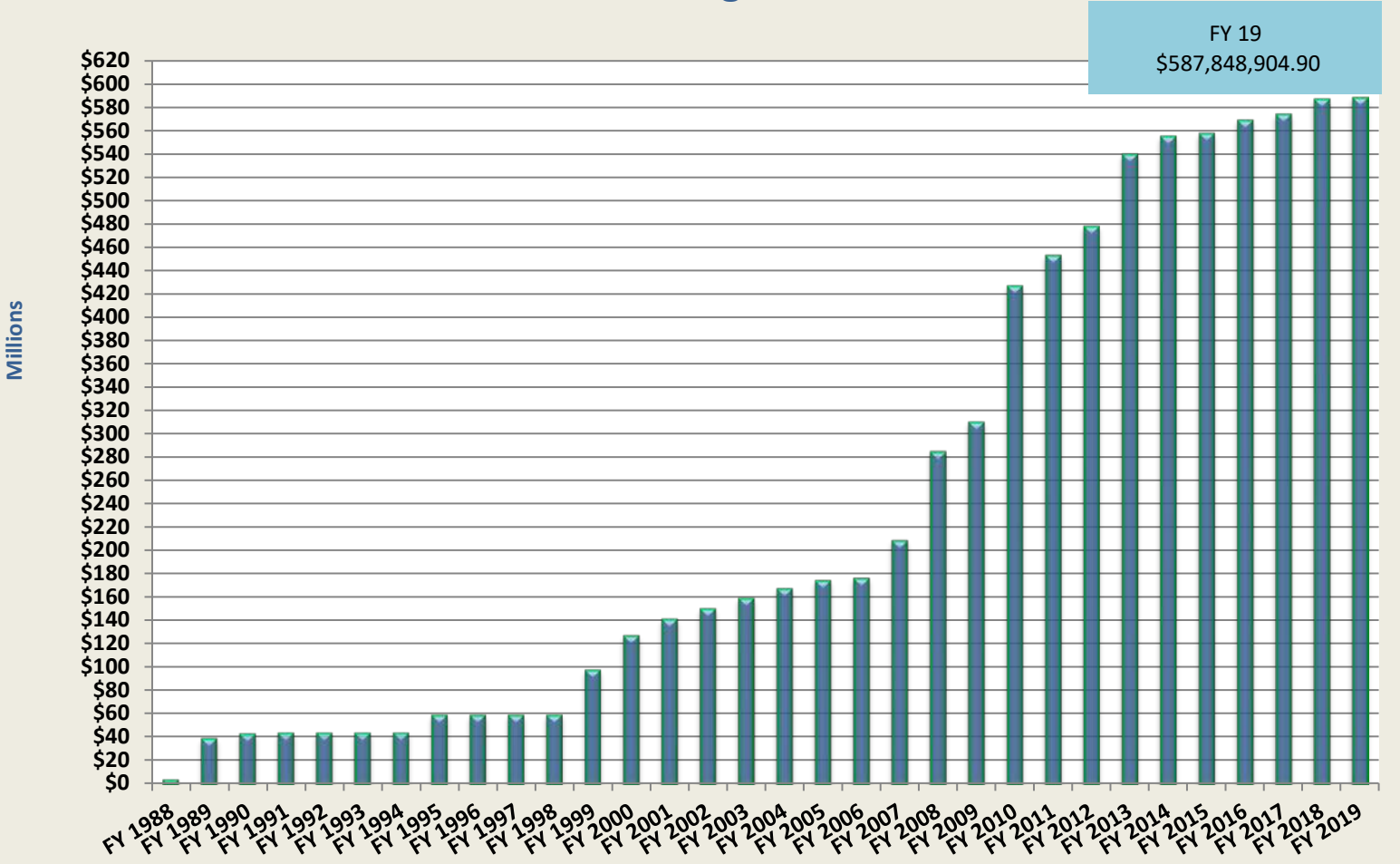
We continue to serve as a dynamic resource for customers interested in competitive electricity providers by updating the rate offerings on a monthly basis. The OPA publishes a bi-weekly newsletter to update individuals, Legislators, and other State agencies on our case activity. The publication is emailed out twice each month. The Consumer Advisor continues to develop case specific guides for individuals seeking information on participating at the Public Utilities Commission. This year we expanded our resources to include a template brief for individual interveners to use when filing a legal brief with the PUC and a template affidavit to submit written testimony as well.

This year saw the successful upgrade to the Office of the Public Advocate website. The new layout is streamlined to allow individuals to access all material in a logical and efficient manner. This upgrade was also designed to help bring the Office of the Public Advocate into compliance with the State goals for Agency Website Accessibility. We continue to strive to ensure that all material posted online is accessible in multiple formats including screen readers and mobile devices.

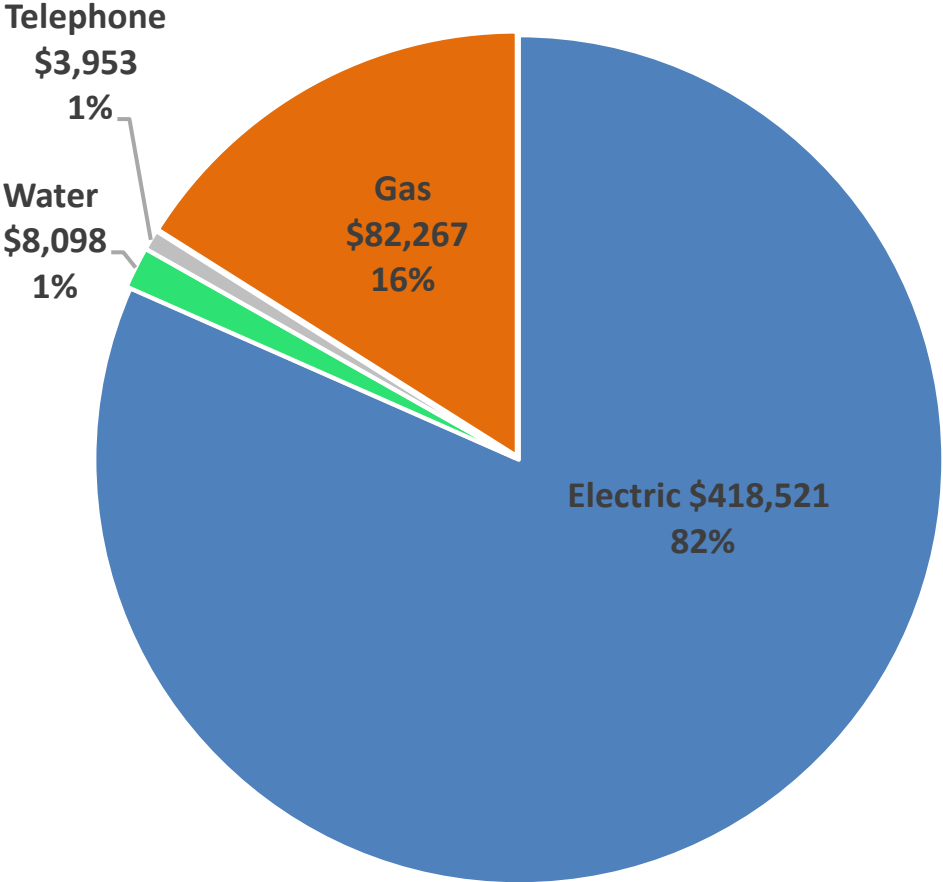
# CUMULATIVE SAVINGS

## Cumulative Savings in Rates 1988 to 2019

### Cummulative Savings in Rates 1988 to 2019



**CONSULTANT COSTS**



PUBLIC ADVOCATE  
STAFF TIME

