



State of Maine
Office of the Public Advocate
112 State House Station, Augusta, Maine 04333-0112
(207) 624-3687 (voice) 711 (TTY) www.Maine.gov/meopa

Janet T. Mills
GOVERNOR

Barry J. Hobbins
PUBLIC ADVOCATE

May 23, 2019

Chairman Lawrence, Chairman Berry and Members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate (“OPA”) testifies in support of LD 1757 “An Act To Clarify Certain Standards for the Efficiency Maine Trust’s (“EMT”) Triennial Plan” which amends the Efficiency Maine Trust Act to:

1. Make changes to the EMT's triennial plan, including requiring the Maine State Housing Authority and the Department of Health and Human Services to provide data to the EMT regarding households that qualify for low-income programs to assist the trust with developing and implementing the triennial plan. Data received by the trust is subject to a protective order to preserve confidentiality;
2. Clarify the process for the adjudicatory proceeding for the approval or rejection of the triennial plan by the Public Utilities Commission (“PUC”);
3. Extend from 30 days to 90 days the amount of time the Director of the EMT has to provide the EMT Board with an annual update plan describing significant changes to the triennial plan;
4. Establish standards of review to be used by the commission when reviewing the triennial plan;
5. Remove the requirement that the trust preserve the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market; and

6. Require the commission to participate in a New England-wide process to establish a common analysis for determining the avoided costs of energy efficiency resources.

The amendment to 35-A MRS s. 10104 4(A)(2) directing the Maine State Housing Authority and the Department of Health and Human Services to provide EMT with the identity and contact information of low-income households is an important and positive change. Identifying and being able to contact low-income households is a challenge in part because income information is personal and sensitive. This change will give EMT access to information that should allow it to directly contact low-income households, which are a priority in the EMT's spending of program funds but preserve the confidentiality of that information.

The amendment to 35-A MRS s. 10104 4(D), specifying that the Commission shall determine whether the triennial plan will capture the maximum achievable cost-effective energy efficiency savings is an important clarification. The level of savings that the Legislature intends EMT to achieve was an issue of contention in the PUC's review of the Trust's Fourth Triennial Plan (Commission Docket No. 2018-00321), and this change should resolve that matter.

The amendments to the PUC's role in reviewing the Trust's Triennial Plans, such those to 35-A MRS s. 10104 4(D) and s. 10111(2), are also important clarifications. In the PUC's review of the Fourth Triennial Plan, there was considerable disagreement between the parties and the PUC over the PUC's function, the data it should rely on in making its decision and the deference it should give to EMT's rules. Clarifying the Legislature's intent concerning these issues should help to make the next review proceeding both less contentious and more efficient.

Thank you for your time, attention and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 1757, and will be present at the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, reading "Barry J. Hobbins". The signature is written in a cursive style with a large initial "B".

Barry J. Hobbins, Public advocate