



State of Maine
Office of the Public Advocate
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Janet T. Mills
GOVERNOR

Barry J. Hobbins
PUBLIC ADVOCATE

February 11, 2021

Chairman Lawrence, Chairman Berry and Members – both new and returning - of the Energy, Utilities and Technology Committee:

My name is Barry Hobbins and I am the Public Advocate and have served as such since June of 2017. As some of you know and for those who do not, I have a long history with this committee having served as both Senate and House Chair. As Public Advocate, I enjoyed working with the EUT Committee during the second 128th session of the Legislature, and all of the 129th session. I look forward to working with you in the 130th Legislature. It is my pleasure to speak briefly today regarding The Office of the Public Advocate and to answer any questions you may have.

The Office of the Public Advocate (“OPA”) was created in 1981 (Title 35-A M.R.S. Chapter 17) and is part of the Executive Department of the State of Maine. The Public Advocate is appointed by the Governor and is subject to review by this committee and is further subject to confirmation by the State Senate. Currently the OPA has 9 employees consisting of the Public Advocate, Deputy Public Advocate, 3 Senior Counsel, an Economic Analyst, Consumer Advisor, a Business Services Manager/Senior Assistant to the Public Advocate, and a Special Assistant to the Public Advocate; which is set forth in the organizational chart that follows.

It is statutorily mandated that the OPA prepare and submit to the Governor and this joint standing committee an annual report on or before September 1st. This annual report provides an overview of the office work for the prior year. Should any of you have any questions about the last report or would like an additional copy please let me know. (for ease of reference you may review the report electronically by visiting: www.maine.gov/meopa).

During the past year, the OPA has been active in 118 proceedings at the Maine Public Utilities Commission (“PUC”), and 12 proceedings at the Federal Energy Regulatory Commission (“FERC”). The office has continued its legislative involvement by attending all public hearings, work sessions, language reviews and testifying on legislation affecting Maine utility customers before legislative committees.

The OPA’s primary responsibility is to represent the interests of Maine utility consumers. Our attorneys and staff advocate for rates, services, and practices to benefit

residential customers in state and regional forums as well as provide information and advice to rate payers.

The Office has pursued its mission for the past 39 years earning both the respect of customers and regulated utilities. While there is 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 2020 brings the OPA's 39-year savings total to more than \$925,576,871.90. Please see page 38 of the its annual report for cumulative savings comparison.

The OPA is funded by surcharge on entities subject to PUC jurisdiction. Costs are allocated to each industry (electric/ferry/gas/telecommunications/water) based on staff hours worked and expenditures from the previous year. The OPA's original approved budget for its Fiscal Year 2019-2020 Regulatory Fund was \$2,437,952 (reference: Statewide Financial Order 000269 FO).

The OPA has continued to participate and monitor the New England Energy Connect ("NECEC") matter. By continuing to be involved, OPA's participation is to ensure that it provides benefits to Maine rate payers and that Maine rate payers are not adversely affected by CMP's pursuit of the project.

The Second Regular Session of the Maine State Legislature adjourned sine die (with no appointed date of resumption). Many bills were left in jeopardy by this adjournment and it is the hope of the OPA that they will be properly addressed in this session.

The OPA appeared before the EUT Committee during the Second Session of the 129th Legislature offering testimony during public hearings as well as working with the Committee during work sessions and language reviews. More information can be found in the Legislature Advocacy section of its 2020 Annual Report.

The OPA participated in several stakeholder group meetings including the study of the continued exploration of transmission and reliability and rate stability in Northern Maine, economic environmental and energy benefits of energy storage to the Maine Electrical Industry and transmission solutions to enable renewable energy investment in the state. In addition, the OPA was charged with convening a stakeholder group to explore and consider issues related to establishing a single statewide franchise. Furthermore, the OPA also attends proceedings at the PUC which includes investigations into utility low income assistance programs, pole attachment reform and most recently the investigation into metering, billing and customer communication pertaining to Central Maine Power Company. The OPA has also been actively involved the Maine Telecommunications Relay Council for many years.

The Council is responsible for the oversight and management of relay services which allow Maine residents who are deaf, hard of hearing, or late-deafened to obtain telecommunications services on an equal basis as hearing residents.

Our office also intervenes in cases before the Federal Regulatory Commission (“FERC”), the federal agency that oversees wholesale electricity markets, interstate electricity transmission and interstate gas transportation; and the Federal Communications Commission (“FCC”) which regulates interstate communications by radio, TV, wire, satellite and cable. We are also active as a consumer representative in the stakeholder process at ISO New England – the regional electric transmission grid operator.

The OPA and the staff actively participate and are active members of groups and associations such as Consumer Liaison Group (“CLG”), E4 Group (Transmission Planning and Cost Allocation), National Association of State Utility Consumer Advocates (“NASUCA”), New England Power Pool (“NEPOOL”), Northern Maine Independence System Administrator (“NMIA”), and the Maine Telecommunications Relay Service Council (“MeTRS”).

The office also participates in several stakeholder groups such as AARP, the Community Action Agencies, Efficiency Maine, Maine State Housing Authority, Maine Equal Justice Partners, the Governor’s Energy Office, and various environmental groups. In addition, and due to my prior telecommunications experiences, I was re-appointed by the Chair of the FCC to serve as a member representing NASUCA on the North American Numbering Council (“NANC”).

The EUT Committee notified the OPA on May 1, 2019 of their intention to review the office in accordance with the schedule and process established the Government Evaluation Act (“GEA”) (3 M.R.S.A. ch. 35). The GEA is an additional process put in place to aid the Legislature with the duty in serving as a check and balance on those who administer the laws of the State. The OPA was directed to prepare a program evaluation report to be due on November 1, 2019 and was submitted electronically on that date. On February 12, 2020 the OPA appeared before the committee and presented this report and answered any questions the members had. On February 27, 2020 the EUT Committee issued a letter to the Honorable Troy Jackson, President of the Senate and the Honorable Sara Gideon, Speaker of the House of Representatives stating the Committee found that the Office of the Public Advocate is operating within its statutory authority. The [Program Evaluation Report for the Public Advocate](#) can be found at: <https://www.maine.gov/meopa>.

In 2019 the Maine Legislature passed a law to implement cost effective alternatives, referred to as NonWires Alternatives (“NWA”). NWA’s are electrical utility system investments and operating practices that can defer or replace the need for specific transmission and/or distribution projects, lower total resource costs, by reliably reducing transmission congestion or distribution system constraints at times of maximum demand in specific grid areas. The law requires the OPA to contract with an NWA Coordinator to review utility proposals for significant wires project investments and determine whether the investment could be avoided through the use of cost-effective NWA’s. OPA, thru the competitive process, Request for Proposal (“RFP”), selected DNV GL Energy Insights

USA, Inc. (“DNV GL”) as the NWA Coordinator in December 2019. Once selected, DNV GL began coordination with the OPA and Efficiency Maine Trust (“EMT”) to carry out the in-depth investigation and analysis of NWA’s as required by the law. For fiscal year 2019-2020 the OPA established the NonWires Alternatives Coordination Fund (2019 P.L. ch. 298) which has a budget of \$800,000 for this project. More information regarding the NWA can be found in the Electricity section of its 2020 Annual Report.

The OPA continues its assistance to customers regarding their utility bills and issues relating to utilities as well as provide help navigating through the Consumer Assistance Division established at the PUC. The OPA also works towards providing support for the development of programs that help to maximize energy savings at a low cost. The Public Advocate when taking a position in a proceeding exercises independent judgment. When representing the interest of consumers, priority is given to low-income consumers, residential consumers, small business consumers and other we feel are inadequately represented.

The OPA has this fiscal year continued to provide legislators, stakeholders and other interested parties a bi-weekly newsletter providing an update of the recent efforts of the OPA.

Representing the interests of the OPA, I spent the last year as a member of the Maine Climate Council Energy Working Group. This working group was formed to evaluate and recommend short and long-term mitigation strategies to reduce gross-net annual greenhouse emissions from Maine’s energy sector and also to recommend and evaluate strategies and actions with regard to climate change.

This past year brought staff changes to the OPA office itself. Andrew Landry joined the OPA as Deputy Public Advocate at the end of July 2019 after the retirement of the Deputy. The OPA reinstated the prior position of Economic Analyst which Paul Leparulo, CFA filled in December 2019. We welcomed Susan Chamberlin, former Consumer Advocate of NH and Nanette Ardry, former chief legal counsel of the Maine Revenue Services; and most recently Kristina Dougherty to fill Senior Counsel positions vacated by staff members who went onto positions at the PUC. These additions to the OPA staff have been proven invaluable. I urge you to visit the OPA website to review the staff page.

It goes without saying the Coronavirus disease of 2019 (COVID-19) has affected us all. As of March 17, 2020; and currently, the OPA’s physical office location is open to staff only. The office remains available to the public by telephone during regular business hours by contacting (207) 624-3687.

We have worked closely with Bureau of Human Resources to make sure the OPA is following state guidelines and we continue to re-evaluate to see when it will be safe to lift this restriction. I would like to thank both BHR and Governor Mills along with her staff for their assistance and leadership during this unprecedented time. My sincere appreciation goes

to the staff of the OPA: between a combination of remotely working from home and limited staff in the office during limited times, they have performed over and above during these challenging times. Simply put they have not skipped a beat. I express my gratitude to them.

The OPA consistently works to make the Maine Ratepayers aware of what the office does on an ongoing basis and what it can do to assist them. We are currently working on plans to increase the level of assistance we provide and look forward to implementing those plans in the coming fiscal year.

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. We look forward to continuing to do so.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry J. Hobbins". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Barry J. Hobbins
Public Advocate