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Heather Sanborn  
PUBLIC ADVOCATE

## **Electric Ratepayer Advisory Council**

**Meeting:** October 27, 2025 at 2:00 PM via Teams

**Council Members:** Jessica Fay, Victoria Forkus, Andrea Steward, Lisa Henaghen, Amy Turner, Sharon Klein, Eloise Vitelli, David Zachow, John Bliss, Katy Childs, Heather Sanborn, Kiera Reardon (in place of Dan Burgess), Phil Bartlett. **Absent:** Linda Ball, Nakia Dana, Shawn Lovley, Ian Burnes, Erik Jorgensen.

**Other Attendees:** Kris Winther (OPA), Derek Davidson (PUC), Deirdre Schneider (PUC), Kathy Largay (Versant), Elizabeth Deprey (OPA), Kathleen Bowman (CMP), Peter Fitzgerald, Annika Breen, Tim Howington, Sylvia Most (OPA)

### **Introduction**

Heather Sanborn welcomed everyone and introduced new members of the Council (John Bliss, Katy Childs, Nakia Dana).

### **Annual Report Process and Timeline**

Heather briefly reviewed the statutory requirement of submitting an Annual Report by December 1. This year's report will detail progress on 2024 recommendations, 2026 work plan, and the new Council membership. ERAC members will receive a draft document for review by November 12. The report will be discussed at the November 17 meeting. Final input deadline will be November 19 to enable the report to be completed before Thanksgiving.

### **Presentation: Residential Retail Electricity Affordability Study – Tim Howington**

Tim Howington presented initial findings of his analysis conducted using the confidential competitive electricity supply data provided to the OPA by CMP and Versant. Tim stressed that this was the first time that disaggregated residential data (town level) had been made available for analysis.

Tim's presentation included:

- Description of the CEP marketplace in Maine using publicly available data (Energy Information Administration)
- Breakdown of CEP rates across the state, using town and county level data not previously available
- Analysis of rates that CEP customers paid compared to the rates they would have paid to their utility if they were on the standard offer
- Breakdown of LIAP recipients by town and county, and specific concerns related to overpayments to CEPs by LIAP recipients in excess of those of other CEP customers

Initial findings:

- CEP revenues have declined at a much slower rate (16%) than the rate of decline in customer count (45%) and kWh usage (40.3%). CEPs are earning higher revenue per customer.
- Statewide over the study period, there are few instances where the rate charged by a CEP is lower than the standard offer.
- There is tremendous variability in CEP rates, many of which are above the average standard offer rate.

- Total excess payment to CEPs by year varies between \$400,000–\$2,200,000. Percent premium varies between 1-81% depending on the year. The total overpayment is \$156M over the nine years.
- Counting how many customers are gaining by being a CEP customer vs. how many are losing, the ratio is stark. The ratio of loss to gain over the study period is as high as 9.9. In other words, far more consumers are paying more than they should, and far too few consumers are gaining.
- This pattern can be seen at the town and county level.
- Using median household income from the census and comparing that to percent premium, there are a significant number of towns (28) with a high proportion of lower-income residents (<75,000) that are paying a premium of 40% or more for CEP supply.
- With respect to LIAP recipients, a map of percent LIAP by county overlaps with the counties with the highest percent premium paid.
- LIAP customers are a growing proportion of the CEP customer base. Of the 21 CEPS, nine of them on average charge LIAP customers a higher rate than non LIAP customers.

Next steps: Consultant will draft his report, consult with CEPs as required by the enabling statute, and submit final report to ERAC (due to Legislature by December 3).

#### ERAC Comments:

- Lisa: make sure to note that this is residential data only. Also, the number of customers in Aroostook that are CEP customers is very low (<100).
- Eloise: Remarkable data and analysis.

#### Discussion on 2026 ERAC Priorities

A draft document was distributed prior to the meeting which included four initiatives for 2026 that were informed by the brainstorming exercise in September.

Two initiatives are proposed to be continued as they are still incomplete:

1. LIAP Reform – mid process – pending rulemaking procedure
  - a. New program structure
  - b. Implementation
  - c. Funding
2. Competitive Electricity Supply – in process
  - a. Report to Legislature by December 3
  - b. New policy proposal could spring from that report

There was no feedback on these remaining priorities for the Council. The discussion then continued with two new initiatives that were proposed after compiling the input from the brainstorming activity in September, as well as comments sent after the meeting.

**Assertion 1:** ERAC needs input from low- and middle-income ratepayers to help identify the next most valuable policy areas to tackle to improve affordability of electricity.

#### **Actions:**

1. Narrow down areas of inquiry, compose questions for multiple formats.
2. Conduct listening sessions and/or focus groups with ratepayers to get first-hand input.
3. Conduct a confidential survey of LIAP recipients.
4. Compile results, identify next steps, and report.

### Feedback:

- Phil: Make sure that there is a good cohort of moderate income folks in the study cohort.
- Eloise: Questions/how they are asked and distributed will be key. Structuring/framing the questions is important.
- Sharon: Outreach and how people are recruited will be important. Meeting people where they are and providing appropriate incentives.
- Jess: Make sure that accessibility is a piece of the study design – hearing, vision, mobility challenges.

**Assertion 2:** The winter disconnection moratorium leads to many customers, especially LIAP recipients, developing large arrearages. This problem will only get compounded if the State has significant disconnection moratoria due to heat emergencies.

**Action:** Initiate a study on the winter disconnection moratorium. Included in this study would be:

- Quantification of the issue of large arrearages developing during disconnection moratoria in both CMP and Versant territories (COUs as well?)
- Investigation of trends over the past ten years
- Investigation of the extent to which this is an issue in other states
  - Policy examples from other states (heat and cold moratoria)
  - Where is the balance of protections vs. motivations effectively managed
- Recommendations
  - Winter/Summer disconnection procedures
  - Disconnection procedures in general

### Feedback:

- Katy: The language of the assertion needs work. The framing of the assertion needs work, as there are many reasons for arrearages developing. What's at the heart of this question is there are moratorium to keep people alive during heat emergencies and during the winter.
- Phil: Challenge is that disconnection notices aren't going out which causes people to not realize that there is urgency to sign up for services. Arrearages are not necessarily being incurred by low-income customers. In fact low-income customers pay at a better rate than other customers. It's about trying to figure out how to get this right, as you obviously want to protect people and not actually shut anyone off, but you also do want to figure out how to help people to stay on track or get people to pay who can pay.
- David: What amount of money is considered "large" for arrearages?
- Amy: COUs must be a part of this discussion, as it is a large issue for us as well. We have probably about 30-40 accounts that end the winter moratorium period with about \$2500 to \$3000 in debt. We find that when heating oil runs out the heating oil company will not deliver more fuel if you haven't paid your bill, so people start plugging in space heaters, which is incredibly expensive. In May when the first disconnect notices go out after the moratorium period ends, we expect them to pay part of their past due plus their current due, which can be \$500-600/month.

Additional Agenda Item: Request to consider beginning the winter disconnect moratorium early due to Federal shut down and delay of SNAP benefits in November. MaineHousing still accepting HEAP applications. Massachusetts Commission determined that the winter disconnect moratorium would start today.

Discussion:

- Amy/COUs: That would throw a wrench in communications with customers and compound payment problems.
- Jess: A significant number of older people participate in SNAP and rely on Social Security. Need to watch and keep this in mind. Also some HEAP applications are being held up because people cannot access their social security statements due to shutdown.
- Lisa: Due to the time of year, the winter warning letters are already going out. The summer season is already winding down and pulling in the shutdown date would be difficult at this point.
- Derek: We are basically at the end of the disconnection season. Utilities can no longer send out a 3-day disconnection notice based on the date we are at and the closeness to the deadline for the moratorium. [Note that Derek clarified after the meeting that he mis-spoke here. He meant to say that 14-day disconnection notices could no longer be sent, though 3-day disconnection notices (usually for missed payments on payment plans) could be.]
- Katy: Based on who the people are who are impacted by the delay in SNAP benefits, it would be the right thing to do to move the moratorium date forward.
- Andrea: In agreement with Katy, they feel that it would be a good idea to push for this as they are already getting calls from people who are in a desperate situation.

Next Meeting – November 17 @ 2pm – Location: MaineHousing

Meeting Adjourned at 3:15pm.