



State of Maine
Office of the Public Advocate

Electric Ratepayer Advisory Council

Fourth Annual Report
December 1, 2025

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Executive Summary

In 2025, several key initiatives relevant to the Electric Ratepayer Advisory Council's mandate were advanced, including:

- **Access to competitive electricity supply data:**
Emergency legislation, **LD 860, “An Act to Allow the Public Advocate to Obtain Information from Public Utilities, Competitive Electricity Providers and Standard-offer Service Providers,”** was enacted. As a result, CMP and Versant provided the Office of the Public Advocate with confidential, town-level data needed to analyze Maine’s retail electricity supply market. A report on findings will be submitted to the Energy, Utilities and Technology Committee in December.
- **Increased visibility for low-income assistance needs:**
LD 995, “An Act to Provide Funding for Low-income Electric Ratepayer Assistance,” which proposed a \$15 million General Fund allocation, passed both houses of the Legislature and was carried over on the Appropriations Table to the Second Regular Session. While funding is unlikely, the bill elevated awareness of the urgent need for adequate low-income assistance program (LIAP) funding.
- **Reform of the Low-Income Assistance Plan:**
The Public Utilities Commission initiated **Docket No. 2025-00241, Amendments to Chapter 314, Statewide Low-Income Assistance Plan Proposed Rule**, introducing significant changes to LIAP administration and funding—including the transition from a lump-sum benefit to a monthly percentage discount program and increased baseline ratepayer funding. These program changes are expected to take effect by **October 2026**.
- **Streamlined enrollment through SupportLink:**
Also by **October 2026**, the **SupportLink** system is expected to enable data-sharing between the Department of Health and Human Services and the utilities on a quarterly basis to facilitate automatic enrollment of SNAP, TANF, and MaineCare recipients in LIAP, unless they opt out of data sharing.

In addition, the Council marked the completion of its first three-year term on June 30, beginning a new term with a strong mix of returning and newly appointed members.

Background

The Electric Ratepayer Advisory Council (ERAC) was established by “An Act to Create the Electric Ratepayer Advisory Council,” Public Law 2021, chapter 623 (LD 1913), signed by Governor Mills on April 18, 2022.¹ ERAC is comprised of 18 members. ERAC members are appointed by the Public Advocate to three-year terms. The governing statute establishes designated seats for members of the public, subject area experts, industry professionals, and ex-officio State of Maine officials. The combined expertise of Council members provides the Office of the Public Advocate (OPA) with significant direction on electricity policy initiatives. In addition to the formal membership, subject matter experts from Maine agencies, consultants, and the public contribute to the Council’s work.

The Act requires an annual report from the OPA and ERAC to the Energy, Utilities and Technology Committee (EUT) of the Legislature. The Act also directs the Council to make recommendations to the Public Advocate regarding methods to ensure that ratepayers can afford electricity in the state. In developing the recommendations, the Council shall:

- Consider existing and projected rates and existing and planned electric assistance programs, including more streamlined and cost-effective options for providing assistance to all ratepayers who may be struggling to pay their electric utility bills.
- Identify methods to:
 - Fund electric assistance programs that do not result in shifting costs to ratepayers.
 - Improve education and outreach efforts regarding electric assistance programs, the retail electricity supply market, and energy efficiency programs.
 - Make energy efficiency programs more accessible to low-income, moderate-income, and small business ratepayers, including renters of housing and commercial spaces.
- Identify other methods that may improve the affordability of electricity.

To accomplish these directives, ERAC sets goals each year and helps inform the OPA’s advocacy priorities for Maine’s low-income electricity assistance programs. ERAC has provided three previous Annual Reports to the Legislature. The Initial Annual Report, dated December 1, 2022, describes the formation of the Council and the landscape in terms of electric utilities, electricity supply, and energy efficiency programs in Maine. Research was conducted on low-income ratepayer programs in Maine and New England, as well as background on the need for additional assistance in Maine.

The Second Annual Report, dated December 1, 2023, provides a status update to the Legislature on progress toward implementing the prior year’s recommendations. A best practices study was conducted of other states’ electric ratepayer assistance programs

¹ See Appendix A for the full text of the Statute.

and to update previous findings on the difference between the amount of assistance needed by Maine's low-income ratepayers and the assistance available—otherwise known as the affordability gap.

The Third Annual Report, dated December 1, 2024 included two new studies commissioned on behalf of ERAC. The first study, Quantifying Maine's Household Energy Burden and Affordability Gap, describes the many factors contributing to an unsustainable energy burden in our state. Most significantly, Maine's approximately 100,000 low-income households pay electricity costs that are twice the national average and, as a percentage of household income, are required to pay twice what experts believe is affordable.

The second study conducted in 2024, Is Maine's CEP-Served Residential Retail Electric Supply Market Affordable?, compared prices CEPs charge residential customers with prices those customers would have paid had they purchased standard offer service. Comparing residential CEP payments to the Standard Offer price during the eight years from 2016 to 2023, the study found that total overpayment exceeded \$135M, or approximately \$17M/year. Preliminary evidence suggested this staggering sum is not evenly distributed among ratepayers and is concentrated among low-income households, arguably those least able to absorb the additional cost. Both studies informed the 20 recommendations delivered in the 2024 ERAC Annual Report.

2025 Activities of the Electric Ratepayer Advisory Council

The Council is charged with conducting meetings at least once per year, and each meeting is a public proceeding that allows for public comment. The following meetings were held in 2025:

- January 22 – Discussion on 2025 Council initiatives.
- March 10 – Legislative and PUC update relative to Council initiatives.
- April 14 – Legislative and PUC update relative to Council initiatives.
- July 14 – Legislative round-up.
- September 8 – Introductions, board orientation, and priority setting activity.
- October 27 – Presentation on follow-on competitive electricity supply study and draft 2026 initiatives.
- November 17 – Finalize priorities and discussion on draft Annual Report.
- December 8 – Anticipated agenda: work plan to accomplish priorities.

Recordings of each 2025 meeting, along with notes and presentations can be found on the OPA's website. Meetings are publicized via an email distribution list of members and interested parties. A description of the content of each meeting is reported in the OPA's monthly *Highlights* newsletter along with information on how to join the email list or to receive a link to join the meeting.

Progress in implementation of prior recommendations

The Council's December 2024 Annual Report included 20 recommendations for consideration by the Legislature and policy makers. Substantial progress on addressing the first ten recommendations was made over the course of this year, as described below.

Further Investigate the Retail Electricity Supply Market

Recommendation	Status
Support legislation to allow the OPA, subject to Public Utilities Commission (PUC) approval, access to CEP data held by utilities to fully investigate the extent to which low-income households are being overcharged by CEPs.	Emergency legislation, LD 860, "An Act to Allow the Public Advocate to Obtain Information from Public Utilities, Competitive Electricity Providers and Standard-offer Service Providers," was enacted. As a result, CMP and Versant provided the OPA with the confidential, town-level data needed to further analyze the retail electricity supply market in Maine with particular attention to its impact on low-income customers.
Use the data referenced above to enable ERAC to expand its investigation of the ongoing CEP residential overcharging (\$135M over eight years) to more precisely calculate how much of it is paid by low-income consumers.	The OPA retained Tim Howington to conduct the follow-on research to satisfy this recommendation. His report is nearing completion and will be provided to the Legislature in December 2025.

Low-Income Assistance Program (LIAP) – Funding and Administration

Recommendation	Status
Increase taxpayer funding by dedicating the existing state sales tax on electricity to LIAP funding.	LD 995, “An Act to Provide Funding for Low-income Electric Ratepayer Assistance,” a bill requesting \$15 million from the General Fund revenue passed both houses of the Legislature and was carried over on the Appropriations Table to the Second Regular Session.
Make LIAP enrollment automatic for Department of Health and Human Services (DHHS) clients with household incomes that qualify for LIAP with an opt-out provision.	SupportLink program is now presenting clients with the option to “opt out” of data sharing with utilities as they sign up for SNAP, Medicare, or TANF benefits with DHHS. The SupportLink data-sharing mechanism is expected to be fully implemented in October 2026.
Until automatic enrollment is implemented, continue the current DHHS-expedited LIAP enrollment program which provides an enrollment letter to qualifying households.	60,000 letters to households likely to be enrolled in LIAP were sent on September 30, 2025.
Increase LIAP funding from ratepayers and/or taxpayers to help close the affordability gap so that, on average, consumers are not spending more than 4% of household income on electricity.	PUC Docket No. 2025-00241 Amendments to Chapter 314 Statewide Low-Income Assistance Plan Proposed Rule <ul style="list-style-type: none"> Increases the total LIAP budget beginning October 1, 2026 to \$30M. OPA notes this is not sufficient to reach the 4% affordability target. The OPA advocated in the rule-making process for an annual true-up to ensure each LIAP participant receives the maximum calculated benefit, regardless of initial budget estimates. Requires the investor-owned utilities to redesign their programs and implement a new discount rate program that will begin October 1, 2026. Permanently raises the household income cap on DHHS means-tested program customers from 75% of the federal poverty guidelines (FPL) to 150% of FPL Changes do not apply to COUs, which will retain the option of using a lump-sum discount program.
Convert LIAP benefits to a uniform monthly percentage discount applied to current bills, rather than two lump sum bill credits per year. Set these LIAP discount percentages for each of the four Federal Poverty Level (FPL) tiers to achieve an average 4% affordability target in each tier.	<p><u>The Rule is still in draft form, but the OPA expected that it will be finalized and adopted within the coming months.</u></p>
Implement an annual true-up, or rate adjustment, with each utility to ensure that they are fully reimbursed for all LIAP benefits and program costs, to be sure that each LIAP participant receives the maximum calculated benefit, regardless of initial budget estimates.	
Make reasonable accommodation in the implementation of these recommendations for the consumer-owned utilities (COUs) that have limited resources and for investor-owned utilities (IOUs) whose billing systems may take time to implement.	
Until LIAP is converted to a uniform discount program, reconsider the LIAP benefit amounts when the standard offer rate changes on January 1 during each program year.	This recommendation is no longer applicable, as the proposed LIAP rule changes will be enacted for the next program year.
Until LIAP is converted to a uniform discount program, consider changes to the current program to minimize the likelihood that the current LIAP bill credits are so large they cannot be used by individual ratepayers in the year in which they were awarded.	This recommendation was not advanced.

Increase consumer education and outreach

Recommendation	Status
Ensure all LIAP and Arrearage Management Program (AMP) participants have a clear understanding of the energy efficiency programs available to them.	These recommendations were not assigned to a particular agency or related to a particular project. As a result, specific accomplishments related to the implementation of these recommendations were not tracked for reporting purposes and are distributed among multiple agencies that work with ratepayers.
Increase understanding and education regarding common reasons for high electric bills.	
Encourage LIAP participants with arrearages to participate in AMP.	
Increase consumer awareness of safety issues and potentially significant financial burden of using space heaters for winter heating.	Despite the lack of specific program changes, it is the general understanding of the Council that each of these recommendations are currently being undertaken by the utilities and relevant agencies.
Promote EMT as a source of information and programs for managing high energy costs.	

Other Recommendations

Recommendation	Status
Support new programs such as Solar for All (SFA) and continued heat pump deployment that provide substantial savings opportunities for all lower income ratepayers.	This final block of recommendations was not materially advanced during 2025. These topics were considered during the priority setting for the coming year.
Fund housing programs that improve building conditions, to enable low-income homes to afford structural repairs needed to qualify for government funding of weatherization upgrades.	
Consider the rising need and cost of summer air conditioning when considering low-income ratepayer benefits.	
Consider the impact on low-income ratepayers of large arrearages built up during the winter disconnection moratorium.	

ERAC Membership

This year marked the completion of the first ERAC three-year term. We thanked our retiring council members, Jess Maurer (Maine Council on Aging), Ann Danforth (Maine Equal Justice), Claire Berkowitz (Midcoast Maine Community Action), Amy Racine (Saco Falls Management), Kim Brackett (Brackett's Market), and Reese Chevaree (Penobscot Nation). The second three-year term began on July 1 and will continue until June 20, 2028. New and returning appointments (*) to the Council are listed on the following tables with their official seat number and description.

Seat as Described in Statute	Seat #	Council Member	Organization	Title
Voting Members:				
Senior Citizens/Aging Population	1	Jessica Fay	Maine Council on Aging	Policy Director
Equal Justice Advocacy Org	2	Andrea Steward	Maine Equal Justice	Policy Advocate
Community Action Agency	3	Victoria Forkus	Maine Community Action Partnership	Managing Director
Statewide Affordable Housing Advocate	4	Kathryn Childs	Pine Tree Legal Assistance	Managing Attorney
Central Maine Power	5	Linda Ball*	CMP	President and CEO
Consumer Owned Utility Representative	6	Amy Turner*	Fox Island Electric Cooperative	CEO
Large Industrial Employer	7	Shawn Lovley*	Pineland Farms Potato Co.	Plant Manager
Research Organization (Economic)	8	Sharon Klein*	University of Maine	Associate Professor
Federally Recognized Tribal Representative	9	Nakia Dana	Passamaquoddy Tribe	Resource Coordinator
Central Maine Power Customer	10	Eloise Vitelli*	Citizen	Retired Senator
Versant Customer	11	David Zachow	Citizen	Retired Master Electrician
Small Business Owner	12	John Bliss	Howell Laboratories	Vice President of Engineering
Versant	13	Lisa Henaghen*	Versant	Director, Customer Experience

Seat as Described in Statute	Seat #	Council Member	Organization	Title
Ex Officio (non-voting) Members:				
Office of the Public Advocate	14	Heather Sanborn	OPA	Public Advocate
Director of Governor's Energy Office	15	Dan Burgess	Department of Energy Resources ²	Acting Commissioner
Public Utility Commission Chair/PUC Designee	16	Phil Bartlett	PUC	Chairman
Director of Efficiency Maine Trust/EMT Designee	17	Ian Burnes	EMT	Director of Strategic Initiatives
Director of Maine State Housing Authority Designee	18	Erik Jorgensen	MaineHousing	Sr. Director of Government Relations & Communications

Electric Ratepayer Advisory Council Priority Setting for 2026

ERAC considered and adopted four focus areas for 2026. The first two initiatives are continuations of work begun in prior years. The second two grew from reflection on prior recommendations that had not yet been addressed and a priority setting exercise at the start of the new membership term in September. The Council is currently engaged in developing the work plan for these two new initiatives.

Low-Income Assistance Program Reform

Reforms to the administration and funding of LIAP are anticipated to be implemented in October 2026 for Program Year 2026-27 (PUC Docket No. 2025-00241).

Remaining Actions:

1. Continue to advocate for modifications to the PUC's proposed rule to bring administrative changes in line with ERAC's suggestions.
2. Continue to advocate for increased funding, to bring the electricity burden to the 4% of household income recommended in last year's Energy Burden Study.
3. Continue to monitor and support the implementation of SupportLink, with the anticipation of greater participation in LIAP.

²The Department of Energy Resources is the successor entity to the Governor's Energy Office as of September 24, 2025. This seat is now for the Commissioner or designee.

Competitive Electricity Supply

In October, ERAC heard a detailed presentation on the preliminary findings of the follow-on residential retail electricity affordability study initiated after the passage of LD 860 in June. The final study report will be provided to the Legislature in December 2025. The analysis suggests that the retail electricity market has failed in its purpose to provide lower prices through competition. In fact, the evidence shows that it in fact has been costly to ratepayers, including a disproportionate impact on those least able to afford it.

Remaining Actions:

1. Finalize and deliver report to Legislature.
2. Consider new legislation in response to the findings.

Solicit Input Directly from Ratepayers

ERAC has a strong interest in getting input from ratepayers with low- and middle-income. This will help ERAC capture stories and identify gaps in the current system, enabling ERAC to identify the next most valuable policy areas to address improving the affordability of electricity.

Possible Actions:

1. Narrow down areas of inquiry, carefully 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.

Study Mitigation of Arrearages During Disconnection Moratoria

Some residential customers develop large arrearages during the annual winter disconnection moratorium. This problem could be compounded if the State has future disconnection moratoria due to heat emergencies.

Possible Actions: Initiate a study on the topic of mitigating the development of arrearages during disconnection moratoria. This study could include:

1. Quantification of arrearages developing during disconnection moratorium periods at both IOUs and COUs in Maine.
2. Characterization of the demographics of customers who develop arrearages during these periods.
3. Investigation of trends since 2020
4. Investigation of the extent to which this is an issue in other states and how they have addressed it
5. Recommendations

Financial Accounting

The statute establishing ERAC included a one-time appropriation and allocation of \$100,000 of Other Special Revenue Funds to the OPA's general regulatory account to support the work of ERAC. The following is an accounting of the funds expended from the OPA's general regulatory account to conduct studies on behalf of ERAC. In addition to these studies, the OPA staffs the Council and maintains Council records.

Date	Study	Consultant	Cost of Contract
2022	Initial investigation into energy affordability, low-income assistance, and proposed actions	SAGE Management Consultants, LLC	\$100,000
2023	Low-Income Assistance Program and Best Practices Study and Assistance Gap Update	SAGE Management Consultants, LLC	\$43,025
2024	Quantifying Maine's Household Energy Burden and Affordability Gap	Vermont Energy Information Corp & Beech Hill Research	\$55,845
2024	Is Maine's CEP-Served Retail Electric Supply Market Affordable?	Baldwin Consulting	\$43,000
2025	Analysis of Maine's Market for Residential Competitive Electricity	Timothy E. Howington	\$35,000
		Total Consulting Expenditures	\$276,870

Funding of ERAC activities must be addressed

The original Other Special Revenue allocated to the Council's work was \$100,000 which was expended during the Council's first year. There was no provision for additional funds for future work. To date, studies to advance ERAC's agenda have been paid for from OPA's budget for consultants. However, with several major utility regulatory proceedings underway in FY 2026, the OPA's authorized budget may be insufficient to accomplish the new priorities established by the ERAC.

Appendix A: State of Maine Public Law 2021, Chapter 623 (LD 1913)

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

S.P. 674 - L.D. 1913

An Act To Create the Electric Ratepayer Advisory Council

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the affordability of electricity in the State is a major issue facing many ratepayers; and

Whereas, stakeholders need to begin immediately to evaluate measures to make electricity more affordable and advise the Public Advocate on these potential measures; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§93 is enacted to read:

93.

<u>Public Advocate</u>	<u>Electric Ratepayer Advisory Council</u>	<u>Not Authorized</u>	<u>35-A MRSA</u>
§1714			

Sec. 2. 35-A MRSA §1714 is enacted to read:

§1714. Electric Ratepayer Advisory Council

1. Appointment; composition. The Electric Ratepayer Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 93, consists of 18 members as follows:

A. Thirteen voting members appointed by the Public Advocate including:

- (1) One member representing the interests of senior citizens and the aging population of the State;
- (2) One member representing an equal justice advocacy organization operating in the State;
- (3) One member representing an association of community action agencies as defined in Title 22, section 5321, subsection 2;
- (4) One member representing a statewide organization that advocates for affordable housing;
- (5) One member from each investor-owned transmission and distribution utility in the State;
- (6) One member representing a consumer-owned transmission and distribution utility in the State;
- (7) One member representing a large industrial employer based in the State;
- (8) One member representing a research organization dedicated to improving the economic outlook of the State and its residents;
- (9) One member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If these tribal governments do not make a unanimous joint recommendation, the Public Advocate shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State;
- (10) Two public members, one of whom is a customer of an investor-owned transmission and distribution utility serving the northern portion of the State and one of whom is a customer of an investor-owned transmission and distributed utility serving the southern portion of the State; and
- (11) One public member who is a small business owner; and

B. Five ex officio, nonvoting members including:

- (1) The Public Advocate or the Public Advocate's designee;
- (2) The Director of the Governor's Energy Office or the director's designee;
- (3) The chair of the commission or the chair's designee;
- (4) The Director of the Efficiency Maine Trust or the director's designee; and
- (5) The director of the Maine State Housing Authority or the director's designee.

2. Duties. The council shall make recommendations to the Public Advocate regarding methods to ensure that ratepayers are able to afford electricity in the State. In developing recommendations, the council shall:

- A. Review the electric rates and rate design in effect when the council is developing its recommendations, projected changes in those rates and the policy goals and other factors contributing to projected changes in those rates;
- B. Review electric assistance programs in existence when the council is developing its recommendations, including those programs implemented pursuant to section 3214, and consider more streamlined and cost-effective options to provide assistance to all ratepayers that may be struggling to pay their electric utility bills, including an electric utility relief program that provides assistance to individuals receiving benefits under a state or federal low-income assistance program or whose family income is equal to or below 200% of the federal nonfarm income official poverty line;
- C. Identify methods to:
 - (1) Fund electric assistance programs that do not result in shifting costs to ratepayers;
 - (2) Improve education and outreach efforts regarding electric assistance programs, the retail electricity supply market and energy efficiency programs; and
 - (3) Make energy efficiency programs more accessible to low-income, moderate income and small business ratepayers, including those ratepayers that rent housing accommodations or commercial spaces; and
- D. Identify any other methods that may improve the affordability of electricity.

3. Terms. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term.

- 4. Meetings.** The council shall meet at least once a year.
- 5. Chair.** The Public Advocate shall appoint a chair.
- 6. Public participation.** Meetings of the council are public proceedings and may allow for public comment.

7. Staff assistance. The Public Advocate and the commission shall provide necessary administrative staffing services to the council.

8. Reports. By December 1st of each year, the Public Advocate shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the activities of the council and any recommendations the council made to the Public Advocate pursuant to subsection 2. The committee may report out a bill to the Legislature relating to the recommendation of the council.

Sec. 3. Electric Ratepayer Advisory Council; appointments; meetings. The Public Advocate shall make initial appointments to the Electric Ratepayer Advisory Council pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 1 no later than 60 days after the effective date of this Act.

Notwithstanding Title 35-A, section 1714, subsection 4, during the 2022 calendar year the Electric Ratepayer Advisory Council shall hold its first meeting no later than July 1, 2022 and shall hold at least 5 meetings in total during that calendar year.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Public Advocate 0410

Initiative: Provides a one-time allocation for the cost of contracted services to develop a report on the activities and recommendations of the Electric Ratepayer Advisory Council.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$100,000

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.