

PROCUREMENT ANNOUNCEMENT

Distributed Generation Resources

Issued by the Maine Public Utilities Commission
May 28, 2021

The Maine Public Utilities Commission (Commission) issues this Procurement Announcement (PA) related to the procurement of the output from distributed generation resources in the State of Maine pursuant to An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine and Chapter 312 of the Commission's rules.

Additional information about this Procurement Announcement, is available at: <https://www.maine.gov/mpuc/electricity/rfps/dg-procurement/2021-00108/>

Any questions regarding this Procurement Announcement may be submitted to: DGProcurement.PUC@maine.gov

1. Background

During its 2019 session, the Legislature enacted An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine. P.L. 2019, Chapter 478 (Act). Part B of the Act created a distributed generation procurement process that requires the Commission to solicit long-term contract proposals for targeted amounts of energy, capacity and renewable energy credits (RECs) from developers of renewable distributed generation facilities of less than 5 MW over five procurement rounds. On February 28, 2020, the Maine Public Utilities Commission (MPUC) issued a Procurement Announcement Block 1 of the procurement.

On August 28, 2020, the Commission issued its Order finding that the Block 1 procurement was not competitive pursuant to the standards set forth in the Act, Chapter 312 of the Commission's rules, and the Commission's Procurement Announcement.¹ The Act requires that, if no bids are accepted under the first solicitation, the Commission will study the reasons for the inability of the procurement to secure the target amount, submit a report of its findings and any recommended legislation to the Legislature and commence a new competitive procurement within nine months.

On November 10, 2020, the Commission submitted its report to the Legislature providing recommendations for the Legislature to consider for improving the competitiveness of future solicitations.²

2. Procurement Schedule and Process

In the current legislative session, the Energy, Utilities and Technology Committee of the Maine Legislature is considering several bills that could affect the structure of the procurement or eliminate the procurement in its entirety. Absent definitive action by the

¹ *Competitive Procurement for the Output of Distributed Generation (P.L. 2019, ch. 478, Part B)*, Docket No. 2020-00014, Order (Aug. 28, 2020).

² Maine Public Utilities Commission, Report on Renewable Distributed Generation Solicitation, presented to the Joint Standing Committee on Energy, Utilities and Technology (Nov. 10, 2020), available at the Commission's webpage: <https://www.maine.gov/mpuc/legislative/reports.shtml>.

Legislature, at present the Act remains in effect and, thus, the Commission is required to commence this procurement within the required timeframe. However, given the potential for changes to, or elimination of, the Act, the Commission will not at this time establish a schedule or any specific parameters for the Procurement.

Consequently, the Commission is commencing this procurement by issuing a Procurement Announcement. Interested entities should monitor this process for potential changes as additional guidance is forthcoming from the Maine Legislature.

3. Terms and Conditions

3.1. Rights of the Commission

The Commission reserves the right to withdraw or modify the Procurement Announcement at any time. Awards made, if any, pursuant to this Procurement Announcement, including any subsequent amendments, will be determined by the Commission consistent with applicable laws and rules, the provisions of this Procurement Announcement and any amendments to the Procurement Announcement and the Commission's statutory public interest obligations. The Commission shall not be responsible or liable in any manner for risks, costs, expenses, or other damages incurred by any Bidder and/or Project or other entity involved, directly or indirectly, with this Procurement.

3.2. State Held Harmless

The State of Maine, its officers, agents, and employees, including the Maine Public Utilities Commission, Commissioners and the employees or agents of the Maine Public Utilities Commission shall be held harmless from any and all claims, costs, expenses, injuries, liabilities, losses and damages of every kind and description resulting from or arising out of this Procurement Announcement.