

Request for Applications for Disbursements
from Maine's Regional Greenhouse Gas
Initiative Trust Fund

Issued by the Maine Public Utilities Commission

July 14, 2017

BACKGROUND

The Maine Public Utilities Commission (Commission) is seeking applications for disbursements from Maine's Regional Greenhouse Gas Initiative (RGGI) Trust Fund.

During its 2016 session, the Maine Legislature enacted An Act To Reduce Electric Rates for Maine's Businesses (2016 Act) P.L. 2015, ch. 498 (codified in relevant part at 35-A M.R.S. § 10109(3-A)). The 2016 Act directed the Efficiency Maine Trust (Trust) to transfer money to the Commission from Maine's Regional Greenhouse Gas Initiative (RGGI) trust fund for fiscal years 2016-17, 2017-18, and 2018-19 for the purpose of the Commission making disbursements in accordance with the 2016 Act to Affected Customers, as defined by the 2016 Act.

During its 2017 session, the Maine Legislature enacted An Act To Establish Energy Policy in Maine (2017 Act) P.L. 2017, ch. 282, which amends 35-A M.R.S. § 10109(3-A)(A) to read:

The commission shall direct funds to be disbursed quarterly during fiscal years 2017-18, 2018-19 and 2019-20 for the benefit of affected customers in proportion to their retail purchase of electricity as measured in kilowatt-hours for the prior calendar year. The total amount to be disbursed from the fund, to the extent those funds are available, must be \$2,500,000 in fiscal year 2017-18, \$2,500,000 in fiscal year 2018-19 and \$1,000,000 in fiscal year 2019-20.

This Request for Applications (RFA) pertains to disbursements for fiscal year 2017-18 only.

Section 10109 defines Affected Customers as customers that: (1) are not primarily in the business of selling electricity; (2) receive service at transmission or sub-transmission voltage within a utility transmission system administered by an independent system operator of the New England bulk power system; and (3) are energy intensive manufacturers.

The \$2.5 million disbursement amount for fiscal year 2017-18 will be allocated among Affected Customers in proportion to their retail purchase of electricity (in kWh) during the prior calendar year (2016). The Commission anticipates selecting Affected Customers and determining the amount of the disbursement for each Affected Customer by mid-September 2017. Affected Customers may elect in writing to the Commission prior to October 1, 2017 to not receive a disbursement for the full period of fiscal years 2017-18 to 2019-20, in which case the total amount to be disbursed in each year will be reduced to reflect the share of load represented by Affected Customers electing to opt out.

Disbursements will be made quarterly.

Affected Customers that use their entire disbursement toward an energy efficiency measure approved by the Efficiency Maine Trust (EMT) will receive additional

funds from EMT toward the cost of the measure in accordance with the 2016 and 2017 Acts. These processes will be administered by EMT.

Additional materials related to this Request for Applications, including a copy of the 2016 Act, the 2017 Act, the Standard Application Form, and instructions for submitting applications, is available at: <http://www.maine.gov/mpuc/electricity/rggime/>

[Applications are due on or before August 10, 2017.](#)

1. Eligibility Criteria for Affected Customers

1.1 Manufacturer

An Affected Customer must be a manufacturer. For the purpose of this RFA, a manufacturer is a customer that is currently engaged in the production of tangible goods intended to be sold or leased for final use or consumption.

1.2 Energy-intensiveness

For the purpose of this RFA, a customer having a North American Industry Classification System code (NAICS code) that is identified by the U.S. Energy Information Administration (EIA) as Energy Intensive Manufacturing will be considered to be an energy-intensive manufacturer. An applicant may propose other metrics to demonstrate that it is an Affected Customer and, thus, eligible to receive funds pursuant to the Act. Applicants must provide sufficient documentation and backup materials to allow the Commission to evaluate and verify the customer's eligibility for Affected Customer status.

1.3 Location and Service Voltage Level

An Affected Customer must be receiving service at transmission or subtransmission voltage level as defined in 35-A M.R.S. § 10110 (6) within the electrical utility transmission system administered by an independent system operator of the New England bulk power system or a successor organization.

1.4 Eligible Facilities

Eligibility and disbursement amounts will be limited to the facility or facilities of an Affected Customer that meet location and service requirements.

2. Application Requirements

2.1 General

Applicants should provide a description of the customer, its facilities and the nature of its manufacturing, including but not limited to the products produced, the manufacturing process, and the customer's energy use. Applicants should also provide

the location(s) of its facilities in Maine, and a copy of recent utility bill(s) for all included facilities as verification of the location and voltage at which it receives electricity service.

2.2 Standard Application Form

Applicants must provide a completed Standard Application Form that includes all of the required information. In addition, applicants must provide sufficient documentation to allow the Commission to verify that the information provided in the Application Form is accurate and current.

2.3 Affidavit

Applicants must provide an affidavit warranting the completeness and accuracy of the materials provided in its Application. The affidavit shall be substantially in the form provided on the RFA website.

2.4 Energy Intensiveness

Applicants must provide the NAICS code(s) for the customer facility or facilities seeking to be designated as Affected Customers. If an applicant claims that its NAICS code is identified by EIA as Energy-intensive Manufacturing, the most current EIA report or document in support of this must be provided. If an applicant is not identified by EIA as Energy-intensive Manufacturing, the applicant must demonstrate to the Commission's satisfaction that it is an Affected Customer pursuant to the Act.

2.5 Corporate and Financial Information

Applications should include information and supporting documents describing the corporate structure and ownership of the customer. Applications should include the most recent audited financial statements of the customer and consolidated financial statements (if any) for the corporate entity of which the customer is a part.

2.6 Confidentiality

An applicant may designate information included in its application as proprietary or confidential information. The Commission will take every reasonable step, consistent with law, to protect information that is clearly identified as proprietary or confidential on the page on which it appears. Protected information may be made available to the Maine Office of Public Advocate and the Efficiency Maine Trust under appropriate protective orders and non-disclosure agreements. The identities of all applicants, including the identities of Affected Customers that receive disbursements and the amount each receives, will become public at the time of the Commission's decision.

3. Process

3.1 Overview of Process; Schedule

Applications are due on or before August 10, 2017.

Instructions for submitting applications will be posted to the RFA website at: <http://www.maine.gov/mpuc/electricity/rggime/>

The Commission Staff will review all applications and may ask for supplemental and/or clarifying information from applicants.

3.2 RFA Documents and Information; Contact Person

The RFA and related materials are available at:
<http://www.maine.gov/mpuc/electricity/rggime/>

All changes and supplements to these materials will be posted at the same link. Bidders are responsible to obtain these updated materials.

The RFA Contact Person is:

Faith Huntington
Director of Electricity and Natural Gas
Maine Public Utilities Commission
Faith.Huntington@maine.gov
207-287-1373

Interested customers may submit questions or request additional information by contacting the RFA Contact Person. To the extent these inquiries elicit generally applicable information or corrections/clarifications to existing information, such information may be posted to the RFA website. Customer questions, information requests and the associated responses will not otherwise be made generally available.

The Commission will endeavor to respond to all questions and information requests, but it is under no obligation to do so.

4. General

4.1 Clarification or Supplemental Material

Applications must be submitted in accordance with this RFA or as otherwise specified by the Commission, and may not be revised or supplemented after the application due date unless upon request by the Commission. The Commission reserves the right to seek clarification and request additional information, documentation and other material related to the applications. Failure to provide any such items within the timeframes requested may result in disqualification.

4.2 Application Costs

All costs associated with developing and submitting an application in response to this RFA and providing oral or written clarification of its contents are borne by the applicant.

4.3 Rights of the Commission

The Commission may accept or reject any application based on its assessment of whether the application meets the requirements of the RFA. Determination of whether an applicant is an Affected Customer and the amount of any disbursement is within the Commission sole discretion, in accordance with applicable statutes.

The Commission shall not be responsible or liable in any manner for risks, costs, expenses, or other damages incurred by any applicant or other entity involved, directly or indirectly, with this RFA.

4.4 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 RFA.

4.5 Warranty

The information contained in the RFA and provided subsequently is prepared to assist applicants and does not purport to contain all of the information that may be relevant to applicants. The Commission makes no representation or warranty, expressed or implied, as to the accuracy or completeness of the information. The Commission, its staff and its agents shall not have any liability for any representations expressed or implied in, or any omissions from, the RFA or information obtained by bidders from the Commission, its staff, its agents or any other source.