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**Chapter 314: STATEWIDE LOW-INCOME ASSISTANCE PLAN**


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**SUMMARY:** This Chapter establishes the standard design, as well as the administration and funding criteria for a Statewide Low-Income Assistance Plan to assist qualified low-income customers pay their electric bills. This Chapter mandates the creation of [a Low-Income Assistance Programs \(LIAP\)](#) for transmission and distribution utilities that do not currently have them and the continuation of existing [Low Income Assistance Programs \(LIAPs\)](#). This Chapter creates a central fund to finance the statewide plan and apportions the fund to transmission and distribution utilities based on the percentage of [LHEAP/LIAP](#) eligible persons residing in their respective service territories. The Maine State Housing Authority ([MSHA](#)) will administer the statewide plan and the individual LIAPs [and the Department of Human and Health Services \(DHHS\) will provide notification of eligibility for the LIAP to participants of DHHS administered programs who are at or below 150% of the federal poverty guidelines.](#)

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**§1 GENERAL PROVISIONS AND DEFINITIONS****A. Scope of Rule**

This Chapter applies to all transmission and distribution utilities in the State except those transmission and distribution utilities exempt from electric restructuring pursuant to Title 35-A M.R.S. §3202(6).\

**B. Definitions****1. Apportionment**

"Apportionment" is the amount of money that a transmission and distribution utility shall spend annually on its LIAP. The amount of each utility's apportionment is established by Commission order.

**2. Apportionment Rate**

"Apportionment rate" is the percentage of the Statewide Low-Income Assistance Plan fund to which a transmission and distribution utility is entitled. Apportionment rates are established by Commission order.

**3. Assessment**

"Assessment" is the amount of revenue that each transmission and distribution utility must contribute annually to the cost of the Statewide Low-Income Assistance Plan. Each utility's assessment is established by Commission order.

**4. CASD**

"CASD" is an acronym that stands for the "Consumer Assistance and Safety Division" of the Commission.

**5. Carry-Forward Amount**

"Carry-forward amount" is the total amount of apportioned funds that were unspent or uncommitted in one LIAP program year and are available for use in a future LIAP program year.

**6. Commission**

"Commission" is the Maine Public Utilities Commission.

**7. Community Action Agency**

"Community Action Agency" is a private nonprofit agency that is designated by and authorized to accept funds from the Federal Community Services Administration under the *Federal Economic Opportunity Act of 1964*.

8.     **DHHS**

“DHHS” is an acronym that stands for the Maine Department of Health and Human Services.

9.     **Federal Poverty Guidelines**

“Federal Poverty Guidelines” are guidelines established by the Secretary of the United States Department of Health and Human Services adjusted annually on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by Medicaid and a number of other Federal programs. The federal poverty guidelines are a simplified version of the federal poverty thresholds that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

10.    **LIAP**

“LIAP” is an acronym that stands for "Low-Income Assistance Program," which is a program to assist qualified low-income customers pay their electric bills. Collectively, the LIAPs constitute the Statewide Low-Income Assistance Plan. An existing Low-Income Assistance Program is a LIAP.

11.    **LIAP Program Year**

“LIAP program year” is the period between October 1<sup>st</sup> and the following September 30<sup>th</sup>.

120.   **LIHEAP**

“LIHEAP” is an acronym that stands for “Low-Income Home Energy Assistance Program,” which is a federally funded program that provides financial assistance grants to needy households for home energy bills and is implemented by the Maine State Housing Authority.

134.   **Lump Sum Benefit Program**

A “Lump Sum Benefit Program” is a LIAP that uses a formula to calculate an annual customer benefit amount.

14.     **Means-Tested Program**

A “means-tested program” is an assistance program that measures a family's income against the federal poverty line to determine eligibility for participation in the program.

152.    **MSHA**

“MSHA” is an acronym that stands for the Maine State Housing Authority.

**163. Oxygen Pump**

An “oxygen pump,” also referred to as an “oxygen concentrator,” is an electrical device used to provide oxygen to a person for breathing at substantially higher concentrations than those of ambient air.

**174. Participant**

A “participant” is a customer who is enrolled in a LIAP.

**185. Percentage of Income Program**

A “percentage of income program” or “PIP” is a LIAP under which a customer’s utility costs are based on a predetermined percentage of the customer’s total household income. Utility costs that exceed the predetermined percentage of total household income are paid as a benefit.

**196. Physician**

"Physician" is any natural person authorized by law to practice medicine or osteopathy in Maine.

**207. Residential Customer**

“Residential Customer” is any person who has applied for, been accepted for, and is receiving residential service from a transmission and distribution utility or has agreed to be billed for residential service from a transmission and distribution utility. This term also includes a person who was a customer of the same transmission and distribution utility within the past thirty days and who requests service at the same or a different location.

**218. Statewide Low-Income Assistance Plan**

"Statewide Low-Income Assistance Plan" comprises the individual LIAPs that are being offered by the transmission and distribution utilities in the State in accordance with this Chapter.

**229. Transmission and Distribution Utility**

“Transmission and distribution utility” means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity’s own use or the use of the entity’s tenants and not for sale to others.

**230. Ventilator**

“Ventilator” means equipment used to mechanically assist breathing by delivering air to the lungs. Ventilators, as defined, do not include Continuous

Positive Airway Pressure (CPAP) or Bi-Level Positive Airway Pressure (Bi-Pap) machines.

- a. **Continuous Positive Airway Pressure (CPAP)**  
CPAP machine provides air at one continuous prescribed pressure to the patient so that unobstructed breathing becomes possible. It does not breathe for the patient.
- b. **Bi-Level Positive Airway Pressure (Bi-Pap)**  
Bi-Pap machine provides air at two levels of pressure: one for inhalation and a lower pressure during exhalation. It does not breathe for the patient.

## §2 PURPOSE OF THE STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAPs

The purpose of the Statewide Low-Income Assistance Plan and the individual LIAPs is to establish a series of bill payment assistance programs which collectively cover the State for low-income residential customers that will:

- A. Make participants' electric bills more affordable;
- B. Make assistance available to low-income customers throughout the State; and
- C. Ensure that each transmission and distribution utility in the State has the funds necessary to implement a LIAP that addresses the need that exists in that particular utility's service territory.

## §3 CREATION AND IMPLEMENTATION OF LIAPs

### A. Creation and Implementation of the LIAPs

Each transmission and distribution utility, except those exempted from electric restructuring under 35-A M.R.S. §3202(6), shall implement a LIAP. Each transmission and distribution utility that currently offers a LIAP shall continue to offer its LIAP.

### B. Review and Approval by Commission

The Commission will review and approve each utility's LIAP. Each transmission and distribution utility creating a new LIAP shall submit terms and conditions for its proposed LIAP to the Commission for review. The Director of CASD is delegated authority to review and approve each utility's LIAP. Each transmission and distribution utility proposing to modify its LIAP shall submit its request for approval of such changes to the Commission by May 1 for modifications to the upcoming program year.

## §4 REQUIRED DESIGN FEATURES OF A LIAP

Each LIAP shall have the following design features:

**A. Eligible Customers**

Each transmission and distribution utility's LIAP shall be available to its customers who are taking residential electric service on a continuing year-round basis who meet the following eligibility criteria:

1. ~~The customer or a member of the customer's household must be eligible to receive a LIHEAP benefit; The customer or a member of the customer's household is eligible for LIHEAP administered by MSHA or any means-tested program administered by DHHS and the customer's household income is found to be at or below 150% of the federal poverty guidelines.~~
2. The customer is not receiving a housing subsidy that limits the household's total housing cost, including utilities, to a fixed percentage of the household's income, with the exception of customers who qualify for participation in the oxygen pump or ventilator program pursuant to section 4(L)(3). These customers are eligible to participate in both the LIAP, as well as the oxygen pump and ventilator programs; and
3. The customer qualifies for the utility's LIAP.

**B. LIAP Administration**

Collectively, the LIAPs will be administered by the utilities, the MSHA and other entities that may contract with the MSHA. This includes eligibility certification, benefit determination, and any other administrative duty necessary to carry out the intent of this Chapter.

**C. Native American Participation in LIAPs**

Each utility will enroll in its LIAP any customer that is certified to be eligible for LIHEAP by a tribal organization that is approved by the Federal Government to administer LIHEAP in the State of Maine.

**D. Transfer of Certification Information**

Certification and enrollment information should be transferred in the most efficient, cost effective way possible between the utility and the agency responsible for certification and calculation of the benefit.

**E. Benefit Levels**

Each LIAP shall vary benefits paid to ensure that participants more in need receive higher benefits than participants less in need, as measured by income level and expressed as a percentage of the federal poverty guidelines. For example, participants between 0% and 75% of the federal poverty guidelines shall receive a higher benefit than those between 76% and 100%. Similarly, participants between 101% and 125% of federal poverty guidelines shall receive a higher benefit than those over 125%. Each utility's LIAP shall have a minimum of four separate categories of benefits based on federal poverty guidelines, with the exception of percentage of income programs, which by design complies with the intent of this section. ~~Each LIAP shall include a provision to account~~

~~for changes made to the LIHEAP program that may affect a customer's eligibility for the LIAP, such as an increase in the LIHEAP eligibility ceiling from 150% to 200% of the federal poverty guideline.~~

#### F. **Lump Sum Benefit Program**

1. **Default Lump Sum Benefit allocation method.** ~~Starting on October 1, 2018,~~ ~~Utilities~~ utilizing a Lump Sum Benefit Program shall establish the annual benefit amount for each benefit level as described in subsection E above using a default allocation model provided annually by the Commission. An example of the model is attached to this rule as Appendix A.
2. **Minimum benefit amount.** Utilities shall establish a “minimum benefit level” that eligible participants may receive.
3. **Alternative Lump Sum Benefit allocation method.** Upon application by a transmission and distribution utility made pursuant to section 3(B) above, the Director of CASD may approve an alternative Lump Sum Benefit allocation methodology that is consistent with the requirements of subsection E above.

#### G. **Enrollment**

Transmission and distribution utilities shall enroll eligible customers in their respective LIAPs so long as apportionment funding for the current LIAP year is available. Once a transmission and distribution utility’s apportionment amount is fully exhausted, the utility may cease enrolling new participants for the remainder of the current LIAP year. For LIAPs that provide a monthly benefit, the enrollment process shall be designed so that the participant receives a benefit on the next bill after the utility's receipt of the participant's certification. If the bill will be issued within five business days after receipt of the certification, enrollment shall be completed before the following bill is issued. If enrollment is delayed, enrollment shall be retroactive to the first bill issued after certification. For LIAPs that provide benefits collectively on an annual basis, the benefit shall be credited to the participant's bill no later than June of the applicable program year. Nothing in this section limits benefit disbursements to a monthly or an annual basis.

#### H. **Statewide Low-Income Assistance Plan Funding**

The Statewide Low-Income Assistance Plan will be funded by an assessment on each transmission and distribution utility as described in Section 5 of this Chapter.

#### I. **Relationship to Energy Management Services**

As a condition of enrollment, a LIAP participant shall agree to accept energy management measures and programs offered at no cost by the participant's transmission and distribution utility, [the Efficiency Maine Trust](#), the MSHA, or other federally or state-funded programs, for the participant’s dwelling or rental unit, unless the participant is a renter and the landlord withholds the required consent.



**J. Impact on Means-Tested Assistance Programs**

The intent of this Chapter is that benefits provided will not be counted as income or as a resource in other means-tested assistance programs for low-income households. Each LIAP shall therefore be administered in a way that ensures that benefits will not result in the loss of other federal assistance dollars.

**K. Continuing Applicability of Chapter 815**

Except as specifically varied by this Chapter or by terms and conditions approved by the Commission, the provisions of Chapter 815 shall continue to apply.

**L. Benefits Provided to Customers Using Oxygen Pumps or Ventilators****1. Purpose of Oxygen Pump and Ventilator Benefits**

The Oxygen Pump and Ventilator Benefits provide financial assistance to low-income customers who, for health-related reasons, must use an oxygen pump or ventilator at least 8 hours each day. The benefit is intended to cover the full cost of operating an oxygen pump or ventilator, and must not reduce benefits provided under existing LIAPs required by this Chapter.

**2. Certification of Need**

- a. Each transmission and distribution utility shall provide customers who use an oxygen pump or ventilator with a form approved by the Commission that documents the information listed below. The completed form must be signed and dated by the customer's physician (or the patient's physician, if the patient is not the customer), or the physician's agent or designee. The form must, at a minimum, include the following information:
  - i. The name of the patient using an oxygen pump or ventilator;
  - ii. The number of hours each day the patient must use an oxygen pump or ventilator;
  - iii. The period of time in days or months that it is anticipated the patient will need an oxygen pump or ventilator;
  - iv. The physical address (service location) at which the patient using an oxygen pump or ventilator resides; and
  - v. Whether the customer is receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income; and
  - vi. The name and utility account number of the eligible customer.

- b. Use of a form provided by the Commission will be considered in compliance with the information requirements of Section 4(L)(2)(a)(i)-(v).
- c. Each time a utility provides a customer with a form pursuant to this section, the utility must also provide notice that the form must be completed on an annual basis. The notice can either be part of the form or can be included as an attachment to the form.

### 3. **Eligibility**

- a. Transmission and distribution utilities shall provide a credit to each participant who annually qualifies to participate in the utility's LIAP pursuant to section 4(A) and who submits certification as specified in Section 4(L)(2) that a member of the household must use an oxygen pump or ventilator at least 8 hours each day.
- b. Certification to receive the Oxygen Pump or Ventilator Benefit must be renewed for each LIAP program year. The certification form may be submitted prior to October 1 but no earlier than September 1 each year.
- c. The Oxygen Pump or Ventilator Benefit shall be applied to only one account per customer.
- d. In the event a customer receiving the Oxygen Pump or Ventilator Benefit moves to a new location either within or outside the same transmission and distribution utility's service territory, the customer's eligibility to receive the Oxygen Pump or Ventilator Benefit shall transfer to the new account. In these situations, the benefit at the second or subsequent location must reflect the remaining amount of time in that program year at the first or previous location, the customer is not eligible to receive an additional benefit at a subsequent location. In the event that a customer moves to a new transmission and distribution territory and requests eligibility for the Oxygen Pump or Ventilator Benefit, the utility must ask the customer if they have received a benefit from their previous utility.

### 4. **Effect on Other LIAP Benefits**

- a. The benefit for use of an oxygen pump or ventilator shall not reduce benefits provided, nor increase co-payments, under any other section of this Chapter.
- b. The following requirements apply to utilities operating a percentage of income program (PIP):
  - i. An eligible customer's benefit will be recalculated in accordance with Section 4(L)(5) to consider the increased usage associated with the operation of the oxygen pump or ventilator beginning on the date the utility receives the appropriately completed form specified in Section 4(L)(2);

- ii. An eligible customer's co-payment cannot increase due to the usage associated with an oxygen pump or ventilator, and the overall benefit provided to eligible customers must reflect the usage associated with the oxygen pump or ventilator, even if that usage causes the total benefit amount to exceed a pre-established ceiling for a total benefit amount; and
- iii. If the PIP bases the benefit amount on a customer's electric usage for the previous 12 months and there is less than 12 months of oxygen pump or ventilator usage reflected in the historic consumption, an estimate of usage will be used until 12 months oxygen pump or ventilator usage is accumulated.

5. **Amount of Credit**

- a. The Oxygen Pump or Ventilator Benefit should be equivalent to the total cost of electricity to run the oxygen pump or ventilator, including both the supply cost and the delivery cost, for the number of hours and the duration indicated by the physician. The amount of the credit must not exceed the total household usage. The cost of electricity for operating an oxygen pump or ventilator will be calculated by multiplying the applicable monthly kWh in Table 1 or Table 2 by the appropriate price per kWh. For customers who enroll in the oxygen pump or ventilator assistance programs or terminate use of an oxygen pump or ventilator part way through a billing cycle, the daily kWh in Table 1 or Table 2 will be used to calculate the benefit for the partial month.
- b. Customers who submit the certification form specified in Section 4(L)(2) at the time they are enrolled in a utility's LIAP will receive a full year of the Oxygen Pump Benefit or the entire period of time specified by the patient's physician, whichever time period is less.
- c. The benefit for customers who submit the certification form specified in Section 4(L)(2) during a LIAP program year will be calculated from the date the utility receives the appropriately completed form to the end of that LIAP program year, the period of time for which the benefit is calculated, or the entire period of time specified by the patient's physician, whichever time period is less.
- d. For utilities providing a grace period for customers to recertify LIHEAP eligibility, the Oxygen Pump or Ventilator Benefit shall continue along with the LIAP benefit provided that the certification form specified in Section 4(L)(2) is submitted by October 1.

**§5 STATEWIDE LOW-INCOME ASSISTANCE PLAN FUNDING****A. Creation of a Statewide Low-Income Assistance Plan Fund****1. Purpose of the Fund**

A Statewide Low-Income Assistance Plan fund (the Fund) shall be established by the MSHA to: 1) reimburse each transmission and distribution utility whose funding obligation for the operation of its LIAPs exceeds its assessment; 2) reimburse each transmission and distribution utility for funds expended for the Oxygen Pump and Ventilator Benefit Program; and 3) fund the MSHA's costs to administer the Statewide Low-Income Assistance Plan and the individual LIAPs pursuant to Section 6 of this Chapter.

**2. Sources for the Fund**

The Fund will consist of contributions by transmission and distribution utilities as directed by this Chapter; all money appropriated by the State for inclusion in the Fund; all interest, dividends and pecuniary gains from the investment of money in the Fund; and any other monies deposited in the Fund to implement the provisions of this Chapter.

**3. Separate Accounts of Fund**

The Fund will consist of three separate accounts: one dedicated to LIAP benefits; one dedicated to Oxygen Pump and Ventilator benefits; and one dedicated to administrative expenses. Funds may not be exchanged between the accounts unless approved by the Commission.

**B. Transmission and Distribution Utilities' Funding Obligation for the Statewide Low-Income Assistance Plan for LIAP Program****1. LIAP Benefits**

The total statewide spending for the LIAP benefits for the program year beginning October 1, 2022, shall be \$11,871,938,790,221.00. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. Funds owed to the MSHA pursuant to Section 5(E) shall be transferred in a form specified by the MSHA and will be forwarded in two installments, the first on December 15 and the second on March 15, annually for the program year that begins October 1 and placed into the "benefits account" within the Fund. The Commission shall, by November 1 of each program year, specify the amounts to be contributed by utilities to the MSHA on December 15 and March 15 of each program year. Utilities may also choose to forward the entire amount owed to MSHA pursuant to Section 5(E) on December 15.

**2. Oxygen Pump and Ventilator Benefits**

The annual statewide spending for Oxygen Pump and Ventilator benefits shall be based upon the spending for the last completed program year for this program

and will be established by Commission Order. Funds transferred pursuant to this section shall be remitted to the MSHA by October 7 of each program year and placed in the "Oxygen Pump and Ventilator benefit account" of the fund.

3. **Administrative Costs**

The total statewide spending for administrative costs for the LIAPs for the year beginning October 1, 2001, shall be \$291,164.00. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. All funds transferred pursuant to this section shall be remitted to the MSHA by October 7 of each program year and placed in the "administrative account" of the Fund. The Commission may adjust the utilities' contribution for administrative costs during a program year as necessary to ensure that the MSHA has sufficient funds to fully administer the LIAPs.

C. **Modifications to Assessment Level**

1. **Overall Program Costs**

The Commission will monitor the needs of Maine's low-income electric customers and will evaluate annual LIAP funding and expenditure levels and program design features. The Commission may, by April 1 of each year, adjust the overall assessment, each utility's assessment, and the Lump Sum Benefit Allocation Model as necessary to ensure that the assistance provided by the LIAPs is consistent with the provisions of 35-A M.R.S. §3214.

2. **Oxygen Pump and Ventilator Benefit Costs**

~~The first two years of the Oxygen Pump Program and the first year of the Ventilator Program will be funded using carryover funds accumulated from the LIAP program. For the program years October 1, 2008 and thereafter t~~ The Commission will, by April 1 of each year, set the funding level for the Oxygen Pump and Ventilator Benefit Program. When setting the funding level, the Commission will consider ~~based upon~~ the level of spending for the previous completed program year, as well as any other factors affecting the cost of electricity. The assessment process for this program will use the same methods as used to determine the assessment of the overall LIAP fund by multiplying the percentage of residential customers residing in each utility's service territory by the total statewide benefit.

D. **Apportionment of Funds**

1. ~~1.~~ **Funding for LIAPs**

Each transmission and distribution utility shall be apportioned a specific funding amount for its LIAP pursuant to this section. The apportionment amount shall be calculated by multiplying the combined percentage of the LIHEAP ~~eligible and~~ DHHS program eligible people in the State residing in each utility's service territory by the total LIAP funding amount for benefits (established in Section 5(B)(1)). A utility may petition the Commission by March 1 for the upcoming program year to modify the apportionment rates used to establish the

apportionments due to demographic changes in the LIHEAP and DHHS populations. The Commission may itself order a change in the apportionment rates if LIHEAP and DHHS demographic statistics provided by the MSHA indicate that the percentage of the State's LIHEAP/LIAP eligible customers residing in each utility's service territory has changed.

~~2. Funding for Use of Oxygen Pumps and Ventilators~~

~~Each utility shall also be apportioned a specific amount to cover the cost of providing benefits to eligible customers who use an oxygen pump or ventilator, pursuant to Section 4(L) of this Chapter. The amount provided to each utility shall be equal to the incremental cost incurred by the utility in providing the benefits.~~

**E. Transfer of Funds**

**1. For Each Utility whose LIAP Assessment Exceeds its Apportionment**

Each utility whose LIAP assessment exceeds its apportionment pursuant to this section shall transfer the difference to the MSHA pursuant to Section 5(B)(1) of this Chapter.

**2. For Each Utility whose LIAP Assessment is Less than its Apportionment**

Each utility whose LIAP assessment is less than its apportionment is entitled to receive funds from the MSHA in an amount equal to the amount of actual expenditures for LIAP benefits that exceed the utility's assessment level, up to, but not exceeding, the utility's apportionment level. No utility will be eligible to receive reimbursement from the MSHA until its LIAP expenditures exceed its assessment amount. Utilities will receive reimbursement from the MSHA on a quarterly basis, to the extent that the MSHA has sufficient funding for the individual utility expenditures available for this purpose. Reimbursement will be on a quarterly basis. The MSHA is not responsible or liable for a lack of funding and no transmission and distribution utility shall have any right or cause of action against the MSHA as a result of a lack of funding. Any shortfalls in funding will be considered by the Commission in its review of funding needs for the Statewide Low-Income Assistance Plan as described in Section 5(C)(1).

**3. For Each Utility whose LIAP Expenditures Exceed its Apportionment**

No utility will be reimbursed from the Fund for LIAP expenditures that exceed the utility's apportionment. Each utility whose LIAP expenditures exceed its apportionment may make adjustments to its LIAP program to reduce spending levels pursuant to Section 3(B).

**4. Oxygen Pump and Ventilator Benefits**

Utilities may request reimbursement from the MSHA on a quarterly basis for expenditures incurred in the previous quarter. Utilities will receive reimbursement from the MSHA on a quarterly basis, to the extent that the MSHA has sufficient funding available for this purpose. Any shortfalls in funding will be considered by the Commission in reviewing funding needs for the Oxygen Pump and Ventilator Benefits as described in Section 5(C)(2).

§6 **STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAP ADMINISTRATION:  
ROLE OF THE MSHA AND THE DHHS**

A. **Role of MSHA**

The MSHA shall administer the LIAPs, and coordinate the administration of the LIAPs with the delivery of LIHEAP in Maine. Specifically, the MSHA (operating through the Community Action Agencies or other designated entities) shall determine eligibility to participate in a LIAP and inform the transmission and distribution utility serving the customer of the customer's eligibility. ~~The MSHA shall also be responsible for any other administrative duties that may be associated with the determination of eligibility and benefit amounts for each LIAP.~~ The MSHA will be responsible for negotiating agreements with the Community Action Agencies or other designated entities necessary to carry out the intent of this section. Each transmission and distribution utility shall be responsible for making the necessary arrangements with the MSHA for administering its LIAP.

1. **Fiscal Oversight**

a. **Management of the Statewide Low-Income Assistance Plan Fund**

The MSHA shall create and manage the Statewide Low-Income Assistance Plan Fund pursuant to Section 5 of this Chapter. Funds submitted to MSHA pursuant to Section 5 shall be placed in an interest-bearing account in accordance with the MSHA's standard investment policies pertaining to funds held in trust.

b. **Contributions to and Reimbursements from the Statewide Low-Income Assistance Plan Fund**

During each program year, the MSHA shall monitor and track payments made by utilities to the "benefits" and "administrative" accounts of the Statewide Low-Income Assistance Plan fund to ensure the utility's compliance with Section 5 of this Chapter. The MSHA shall notify the Commission of any utility that fails to make its required contribution. The MSHA will not be responsible for enforcing a utility's obligations under this section.

c. **LIAP Benefits**

During each program year, the MSHA shall monitor and track benefits paid by utilities to ensure that:

- ia. Utilities spend their specified apportionments on LIAP benefits pursuant to Section 5(E);
- iib. Utilities contribute their specified assessments to fund benefits pursuant to Section 5(E); and
- iiie. A utility seeks reimbursement from the Fund for only those costs incurred for LIAP benefits to its customers above the utility's

assessment and up to the utility's apportionment, pursuant to Section 5(E).

**2. Statewide Low-Income Assistance Plan Administrative Expenses Incurred by the MSHA**

The MSHA shall be reimbursed for its costs incurred for the administration of the Statewide Low-Income Assistance Plan in an amount not to exceed \$291,164 or other amount established pursuant to Section 5(B)(2). In the event this amount does not fully cover the MSHA's costs to administer the Statewide Low-Income Assistance Plan, the Commission may increase the utilities' contributions to the administrative account of the Fund pursuant to Section 5(B)(2) of this Chapter. Included in this amount shall be costs incurred by the Community Action Agencies and other MSHA-designated entities that are associated with the implementation and administration of the Statewide Low-Income Assistance Plan. Reimbursement for administrative costs pursuant to this section shall come from the "administrative account" of the Statewide Low-Income Assistance Plan fund. The MSHA shall maintain records accounting for the costs it has incurred in administering the Statewide Low-Income Assistance Plan, including those costs incurred by the Community Action Agencies and other MSHA-designated entities. The Commission or its agents shall have the authority to inspect and examine MSHA's records of its administrative costs.

**3. Disputes Between the MSHA and its Designees**

Any disagreements between the MSHA and entities designated by MSHA to administer the Statewide Low-Income Assistance Plan regarding compensation from the Fund for administrative duties carried out pursuant to this section shall be brought to the Commission for resolution.

**4. Reports to Commission**

The MSHA shall file reports annually with the Commission covering the program year October 1 through September 30. The reports shall be filed with the Commission by the immediately following January 1 and will be in an electronic data format satisfactory to the Commission and the MSHA. The reports shall summarize and update program information including at a minimum the following information for each quarter of the program year:

**a. Total Number of Participants**

The total number of households participating in each transmission and distribution utility's LIAP.

**b. Reimbursement to Utilities**

The amount reimbursed from the fund in response to each utility's statement of actual LIAP benefit amounts paid to eligible customers over the utility's assessment amount.



**3c. Funds Received from Utilities**

The amount received from each utility, separately listing funds received to the "administrative account" and funds received to the "benefits account."

**d. Benefits Paid**

The amount of benefits paid by each transmission and distribution utility, as well as total benefits paid.

**5e. Fund Information**

The amount of LIAP funds held by the MSHA, the interest earned by the fund, and projected spending for the pending program year.

**6f. Oxygen Pump and Ventilator Benefit**

The number of customers receiving a benefit for the use of an oxygen pump or ventilator pursuant to Section 4(L) of this Chapter, and the total amount of the benefits paid. Customers receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income, must be stated separately.

**7g. Other Information**

Any other information concerning the administration and implementation of the LIAPs that the MSHA or the Commission believes would be useful for the Commission's ongoing oversight of funding levels and program design. Reports filed by the MSHA pursuant to this section will be in an electronic data format satisfactory to the MSHA and the Commission.

**5. Record Maintenance**

The MSHA shall maintain records that include at least the following information:

**1a. Number of Customers Evaluated**

The number of eligible customers evaluated for participation in the Statewide Low-Income Assistance Plan by each Community Action Agency or other entity authorized to determine eligibility for the applicable LIAPs.

**b. Income and Usage**

The household income, electric usage, and dollar amount of the annualized LIAP benefit (for LIAPs where this information is available) for each customer determined to be eligible by a Community Action Agency or other MSHA-designated entity, the date of such determination, and the identity of the

transmission and distribution utility notified of the eligibility and benefit amount (for programs where this information is available).

**c. Oxygen Pump and Ventilator Benefit**

The number of customers receiving a benefit for the use of an oxygen pump or ventilator pursuant to Section 4(L) of this Chapter.

**F6. Coordination with Community Action Agencies**

The MSHA may contract with Community Action Agencies or other entities throughout the State to administer the individual LIAPs. If circumstances require, the MSHA may, in its discretion, administer a LIAP locally or may contract with other entities, such as municipalities, to administer a LIAP in cooperation with LIHEAP and similar programs. The MSHA may establish application procedures, education and counseling, record retention, and reporting requirements applicable to ensure that entities administering the LIAPs do so locally in a manner that is cost effective and coordinated with the implementation of LIHEAP. The MSHA shall provide notice of the individual utility's LIAPs, including the Oxygen Pump and Ventilator Benefit, to customers applying for LIHEAP as well as in its mailings to clients about low-income assistance.

**B. Role of DHHS**

DHHS will annually send a notification to all households participating in a DHHS administered program that are at or below 150% of the federal poverty guidelines notifying the household of the existence of the LIAP and of the household's eligibility to participate in the LIAP. The notification will be sent to 50% of the eligible households in October and the remaining 50% will be sent in November. The notification will include: 1) address; 2) the eligible household's total income amount 3) "percent of the federal poverty guidelines" for the household, and 4) a blank line for the participant to write in their utility account number; and will direct the household to contact the utility to enroll in the LIAP.

**§7 OBLIGATIONS OF TRANSMISSION AND DISTRIBUTION UTILITIES**

**A. Notice to Customers**

**1. New Customers**

In its summary of rights and responsibilities provided to new customers pursuant to [section 5 of Chapter 815](#), a transmission and distribution utility must explain to customers how they may become eligible and apply for credit for the use of an oxygen pump or ventilator. Utilities must also advise customers that the certification form required by Section 4(L)(2) must be submitted to the utility on an annual basis.

2. **Notice in Association with the Winter Disconnection Rule**

Each transmission and distribution utility shall include information regarding the existence of and eligibility criteria for the LIAP in any mailings by the utility to comply with the Commission's Winter Disconnection Rule. The information shall include, at a minimum, the eligibility criteria for the LIAP, how to apply for the LIAP, and how to apply for credit for the use of an oxygen pump or ventilator. The information shall also appear on the utility's web pages with other relevant customer service information targeted to residential customers.

B. **Enrollment of DHHS Program Eligible Customers**

Each transmission and distribution utility shall enroll customers determined eligible for a means-tested program administered by the DHHS and whose household income is found to be at or below 150% of the federal poverty guidelines upon receipt of the notification provided by the DHHS to the customer referenced in section 6(B) above. A transmission and distribution utility may create a form on its website for an eligible customer to enroll electronically, which will include a process for the customer to file an electronic copy of the notification from DHHS. The utility may also require the customer to provide an electronic or paper copy of the notification and the utility will manually enroll the customer in its LIAP.

**BC. Providing Information to MSHA, Community Action Agencies, or other MSHA Designated Entities**

Upon the request of the MSHA, Community Action Agencies, or other MSHA designated entities, each transmission and distribution utility shall provide:

1. The prior 12 months usage for the customer's dwelling or the information necessary for the MSHA, Community Action Agency, or other MSHA-designated entity to estimate the usage for the upcoming 12 months for the dwelling;
2. The estimated cost of electric service for the 12-month period specified by the MSHA or Community Action Agency for each eligible customer; and
3. Any information needed to administer the utility's LIAP.

This information shall be transmitted electronically by the transmission and distribution utility to the MSHA, Community Action Agency, or other MSHA-designated entity in a format acceptable to the MSHA, unless the MSHA and the utility agree that an alternative method of data transmission is acceptable. The MSHA or MSHA-designated entity shall obtain customer authorization to release account information prior to requesting such information from the transmission and distribution utilities. This may be accomplished by including language necessary to release the account information in the LIAP application form.

**ED. Energy Management Measures**

Each transmission and distribution utility shall coordinate its funding and delivery of energy management programs with the implementation of its LIAP with respect to any

such programs available to low-income electric customers through the MSHA, Community Action Agencies, or other MSHA designated entities.

**DE. Reporting**

Each transmission and distribution utility shall file quarterly ~~and annual~~ reports with the MSHA and the Commission within 30 days of the closing of the quarter or year. The reports shall cumulatively summarize and update program information including the following minimum information for each month of the program year:

**1. Number of Participants in LIAP**

The number of participants enrolled in its LIAP each month, ~~separated by rate class if the transmission and distribution utility has more than one residential rate.~~

**2. Number of Participants Dropped from the LIAP**

The number of participants dropped from the program by month.

**3. Number of Participants Receiving Oxygen Pump Benefits**

The number of participants enrolled in its LIAP each month receiving a benefit for the use of an oxygen pump. Customers receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income, must be stated separately.

**4. Number of Participants Receiving Ventilator Benefits.**

The number of participants enrolled in its LIAP each month receiving a benefit for the use of a ventilator. Customers receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income, must be stated separately.

**5. Oxygen Pump Benefit Amounts**

The total benefit amount provided to customers each month for the use of an oxygen pump, pursuant to Section 4(L) of this Chapter. The amount attributable to customers receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income, must be stated separately.

**6. Ventilator Benefit Amounts**

The total benefit amount provided to customers each month for the use of a ventilator, pursuant to Section 4(L) of the Chapter. The amount attributable to customers receiving a housing subsidy that limits the household's total housing costs, including utilities, to a fixed percentage of the household's income, must be stated separately.

7. **LIAP Program Benefit Amounts**

The total dollar amount of benefits provided to participants by month.

8. **Payments to the MSHA**

The amount of program funding provided to the MSHA, separately listing LIAP benefits, Oxygen Pump and Ventilator Benefits, and administrative costs.

9. **Reimbursements Received from the MSHA**

The amount of funds received from the MSHA for reimbursement of LIAP and Oxygen Pump and Ventilator expenditures.

10. **Reimbursement Requests made to the MSHA**

The amount of funds requested for reimbursement from the MSHA.

11. **Projected LIAP Benefits**

The projected amount of LIAP benefits to be paid for the remainder of the program year and the difference between projected costs and the LIAP funding amount for the program year.

12. **Administrative Funds Provided to MSHA**

Funds provided to the MSHA for administrative costs pursuant to Section 5(B)(2).

The reports required in this subsection shall be filed within 30 days of the conclusion of each quarter and the end of each program year.

~~E. — Record Maintenance~~

~~Each transmission and distribution utility shall maintain for 5 years records that include the following information:~~

- ~~1. — Copies of completed certification of need forms submitted by eligible customers pursuant to Section 4(L)(2);~~
- ~~2. — Records of calculations used to determine benefit amounts for each eligible customer who submitted a completed certification of need form pursuant to Section 4(L)(2); and~~
- ~~3. — Any other materials associated with the calculation of benefits under the oxygen pump and ventilator assistance program.~~

**§8 WAIVER**

Upon the request of any person subject to this Chapter, or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission,

the Director of the Consumer Assistance and Safety Division, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

TABLE 1

**Oxygen Pump Usage**

<b>Hours/Day Oxygen Pump is Used</b>	<b>Daily kWh</b>	<b>Monthly kWh</b>
8	2.80	84
9	3.17	95
10	3.50	105
11	3.87	116
12	4.20	126
13	4.57	137
14	4.90	147
15	5.27	158
16	5.60	168
17	5.97	179
18	6.30	189
19	6.67	200
20	7.00	210
21	7.37	221
22	7.70	231
23	8.07	242
24	8.40	252

TABLE 2

**Ventilator Usage**

<b>Hours/Day Ventilator is Used</b>	<b>Daily kWh</b>	<b>Monthly kWh</b>
8	1.77	53
9	1.97	59
10	2.20	66
11	2.43	73
12	2.63	79
13	2.87	86
14	3.07	92
15	3.30	99
16	3.53	106
17	3.73	112
18	3.97	119
19	4.17	125
20	4.40	132
21	4.63	139
22	4.83	145
23	5.07	152
24	5.27	158



**APPENDIX A**

APPENDIX A - EXAMPLE MODEL																																																		
Lump Sum LIAP Benefit Calculation																																																		
% of Poverty Guidelines	Number of LIAP Customers for prior year	Avg Cost of Electricity	Average Income for Group	Percentage of Annual Income	Maximum Benefit per Customer	Total Benefit for Group	Percentage of Total Benefit for Group	Annual Lump Sum for Group	Total Per Customer Benefit	First Payment	Second Payment																																							
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)																																							
0 - 75%	250	\$ 661.20	\$ 5,973.75	\$ 238.95	\$ 422.25	\$ 105,563	93%	\$ 92,629.15	\$ 370.52	\$ 296.41	\$ 10,600.99																																							
76 - 100%	350	\$ 661.20	\$ 15,930.00	\$ 637.20	\$ 24.00	\$ 8,400	7%	\$ 7,370.85	\$ 21.06	\$ 16.85	\$ 843.56																																							
101% - 125%	150	\$ 661.20	\$ 21,903.75	\$ 876.15																																														
>126%	150	\$ 661.20	\$ 25,438.00	\$ 1,017.52																																														
<b>Total</b>						<b>\$ 113,963</b>		<b>\$ 100,000.00</b>			<b>\$ 11,444.55</b>																																							
<b>Assumptions:</b>																																																		
Average Annual Usage Estimate (kwh) for LIAP Customers	5,000	<table border="1"> <thead> <tr> <th colspan="3">Apportionment Remaining for Second Payment</th> </tr> <tr> <th></th> <th>(m)</th> <th>(n)</th> <th>(o)</th> </tr> <tr> <th></th> <th>Actual Number of Customers</th> <th>Benefit Received</th> <th>Second Payment Per Customer</th> </tr> </thead> <tbody> <tr> <td>0 - 75%</td> <td>280</td> <td>\$ 82,995.72</td> <td>\$ 37.86</td> </tr> <tr> <td>76 - 100%</td> <td>330</td> <td>\$ 5,559.72</td> <td>\$ 2.56</td> </tr> <tr> <td>101% - 125%</td> <td>180</td> <td></td> <td></td> </tr> <tr> <td>&gt;126%</td> <td>125</td> <td></td> <td></td> </tr> <tr> <td><b>Total</b></td> <td></td> <td><b>\$ 88,555.45</b></td> <td></td> </tr> <tr> <td><b>Total Apportionment</b></td> <td></td> <td><b>\$ 100,000.00</b></td> <td></td> </tr> <tr> <td><b>Available for Second Payment</b></td> <td></td> <td><b>\$ 11,444.55</b></td> <td></td> </tr> </tbody> </table>										Apportionment Remaining for Second Payment				(m)	(n)	(o)		Actual Number of Customers	Benefit Received	Second Payment Per Customer	0 - 75%	280	\$ 82,995.72	\$ 37.86	76 - 100%	330	\$ 5,559.72	\$ 2.56	101% - 125%	180			>126%	125			<b>Total</b>		<b>\$ 88,555.45</b>		<b>Total Apportionment</b>		<b>\$ 100,000.00</b>		<b>Available for Second Payment</b>		<b>\$ 11,444.55</b>	
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Residential Rate (including cost of energy)	\$ 0.13224																																																	
Percentage of Annual Income for electricity use	4%																																																	
Total Annual Apportionment	\$ 100,000.00																																																	
First Lump Sum Payment	80%																																																	
<b>Notes:</b>																																																		
To be completed by utility																																																		
Formula																																																		
Based upon PUC Order																																																		
Per LIHEAP Guidelines																																																		
(f) Cannot be negative and shown as blank																																																		

## APPENDIX B

### Lump Sum Benefit Allocation Model Description

The goal of the Lump Sum Benefit Allocation Model is to ensure that each customer income level receives an appropriate portion of the funds that an electric utility receives from the statewide program. The calculation includes electric utility-specific information, as well as inputs that will be provided by the Commission each year. The following provides a further summary of the calculation and the steps to complete the spreadsheet.

1. Column a, lines 1 to 4 includes the four Poverty Ranges per LIHEAP Guidelines as of 2016. This information will be provided in the spreadsheet on an annual basis and should be used by all electric utilities that choose to use this methodology.

0% to 75%

76% to 100%

101% to 125%

Greater than 125%

2. Line 15: Percentage of Annual Income for Electricity Use – This percentage is fixed in the model at 4% of the customer’s household income.

3. Line 13: Average Annual Usage Estimate (kwh) for LIAP Customers – In this field, the utility will input the average annual usage of the utility’s LIAP customers from the previous calendar year.

4. Line 14: Residential Rate (Including Cost of Energy) – In this field, the utility will input the total residential rate for the upcoming program year, which is based upon the utility’s delivery rate, plus the estimated standard offer rate for the same period, plus any fixed monthly charges.

5. Column d – Lines 1 to 4: Average Income for Group – Midpoint of income for each poverty range set pursuant to LIHEAP Guidelines. This is fixed in the model.

6. Line 16: Total Annual Apportionment – In this field, the utility will input this information based on the annual PUC Order Setting apportionment/Assessment levels.

7. Line 17: First Lump Sum Payment – The percentage that will be given as the first lump sum payment based upon the electric utility’s low income policies. This percentage is fixed in the model.

To ensure that the electric utility does not provide credits in excess of the apportionment amount, the model provides the credit in two steps.

**First Lump Sum Payment Calculation:**

1. Column b: Number of LIAP Customers for Prior Year – In this field, the utility, using data from the previous year, inputs the number of LIAP participants by poverty guidelines class.
2. Column c: Average Cost of Electricity - The model calculates the average cost of electricity by multiplying the individual electric utility's residential rate (Line 14 of the model), including standard offer and fixed charges, by the annual residential customer usage (Line 13 of the model).
3. Column e: Percentage of Annual Income – The model calculates the amount of annual income to be spent on electricity by a given class of low income customers by multiplying the midpoint income for each poverty range by the percentage to be spent on electricity shown on Line 15 of the model.
4. Column f: Maximum Benefit Per Customer – The model calculates maximum benefit for a given class of low income customers by subtracting the average cost of electricity (Column c of the model) from the annual income to be spent on electricity (Column e of the model).
5. Column g: Total Benefit for Group – The model calculates the total benefit for an income group by multiplying the maximum benefit per customer (Column f of the model) by the number of LIAP customers from prior year for that income group (Column b of the model).
6. Column h: Percentage of Total Benefit for Group –The model calculates the percentage of total benefit for a given income group by dividing the total benefit for a given income group (Column g of the model) by the overall total benefit (Column g, Line 10 of the model).
7. Column i: Annual Lump Sum for Group – The model determines the portion of the electric utility's annual apportionment (Line 16 of the model) that will be assigned to each income group by multiplying that amount by the Percentage of Total Benefit for Group (Column h of the model).
8. Column j: Total Benefit Per Customer – The model calculates this amount by dividing Annual Lump Sum for Group (Column i of the model) by the Number of LIAP Customers for Prior Year (Column b of the model).
9. Column k: First Payment – The model calculates the first payment by multiplying the Total Per Customer Benefit (Column j of the model) by the percentage shown as the First Lump Sum Payment (Line 17 of the model).

**Second Lump Sum Payment Calculation:**

1. Column m: Actual Number of Customers – In this field, the utility inputs the actual number of customers who received lump sum payments for each income group.
2. Column n: Benefit Received – The Model calculates this amount by multiplying the Actual Number of Customers (Column m of the model) by the First Payment by the First Lump Sum Payment (Column k of the model).
3. Column n, Line 19: Total – The model sums the actual benefit received by LIAP Customers in the first lump sum payment (Column n, Lines 15 through 18).
4. Column n, Line 20: Total Apportionment – The model transfers this amount from Line 16 of the model.
5. Column, n, Line 21: Available for Second Payment – The Model calculates this amount by subtracting Total (Column n, Line 19 of the model) from the Total Apportionment Column n, Line 20 of the model).
6. Column l: Second Payment – The model calculates this amount by multiplying Available for Second Payment (Column n, Line 21 of the model) by the Percentage of Total Benefit for Income Group (Column h of the model).
7. Column o: Second Payment Per Customer – The model calculates this amount by dividing Second Payment (Column l of the Model) by Actual Number of Customers (Column m of the model).

**STATUTORY AUTHORITY:** 35-A M.R.S. §§ 104, 111, 704, 1308 and 3214

[BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2021-00400, issued on \\_\\_\\_\\_\\_, 2022. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.](#)

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General August 7, 2001. It was filed with the Secretary of State on August 9, 2001 and became effective on August 14, 2001 (filing 2001-357).

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General on March 27, 2006. It was filed with the Secretary of State on March 28, 2006 and became effective April 2, 2006 (filing 2006-132).

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General on September 25, 2007. It was filed with the Secretary of State on September 25, 2007, and became effective on October 1, 2007 (filing 2007-417).

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General on July 25, 2013. It was filed with the Secretary of State on July 26, 2013, and became effective on July 31, 2013 (filing 2013-181).

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General on July 19, 2017. It was filed with the Secretary of State on July 20, 2017, and became effective on July 25, 2017 (filing 2017-110).

**EFFECTIVE DATE:** This rule was approved as to the form and legality by the Attorney General on \_\_\_\_\_ . It was filed with the Secretary of State on \_\_\_\_\_ and became effective on \_\_\_\_\_ .