STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2019-00197

November 25, 2019

MAINE PUBLIC UTILITIES COMMISSION
Amendments to Chapter 313 - Net Energy Billing

CORRECTED* ORDER ADOPTING RULE AND STATEMENT OF FACTUAL AND POLICY BASIS

BARTLETT, Chairman; WILLIAMSON and DAVIS, Commissioners

I. SUMMARY

Through this Order, the Commission adopts amendments to its net energy billing (NEB) rules (Chapter 313). These amendments implement changes to NEB contained recently enacted legislation.

II. 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 A of the Act[1] makes substantial changes to Maine's NEB program.

These changes include: increasing the maximum capacity of eligible facilities from 660 KW to less than 5 MW; removing any limit on the number of meters or accounts that can be associated with an eligible facility; replacing an ownership requirement with a "financial interest" requirement, which includes a purchase power arrangement; and adopting "commercial and institutional" NEB. The Act requires the Commission to adopt rules to implement the changes to the NEB program.

III. RULEMAKING PROCESS

On August 21, 2019, the Commission issued a Notice of Rulemaking (NOR) and a proposed rule. Interested persons were provided an opportunity to comment in writing and a public hearing was held on September 16, 2019. The following entities provided comments in this rulemaking proceeding: Central Maine Power Company (CMP); Emera Maine; Maine Renewable Energy Association and Coalition for Community Solar Access (MREA/CCSA); Solar Energy Association of Maine (SEAM); City of South Portland; City of Portland: Conservation Law Foundation (CLF); Natural Resources Council of Maine (NRCM): ReVision Energy; Insource Renewables; TurningPoint Energy; LongRoad Energy: Borrego Solar; Next Grid Inc.; SunRaise; Sundog Solar, SunPower; Eastern Maine Electric Cooperative (EMEC); and Houlton Water Company (HWC).

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[1] Part B of the Act contains provisions governing distributed generation procurement.
*The Order issued on November 22, 2019 remains operative. This Corrected Order removes language on pages 8-9 that incorrectly describes the adopted rule.

IV. OVERVIEW

As mentioned above, Part A of the Act makes two fundamental changes to the NEB statutes. The first is a significant expansion of traditional NEB in which the kilowatt-hour usage of eligible customers is offset by the kilowatt-hour output of the qualifying renewable facility. The expansion includes an increase in the size of eligible facilities from 660 kW to up to 5 MW, changing the shared ownership requirement to a shared financial interest requirement, and replacing the ten meter limitation to any number of meters or accounts.

The second fundamental change contained in Part A of the Act is the creation of a new type of NEB referred to in the statute as "commercial and institutional net energy billing." This type of NEB allows for a "bill credit" (i.e., a monetary credit that may be used to offset the entire utility bill, as opposed to a credit against kilowatt-hour usage that occurs with traditional NEB) and is available only to nonresidential customers. Under this new type of NEB, the Commission establishes a "tariff rate" that is equal to the standard offer rate plus 75% of the effective T&D rate for the rate class that contains the smallest commercial customer of T&D utility. This tariff rate is a per-kilowatt-hour rate that is applied against the output of the eligible NEB facility to determine the dollar amount of the bill credits to the applicable the customer or customers.

To accommodate the addition of this is second type of the NEB, the adopted rules contain separate billing and other requirements for traditional NEB (referred to as "net energy billing-kilowatt-hour credit") and commercial and institutional NEB (referred to as "net energy billing-tariff rate").

V. ADOPTED RULE PROVISIONS

As required, the adopted rule contains provisions necessary to implement Part A of the Act as discussed below. The adopted rule also includes clarifying changes to provisions in the current rule.

A. Definitions (Section 2)

The adopted rule contains additional and amended definitions of terms necessary to implement the Act.

As discussed above, the Act added a new category of NEB that is distinct from traditional NEB and, accordingly, the adopted rule contains different provisions for the two types of NEB. Thus, the adopted rule contains definitions of the two types of NEB referred to as: 1) "net energy billing-kilowatt-hour credit;" and 2) "net energy billing-tariff rate." The adopted rule also contains a definition of "commercial and institutional customers" which are the customers that may participate in the net energy billing-tariff rate program. In addition, the adopted rule contains definitions of "tariff rate" and "effective transmission and distribution rate" which are terms relevant to determining the

bill credit for commercial and institutional customers NEB arrangements.

The proposed rule included a definition of “project sponsor” as an entity that owns or operates a shared financial interest facility, which is similar to the definition of a “project sponsor” contained in Part B of the Act. Several commenters suggested that the definition be expanded. The adopted rule expands the definition of project sponsor to include an entity that develops, owns, or is otherwise responsible for a shared financial interest in an eligible facility.

This section of the proposed rule contained a change to the definition of “eligible facility” for purposes of NEB. Specifically, the proposed rule contained the definition of “eligible facility” as specified in the Act. Accordingly, the proposed rule removed “micro-combined heat and power system” as an eligible facility because this technology is not included in the Act’s definition of “eligible facility.” The Commission requested comment on whether this change is consistent with the intent of the Act. CMP commented that it has seven such accounts and other commenters stated that the NEB arrangement for these facilities should be "grandfathered" for a period of time. As discussed below, the Commission has added a grandfathering provision for these facilities and, accordingly, the adopted rule reinstates the definition of micro-combined heat and power system.

The adopted rule adds a definition of "discrete electric generation facility" as a facility that is not co-located with or otherwise in geographical proximity of an "eligible facility" as defined in Part A of the Act or a "distributed generation resource" as defined in Part B of the Act in which there is a common financial or other interest that is contrary to the purpose of the statute that eligible facilities be 5 megawatts or less.

As mentioned above, the Act replaced the existing ownership requirement with a “financial interest” requirement that includes facility ownership, a lease agreement or a power purchase agreement.” In the NOR, the Commission requested comment on whether a “financial interest” should include any other type of arrangement. Several commenters stated that the rule should allow for other similar arrangements, such as subscription relationships. The Commission agrees and, accordingly, the adopted rule allows for " other arrangements sufficient to represent a financial interest in an eligible facility."

The proposed rule deleted the existing definitions of “facility account” and “secondary account” upon the rationale that the distinction is based on the premise that the eligible facility is located on a NEB customer’s physical location, which is often not the case. CMP responded the definitions should not be deleted, because they recognize that an eligible facility has an account wherever it is located. The adopted rule maintains the deletions of the definitions in that they are not necessary for purposes of the rule, which allows customers to designate the allocation of energy generated by the eligible facility to all shared interest accounts without reference to a "facility account." To the extent desirable, such definitions can be included in the standard NEB agreement.

Finally, the adopted rule contains definitions of the Independent System Operator- New England, Northern Maine Independent System Administrator, and

renewable energy credits.

B. Net Energy Billing Requirements (Section 3)

Generally, this section of the amended rule replaces the ownership requirement with a financial interest requirement and contains provisions necessary to implement the Act.

1, Customer Qualification (Section 3(A))

As required by the Act, this section modifies the customer qualification requirement to replace the ownership requirement with a financial interest requirement.

2. Contact Person (Section 3(B))

This section specifies that each NEB eligible facility have a contact person for purposes of communications with the transmission and distribution (T&D) utility regarding the NEB billing agreement. For single customer NEB, the contact person is the person or entity, or that person's or entity's designee, that has entered into the NEB agreement. For shared financial interest NEB, the contact person is the project sponsor or the project sponsor's designee. The contact person is required to inform the T&D utility of the allocation of net energy to multiple meters or accounts and to inform the T&D utility of any needed changes to the NEB arrangement, including changes to the allocation of net energy among meters or accounts.

The proposed rule stated that the information must be provided to the utility "promptly." The Commission requested comments on whether the rule should include a specified timeframe in which a project sponsor must inform the T&D utility of material changes to the NEB arrangement. Several commenters stated the specific timeframes should be included in the rule that would apply to both the utility and the contact person. Rather than including specific timeframes in the rule, the adopted rule requires that such timeframes be included in the NEB agreement.

Finally, the adopted rule contains a provision requiring both the T&D utility and the contact person to maintain all records related to the NEB agreement for the term of the agreement.

3. Shared Financial Interest Ownership Provisions (Section 3(C))

This section contains several provisions governing shared financial interest NEB for both net energy billing-kilowatt-hour credit and net energy billing-tariff rate.

The adopted rule contains a provision regarding transfers of a customer’s shared financial interest in an eligible facility. The language of this provision mirrors language in Part B of the Act regarding transfers of “subscriptions” in a distributed generation resource. Consistent with that language, the provision states that a project sponsor may

not impose transfer fees on a person or entity that moves to a different location within the same utility service territory.

In the NOR, the Commission requested comment on whether the rule should state that only residential or only commercial and institutional customers can participate in shared financial interest NEB related to a single eligible facility. Several commenters, including the City of South Portland, SEAM, Sundog and Revision Energy emphasized that shared financial interest arrangements often involve a limited number of commercial or institutional "anchor" customers combined with residential customers and, thus, both residential and commercial and institutional customers should be allowed to participate in a shared financial interest related to a single eligible facility. However, CMP indicated that the wholesale market rules would not allow for both kilowatt-hour credits and tariff rate bill credits for a single facility. In addition, the language in the Act limits the net energy billing-tariff rate provisions to commercial and institutional customers. Therefore, this section of the adopted rule provides that tariff rate NEB shared financial arrangements may include only non-residential customers. However, both residential and non-residential customers may participate in a kilowatt-hour credit shared arrangement. However, the Commission has added language to the rule stating that both kilowatt-hour customers and tariff rate customers may participate in a single shared financial interest NEB arrangement if allowed by the applicable market rules.

The proposed rule referred to "residential" NEB with respect to traditional kilowatt-hour credit. Several commenters stated that the Act does not limit traditional NEB to only residential customers. The Commission agrees and removes language that limits traditional kilowatt-hour credit NEB to residential customers.

Consistent with the existing provisions on shared ownership NEB and the language in the Act that refers to “shared financial interest for investor-owned utility customers,” the proposed rule exempted consumer-owned utilities (COUs) from the shared financial ownership provisions. The Commission requested comments on whether the final rule should exempt COUs from all of the shared financial interest NEB provisions of the rule. EMEC, HWC and SEAM commented that the legislative intent was not to require COUs to participate in shared financial interest NEB, while Emera Maine stated that the shared financial interest requirements should apply to COUs. The Commission concludes that the legislative intent was not to require COUs to offer shared financial interest NEB. Thus, the adopted rule contains an exemption for COUs.

4. Application (Section 3(D))

This section of the adopted rule contains the requirements for applying for a NEB arrangement. These requirements are similar to those contained in the current rule and specify that the application include the desired allocation methodology among meters and accounts associated with the eligible facility.

The adopted rule adds a provision that requires a NEB application to be accompanied by an affidavit attesting to the truth of the information provided.

5. Eligible Facilities (Section 3(E))

This provision of the adopted rule includes the increase in the allowed capacity of eligible facilities to less than 5 MW as specified in the Act.

In the NOR, the Commission requested comment on whether maintaining the 100 kW limit for COUs would be consistent with the intent of the Act. EMEC, HWC and SEAM commented that the legislative intent was not to apply the 5 MW limit to COUs and no commenter stated the increased eligibility requirement should apply to COUs. The adopted rule maintains the current capacity limit of 100 kW for COUs.

In addition, the amended rule contains language from the Act stating that, if a municipality is the customer participating in NEB, the capacity of an eligible facility located in that municipality may be 5 MWs or more, as long as less than 5 MWs of metered electricity from the resource is used for NEB.

Turning Point Energy and SunPower commented that each eligible facility be located on a single parcel to ensure that the facility is not actually 5 MWs or greater in violation of the statute. The Commission agrees that it is crucial to ensure the Legislative requirement that eligible facilities are actually be below 5 MW. Accordingly, the adopted rule specifies that an eligible facility must be a "discrete generating facility" which is defined in the rule as not co-located or otherwise in proximity to another eligible facility or a distributed generation resource as defined in Part B of the Act in which there is a common financial or other interest that is contrary to the purpose of the Legislation.

6. Allocation Methodology (Section 3(F))

This section of the adopted rule contains allowable allocation methodologies for NEB arrangements that includes multiple meters or accounts. The adopted rule allows for a cascading allocation, fixed percentage allocation, or other methodologies that can be accommodated by the utility.

The proposed rule stated that, for shared financial interest customers, the allocation must be based on each customer's financial interest percentage share in the eligible facility, which is similar to the approach required for "subscriptions" in Part B of the Act. The NOR requested comment on this allocation method restriction. Several commenters, including MREA, CLF, Insource Renewables, and Revision Energy stated that the rule should not require an allocation based on the percentage of each customer's financial interest. Because Part A of the Act does not contain a specific allocation requirement in this regard, the adopted rule allows for flexibility for shared financial interest NEB arrangements.

In the NOR, the Commission requested comment on whether, in circumstances in which the eligible facility is behind the meter of a particular account, net energy should be allocated first to the behind the meter account. CMP indicated that if the output is not allocated first to that account, a second meter would be required. CMP stated that the

cost of that second meter should be paid for by the NEB customer. The Commission agrees and, accordingly, section 3(L) of the adopted rule specifies that the cost of such additional meters requested by the customer will be borne by the customer.

7. Micro-Combined Heat and Power Systems (Section 3(G))

As discussed above, the Act redefined facilities that are eligible for NEB. This definition does not include micro-combined heat and power systems, which are eligible under the prior rule. Several commenters stated that such existing facilities should be "grandfathered" for a period of time. The Commission agrees and, accordingly, the adopted rule "grandfathers" existing arrangements for a 20-year period.

8. Service Territory (Section 3(H))

This section contains the existing requirement that the eligible facility and all accounts subject to NEB be contained in a single T&D utility's service territory. No commenter stated that this provision should be changed.

9. Number of Accounts (Section 3(I))

As specified in the Act, this provision removes the limit on the number of accounts and meters that may be included in a net energy billing arrangement in the service territory of investor-owned utilities and includes the statutory exception for a service territory located in northern Maine. The Act states that the limit of accounts and meters in northern Maine is ten, unless the Commission determines that the utility's billing system can accommodate more than 10 accounts or meters.

Emera Maine is the only investor-owned utility in the State that has a service territory in northern Maine. The Commission requested comment from Emera Maine on whether its billing system can accommodate more than 10 accounts or meters. Emera Maine responded that its system cannot accommodate more than 10 accounts or meters and no other commenter stated that 10-meter limit in northern Maine be removed. The adopted rule limits the number of accounts in northern Maine to 10, but allows for the Commission to expand the number of meters upon a future finding that the billing system can accommodate additional accounts.

The adopted rule also limits the number of accounts or meters to 10 for COUs. In the NOR, the Commission requested comment on whether this provision is consistent with the intent of the Act. EMEC and HWC commented that the legislative intent was not to expand the limit on meters and accounts to COUs and no commenter stated the increased eligibility requirement should apply to COUs

10. Net Energy Billing-Kilowatt-Hour Credits Requirement (Section 3(J))

This section of the adopted rule contains requirements regarding traditional NEB, referred to as "net energy billing-kilowatt-hour credit." These requirements are essentially

the same as in the current rule, with provisions regarding shared ownership changed to shared financial interest. The section includes a new provision that specifies that the T&D utility shall apply the facility output against load obligations or otherwise maximize the value of the output. This provision is consistent with the historic treatment of NEB facility output.

11. Net Energy Billing-Tariff Rate Requirements (Section 3(K))

This section is added to the NEB rule to govern the second type of NEB created in the Act, referred to as "net energy billing-tariff rate." The section contains the requirements for the determination of the applicable tariff rate bill credits as required in the Act. As specified in the Act, the bill credit for commercial and institutional customers is equal to the individual customer's applicable standard offer service rate plus 75% of the currently effective T&D rate for the rate class that includes the smallest commercial customers of the investor-owned transmission and distribution utility.

The Commission requested comment on whether the applicable tariff rate should be the rate that was in effect when the NEB arrangement went into effect, whether the credit should be based solely on the kWh charge for the smallest commercial class rate, and how to treat applicable standard offer rates that vary on a monthly basis or have a demand charge. Sundog Solar, Revision Energy, CMP and Emera Maine commented that the tariff rate should be set annually, while SEAM stated the effective rate should be the current rate. Accordingly, the adopted rule specifies that the effective transmission and distribution rate used to calculate the bill credit will be established in advance for a 12-month period and include both the fixed and kWh charges of the smallest commercial class rate. With respect to the standard offer component of the tariff rate, the Commission finds that there is some ambiguity in the statute. The Commission concludes that, given the statutory directive that the Commission "establish" the initial rate by December 1, 2019, and consistent with preferences contained in the submitted comments, a fixed tariff rate should be set prior to each calendar year. Thus, the adopted rule specifies that in the event that the applicable standard offer rate varies by month, the standard offer rate will be a single rate based on the average over the twelve-month period, and in the event that the applicable standard offer rate is set based on an index or otherwise not known, the standard offer rate for purposes of the tariff rate will be will be the average rate based the prior twelve-month period. Finally, the Commission delegates to the Director of Electric and Gas Industries the authority to establish the tariff rate each year.

The adopted rule requires a commercial or institutional customer or the project sponsor to register the eligible facility in the ISO-NE or NMISA wholesale market, as applicable, and for the utility or the project sponsor to use commercially reasonable efforts to maximize the value of the associated energy and capacity for the benefit of ratepayers. The RECs, however, would remain with the project sponsor or the customer. The Commission received several comments, including from the City of South Portland, SEAM, Revision Energy, LongRoad Energy and Borrego Solar, that stated any monetized value should stay with the customer or project sponsor, while CMP stated that allowing

any monetized value to stay with the customer or project sponsor would be a "double-benefit" and that any such value should be used to offset the costs of the bill credits to ratepayers. The Commission agrees that allowing customers to be compensated with both a tariff rate bill credit and the monetized value of energy and capacity in the wholesale market would be inequitable and that such monetized value should be used to reduce the cost of NEB for the general body of ratepayers. Accordingly, the adopted rule requires that commercially reasonable efforts be made to monetized market value of energy and capacity. However, RECs are not required to be transferred giving customers and developers the option to retire or monetize the RECs rather than to transfer the facility's renewable attributes to the utility. .

12. Additional Meters (Section 3(L))

The adopted rule allows for utilities to install additional meters as necessary and requires the utility to pay the associated costs. However, if a customer requests additional meters, the customer is responsible for the costs. This provision mirrors the provision in the current rule.

With respect to behind-the-meter generating facilities, CMP commented that if a customer chooses not to allocate eligible facility output first to that account, a second meter would be required. Under this provision of the adopted rule, a customer choosing not to allocate the output first to the behind-the-meter account, would be responsible for the cost of the required second meter.

13. Interconnection Requirements (Section 3(M))

This provision of the adopted rule specifies that a NEB customer or a project sponsor is required to comply with all interconnection, safety and reliability requirements applicable to the eligible facility. This requirement is in the current rule and the Commission did not receive any comments on this provision in the current rulemaking.

14. Standard Contract and Application (Section 3(N))

This section of the adopted rule contains the requirement that T&D utilities develop and file standard NEB agreements and application forms for both kilowatt-hour and tariff rate NEB. The provision provides that project sponsors and single NEB customers may elect to enter into a NEB agreement for up to 20 years and requires all parties to the agreement to negotiate in good faith to revise the agreement if there is a change in statutes that materially alter any right or obligation of the contracting parties. The rule states that that the Commission can approve modification to the standard documents. The basic terms of this provision are contained in the current rule and the Commission did not receive comments suggesting significant changes to this provision of the rule.

This section of the adopted rule adds a requirement that T&D utilities submit draft standard agreements and application forms to the Commission for approval by December 15, 2019.

15. Dispute Resolution (Section 3(O))

This section of the adopted rule contains provisions regarding dispute resolution with respect to the NEB rule requirements. The provision is contained in the current rule. The Commission has added a provision specifying that the T&D utility and NEB customers or the project sponsor engage in good faith efforts to resolve the dispute before it is brought to the Commission for resolution.

16. Reporting and Commission Review (Section 3(P))

This section contains two T&D utility reporting requirements:(1) a notification when the cumulative capacity of NEB eligible facilities reaches 10 percent of utility load; and (2) the submission of quarterly reports on NEB agreements and cost requirements. These sections are similar to those contained in the current rule.

a) Cumulative Capacity Notification

Traditionally, the NEB rules have contained a requirement that utilities notify the Commission when the total capacity of NEB eligible facilities reaches a specified percentage of the utility's load. This provision allows the Commission the opportunity to assess the cost and benefits of NEB and consider whether changes should be made to the rules as the number of NEB facilities increase over time. Sec A-6 of the Act requires the Commission to conduct such an investigation when the cumulative capacity of NEB facilities reaches 10% of the utilities peak demand or three years after the effective date of the Act, whichever comes first, and provide a report of the review to the Legislature.

Thus, the adopted rule contains a review requirement when the cumulative capacity of NEB facilities reaches 10% of the utilities peak demand or September 19, 2022, which is three years after the effective date of the Act.[2]

b) Quarterly Reports

The current rule contains a provision that requires utilities to file biannual reports that include the customers participating in NEB agreements, the capacity and energy output and fuel type of each eligible facility, and an assessment of associated revenue loss that is paid by the general body of electric ratepayers. Because of the substantial expansion of NEB under the Act and the potential resulting costs to the general body of electricity ratepayers, the adopted rule requires T&D utilities to provide NEB information on a quarterly basis or upon request of the Commission. The adopted rule includes a provision that specifies that the reports contain other costs of implementing NEB including, but not limited to, billings system upgrades and administrative costs.

[2] CMP's most recent NEB report states that the cumulative capacity NEB facilities in its service territory is approximately 2.65% of its peak demand.

C. Consumer Protections (Section 4)

Section 4 of the adopted rule contains consumer protection provisions, disclosure requirements, registration requirements, and sanctions for non-compliance (including restitution and administrative penalties) related to shared financial interest NEB. These provisions apply to the project sponsor and any entity that markets a shared financial interest to residential and small commercial customers.

The section specifies that individuals and entities must comply with the Maine's Unfair Trade Practices Act and the Commission's disclosure requirements and are subject to Commission-imposed sanctions for violations. In the NOR, the Commission noted that Part B of the Act governing distributed generation procurements explicitly authorizes the Commission to adopt customer protections, require disclosures, impose administrative sanctions and order restitution, while Part A of the Act is silent on consumer protections, disclosures and sanctions. The Commission requested comment on whether it has the authority to adopt these consumer protection provisions with respect to shared financial interest NEB. No commenter argued that the Commission lacks this authority. Because the same consumer protection concerns apply to both Part B subscriptions and Part A financial interests, the Commission concludes that it has the authority to adopt consumer protection provisions with respect to NEB.

With respect to required customer disclosures, the adopted rule specifies the information to be included in the disclosure. The adopted rule provides that the Commission will adopt by order standard disclosure forms to be used by a project sponsor when marketing a shared financial interest in an eligible facility to customers. The provision allows for Commission approval of modifications to the standard disclosure forms. Moreover, the adopted rule contains a provision that requires project sponsors and marketing entities to register with the Commission.

Finally, the adopted rule authorizes the Commission to require applicable entities to provide financial security to be used for consumer restitution or administrative penalty payments upon a finding of a violation of the consumer protection rules. These provisions are similar to those that apply to competitive electricity providers that market to residential and small commercial customers pursuant to Chapter 305 of the Commission rules. The adopted rule specifies that the Commission will seek comment from interested persons prior to adopting a financial security amount and that the security will be held by the applicable utility.

VI. ORDERING PARAGRAPHS

In light of the foregoing, the Commission

O R D E R S

1. That Chapter 313 – Net Energy Billing is hereby amended as described in the body of this Order and as set forth in the amended Rule attached to this Order;

2. That the Administrative Director shall file the amended Rule with the Secretary of State;

3. That the Administrative Director shall notify the following of this rulemaking proceeding:

   a. All transmission and distribution utilities in Maine;

   a. All persons that filed comments in this proceeding; and

   b. All persons who have filed with the Commission a written request for notifications regarding Notices of Rulemaking within the past year;

4. That the Administrative Director shall send a copy of the amended Rule to the Executive Director of the Legislative Council, 115 State House Station, Augusta, Maine, 04333-0015.

Dated at Hallowell, Maine, this 25th Day of November, 2019

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear
Administrative Director

COMMISSIONERS VOTING FOR: Bartlett
Davis

ABSENT: Williamson

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.