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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 782, L.D. 1053, “An Act To Allow Microgrids That Are in the Public Interest”

Amend the bill by inserting before section 1 the following:

'Sec. 1. 35-A MRSA §120, sub-§6, as enacted by PL 2009, c. 122, §10, is amended to read:

6. Significant developments. Any significant developments in the utility sectors or other areas of commission oversight; ~~and~~

Sec. 2. 35-A MRSA §120, sub-§6-A is enacted to read:

6-A. Microgrids. Beginning February 1, 2025, any activities undertaken by the commission related to new microgrids as defined in section 3351, subsection 1, paragraph B, including whether any new microgrids have been approved; and'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 35-A MRSA c. 33-A is enacted to read:

CHAPTER 33-A

MICROGRIDS

§3351. Microgrids

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Distributed energy resources" means small-scale electrical generation sources located close to where the generated electricity is used, energy storage resources, energy efficiency resources or demand response resources.

B. "New microgrid" means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable

COMMITTEE AMENDMENT

1 entity with respect to the electric grid and can connect and disconnect from the electric
2 grid to enable the new microgrid to operate in both electric grid-connected mode and
3 nongrid-connected mode, referred to in this chapter as "island mode," and that is
4 constructed after October 1, 2020.

5 **2. Microgrids, public utility exception.** Notwithstanding section 2102 or any other
6 provision of this Title to the contrary, a person that constructs, maintains or operates a new
7 microgrid approved under subsection 3 does not, solely as a result of furnishing service
8 through that new microgrid to participating consumers, become a public utility and is not
9 subject to regulation as a public utility under this Title.

10 **3. Commission approval; requirements.** A person may not construct or operate a
11 new microgrid without commission approval in accordance with this subsection.

12 A. The commission shall approve a petition to construct and operate a new microgrid
13 if the commission finds that operation of the new microgrid is in the public interest and
14 the new microgrid meets at least the following requirements:

15 (1) The proposed new microgrid will serve a total load of no more than 10
16 megawatts, except that the commission may approve no more than 2 new
17 microgrids that each serve a load greater than 10 megawatts but no more than 25
18 megawatts;

19 (2) The proposed new microgrid is located in the service territory of a transmission
20 and distribution utility with more than 50,000 customers;

21 (3) The distributed energy resources for the new microgrid meet the applicable
22 portfolio requirements in section 3210, subsections 3, 3-A, 3-B and 3-C;

23 (4) Any distributed energy resources constructed after the effective date of this
24 subsection for the new microgrid are a renewable capacity resource as defined in
25 section 3210, subsection 2, paragraph B-3 or a renewable resource as defined in
26 section 3210, subsection 2, paragraph C;

27 (5) The person proposing the new microgrid demonstrates that the person has
28 secured the financial capacity to operate the proposed new microgrid;

29 (6) The person proposing the new microgrid demonstrates that the person has
30 secured the technical capability to operate the proposed new microgrid;

31 (7) There is a contractual relationship between the proposed new microgrid
32 operator and consumers within the area to be served by the proposed new
33 microgrid; and

34 (8) The proposed new microgrid will not negatively affect the reliability and
35 security of the electric grid.

36 For the purposes of this paragraph, when determining whether a proposed new
37 microgrid is in the public interest, the commission shall consider possible ratepayer
38 effects, whether positive or negative; benefits due to the increased resilience or
39 reliability of the electric grid; economic development benefits; and any other factors
40 the commission considers necessary to promote the public interest.

41 B. As a condition of approval of a new microgrid, the commission shall:

1 4. It makes technical changes to correct an incorrect date and clarify language.

2

FISCAL NOTE REQUIRED

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(See attached)