

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

**Agency name:** **Maine Public Utilities Commission (PUC)**  
**Umbrella-Unit:** **65-407**  
**Statutory authority:** Public Law 2023, chapters 306 and 361 and; 35-A M.R.S. §§ 104, 111, 1301, 3203(9) and 3210  
**Chapter number/title:** **Ch. 311**, Portfolio Requirements  
**Filing number:** **2023-241**  
**Effective date:** 12/2/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Public Utilities Commission amends its Portfolio Requirement rules (Chapter 311) to comply with the requirements of Public Law 2023, chapters 306 and 361.

**Basis statement:**

A. RPS Requirements

Section 3210 of Title 35-A directs the Commission to allow competitive electricity providers to satisfy the renewable portfolio requirements (RPS requirements) for Class I and Class IA resources through an alternative compliance payment. The Commission set the alternative compliance payment (ACP) rate in Chapter 311 of the Commission's rules. Chapter 311 currently does not have an ACP mechanism in place for Class II resources.

B. Legislation

During the 2023 legislative session, the Legislature enacted L.D. 399, An Act to Amend the Portfolio Requirements for Class II resources and Require Money Collected from Alternative Compliance Payments to be Used for Financial Assistance (Act). P.L. 2023, c. 361. The Act makes changes to Maine's RPS requirements. Specifically, the Act allows competitive electricity providers to satisfy the portfolio requirements for Class II resources through an ACP mechanism. The Act directs the Commission to set the ACP rate by rule, at an amount not to exceed \$10 per MWh.

The Act also extends the time period for the 300% multiplier for the output of a generator fueled by municipal solid waste in conjunction with recycling that has obtained a solid waste facility license from the Department of Environmental Protection.

Finally, the Act directs the Commission to use ACPs for Class I, Class IA, and Class II resources to provide financial assistance for low-income households in accordance with 35-A M.R.S. § 3214(2).

C. Inquiry (Docket No. 2023-00194)

On July 28, 2023, the Commission initiated an inquiry into Chapter 311. *Maine Public Utilities Commission Inquiry Regarding an Alternative Compliance Payment Rate for Class II Resources*, Docket No. 2023-00194 (July 28, 2023). The purpose of the Inquiry was to gather input from interested persons on the amount at which the Commission should set the ACP rate for Class II resources. Comments were filed by Maine Power LLC, the Office of the Public Advocate (OPA), Central Maine Power (CMP), C.N. Brown Electricity, LLC (C.N. Brown), Fox Island Electric Cooperative (FIEC), ecomaine, Great River Hydro, Maine Renewable Energy

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

Association (MREA), and Brookfield Renewable Trading and Marketing (Brookfield). On August 18, 2023, the OPA and Maine Power LLC (Maine Power) filed reply comments.

**RULEMAKING PROCESS**

On August 30, 2023, the Commission issued a Notice of Rulemaking (NOR) and proposed amendments to Chapter 311. Consistent with rulemaking procedures, the Commission provided interested persons with the opportunity to provide oral comments on the proposed rule during a public hearing held on September 27, 2023. The Commission also provided two opportunities to file written comments: once on September 22, 2023, and final comments on October 13, 2023.

**Fiscal impact of rule:**

Minimal

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

**Agency name:** **Maine Public Utilities Commission (PUC)**  
**Umbrella-Unit:** **65-407**  
**Statutory authority:** 35-A M.R.S. §§ 104, 111, 3474, P.L. 2021 Ch. 264  
**Chapter number/title:** **Ch. 324**, Small Generator Interconnection Procedures  
**Filing number:** **2023-233**  
**Effective date:** 11/20/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Public Utilities Commission amends its Small Generator Interconnection Procedures Rule (Chapter 324). This rulemaking implements the requirements of “An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses” (L.D. 1100). In addition, this rulemaking makes additional changes to facilitate the interconnection process for all levels of generation facilities and adds provisions related to export control and energy storage.

**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. 2023-00103, issued on November 3, 2023. Copies of this 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.

**Fiscal impact of rule:**

No fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

**Agency name:** **Maine Public Utilities Commission (PUC)**  
**Umbrella-Unit:** **65-407**  
**Statutory authority:** 35-A M.R.S. §§ 104, 111, 711, 2524, 7903, 8302  
**Chapter number/title:** **Ch. 880**, Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure  
**Filing number:** **2023-174**  
**Effective date:** 9/25/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Public Utilities Commission amends Chapter 880 to require participation by pole attachers in any pole management database implemented by large owners of joint use utility poles. In addition, the Commission amends Chapter 880 to implement the provisions of a waiver ordered by the Commission that corrected an error in the portion of Chapter 880, § 2(A)(14)(a) that prescribes the order in which attaching entities must move attachments from a replaced joint use utility pole to a new pole.

**Basis statement:**

The factual and policy basis for this Chapter is set forth in the MPUC's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2023-00058, issued on September 12, 2023. Copies of the Order have been filed with this Chapter 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.

**Fiscal impact of rule:**

Minimal impact.