

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-161

August 13, 2003

PUBLIC UTILITIES COMMISSION
Interim Electric Energy Conservation Programs

ORDER EXPANDING BOC
PROGRAM TO YORK,
WASHINGTON, PENOBSCOT,
AND HANCOCK COUNTIES

WELCH, Chairman; REISHUS and DIAMOND, Commissioners

I. SUMMARY

By this Order, we approve expansion of the Building Operator Certification (BOC) program that we authorized as an interim electric energy conservation program on June 13, 2002. We will fund two program sessions, with maximum attendance of 30 persons per session, on a first-come, first-served basis.

The first session will be offered in York County and fully fund the tuition of personnel who operate and maintain publicly funded school buildings. The second session will be offered to personnel who operate and maintain publicly funded school buildings in the counties of Hancock, Penobscot, and Washington.

II. BACKGROUND

P.L. 2001, ch. 624 (the Conservation Act),¹ enacted during the second session of the 120th Legislature, establishes terms that govern an electric energy conservation program in Maine. Section 4 of ch. 624 directs the Maine Public Utilities Commission (Commission) to develop and implement electric energy conservation programs that are consistent with the goals and objectives of an overall energy conservation program strategy that the Commission must establish. Various other statutory directives require the Commission to promulgate rules and hold public hearings.

Recognizing that the process of implementing electric energy conservation programs will necessarily take many months, the Legislature authorized the Commission to implement interim programs. Section 7 of ch. 624 states:

Interim programs. In order to avoid a significant delay in the implementation of conservation programs pursuant to the Maine Revised Statutes, Title 35-A, Section 3211-A, the Public Utilities Commission may use funds from the conservation program fund established pursuant to

¹ The Conservation Act may be found on the Commission's web page: www.state.me.us/mpuc (and access the Efficiency Maine site).

Title 35-A, section 3211-A, subsection 5 to implement on a short-term basis conservation programs that the commission finds to be cost effective. The commission is not required to satisfy the requirements of Title 35-A, section 3211-A before implementing such programs. Any programs implemented under this section must terminate no later than December 31, 2003. Funds in the conservation program fund not used for short-term programs under this section must be used in accordance with Title 35-A, section 3211-A.

On June 13, 2002, we issued our Order Establishing Interim Conservation Programs, which ordered immediate implementation of certain interim programs, including the Building Operator Certification program. In the Order, we authorized full funding of tuition for as many as 60 persons to attend either of two 8-session BOC courses - one in Portland and one in Bangor. On August 20, 2002, we approved funding for a third BOC course in Northern Maine² and in February 2003 we approved funding for a fourth course in Augusta. This last session, which is in progress, is for state employees who operate and maintain state buildings, University of Maine System buildings, Technical College System buildings, and Maine Maritime Academy buildings. We authorized the New England Energy Efficiency Partnership (NEEP) to deliver the BOC training in the manner that it has offered the training in other New England states.

III. DISCUSSION

Response to the BOC courses has been enthusiastic. The last four courses have been fully enrolled, and we have received inquiries from other school building operators who are interested in taking the course. In addition, students who have completed the course are requesting more advanced training. NEEP offers a BOC II course in other states.

We decide to offer two additional BOC courses, targeted to serve school building operators in areas of the State that have not been widely served by earlier BOC courses. The first course will be held in York County, and the Commission will pay for the tuition of personnel who operate and maintain publicly funded school buildings. In the second, the Commission will pay the tuition of publicly funded school personnel in the Counties of Hancock, Penobscot, and Washington. If the minimum level of attendance required by the course administrator, NEEP, is not reached with school personnel, we approve fully funding the tuition of personnel who operate and maintain non-profit hospitals and municipal buildings in the urban centers of the three counties mentioned above.

² For the Northern Maine course, we provided funding for persons who operate and maintain any publicly funded school buildings, including the University of Maine and the Technical College System. Because of class size limitations, the Portland and Bangor sessions were restricted to persons from K-12 public school buildings.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 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 1004 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.
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.A. § 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.A. § 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.