

February 10, 2003

PUBLIC UTILITIES COMMISSION  
Interim Electric Energy Conservation Programs

ORDER EXPANDING BOC  
PROGRAM TO STATE  
BUILDINGS OPERATORS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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## 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. Through this expansion, we approve fully funding the tuition of a BOC session for employees who operate and maintain state buildings, University of Maine System buildings, Technical College System buildings, and Maine Maritime Academy buildings. This program expansion is estimated to cost \$35,000.

## II. BACKGROUND

P.L. 2001, ch. 624 (the Conservation Act),<sup>1</sup> enacted during the second session of the 120<sup>th</sup> 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 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

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<sup>1</sup> The Conservation Act may be found on the Commission's web page: [www.state.me.us/mpuc](http://www.state.me.us/mpuc) (and access the Electric Conservation Activities site).

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 specific interim programs that were described in the Order. The Building Operator Certification program was one of those programs. In the Order, we authorized full funding of tuition for as many as 60 persons to attend an 8-course BOC session at one of two BOC sessions - one in Portland and one in Bangor. On August 20, we approved funding for a third BOC course in Northern Maine.<sup>2</sup> 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

Currently the State is faced with a 2-year budget shortfall estimated at more than \$ 1 billion, and the Governor and Legislature are engaged in efforts to reduce this shortfall while minimizing adverse impacts on Maine citizens. Evaluation of the BOC program elsewhere indicates that the BOC course is highly likely to result in reduced energy costs for the buildings operated by the course attendees.

We initially chose to offer the program to public schools because the benefits would extend to all citizens in towns whose school personnel attended. This decision was consistent with our intent to offer programs whose benefits are realized by as many Maine citizens as possible. The same logic applies to offering a program for those individuals who operate state buildings, including buildings at state-funded institutions of higher learning. Benefits that result from improving the energy efficiency of state building operations will accrue all Maine taxpayers, and will help reduce the projected state budget shortfall. Thus, we authorize Commission Staff to proceed with the implementation of this course and to coordinate with other state agencies as required.

Dated at Augusta, Maine, this 10<sup>th</sup> day of February, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

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<sup>2</sup> For the Northern Maine session, 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.

COMMISSIONERS VOTING FOR: Nugent  
Diamond

COMMISSIONER ABSENT: Welch

**THIS ORDER HAS BEEN DESIGNATED FOR PUBLICATION**

## 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.