

April 8, 2002

PUBLIC UTILITIES COMMISSION
Interim Electric Energy Conservation Programs

ORDER EXTENDING UTILITY
ENERGY EFFICIENCY
PROGRAMS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

Summary

This opens a docket to consider issues regarding development and implementation of interim electric energy conservation programs pursuant to P.L. 2001, ch. 624, § 4. The Order also establishes existing utility-sponsored energy conservation programs as interim programs until the Commission adopts its own interim conservation programs.

Background

P.L. 2001, ch. 624, which was enacted during the second session of the 120th Legislature, directs the Maine Public Utilities Commission (Commission) to develop and implement electric energy conservation programs. The programs are to be consistent with the goals and objectives for an overall energy conservation program strategy that the Commission must establish. The programs must be cost-effective, according to a definition that the Commission also 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 also authorized the Commission to implement interim programs “to avoid a significant delay in the implementation of conservation programs” P.L. 2001, ch. 624, section 4. The Commission expects to establish interim programs that will be implemented during the summer of 2002. The Commission also expects that “long-term” programs will be implemented by early 2003.

During April, the Commission will seek public input and comment on interim plans and programs. Also during April, the Commission expects to issue a proposed plan that describes the determinations the Commission must make and rules it must adopt prior to implementing the “long-term” plan, as well as the schedule and process that the Commission proposes to follow to reach the goal of implementing electric energy conservation programs by early 2003. The Commission will provide the opportunity for comment on the proposed plan before it actually adopts a procedural schedule and process.

Decision and Order

The Commission opens this docket, No. 2002-161, Interim Electric Energy Conservation Programs, to consider issues regarding development and implementation of interim programs. The Commission's Administrative Division will maintain a service list for this docket. Persons on the service list will receive all documents issued by the Commission or the Presiding Officer. Any person who wishes to be added to the service list for this docket should file a letter with the Commission's Administrative Director, 242 State St., Augusta, Maine 04333, asking to be added to the service list. This Order shall be sent to all transmission and distribution (T&D) utilities in the State of Maine, and all T&D utilities will be added to the service list. To be assured of receiving all documents that will be issued by the Commission in this docket, persons should seek to be added to the service list no later than April 12, 2002.

Energy conservation programs currently being offered by transmission and distribution utilities (utilities) are specifically addressed in the now-repealed section 3211 of Title 35-A. The current T&D utility programs are not mentioned in the newly-enacted section 3211. The Commission's interim plan will address existing utility programs, and may include some or all of the programs currently being offered. While the Commission considers its interim programs, we find it prudent to maintain the status quo for existing utility programs.

The Commission desires to remove any ambiguity concerning the legal authority of T&D utilities to continue offering energy conservation programs created by the enactment of P.L. 2001, ch. 624. Using our authority under P.L. 2001, ch. 624, § 5, we establish all existing energy conservation programs offered by T&D utilities as interim programs. Utilities should continue to conduct their existing programs until otherwise ordered by the Commission.

Accordingly, we order that T&D utilities continue to operate their existing energy conservation programs in a manner that is consistent with recent program operations until such time as they are directed to do otherwise by the Commission. Utilities should continue to record expenditures associated with energy conservation programs.

Dated at Augusta, Maine, this 8th day of April, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

THIS DOCUMENT 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.