

**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

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Informal Investigation Regarding Development
of Large Data Centers

No. 2026-00142

**ACADIA CENTER AND THE NATURAL
RESOURCES COUNCIL OF MAINE
COMMENTS IN RESPONSE TO NOTICE
OF INFORMAL INVESTIGATION**

June 26, 2026

On June 5, 2026, the Maine Public Utilities Commission (PUC, Commission) opened an informal investigation into the development of large data centers. An executive order (Me. Exec. Order No. 5 FY 25/26) ordered the Maine Department of Energy Resources (DOER) to coordinate with the Public Utilities Commission and gather information on this topic, to address the potential impact on Maine ratepayers from the development of large data centers. DOER encouraged the Commission to gather information from stakeholders on key bulleted issues.

Acadia Center and the Natural Resources Council of Maine (NRCM), Maine nonprofit research and advocacy organizations committed to advancing the clean energy future in Maine, here provide joint comments on the topic and key bulleted issues.

Costs Apportioned through Existing Rate Schedules: Customer Classes

For large loads such as data centers to be responsibly integrated into the grid, there need to be proactive protections implemented to ensure that residential ratepayers are not subsidizing these facilities or negatively affected by them. Acadia Center and NRCM encourage that the PUC create or order to be created a new customer class specific to large data center and cryptocurrency mining loads and that costs be apportioned appropriately to this new rate class. Several states, such as Ohio, Texas, and Washington, have implemented large load tariffs targeted at ensuring costs related to serving data centers are allocated to data centers.¹ To reiterate, our groups believe it is critical that all embedded and marginal costs related to large loads be passed on to data center ratepayers directly.

Mechanisms to protect ratepayers from new or increased costs; large load tariffs and terms, including new additional clean and flexible energy resource requirements, minimum contract tenor, minimum service fees or charges, financial assurance requirements

Acadia Center and NRCM encourage the development of a large load tariff with clear eligibility terms that protect residential ratepayers. This tariff should include terms that require data centers

¹ Smart Elec. Power All. & N.C. Clean Energy Tech. Ctr., *Database of Emerging Large-Load Tariffs (DELTA)*, <https://sepapower.org/large-load-tariffs-database/> (last visited June 23, 2026).

to ‘bring their own new clean energy’ to meet demand requirements.² This could be fulfilled by 1) signing a power purchase agreement (PPA) for energy and environmental attributes with additive clean energy projects within the same service territory or grid region, 2) through energy efficiency measures like waste heat resources, 3) by building their own clean energy resources, either onsite or offsite, 4) or by procuring distributed energy resources (DERs) and demand-side resources locally (including by working through Efficiency Maine Trust’s existing energy efficiency and/or demand response programs, for instance).

This tariff should include consumer protections like minimum contract terms, early exit fees, ramp up periods, capacity-reservation charges, and minimum demand commitments, though there are numerous other considerations that can be implemented to protect other ratepayers.³ For instance, minimum contract terms under some large load tariffs are as long as 15 years, and that may or may not include a ramp period, which other states have established as between 3 to 5 years.⁴ Dominion Power’s large load tariff for projects over 25MW includes a minimum billing provision and a minimum capacity factor of 75%.⁵ There are several utilities that have implemented deposit and/or creditworthiness requirements from interconnecting large loads to limit risk of costs being passed onto other customers if projects are underutilized or unfinished.⁶ Additionally, monthly demand charges of 80% (of total contract capacity) have been mandated in states like Indiana.⁷ These are only a few of the many possible protective measures that can be implemented through large load tariffs. Acadia Center has previously recommended a 20MW applicability threshold for a large load tariff targeted at data centers.⁸ Though vetoed, the 2026 bill LD 307, “An Act to Establish the Maine Data Center Coordination Council and Place a Temporary Limitation on Certain Data Centers”, also applied a 20MW threshold, which may be appropriate in Maine.⁹ Of note, these protections can work with other commitments articulated in host community benefit agreements and plans entered into by data centers, which may also address risks of stranded investments on local infrastructure and services.

Acadia Center and NRCM also encourage a provision that mandates demand flexibility, especially in periods of peak demand, with the nuance that any backup energy used during this

² Office of Governor Maura Healey & Lt. Governor Kim Driscoll, *Governor Healey Halts Data Center Tax Incentive and Calls for Strict Guardrails to Protect Ratepayers, Environment, Public Health* (June 25, 2026), <https://www.mass.gov/news/governor-healey-halts-data-center-tax-incentive-and-calls-for-strict-guardrails-to-protect-ratepayers-environment-public-health>.

³ Andrew Satchwell et al., *Electricity Rate Designs for Large Loads: Evolving Practices and Opportunities* (Lawrence Berkeley Nat’l Lab. Technical Brief, Jan. 2025), https://eta-publications.lbl.gov/sites/default/files/2025-01/electricity_rate_designs_for_large_loads_evolving_practices_and_opportunities_final.pdf.

⁴ Id at 8

⁵ Energy & Env’t Econ., Inc. (E3), *Large Load Tariff Whitepaper* 14 (May 2026), at 6, https://www.ethree.com/wp-content/uploads/2026/05/E3_Large-Load-Tariff-Whitepaper-1.pdf

⁶ Satchwell et al., *Electricity Rate Designs for Large Loads*, at 5.

⁷ Satchwell et al., *Electricity Rate Designs for Large Loads*, at 4.

⁸ Acadia Ctr., *Testimony in Support of H. 7270 Before the H. Comm. on Corporations* (Apr. 7, 2026), [https://www.rilegislature.gov/Special/comm/House/Corporations/2026/04-07-2026--H7270--Emily_Koo\(Acadia%20Center\)--cor.pdf](https://www.rilegislature.gov/Special/comm/House/Corporations/2026/04-07-2026--H7270--Emily_Koo(Acadia%20Center)--cor.pdf).

⁹ Me. Legis., L.D. 307, 132d Leg., 2d Reg. Sess. (Me. 2025–2026), *An Act to Establish the Maine Data Center Coordination Council and Place a Temporary Limitation on Certain Data Centers*, https://www.mainelegislature.org/legis/bills/display_ps.asp?PID=1456&snum=132&paper=&paperId=1&Id=307.

time by data centers should also be clean. It is a growing issue that data centers are utilizing diesel generators and other polluting resources to fulfill their backup power needs, allowing them to skirt standards set in large load tariffs and pollution standards (especially if there is no cumulative impact analysis). The Portland Foreside Development project in Maine is a good example of the grey area that regulatory and legal standards have created with co-generation, and reminds us to subject behind-the-meter generation to careful scrutiny to ensure that consumption by data centers aligns with the state's climate and clean energy requirements. Maine has substantial potential for data centers sited in properties developed previously by large scale industries (milling, forestry, etc.) that could be ripe for large behind-the-meter on-site generation. It is important to ensure there are provisions to analyze on-site co-generation and self-generation for renewable requirements, resource additionality, and local community impacts. There can be a way to design the large load tariff to integrate these behind-the-meter considerations. Tariff designs can specify types of behind-the-meter technologies, ask for dispatchable vs non dispatchable generation, and provide financial bonuses for load flexibility used behind the meter; for instance, Ohio's data center tariff requires data centers to be able to instantaneously curtail their load equal or greater to on-site generation, and Black Hills' Energy Large Power Tariff requires customers to agree to Black Hills getting access to their back-up generation.¹⁰

Important Additional Considerations

On the issue of co-location, data centers should not be exempt from paying their fair share of stranded cost charges or other public policy charges, such those to fund the Low Income Assistance Program and Efficiency Maine Trust, or from paying for their transmission demand or other system costs. Co-located or behind-the-meter resources may allow gaming of demand charges or reduce exposure to volumetrically recovered policy charges, both of which unjustly increase costs for other rate classes. The Commission should ensure that any large load tariff does not allow such behaviors.

Data center companies should be required to engage in good faith with local communities, tying robust and enforceable community benefits agreements and local employment opportunities to receipt of any state incentives. These engagements should seek to understand the environmental thresholds and the burdens of pollution already borne by host communities, and to work collaboratively with communities to remedy existing environmental harm. Additionally, data center companies should be incentivized or rewarded for delivering tangible benefits and infrastructure upgrades for communities (i.e. investing in solar, batteries, grid upgrades that communities can benefit from and data centers can use for their generation as well). States should also re-evaluate the wisdom of any tax incentives for data centers, as Illinois has suggested recently;¹¹ Acadia Center and NRCM applaud Maine for recently re-evaluating its

¹⁰ Satchwell et al., *Electricity Rate Designs for Large Loads*, at 7.

¹¹ Maggie Dougherty, *Gov. JB Pritzker Suspends Tax Breaks for Data Centers, Urges More Discussion*, Capitol News Ill. (June 5, 2026), <https://capitolnewsillinois.com/news/gov-jb-pritzker-to-suspend-tax-breaks-for-data-centers-urging-more-discussion/>.

business tax credit through the legislative process.¹² It is critical to ensure that large load tariffs, or any framework for preventing data center cost subsidization, and state tax incentive programs are not working at odds to each other.

Finally, when possible, data centers should be required to maximize the beneficial reuse of waste heat produced by computer servers, such as for use in thermal energy networks or by contributing heat to other local industries as an energy efficiency measure.¹³

While our groups recognize that AI may provide some benefits to the grid via efficient systems management and automation of processes like generator interconnections, there is limited evidence at this time to have strong confidence these benefits will outweigh the costs we are already seeing passed onto ratepayers. Our groups support the development of the Maine Data Center Advisory Council, indeed NRCM is a member of the Council, and we encourage both the Council and the Commission to express caution about the effects of AI on consumers – and particularly to be careful before engaging in any quick or premature approvals of data centers.

Workshop

Acadia Center and NRCM support DOER's call for a workshop opportunity as this process continues and would be interested in participating. We encourage making the workshop as interactive as possible, in a roundtable-style format to ensure participants are heard and engaging with each other.

We thank the Commission for the opportunity to submit these comments and would be happy to provide any additional information necessary.

Respectfully submitted,



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¹² An Act to Exclude Data Centers from the Business Equipment Tax Exemption and the Dirigo Business Incentives Program and to Require the Department of Economic and Community Development to Study Financial Incentives for Data Centers, L.D. 713, 132d Leg., 2d Reg. Sess. (Me. 2026).

¹³ *Acadia Center Explains: Data Centers and Their Energy Impact* (June 16, 2026), <https://acadiacenter.org/resource/acadia-center-explains-data-centers/>.