

**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

MAINE PUBLIC UTILITIES COMMISSION
Investigation Regarding
Community Choice Aggregation Programs to
Procure Electricity

Docket No. 2026-00210

JOINT COMMENTS OF ACADIA
CENTER, CONSERVATION LAW
FOUNDATION, MAINE CLIMATE
ACTION NOW, MAINE
CONSERVATION VOTERS, MAINE
YOUTH FOR CLIMATE ACTION,
and NATURAL RESOURCES
COUNCIL OF MAINE

September 18, 2026

Pursuant to its July 30, 2026 Notice of Inquiry (NOI), Acadia Center, Conservation Law Foundation, Maine Climate Action NOW, Maine Conservation Voters, Maine Youth for Climate Action, and Natural Resources Council of Maine (Commenters) submit these comments to the Maine Public Utilities Commission (Commission) regarding possible requirements for community choice aggregation (CCA) programs through which municipalities may aggregate the load of residential and small commercial customers to procure electricity on their behalf. The Commenters appreciate the opportunity to respond to the questions posed by the Commission in its NOI, and to provide additional comments regarding the implementation of CCA in accordance with 35-A M.R.S. § 3219 (Section 3219).

I. Responses to Commission Questions Regarding CCA Implementation

1. In addition to the defined terms included in subsection 1 of Section 3219, what other defined terms should be included in the Commission's proposed rule? Please provide proposed definitions for any such defined terms that should be included in the rule.

Response: The Commenters propose that the following defined terms also be included in the Commission's proposed rule:

Annual Report – means the report that Municipalities shall file annually with the Commission that includes Program information for the previous year (see [reference to the appropriate forthcoming CCA rule regarding the content of Annual Reports], below).

Auto-Enroll Customer – means an Electric Customer who is eligible to be enrolled in a Program on an opt-out basis, specifically all Default Service customers other than customers described in 35-A M.R.S. § 3219(5)(B)(1), (2), and (4).

Default Product – means the Product that Participants in a Program receive unless they affirmatively select an Opt-In Product.

Electric Customer – means the customer of record on an account registered with an investor-owned transmission and distribution company .

Eligible Electric Customer – [see the response to Question 2 below. This definition should enumerate the “residential customers and small commercial Electricity Customers” determined by the Commission to be eligible to participate in a CCA program.]

Energy-Related Product – means any energy-related product offered in addition to electric supply by a Program pursuant to 35-A M.R.S. § 3219(5)(H).

Energy-Related Service – means any energy-related service offered in addition to electric supply by a Program pursuant to 35-A M.R.S. § 3219(5)(H).

Form Plan – means the form Plan developed by the Commission which Municipalities may elect to submit for approval to administer a Program pursuant to 35-A M.R.S. § 3219(2) (see [Attachment to forthcoming CCA rule Containing a specimen Form Plan], hereto).

Municipality – means a city or town (or group of cities or towns) that (1) operate(s) a Program pursuant to 35-A M.R.S. § 3219(2), or (2) has filed a Plan for Commission approval.

Opt-In Product – means those Products that Participants in a Program must affirmatively select to receive.

Opt-Out Notice – means the document sent to Auto-Enroll Customers to inform them of their right to opt-out of such enrollment (see [reference to the appropriate forthcoming CCA rule regarding the content of Opt-Out Notices], below)

Participant – means an Eligible Electric Customer that is participating in a Program.

Plan – means the document that a Municipality submits to the Commission for approval to administer a Program pursuant to 35-A M.R.S. § 3219(2).

Program – means a community choice aggregation program in which a Municipality aggregates Eligible Electric Customers located within its municipal boundaries for the purpose of procuring electric supply, and Energy-Related Products and Energy-Related Services, pursuant to 35-A M.R.S. § 3219(2) and (5)(H).

2. The Act allows municipalities to aggregate the load of residential customers and small commercial customers. How should the Commission define the terms “residential customers” and “small commercial customers” for purposes of its community choice aggregation rule?

Response: The definition of “community choice aggregation plan” provided in Section 3219(1)(A) limits participation in CCA programs to “residential customers and small commercial electricity customers.” There is no reference in Section 3219 to specific transmission and distribution (T&D) utility tariff customer rate classifications that may participate in CCA programs, and those customer rate classifications that are excluded from participation. The Commission should (i) define the statutory term “residential customer: with reference to the applicable residential T&D utility tariff customer rate classifications, and (ii) define the statutory term “small commercial electricity customer” with reference to the applicable T&D utility tariff customer rate classifications, including Central Maine Power’s (CMP) SGS class, Versant Bangor Hydro District’s (BHD) Rate B class, and Versant Maine Public District’s (MPD) Rate C class, or such other T&D utility tariff customer rate classifications the Commission deems appropriate.

3. What standards and criteria for approval should the Commission adopt for community choice aggregation program plans under subsection 2, paragraph of Section 3219?

Response: Before recommending specific standards and criteria the Commission should consider for adoption to evaluate CCA plans under Section 3219(2), the Commenters first recommend that the Commission consider the development of a Form Plan that municipalities may elect to submit for approval. Such a Form Plan would be developed to elicit the information necessary for the Commission to evaluate whether adopted standards have been met and adopted criteria have been satisfied. Such a Form Plan will assure applicant municipalities that they have met the minimum information requirements needed for the Commission to complete

its evaluation. A Form Plan would benefit the Commission, in turn, by reducing the administrative burden of determining whether municipalities have met all applicable standards and criteria. The submission of a Form Plan would not be a requirement for approval and neither would the submission of a Form Plan guarantee approval, per se. Rather, the purpose of a Form Plan would be to expedite the Commission's evaluation of CCA plan submissions.

The Commission should adopt clear, objective, and administrable standards and criteria for CCA plan review that protect participating customers while preserving the flexibility municipalities need to design programs responsive to local priorities. The standards and criteria should thus establish uniform requirements concerning program governance, customer protections, rate transparency, procurement, program administration, and reporting, while leaving municipalities substantial discretion over procurement strategy and program design.

The Commission should require that CCA plans: (1) comply with Section 3219 and applicable Commission rules; (2) provide adequate protections for participating and nonparticipating customers; (3) provide for transparent and nondiscriminatory rates and program charges; (4) establish reasonable procedures for procurement, enrollment, opt-out, customer notification, and program administration; (5) demonstrate sufficient managerial, technical, and financial capability to operate the program; (6) provide for continuity of generation service and orderly return to standard offer service; and (7) provide customers with sufficient information to make informed decisions concerning participation. These enumerated findings by the Commission would provide certainty to municipalities while reserving to the Commission the appropriate authority to determine whether the principal risks presented by CCA programs have been addressed.

Program governance and administrative capability. Each plan should identify the municipality or municipalities sponsoring the program and all entities that will perform material program functions, including the program consultant, competitive electricity provider, and other contractors, and the T&D utility that will deliver power under the plan. The plan should assign responsibility for procurement, enrollment, customer notices, opt-outs, customer service, billing coordination, renewable-energy compliance, reporting, and complaint resolution.

Eligible customers and equitable treatment. The plan should identify the T&D utility tariff customer rate classifications eligible to participate and explain how each class will be treated. All customers within each statutorily eligible class should receive equitable treatment. Section 3219 specifies that certain default-

service customers may be automatically enrolled, while customers participating in net energy billing, front-of-the-meter distributed energy resource programs, competitive supply, and specified low-income or arrearage-management programs are subject to different requirements. CCA plans should thus include an enrollment matrix showing, for each affected customer category, whether participation is automatic, opt-in, excluded, or otherwise subject to special conditions.

Customer notice, informed choice, and opt-out protections. Section 3219 requires written notice prior to initial CCA program enrollment. Such notices must describe program details, the right to opt out without penalty, and the applicable process and deadlines. The Commission should specify the content of pre-enrollment notices and require each plan to demonstrate how content requirements will be satisfied and supplemented by broader outreach. CCA plans should also identify methods for communicating with customers with limited English proficiency and other populations that may be difficult to reach.

Rate and fee transparency. CCA plans should separately identify the commodity-supply component, any additional renewable-energy component, consultant or broker compensation, municipal administrative charges, and any other charge recovered through the CCA rate.

Procurement and supplier standards. CCA plans should describe a competitive process for selecting suppliers. The Commission should not approve a municipality's procurement decision or require selection of the lowest bid offered. CCA plans should identify minimum supplier qualifications, solicitation procedures, bid-evaluation factors, contract-duration considerations, creditworthiness standards, renewable-energy requirements, and the municipality's authority to reject bids. The Commission should permit municipalities to consider legitimate non-price factors, including price stability, supplier creditworthiness, contract duration, renewable-energy content, customer protections, and other program benefits. Because CCA programs may offer products containing different percentages of renewable content at various rates, including a base rate that is equal to the state's then-current renewable portfolio standard, Commission rules should distinguish between required and voluntary renewable attributes, and require disclosure regarding the renewable content of each product offered. CCA plans should also establish minimum financial and operational qualifications for the suppliers. These should include applicable Commission licensure, demonstrated capacity to perform enrollment and billing transactions, adequate financial security and creditworthiness, and a satisfactory

compliance history. The Commission should require a contingency plan addressing supplier default, contract expiration, failed procurement, and requirements for program termination.

Consultant compensation and conflicts of interest. The Commission should require full disclosure regarding the compensation of program consultants, brokers, and other intermediaries, including any per-kWh fee, fixed fee, supplier-paid commission, affiliate payment, or other form of compensation. The plan should also identify steps to taken to prevent potential conflicts of interest between the municipality's consultant and other contractors and potential suppliers.

Reporting, accountability, and amendments. Following plan approval, municipalities should submit standardized annual reports to permit the Commission and the public to evaluate program performance. At a minimum, annual reports should include enrollment and opt-out data, participating customers by class, CCA rates, relevant standard-offer rates, supplier and contract terms, program administrative and consultant costs, renewable-energy content, customer complaints, and material supplier-performance issues. Sponsoring municipalities should also maintain publicly accessible webpages containing the approved plan, current rates and products, supplier information, opt-out instructions, and current program documents.

Material versus non-material plan changes. The Commission should distinguish between plan modifications that may be implemented administratively and those that require additional Commission review. Material changes—such as expansion of eligible customer classes, changes to enrollment procedures, or reductions in customer protections—should require Commission approval. Routine supplier substitutions or rate changes undertaken through an already approved procurement process should ordinarily be permitted through notice or informational filing. This approach should protect customers without requiring municipalities to seek a full plan amendment whenever ordinary, Commission-approved procurement activity occurs. Municipalities should also be afforded discretion to modify mill/kWh rates charged to cover administrative expenses, consultant compensation, membership fees, etc., with notice to the Commission without requiring amendment of the CCA plan. The Commission could set a mill/kWh cap and require Commission review and plan amendment only if a municipality seeks to exceed the established mill/kWh cap for such expenses. Municipalities should also be afforded discretion to modify mill/kWh rates to recover charges associated with the provision of energy-related products and

services pursuant to Section 3219(5)(H). The Commission should explicitly exclude mill/kWh fees to recover charges for energy-related products and services from the established mill/kWh cap on administrative expenses, consultant compensation, membership fees, etc. The addition of mill/kWh fees to recover charges for energy-related products and services should be permitted with notice to the Commission, but without a requirement for plan amendment.

4. To the extent known, please provide the anticipated timing through which a community choice aggregation plan would be developed and implemented. For example, at what point in the process will pricing be known? How long after the filing of a community aggregation program plan will Commission approval be needed?

Response: Section 3219 establishes the sequence of steps necessary to propose and establish a CCA program but does not prescribe a deadline for Commission action on a submitted CCA plan. Section 3219 requires municipal legislative/governing-body approval and voter approval before the plan is submitted to the Commission; the Commission then must approve or reject the plan. Municipalities may only provide required regulatory and customer notices and implement the program after receiving Commission approval. The Commenters recommend that the Commission complete its review of submitted plans within four months, with additional time allotted as necessary for any plan that is non-compliant and which requires amendment. Municipalities should approve and file plans that establish procurement structure, rate components, customer classes, contract parameters, and evaluation criteria, then conduct or finalize the competitive supply procurement *after* Commission approval when the program is closer to its effective date of service—its “launch” date.

5. How far in advance of the effective date of service under a community choice aggregation program plan should customer notice be required to be provided?

Response: The Commission should require customer notice to be mailed no fewer than 36 calendar days before the earliest date on which a customer may be enrolled in a CCA program. That period would provide 6 days for delivery of the notice and provide customers with sufficient time—30 days—to review the price of CCA default and opt-in products, compare CCA product prices with the then-current standard-offer price, understand the renewable-energy content of CCA products and other material terms of the program, and to exercise their statutory right to opt out before enrollment. Commenters recommend that opt-out responses to notices be postmarked by a specified date, rather than reciting that notices must be returned “within 30 days.” Additional time will be required by suppliers to enroll

customers after opt-out notices have been received, and municipalities should inform the Commission how long suppliers will take to complete enrollment. That period, plus the 36-day period for customer notice, would determine how far in advance of the effective date of service customer notice must be provided.

6. What should the process and deadlines be for customers opting out of a community choice aggregation program?

Response: The Commission should establish an opt-out process that permits eligible default-service customers to decline participation both before initial enrollment and any time after enrollment, without penalty. As discussed in the response to Question 5, customers subject to automatic enrollment should receive at least 30 calendar days after presumed receipt of the notice to opt out, with an additional allowance for mail delivery.

Once service has begun, a participating customer should be permitted to opt out at any time without the application of an early-termination fee, cancellation charge, or other penalty. The Commission should require a post-enrollment opt-out request to become effective as soon as practicable, and no later than the customer's next meter-read cycle after the T&D utility receives a valid transaction, subject to established utility enrollment-processing deadlines. If the request is received too late to be processed for the next meter-read date, it should take effect on the following meter-read cycle.

7. What should the process and deadlines be for customers not originally enrolled in a community choice aggregation program but subsequently opting into such a program? What account information should such customers be required to provide to the program suppliers and program consultants pursuant to subsection 5(F) of Section 3219?

Response: The Commission's rule regarding the process and deadlines for eligible electric customers that were not originally enrolled in a CCA program to opt-in should apply to those customers that section 3219 requires to opt-in (customers participating in net energy billing, customers participating in certain front-of-the-meter distributed energy resource programs, customers receiving generation service from a competitive electricity provider, and certain low-income or arrearage-management customers).

The rules should permit an eligible electric customer to initiate enrollment directly with the program supplier or program consultant through a secure online form, by telephone, or the submission of a written enrollment form. Once a valid

opt-in request has been received and any necessary eligibility conditions have been confirmed and satisfied, the program supplier or consultant should transmit the enrollment transaction to the applicable T&D utility within two business days. Enrollment should then become effective on the earliest practicable meter-read date permitted by the utility's ordinary enrollment procedures. If the request is received after the applicable utility enrollment cutoff for the next meter-read cycle, service should begin with the following cycle. It is unnecessary for the Commission to impose an additional mandatory waiting period because, unlike customers enrolled at the inception of a CCA program, these opt-in customers have already made an affirmative choice to become participants.

Opt-in customers should receive written or electronic confirmation of enrollment identifying the applicable CCA price, product, renewable-energy content, expected effective date, and applicable terms. For a customer currently served by a competitive electricity provider, the confirmation should also remind the customer that Section 3219(5)(G)) places responsibility on the customer to notify the existing competitive supplier that the customer is terminating that contract to join the CCA program. The Commission should make clear that neither the municipality nor the CCA supplier is responsible for any early-termination fee or other contractual obligation arising under the customer's preexisting competitive-supply agreement. For opt-in customers receiving low-income assistance or participating in an arrearage-management program, enrollment should also be conditioned on compliance with Section 3219(5)(C), which prohibits their enrollment at any time the CCA supply rate exceeds the default-service supply rate. The opt-in process should therefore include a check sufficient to ensure that this statutory protection is satisfied before enrollment.

With respect to account information, the Commission should require customers to provide only the minimum information reasonably necessary to identify the account, verify eligibility, and authorize enrollment. Per Section 3219(5)(F) a customer who elects to opt in is responsible for sharing the customer's electricity-account information with the program consultant or supplier. That customer responsibility should not be interpreted to require the customer to obtain and manually provide the much broader body of usage and capacity data that Section 3219(7)(C) requires T&D utility to provide for program administration.

Opt-in customers should be required to provide:

- customer name;
- T&D utility account number;
- service address;

- mailing address, if different;
- telephone number and/or e-mail address for enrollment confirmation; and
- an affirmative authorization to enroll the identified account in the CCA program.

8. Subsection 10(J) of Section 3219 requires that the Commission adopt rule provisions to minimize to the greatest extent practicable the impacts on default (i.e., standard offer) service. What rule provisions should the Commission develop in this regard? For example, should the timing of the implementation of any approved community choice aggregation program be coordinated with the timing of the Commission's standard offer procurement processes?

Response: Large and poorly timed changes in standard-offer load can increase suppliers' volume and migration risk and thereby increase the risk premium incorporated into standard-offer bids for customers who remain on default service. Implementation of Section 3219(10)(J) should thus give the Commission and prospective standard-offer suppliers as much advance certainty as practicable regarding CCA load migration and implementation dates.

A CCA program should not commence service during the period in which the Commission is soliciting and evaluating final standard-offer bids for the affected customer class unless the CCA load has already been reflected in the load data provided to prospective standard-offer suppliers. Historically, the Commission has issued its standard-offer RFP in September for service beginning the following January 1, with final prices established in November. The Commission should therefore establish a CCA implementation cutoff date tied to each standard-offer procurement. For example, a municipality intending to commence CCA service on January 1 should be required to receive Commission approval, complete its supply procurement, and provide the Commission and the applicable T&D utility with a reliable estimate of departing load (i.e. the aggregate load of the CCA's participating customers) before the Commission issues or advances its standard-offer RFP for the same January 1 service period.

The Commission should recognize that not every CCA will materially affect the standard-offer procurement. A small municipality may represent an immaterial portion of T&D utility load, while an aggregation by one or more large municipalities could materially alter the supply obligation. The Commission should consider establishing a quantitative threshold for CCA program aggregate

load below which the coordination requirements would not apply because aggregate load below the threshold would, by definition, be immaterial.

Subject to the procurement coordination requirements, the Commission should not specify a uniform start date for CCA programs. CCA program administrators should retain the discretion to enter the market to procure supply whenever forward prices for supply are expected to be favorable.

9. Subsection 5(A) of Section 3219 provides that a municipality or group of municipalities may elect not to provide service to a customer under a community choice aggregation program based on the customer's utility payment history. Should the Commission adopt parameters pursuant to which this right may be exercised, such as a minimum number of missed payments or a certain dollar amount that remains unpaid?

Response: The Commission should adopt objective, uniform standards that govern when a municipality may exclude a customer from a CCA program based on the customer's payment history. In the absence of Commission-established standards, treatment of similarly situated customers could be different based solely on the municipality they live in, and customers experiencing only temporary or minor payment delays could be excluded even though they present little or no meaningful credit risk.

The Commission should avoid allowing exclusion based on a single late payment, a modest past-due balance, or an isolated delinquency. Because 65-407 C.M.R. ch. 815, § 10(A)(1) already permits initiation of disconnection procedures for nonpayment when a customer has failed to pay or enter into a payment arrangement concerning an undisputed overdue amount exceeding \$50, the Commission's standard should specify circumstances that may not form the basis for exclusion from a CCA program. A customer should not be deemed ineligible merely because the customer: (1) has an amount subject to a bona fide billing dispute; (2) is current under an approved payment arrangement; (3) previously had an arrearage that has since been cured; or (4) has an isolated history of late payments but no qualifying current arrearage.

Specific guidelines should also be implemented for low-income customers. Per Section 3219(5)(B)(4) customers receiving low-income assistance or participating in an arrearage management program may not be automatically enrolled and must affirmatively opt in to CCA programs; and Section 3219(5)(C) further protects those customers from paying a CCA supply rate higher than default service. Participation in the Low-Income Assistance Program (LIAP) or Arrearage

Management Program (AMP) should not constitute a criterion establishing an adverse payment history. AMP participation, for example, represents an effort to cure an arrearage and should not be treated in the same way as unmanaged nonpayment.

10. Subsection 5(D) of Section 3219 provides that a customer may be unenrolled from a community choice aggregation program and returned to default service for nonpayment of electricity services provided under a community choice aggregation program. Should the Commission adopt parameters pursuant to which this right may be exercised, such as a minimum number of missed payments or a certain dollar amount that remains unpaid? Should this right apply to nonpayment of charges for generation service only or should it apply to payment for other energy-related products and services that may be offered to customers under subsection 5(H) of Section 3219?

Response: The Commission should establish objective, uniform standards that govern when a municipality may disenroll customers from a CCA program based on the nonpayment of charges for electricity supply provided by the program.

Prior to disenrolling customers, CCA program administrators should be required to send a separate written notice stating: the amount past due; the date by which payment or a payment arrangement must be made; the anticipated date of their return to standard-offer service; and the customer's right to contest an erroneous balance. The Commission should require at least 14 days' advance notice before an involuntary disenrollment transaction is submitted by CCA program administrators to the subject T&D utility. If the customer cures the arrearage or enters into and remains current under an agreed payment arrangement during that period, the customer should be permitted to remain enrolled in the CCA program. The Commission should also specify that disputed charges may not trigger involuntary disenrollment while the dispute is pending. Similarly, a customer who is current under an approved payment arrangement should not be deemed in default.

CCA program administrators' right to involuntarily disenroll customers should be limited to nonpayment of CCA electricity supply charges and should not extend to nonpayment of charges for optional energy-related products or services offered under Section 3219(5)(H). This distinction is important: Section 3219(5)(D) refers to nonpayment of "electricity services provided under" the CCA program, while Section 3219(5)(H) separately authorizes municipalities to offer other energy-related products and services. The Commission should allow the involuntary disenrollment remedy to be applied narrowly so that failure to pay for

an optional ancillary product or service does not jeopardize participation in the electricity-supply program that is the basis for the aggregation. Nonpayment of an obligation due for the provision of an optional product or service may in any case result in the suspension, termination, or return of that product or service, consistent with any underlying agreement for the same.

11. How detailed should the Commission's rules be regarding the technical requirements for the exchange of data between T&D utilities and program suppliers and program consultants? Should the Maine Electronic Business Transactions Standards set forth in Chapter 323 be applicable to the exchange of data regarding community choice aggregation programs? Other than the data set forth in subsection 7(C) of Section 3219, what other data should T&D utilities be required to provide to program suppliers and program consultants.

Response: The Commission should establish objective, uniform standards that govern the technical requirements for the exchange of data between T&D utilities and program suppliers and program consultants.

T&D utilities are already required by Section 3219(7)(C), within a period specified by the Commission, to provide program consultants and program suppliers with "all customer-specific data reasonably necessary to price, notify customers of and implement" a CCA program in standardized machine-readable format. It also directs the Commission to identify additional customer or account information necessary to support aggregation pricing, notification, enrollment, or program implementation

The Commission rule should at minimum specify: who may request the data; when the utility must provide it; the required frequency of updates; the permissible purposes for which the data may be used; confidentiality and security requirements; error-correction and dispute procedures; and the obligation to use uniform transaction formats and data definitions.

The Commission should provide that the Electronic Business Transaction (EBT) Standards set out in 65-407 C.M.R. ch. 323 (Chapter 23) apply to CCA transactions to the extent an existing EBT transaction set reasonably accommodates the exchanges required by Section 3219. Where Section 3219 requires data or transactions not currently supported by Chapter 323, the Commission should direct the EBT Working Group or a comparable technical process to develop the necessary CCA-specific transaction sets or modifications.

Section 3219(7)(C) already specifies a substantial data set. Because (i) provision of electricity supply pursuant to Section 3219(2) may include products that offer time-varying rates, (ii) the provision of products and services pursuant to Section 3219(5)(H) may depend on data other than data necessary for the provision of electricity supply pursuant to Section 3219(2), and (iii) eligible customers participating in net energy billing pursuant to section 3209-A or 3209-B are permitted by Section 3219(5)(B)(1) to opt-in to CCA programs, the Commission should consider requiring the following information whenever it is available, reasonably retrievable or accessible, and demonstrably necessary.

- **Meter number or unique service-point identifier**, to distinguish multiple accounts or meters associated with a single customer or premises.
- **Meter type and interval-meter status**, including whether interval usage data are available.
- **Billing-cycle and meter-read-cycle information**, including the next scheduled meter-read date, because CCA enrollment and disenrollment typically become effective on meter-read cycles.
- **Account status**, including active, pending disconnect, closed, final billed, or move-in/move-out status.
- **Effective date of current supply service** and, where applicable, the scheduled date of a pending supplier switch.
- **Historical interval load data**, where already available through automated systems, particularly for small commercial accounts for which interval data may materially improve supplier pricing.
- **Load-profile designation**, where the utility or ISO-NE uses such a designation for settlement.
- **Current capacity obligation and related settlement tags**, including ICAP or successor capacity tags, together with the effective period for those values.
- **Loss-factor or voltage-service designation**, if relevant to supplier settlement or pricing.
- **Excess generation produced by distributed resources**, if relevant to the determination of program costs for eligible customers participating in net energy billing pursuant to section 3209-A or 3209-B
- **Tax-exemption or other billing-status indicators**, where relevant to generation billing.
- **A standardized eligibility indicator** identifying whether the account falls within a statutory opt-in category under Section 3219(5)(B),

rather than requiring the municipality to reconstruct eligibility from multiple underlying data fields.

- **Low-income/AMP eligibility status only to the extent necessary to administer Section 3219(5)(B)(4), 5(C), and 6**, and preferably through a limited indicator rather than disclosure of detailed financial-assistance information.
- **Payment-history eligibility indicator**, if a municipality has adopted a Commission-approved payment-history criterion under Section 3219(5)(A), rather than disclosure of detailed customer payment records.
- **Supplier-of-record identifier**, not merely whether the account is on competitive supply, where necessary to process a customer's affirmative opt-in or verify successful migration.
- **Pending enrollment or disenrollment transactions**, so that duplicate or conflicting supplier switches can be avoided.

The rules should also impose firm service-level deadlines. A reasonable structure would be:

- **Initial planning/aggregated data**: within 10 business days of a valid request;
- **Customer-specific implementation data**: within 10 business days after a qualifying request following plan approval;
- **Pre-enrollment refresh**: within 5 business days of request when customer notice or enrollment is imminent;
- **Routine ongoing changes**: transmitted through normal EBT transactions on the same schedule applicable to competitive suppliers; and
- **Correction of material data errors**: within 2–5 business days, depending on urgency.

Post-enrollment, after the inception of a CCA program, the CCA should be expressly permitted to market the CCA to customers of competitive electricity providers, provided that such marketing emphasizes that customers of competitive electricity provider who wish to enroll in the aggregation may be required to pay fees or charges associated with the termination of their existing supply contracts. CCAs should be provided with access to information regarding eligible electric customers enrolled with competitive electricity providers so that they can offer the aggregation's products as alternatives to products offered by competitive electricity providers.

12. What changes would be necessary to the standard competitive electricity provider service agreement adopted pursuant to section 10 of Chapter 322 in order for that contract to be used for arrangements related to community choice aggregation? What process should the Commission use for developing such a contract?

Response: The most important changes to the standard competitive electricity provider service agreement adopted pursuant to section 10 of Chapter 322 include the following.

The agreement should expressly identify the provider as a “program supplier” under Section 3219 and identify the CCA program and participating municipality or municipalities. The existing form refers generically to a “Provider.”

- The revised form should include the approved CCA plan, participating municipal jurisdictions, program commencement date, and any authorized program consultant as exhibits or schedules.
- Section 3219 defines a program supplier as a licensed CEP that has executed the CCA service agreement and is providing electricity under an approved CCA program.

The customer-enrollment provisions should be rewritten to reflect statutory CCA enrollment authority.

- The agreement should distinguish clearly among automatic enrollment, affirmative opt-in, opt-out, post-enrollment disenrollment, and customers returned to default service.

The agreement should contain a comprehensive CCA data-sharing schedule “for the ongoing sharing of data” described in Section 3219(7)(C).

- The agreement should specify the data fields, format, timing, frequency of refreshes, authorized recipients, correction procedures, security requirements, and responsibilities of each party.

The agreement should expressly incorporate the Maine EBT Standards and identify any CCA-specific modifications to the standards.

The agreement should provide for recurring eligibility and enrollment-list updates.

- The agreement should require regular utility updates sufficient to administer the statutory distinctions among customers subject to automatic enrollment and those requiring affirmative opt-in, as well as customers who later move into or out of the municipality, switch suppliers, join net-energy-billing programs, become eligible for protected low-income status, or otherwise change eligibility.

The consolidated-billing provisions should be conformed to Section 3219(7)(A), which requires T&D utilities to provide program suppliers or consultants with the same billing options and remittance treatment available to ordinary CEPs.

- The CCA agreement should also specify how any CCA-specific administrative charges or Commission-approved program charges are to be treated.

Customer-service responsibilities should be specified.

- The agreement should allocate responsibility among the T&D utility, program supplier, municipality, and program consultant for questions concerning enrollment status, opt-outs, rates, billing, low-income protections, supplier service, and program-specific products.

Per Section 3219(8), the confidentiality provision should be expanded to expressly extend the confidentiality requirement established in 35-A M.R.S. § 3203(4-A)(B) to program consultants and program suppliers

- The agreement should limit use of customer-specific data to CCA pricing, notice, enrollment, implementation, administration, and other authorized purposes.

The agreement should address program termination, supplier replacement, and return to default service.

- The CCA form should establish procedures to be followed in the event of supplier default, expiration or termination of the CCA supply contract, municipal termination of the program, emergency supplier replacement,

and the orderly transfer of customers to default service without interruption of electric service.

Per Section 3219(10)(I) the agreement should allocate implementation costs incurred by T&D utilities among program consultant, a program supplier or a municipality or group of municipalities implementing a CCA program.

- The agreement should enumerate utility implementation charges, specify invoicing procedures, allocate payment obligation responsibility among the municipality, consultant, and supplier, and establish a process for resolving disputes regarding such charges.
- The definition of competitive electricity provider service agreement in Section 3219(1)(B) states that is “a form agreement that is developed by the commission by rule,” suggesting legislative intent to standardize terms to prevent material variations being negotiated by T&D utilities, including terms relating to implementation charges.

Implementation and operational details that are unique to individual T&D utilities should be incorporated as exhibits to the form service agreement.

13. Subsection 9 of Section 3219 provides that the federally recognized Indian tribes in the State may establish community choice aggregation programs in the same manner as municipalities subject to the Act. Will any additional or different rule provisions be necessary in order to allow the federally recognized tribes to engage in community choice aggregation?

Response: Section 3219(9) provides that the Houlton Band of Maliseet Indians, Mi'kmaq Nation, Penobscot Nation, and Passamaquoddy Tribe (the Wabanaki Nations) may establish CCA programs “in accordance with this section,” and further provides that the rights applicable to municipalities under Section 3219 also apply to Wabanaki Nation CCA programs. The Commission should thus apply the same substantive requirements to Wabanaki Nation and municipal CCA programs. Some conforming provisions, however, may be useful to make the rules administrable and to avoid uncertainty where Section 3219 uses terminology specific to municipalities. For example, the rules should clarify that references to a municipality’s “legislative body or governing board,” and to municipal plan adoption procedures, apply to the appropriate governing bodies of the Wabanaki Nations. Because Wabanaki Nation governmental structures and voting procedures need not mirror municipal structures, the Commission should specify how those requirements are satisfied by the appropriate governing bodies of the

Wabanaki Nations, without prescribing the internal governmental procedures of those bodies.

The rules should also define the geographic scope of Wabanaki Nation CCAs. The Commission should therefore clarify what constitutes the relevant Wabanaki Nation CCA service territory for purposes of customer eligibility, utility data requests, notice, enrollment, and load aggregation. The Commission should make provision for the Wabanaki Nation to identify the officials or entities authorized to act on their behalf.

14. What consumer protection and transparency requirements should apply to community choice aggregation programs? Should these requirements be similar to those set forth in section 4 of Chapter 305 of the Commission's rules regarding competitive electricity providers?

Response: The rules set forth in section 4 of Chapter 305 of the Commission's rules regarding competitive electricity providers should be applied CCA programs, but with modifications tailored to the features of community choice aggregation: CCA programs differ materially from ordinary competitive supply because certain eligible electricity customers may be automatically enrolled rather than individually solicited and contracted.

Clear pre-enrollment disclosure. Eligible electricity customers subject to automatic enrollment should receive a standardized written notice before service begins that identifies the municipality or participating municipalities, program supplier, program consultant, CCA supply rate, effective date and duration of the rate, renewable-energy content, all program-related charges, the current standard-offer rate, and the customer's right to opt out without penalty. The notice should prominently state that the customer is not required to participate and should provide a specific opt-out deadline and simple instructions for opting out by mail, telephone, and online.

Price transparency. Because CCA rates and standard-offer rates may change at different times, municipalities should be required to maintain a current public comparison showing the CCA rate and applicable standard-offer rate. The Commission should prohibit statements implying that a CCA will save customers money unless such a claim is accurate for a specific period during which the standard offer rate will exceed the CCA rate and is otherwise adequately qualified.

Disclosure of fees and compensation. CCA customers should be able to identify the portion of the rate that reflects the cost of commodity supply and the portion of the rate that reflects the cost of consultant fees, municipal administrative charges, renewable-energy adders, or other program costs. Compensation paid to a program consultant or broker, including supplier-paid commissions or per-kWh fees, should be disclosed in the approved plan and in public program materials.

Protection of customer information. The Commission should expressly apply the confidentiality principles expressed in Chapter 305, § 4(A)(2) and 35-A M.R.S. § 3203(4-A)(B). That is, customer-specific data obtained for CCA purposes should be used only for pricing, notification, enrollment, billing, administration, and other functions authorized by Section 3219. Program suppliers, consultants, municipalities, and their contractors should be prohibited from using CCA customer data for unrelated marketing or from selling or disclosing that information except as authorized by customers and applicable laws limiting disclosure of consumer information.

Marketing and representation standards. Any CCA marketing or outreach should clearly identify the program as municipally sponsored and distinguish it from the T&D utility and from the Commission. Program suppliers and consultants should not imply that they are the utility, the Commission, or a state agency. The rules should prohibit deceptive or misleading statements concerning savings, renewable-energy content, customer eligibility, or the consequences of opting out.

Opt-out and cancellation rights. Customers should be able to opt out before enrollment and leave the program after enrollment without a termination charge or similar penalty. The opt-out process should be at least as easy as the enrollment process: a customer should not be required to contact multiple entities or provide information beyond what is necessary to identify the account.

Complaint and dispute-resolution procedures. Each CCA program should maintain a clearly identified customer-service contact and an escalation process. Customers should be informed of their right to contact the Commission's Consumer Assistance and Safety Division if a dispute is not resolved. The municipality, program consultant, supplier, and T&D utility should have clearly allocated customer-service responsibilities to prevent customers seeking resolution of a questioned or disputed charge from being misdirected.

Protections against involuntary product tying. Optional energy-related products or services offered under Section 3219(5)(H) should be separately disclosed and

separately consented to. Participation in the core CCA supply product should not be conditioned on purchasing optional energy-related products or services, and nonpayment for an optional energy-related product or service should not by itself result in disenrollment from CCA generation service.

Enhanced protections for low-income and arrearage-management customers. The Commission should expressly implement the protections provided by Section 3219 that apply to low-income and arrearage-management customers, including affirmative opt-in requirements and the prohibition on serving low-income customers at a CCA supply rate higher than default service. The Section 3219 protections should be clearly explained in program materials.

Public reporting and document availability. Each CCA program should maintain a public webpage containing the approved plan, current supplier, current rate, contract term, renewable-energy content, opt-out instructions, consultant compensation methodology, and annual performance reports. Annual reports should include enrollment, opt-outs, complaints, rates, standard-offer comparisons, program costs, and supplier performance, in addition to any other metric the Commission may require.

15. What process should be put in place to ensure that T&D utilities will not incur any costs in implementing the requirements of the Act? Other than costs related to provision of customer data, what costs are expected to be incurred by T&D utilities in implementing the requirements of the Act?

Response: The Commission should adopt a cost-causation framework under which all reasonable, incremental, and prudently incurred T&D utility costs attributable specifically to implementation or administration of CCA programs are recovered from the CCA programs that cause those costs to be incurred, and not from nonparticipating ratepayers. The Commission should thus distinguish between ordinary T&D utility functions whose cost is recovered through Commission-approved rates, and incremental CCA-specific costs: CCA cost recovery should be limited to demonstrable incremental expenditures caused by Section 3219 implementation and administration. The rules should require utilities to document costs with sufficient specificity to prevent recovery of embedded overhead that would have been incurred regardless of CCA.

The Commission could require each T&D utility, for example, to submit a standardized schedule of anticipated CCA-related costs divided into one-time system-development costs, program-specific implementation costs, and ongoing

administrative costs. Commission Staff could then review the scheduled costs for reasonableness and determine whether they are appropriately recovered through a generally applicable CCA implementation fee, a transaction-specific charge, or direct billing to the CCA or its program supplier/consultant.

Beyond the customer-data costs expressly contemplated by Section 3219(7)(C), T&D utilities may incur CCA-related costs relating to:

- billing-system modifications;
- enrollment and service changes;
- EBT development and testing;
- load forecasting, settlement, and supplier coordination; and
- supplier replacement or program termination, etc.

II. General Comments and Conclusion

At a time of heightened concern regarding the affordability of electricity in Maine, community choice aggregation offers municipalities and participating customers an additional means to manage energy costs while also preserving customer choice and appropriate consumer protections. Properly designed CCA programs can use aggregated purchasing power and competitive procurement to reduce electricity costs for participating customers while providing greater price stability than customers might otherwise currently enjoy.

The potential benefits of CCA, however, extend beyond the supply rate alone. Section 3219 also authorizes CCA programs to offer energy-related products and energy-related services. Those products and service could help customers reduce overall electricity consumption, manage peak demand, improve energy efficiency, adopt distributed energy resources, or otherwise lower their total electric *bills*. In that respect, CCA programs have the potential not only to reduce the rate charged to customers for electricity, but also to reduce the quantity and overall cost of the electricity each customer consumes.

CCA can thus serve as a powerful adjunct to implementation of Maine's broader energy policies and the fulfillment of its energy and environmental goals. By combining competitive electricity procurement with locally tailored clean-energy, efficiency, demand-management, and other energy-related offerings, CCA programs can provide communities with an additional mechanism for advancing affordability, customer empowerment, and state energy objectives. The Commission's implementing rules should preserve sufficient flexibility for municipalities and the Wabanaki Nations to develop innovative programs while establishing the consumer protections, transparency requirements, and administrative standards necessary to ensure that those programs operate fairly and effectively.

The Commenters appreciate the Commission's thoughtful consideration of these issues and the opportunity to provide input regarding implementation of Section 3219. The Commenters respectfully encourage the Commission to adopt rules that enable CCA programs to fulfill their potential as a meaningful tool for improving electricity affordability and advancing Maine's energy goals.

Respectfully submitted,

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