STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2026-00210

September 18, 2026

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

COMMENTS OF RETAIL ENERGY SUPPLY ASSOCIATION

The Retail Energy Supply Association ("RESA")[1] hereby submits comments in response to the Public Utilities Commission's ("Commission") July 30, 2026 Notice of Inquiry ("Notice") in connection with the above-captioned matter.

BACKGROUND

On April 13, 2026, the Governor approved an act authorizing a municipality or group of municipalities located in the service territory of an investor-owned transmission and distribution utility ("T&D Utility") to aggregate the electric load of residential and small commercial customers to procure electricity on their behalf.[2] By January 1, 2027, the Commission is required to initiate a rulemaking to implement this new statutory provision.[3]

On July 30, 2026, the Commission opened the instant proceeding to seek input regarding suggested provisions for consideration in the Commission's future rulemaking.[4] In the Notice, the Commission invited interested parties to comment on specific questions as well as on any other relevant issues.[5] RESA hereby submits comments in response to the Notice.

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[1] The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

[2] P.L. 2025, c. 665 (codified at 35-A MRSA § 3219) ("Section 3219").

[3] Section 3219(10).

[4] Notice of Inquiry (July 30, 2026) ("Notice"), at 1.

[5] *Id.* at 2.

COMMENTS

RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings across the Mid-Atlantic, Great Lakes, New York and New England regions. RESA members are active participants in the retail competitive markets for electricity, including the Maine retail electric market. Several RESA member companies are licensed by the Commission to serve customers in Maine and are presently providing electricity service to residential and small commercial customers in the State.

In addition, in other jurisdictions, RESA members serve as suppliers to Community Choice Aggregation ("CCAs"). During 2023-2024, for example, several RESA members participated in a stakeholder process[6] that resulted in consensus changes to the Massachusetts CCA program.[7] Following issuance of a Department of Public Utilities ("DPU") straw proposal incorporating initial comments received and a technical session to discuss the proposal, the DPU commenced a working group process for stakeholders to meet regularly with the goal of reaching broad consensus.[8] From January to May 2024, working group meetings were held.[9] On June 4, 2024, a group of sixteen stakeholders submitted jointly negotiated CCA guidelines to the DPU for approval.[10] On July 9, 2024, the DPU approved the guidelines as submitted.[11]

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[6] *See generally*, Docket No. D.P.U. 23-67, *Investigation by the Department of Public Utilities on its own Motion into Establishing Guidelines for Municipal Aggregation Proceedings.*

[7] *See Guidelines for Municipal Aggregation,* D.P.U. 23-67-A (Mass. D.P.U. Jul. 9, 2024). The adopted guidelines were attached to the decision. *See* Municipal Aggregation Guidelines (July 9, 2024) (Rev. March 20, 2025), https://d3i1pf1zzeh4ol.cloudfront.net/69a6a04d-10c7-42ac-80f9-bee631c92c2b.pdf (last visited Sep. 16, 2026) ("MA Guidelines").

[8] *Id*. at 2-3.

[9] *Id.* at 3-4.

[10] *Id.* at 4.

[11] *Id*. at 23.

In order to reduce the potential need for the Commission to make substantial changes to the proposed regulations once issued for comment,[12] RESA recommends that the Commission consider a similar approach by which stakeholders develop jointly negotiated, proposed rules for the Commission's consideration in its future rulemaking proceeding.

I. DEFINITIONS SHOULD BE CONSISTENT

In the Notice, the Commission requested comment regarding the terms that should be defined in regulation and the definitions of residential and small commercial customers.[13] Generally, to avoid confusion, RESA recommends that, to the extent possible, the Commission define terms consistently throughout its regulations. For example, the Commission has already defined a residential customer as "a Customer taking service as a residential customer under the terms and conditions of the applicable Transmission and Distribution Utility."[14] The Commission has also already defined a small non-residential customer, in pertinent part, as "a non-residential Customer taking service from an investor-owned Transmission and Distribution Utility under terms and conditions that do not include a demand charge . . . ."[15] RESA recommends that the Commission use these same definitions in the CCA regulations.

II. STANDARDS AND CRITERIA FOR APPROVAL OF CCA PROGRAM PLANS

In the Notice, the Commission invited input regarding the standards and criteria it should adopt for approval of CCA program plans.[16] When evaluating CCA program plans, the

[12] *See* MA Guidelines, at 5 (noting that, in response to a request for comments regarding the negotiated guidelines, the DPU did not receive any comments except a letter from fourteen municipalities encouraging adoption of the guidelines).

[13] Notice, at 2.

[14] 65-407 C.M.R. ch. 305, § 1(B)(24); *see also* 65-407 C.M.R. ch. 322, § 1(S) (defining residential customers as "customers defined as residential by the terms and conditions of the transmission and distribution utility").

[15] 65-407 C.M.R. ch. 305, § 1(B)(25); *see also* 65-407 C.M.R. ch. 322, § 1(S) (defining small non-residential customers as "non-residential customers that meet the availability criteria to take service under a core customer class of the transmission and distribution utility that does not include a demand charge").

[16] Notice, at 2.

Commission should ensure that the plans conform to the requirements of Section 3219 (e.g., have municipal approvals as required by Section 3219, include plans for providing the required regulatory and customer notices, and address low-income and energy assistance program protections) and the rules adopted by the Commission. In addition, the Commission should require that CCA program plans:

- identify the core functions of the CCA program and entity or entities (e.g., municipality, consultant, or supplier) that will perform those functions;
- describe the rights and responsibilities of program participants, including processes and requirements for switching between offered products or discontinuing participation in the program;
- explain the steps and expected timeline by which the municipality intends to procure initial and ongoing supply for the program, including issuance of a request for proposals, evaluation/selection of proposals, and negotiation and execution of contracts with the selected suppliers;
- identify the components that will comprise the prices to be charged to participants, including costs associated with: (a) supply and renewable energy content, (b) consultant services, (c) municipality services, and (d) other services related to the program;
- describe the factors/criteria that the municipality will consider in determining the products to be offered (e.g., price, renewable energy content, other energy-related products and services);
- identify the sources of program funding (other than product prices) and any types of costs that participants will incur (in addition to product prices);

- explain initial and ongoing program enrollment processes and requirements, including ensuring only eligible customers are enrolled (e.g., customers with existing competitive supply arrangements are excluded) and the content and timing of customer opt-out notices and, if a municipality offers several product options, identifying the default product and the processes and requirements for opting-in to optional product offerings;
- identify any education materials and/or other notices that will be provided to customers and the types of other communications that suppliers will be permitted to have with program participants, including how ongoing information about the program will be made available to residents in the municipality (e.g., municipal website, CCA-specific website); and
- describe any reporting requirements, data sharing obligations, supplier transition processes, and program termination criteria and processes (e.g., customer notice).[17]

III. ANTICIPATED PLAN DEVELOPMENT AND IMPLEMENTATION TIMING

The Commission invited comment regarding the timing for CCA plan development and implementation, including when the prices to be charged to customers will be known.[18] The timeline necessary for CCA plan development and implementation will vary by community depending on a number of factors, including the process and timing necessary for each municipality to obtain approval from its voters and legislative body.[19] Once a municipality

[17] *See, e.g.*, MA Guidelines, at 4-12.

[18] Notice, at 2.

[19] *See* Section 3219(2) (requiring approval of majority of legislative body and voters of program plan)

submits a plan to the Commission for approval, RESA recommends that the Commission issue a decision within 90 to 120 days.

Municipalities will not know the prices to be charged to program participants until after: (a) the plan has been approved by the municipality and the Commission; and (b) the municipality has conducted its procurement process and negotiated an agreement with the selected supplier. However, as noted above, RESA recommends that the plan submitted to the Commission for approval identify the components that will comprise the prices to be charged to participants. Moreover, customers will be notified of the price when they receive the opt-out notice.

IV. CUSTOMER OPT-OUT NOTICES

The Notice requested input regarding when customer opt-out notices should be provided and the process and timeline for customers to opt out.[20] CCA programs in other New England jurisdictions allow for a thirty (30) day opt-out period.[21] However, because customers will not be switched to the municipal aggregation until the meter read date that follows the conclusion of the opt-out period, and customers have different meter read dates,[22] only a fraction of the customers will be enrolled in the aggregation on the actual date that the opt-out period concludes and some will not be enrolled until nearly a month after the opt-out period concludes. Thus, RESA would also support a shorter opt-out period (e.g., 21 days).

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[20] Notice, at 2.

[21] *See, e.g.*, MA Guidelines, at 8-9; N.H. Admin. Code R. Puc 2204.05(e); R.I.P.U.C. No. 2248, The Narragansett Electric Company Terms and Conditions for Municipal Aggregators (available at: https://www.rienergy.com/site/-/media/rie-jss-app/home/ways-to-save/rates-and-shopping/service-rates/residential-rates/tariff-provisions/tariff-provisions/muniaggregtc122321.pdf) (last visited Sep. 16, 2026) ("RI Muni Agg Terms & Conditions"), § 3A.

[22] *Accord* Maine Electronic Business Transactions (EBT) Standards for Electronic Data Interchange (EDI) in the Restructured Electric Industry (Version 3.0) ("EBT Standards"), at 14 ("A CES must transmit the enrollment transaction, no less than two business days prior to the scheduled cycle meter-read date or the enrollment will be processed effective in the next enrollment period.").

Whatever timeframe the Commission adopts, RESA requests that the rules clarify the date on which the opt-out period commences. For example, in Rhode Island, the opt-put period commences on the date the aggregation becomes operational.[23] In New Hampshire, the opt-out period commences on the date that the opt-out notice is mailed.[24] In Massachusetts, the opt-out period commences when the opt-out notice is deemed delivered to the customer.[25]

The opt-out notice will advise the customer of the opt-out period and how to exercise the right to opt-out.[26] In order to ensure timely notice to the CCA of opt-outs, customers should be permitted to opt-out, at a minimum, via e-mail and telephone. However, municipalities also should be permitted to offer other methods of opt-out.[27]

V. OPT-IN PROCESS, TIMING AND INFORMATION

The Commission invited comment regarding the process and deadlines for customers not originally enrolled in a CCA program but that later choose to opt-in and what account information suppliers will need in order to process those enrollments.[28] RESA recommends that the Commission provide each municipality with the flexibility to determine the process and timing that works best for its program. Thus, rather than dictating a process that must be used, the Commission should require the municipality to include an opt-in process and timing in its contract with the supplier chosen to serve the aggregation.

Customers seeking to opt-in should be required to provide the CCA supplier with the information necessary to ensure that they qualify for participation in the program (e.g., rate class,

[23] *See* RI Muni Agg Terms & Conditions, § 3A.

[24] *See* N.H. Admin. Code R. Puc 2204.05(e).

[25] *See* MA Guidelines, at 8-9 (requiring "at least 30 calendar days, plus an additional six days to account for delivery, to opt out").

[26] Section 3219(4).

[27] *Accord* N.H. Admin. Code R. Puc 2204.05(e) (allowing customers to opt-out via means "included in the plan").

[28] Notice, at 2.

whether receiving financial assistance or on arrearage management plan, payment history) or authorize the CCA supplier to obtain the necessary information from the customer's utility. Customers should also be required to provide the CCA supplier with the details necessary to process the enrollment (e.g., account number).

VI. MINIMIZING IMPACT ON DEFAULT SERVICE

The Commission requested input regarding provisions that would minimize the impact on default service.[29] The main impact to the provision of default service from CCAs results from unexpected large shifts in default service load (i.e., default service load is decreased when a CCA launches and is increased when a CCA terminates). However, advance notice of proposed aggregation launches, suspensions, and terminations will allow for those potential load shifts to be accounted for when soliciting default service. To that end, the Commission should require that each municipality provide advance notice of aggregation launches,[30] including expected customer enrollment dates, estimated load per customer class to be enrolled in the CCA if no eligible customers opt out, CCA supply-contract term and expiration date, and T&D Utility service territory. Similarly, the Commission should require each municipality to provide sixty (60) days' advance notice of planned aggregation suspensions or terminations including expected customer suspension/termination dates, estimated load per customer class to be returned to default service, and T&D Utility service territory. The notice period should be sufficiently long to account for foreseeable load changes in default service procurement and administration.

In addition, to prevent gaming, the Commission could restrict any community that has suspended or terminated a CCA program from restarting the program for a specified period of

[29] Notice, at 2.

[30] *Accord* N.H. Admin. Code R. Puc 2204.04.

time and could require any community that has terminated a CCA program to file a new plan for Commission approval after the stay-out period has expired.[31] As a further measure, for aggregations that are expected to have a material impact on default service load, as part of its decision approving an aggregation, the Commission can require the municipality to coordinate timing of opt-out notices and customer enrollments in the CCA with default service solicitations.

VII. CUSTOMER PAYMENT HISTORY PARAMETERS

The Notice also requested comment on what parameters, if any, should be adopted in order for a municipality to exercise the right to decline to serve a customer based on the customer's utility payment history and for a customer to be unenrolled from a CCA program and returned to default service for nonpayment of electricity services provided under a CCA program.[32] RESA recommends that the Commission adopt a minimum threshold that specifies the number of days and/or dollars in arrears that must be reached before a municipality can exercise either of these rights.

Similar to customers receiving financial assistance or participating in an arrearage management program,[33] the Commission should then exclude those customers from being eligible to be enrolled on an opt-out basis. Additionally, customer opt-out notices should notify customers of the threshold(s) and that they "may be unenrolled from a community choice aggregation program and returned to default service for nonpayment of electricity services provided under the community choice aggregation program."[34]

[31] *Accord* MA Guidelines, at 12.

[32] Notice, at 2-3.

[33] Section 3219(5)(B).

[34] *Accord* Section 3219(5)(D).

Adoption and implementation of a purchase of receivables ("POR") program would obviate the need to exclude customers with poor payment histories from participating in CCA programs. A POR program would also make the prices offered to CCA customers more affordable. Without POR, when a customer does not pay its balance in full, any past due charges due to the T&D Utility are paid before any past due supplier charges, then current charges due to the T&D Utility are paid before any current supplier charges.[35] As a consequence, the risk of customer non-payment is higher for suppliers than for the T&D Utility. This risk will prevent some suppliers from responding to solicitations to serve CCAs. Moreover, those suppliers that choose to respond will include a risk premium in the prices offered to account for the uncollectible risk. As a result, the prices available will be less competitive than those available if POR were in place. Conversely, a POR program would reduce the risk premiums included in prices bid by suppliers seeking to serve CCA load and ensure that more suppliers have the opportunity to serve CCAs, which increases competitive pressure that could benefit CCA participants. New Hampshire adopted a statute authorizing community power aggregation in the late 1990s. In 2019, New Hampshire amended the statute to authorize opt-out community power aggregation. However, it was not until New Hampshire adopted POR in 2024 that community choice aggregation really began in earnest.[36] To facilitate widespread adoption of CCAs, RESA recommends that Maine take the necessary steps to authorize and adopt POR.

[35] 65-407 C.M.R. ch. 322, § 6(C)(1).

[36] *See* New Hampshire Public Utilities Commission Virtual File Room, https://www.puc.nh.gov/VirtualFileRoom/ (reflecting no applications for approval of community choice aggregation programs in 2019 or 2020 and almost 60 applications for approval of community choice aggregation programs in 2024 and 2025).

VIII. DATA REQUIREMENTS

The Notice inquired about the technical requirements that should apply to the exchange of data for CCAs and the types of information that should be provided.[37] The EBT Standards already establish the technical requirements for the exchange of data between the T&D Utilities and suppliers.[38] However, because municipalities frequently include reporting requirements in the agreements with suppliers selected to serve a CCA, the Commission's rules should clarify what information suppliers are able to share about eligible and participating customers with the municipality and/or its consultants.

Moreover, the T&D Utilities should be required to ensure that it is clear which customers are eligible and which are ineligible to be enrolled on an opt-out basis. The easiest way for the T&D Utilities to communicate this is to create two different datasets that provide the required information – one for all residential and small commercials customers that are eligible to be enrolled on an opt-out basis and one for all residential and small commercials customers that are only eligible to be enrolled on an opt-in basis. To ensure information is accurate, the Commission should also require that the T&D Utilities provide updated data on a regular basis and upon request of the program supplier or program consultant.

In addition to the data required by subsection 7(C) of Section 3219, the T&D Utilities should be required to identify any customers that are receiving financial assistance for low-income households in accordance with section 3214, subsection 2, or participating in an arrearage management program pursuant to section 3214, subsection 2-A. Without this information, a supplier will be unable to determine if the customer is eligible to participate in the

[37] Notice, at 3.

[38] *See generally*, EBT Standards.

CCA.[39] Furthermore, if the Commission does not exclude customers with utility payment histories that exceed the established threshold from being eligible to be enrolled on an opt-out basis as recommended above,[40] the T&D Utilities should be required to identify which customers exceed the threshold.

Finally, the T&D Utilities should indicate whether a customer is currently being served by the CCA. At CCA inception, there will be no such customers. However, once a CCA is established, this information is necessary to ensure that, when there is a change in the supplier serving the CCA, customers that are being served by the CCA are enrolled with the new supplier and continue to be served by the CCA.

IX. STANDARD SERVICE AGREEMENT CHANGES

The Notice also invited comment regarding any changes that would be needed to the standard competitive electricity provider service agreement adopted pursuant to section 10 of Chapter 322 and the process to institute those changes.[41] The current standard service agreement provides that "[p]rior to requesting customer specific information from the T&D, the Provider shall be responsible for complying with the customer authorization requirements set forth in Chapter 322."[42] However, Section 3219 requires the T&D Utilities to provide "all customer-specific data reasonably necessary to price, notify customers of and implement a community choice aggregation program" and authorizes the Commission to establish the customer-specific

[39] *See* Section 3219(5)(C) ("A customer receiving financial assistance for low-income households in accordance with section 3214, subsection 2 or participating in an arrearage management program pursuant to section 3214, subsection 2-A may not receive electricity supply under a community choice aggregation program if the customer would pay a supply rate under the community choice aggregation program that is at any time higher than the default service supply rate.").

[40] *See* Section VII *supra*.

[41] Notice, at 3.

[42] Versant Power Standard Competitive Electricity Provider Service Agreement (Revised Aug. 4, 2021), §6.10; Central Maine Power Standard Competitive Electricity Provider Service Agreement (Revised 05/30/03), § 6.10.

information that must be provided.[43] Section 3219 does not require customer consent for the release of this information.[44] Moreover, it would be inconsistent to allow customers to be enrolled in a CCA without consent[45] but to require that customer consent be obtained in order to receive the information necessary to enroll and serve those customers. Finally, it simply would not be practical for municipalities to obtain consent from every resident for the release of this information. Thus, section 6.10 of the standard service agreement should be removed or modified to reflect that customer consent to the release of customer-specific information is not required for CCAs.

In the order adopting the CCA rules, the Commission can modify the standard form contract and direct each T&D Utility to modify its standard agreement and submit a compliance filing with the revised agreement. If the T&D Utility's revised agreement conforms to the Commission-approved form, no further action would be required.[46] If the T&D Utility's revised agreement does not conform to the Commission-approved form, approval of the revised agreement will be required.[47]

X. NO ADDITIONAL OR DIFFERENT RULES FOR FEDERALLY RECOGNIZED TRIBES

The Notice inquired about what additional or different rules would be needed to allow CCAs for the federally recognized tribes identified in Section 3219.[48] However, RESA does not

[43] Section 3219(7)(C).

[44] *See id.*

[45] *See* Section 3219(5) (providing that "all default service customers within the municipality's or group of municipalities' jurisdiction may be automatically enrolled in the community choice aggregation program unless they affirmatively opt out").

[46] 65-407 C.M.R.. ch. 322, § 10 ("Contracts that conform to a Commission-approved standard form contract do not require Commission approval.").

[47] *Id.* ("Contracts that do not conform to a Commission-approved standard form contract shall be filed with the Commission for approval.").

[48] Notice, at 3.

anticipate that any additional or different rules would be needed. Moreover, having CCA rules that are the same regardless of whether the CCA is implemented by a municipality or a tribe will ensure consistency and make CCAs easier to administer. Thus, to the extent the Commission determines that additional or different rules are needed, RESA requests that any differences between the rules applicable to municipalities and those applicable to tribes be minimized.

XI. CONSUMER PROTECTION AND TRANSPARENCY REQUIREMENTS SHOULD BE CONSISTENT

The Commission invited input regarding the consumer protection and transparency requirements that should apply to CCAs.[49] The Commission has already adopted strong consumer protection requirements for residential and small non-residential customers.[50] RESA recommends that, in the CCA rules, the Commission clarify which of the Commission's existing rules applicable to suppliers will not apply to CCAs.[51] For example, the Commission should clarify that the consent requirements applicable to non-CCA enrollments and renewals would not apply to CCAs.

RESA also recommends that the Commission require the T&D Utilities to implement processes to ensure that only customers that are eligible to participate in a particular CCA are actually enrolled in the CCA. The T&D Utilities can do so by assigning a community specific aggregation code to each customer eligible to participate in a particular CCA. This code can then be used to identify which customers are geographically eligible to participate in a particular CCA. If a supplier attempts to enroll a customer with a different aggregation code, the

[49] Notice, at 3.

[50] 65-407 Me. Code R. ch. 305, § 4.

[51] *Accord* N.H. Admin. Code R. Puc 2205.02; MA Guidelines, at 13-14.

enrollment would be rejected. This would prevent customers from outside a particular CCA service area from being enrolled in a CCA for which they are ineligible.

XII. T&D UTILITIES' IMPLEMENTATION COSTS

The Notice offered an opportunity to comment regarding the costs to be incurred by the T&D Utilities.[52] The Notice recognizes that the T&D Utilities may incur some incremental costs for programming changes to facilitate the provision of data for CCAs.[53] For example, T&D Utilities may incur costs to make changes to identify customers that are eligible to be enrolled in a particular CCA program,[54] on an opt-out basis and only on an opt-in basis.[55] To the extent the T&D Utilities do incur incremental costs,[56] the process to establish the amount and mechanism for recovery of those costs should be the same as is currently used.

XIII. ADDITIONAL CONSIDERATIONS

The Commission also encouraged additional comments and suggestions that may assist it in developing the provisions for consideration in the Commission's future rulemaking.[57] As the foregoing demonstrates, successful implementation of CCAs involves numerous stakeholders (i.e., T&D Utilities, suppliers, municipalities and consultants) and requires that the rules and guidance for CCA programs address myriad practical considerations. Thus, as noted above, RESA recommends the Commission provide opportunities for stakeholders to work cooperatively to develop a proposal that the Commission can use as the framework for the proposed rules that it issues for public comment.

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[52] Notice, at 3.
[53] *Id.*
[54] *See* Section XI *supra.*
[55] *See* Section VIII *supra*.
[56] *See, e.g.*, 65-407 Me. Code R. ch. 322, § 9(C)(3) (authorizing recovery of incremental costs of providing data).
[57] Notice, at 3.

CONCLUSION

RESA appreciates the opportunity to submit these comments and looks forward to addressing these important issues in more detail.

Respectfully submitted,
RETAIL ENERGY SUPPLY ASSOCIATION

By 

Kevin C. Osantowski
Robinson & Cole LLP
53 State Street
Boston, MA 02109
Phone: (617) 557-5900
Fax: (617) 557-5900
E-mail: kosantowski@rc.com

Its Attorneys

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