

February 2, 2011

MAINE PUBLIC UTILITIES COMMISSION
Review of Efficiency Maine Trust Triennial
Plan

SUPPLEMENTAL ORDER
APPROVING TRIENNIAL
PLAN

CASHMAN, Chairman; VAFIADES AND LITTELL, Commissioners

I. SUMMARY

In this Order, we give our final approval of the Efficiency Maine Trust's (Trust) Triennial Plan as supplemented by the Trust, subject to the requisite statutory funding approvals that the Plan requires.¹

II. REVIEW PROCESS

On April 23, 2010, the Trust filed its Triennial Plan (Plan) for fiscal years 2011 through 2013 (Plan Period) for review by the Commission. On April 27, 2010, we opened a non-adjudicatory proceeding to conduct a review of the Plan. As part of our review process, the Commission accepted comments from interested persons, conducted a public meeting to hear additional comments, and received and reviewed a report on the Plan submitted by the Commission's consultant, Navigant Consulting, Inc. (Navigant), as well as additional public comments on the Navigant Report.

On July 19, 2010, we issued a Conditional Order of Approval contingent upon the Trust filing a Supplemental Plan containing additional information about the Trust's programs, budgets, evaluation plans and performance metrics (Conditional Order).²

On October 1, 2010, the Trust filed a Supplemental Filing in Response to the Commission's Conditional Order. The Trust also submitted additional responses to

¹ As discussed in this Order, the Commission's approval is based upon the original Plan filed on April 22, 2010, the October 1, 2010 Supplemental Filing and additional information provided by the Trust in response to clarifying questions asked by the Commission Staff during the review process.

² During the course of the Commission's review of the original Plan, the Trust supplemented the Plan with responses to data requests and a response to Navigant Consulting's Review of the Plan (Navigant Report).

follow-up questions from the Commission Staff that further clarified the Supplemental Filing.³

III. STATUTORY REQUIREMENTS FOR THE COMMISSION'S REVIEW

As discussed in sections III and VII of the Commission's July 19, 2010 Conditional Order, our review of the Plan is prescribed by the Efficiency Maine Trust Act (Act), specifically 35-A M.R.S.A. §§ 10104(4)(D) and 10120.

Section 10104(4)(D) provides that the Commission must issue an order either approving the plan or rejecting the plan and stating the reasons for the rejection. This section also requires that the Commission reject elements of the plan that propose to use money generated from capacity resource, associated energy or associated renewable energy credit contracts under 35-A M.R.S.A. § 3210-C, the Electric Efficiency and Conservation Program under section 10110, the Natural Gas Conservation Program under section 10111, or the Heating Fuels Efficiency and Weatherization Fund under section 10119 (hereinafter collectively referred to as Funding Statutes), if the Plan fails to reasonably explain how the elements of the program would achieve (i) the objectives and implementation requirements of the programs established under those sections, or (ii) the measures of performance.

Additionally, section 10120 provides that the Commission shall ratify the measures of performance incorporated in the Plan if it finds that the measures satisfy the requirements of the Act⁴ and are in the public interest. Section 10104(3) requires the Trust to develop quantifiable measures of performance for all of the programs that the Trust administers. These measures will be the standards to which the Trust will hold accountable all recipients of funding from the Trust and recipients of funds used to deliver energy efficiency and weatherization programs administered or funded by the Trust. Section 10120 further requires that the measures of performance define the electricity, natural gas and heating fuel savings targets established in 35-A M.R.S.A.

³ As part of the Commission's review of the Trust's Supplemental Filing, the Trust submitted additional information on December 3, 2010 and December 22, 2010 in response to follow-up questions from the Commission Staff regarding the Supplemental Filing.

⁴ The requirements of the Act are set forth in Chapter 97 of Title 35-A, codified as 35-A M.R.S.A. §§ 10101 through 10121.

§ 10104(4)(F) (Statutory Targets) and specify the measures for assessing progress in meeting the Statutory Targets.⁵

IV. DISCUSSION AND DECISION

In our July 19, 2010 Conditional Order, we found that the Plan as supplemented and clarified by the Trust appeared generally consistent with overall statutory goals. We also found that in certain areas we were unable to determine whether the Plan complied with all of the statutory requirements. The Conditional Order asked the Trust to submit additional information in several discrete areas to enable the Commission to make that determination.

On October 1, 2010, the Trust submitted a Supplemental Filing in response to the Commission's Conditional Order. The Supplemental Filing included additional detail regarding (i) the Trust's programs involving Maine State Housing Authority, the medium and large business sectors, and the Solar and Wind Rebate; (ii) the Trust's ongoing commitments related to the Plan; (iii) performance measures for various Trust programs; (iv) cost-benefit analyses; and (v) the Trust's plans for program evaluations, evaluation budgets and advisory groups. The Supplemental Filing also included updated budgets indicating estimated spending by funding source and fuel savings type. The updated budgets included \$125.3 million in fiscal year 1, \$63.9 million in fiscal year 2, and \$69.4 million in fiscal year 3 (compared to the Original Plan which budgeted \$67.5 million in fiscal year 1, \$61.5 million in fiscal year 2, and 62.8 million in fiscal year 3).⁶ In response to follow-up questions from the Staff, the Trust also submitted further information on December 3, 2010 and December 21, 2010 regarding program descriptions, expected savings by fuel type for specific programs, clarification of performance measures, cost-effective analyses for certain programs, discussion of how the Trust will approach changes in funding, and discussion of expected progress toward meeting the Statutory Targets at the conclusion of the Plan Period.

⁵ The applicable Statutory Targets set forth in 35-A M.R.S.A. § 10104(4)(F) that must be quantified by the performance measures are: (1) weatherizing 100% of residences and 50% of businesses by 2030; (2) reducing peak-load electric energy consumption by 100 megawatts by 2020; (3) reducing the State's consumption of liquid fossil fuels by at least 30% by 2030; (4) by 2020, achieving electricity and natural gas savings of at least 30% and heating fuel savings of at least 20% as defined in and determined pursuant to the measures of performance ratified by the Commission under section 10120; and (5) capturing all cost-effective energy efficiency resources available for electric and natural gas utility ratepayers.

⁶ The additional money in the budget includes approximately \$9 million in funds rolled over from the Electric Efficiency and Conservation Fund (electric system benefit charge money), \$9 million in rollover funds from the Regional Greenhouse Gas Initiative Trust Fund, and approximately \$47.7 million in additional funds from the Federal government as a result of the American Reinvestment and Recovery Act (ARRA).

At the outset, we note that this review process presented significant challenges to both the Commission and the Trust due to the shifting nature of and uncertainty surrounding the Trust's funding. For example, between the time that the Trust filed the Original Plan in April 2010 and the time that it filed the Supplemental Filing in October 2010, the Trust received approximately \$66.7 million of additional funding for the Plan Period (much of which was Federal money). Additionally, as discussed below, the Plan is premised upon an increase in the electric system benefit charge assessment and an assessment on heating fuels which is subject to approval by the Legislature. This changing landscape makes it difficult to determine exactly what we need to approve since the actual funding for the Trust over the course of the Plan Period may differ from the budgets included in the Plan and Supplemental Filing, and since significant changes in funding will substantially alter the performance measures and progress toward statutory targets to be achieved by the affected programs.

In the context of the uncertainty outlined above, we approve the Plan as supplemented, because the Plan reasonably explains the programs that the Trust intends to implement over the Plan Period and, in conjunction with the commitments made by the Trust, provides assurances that the Trust intends to comply with the applicable statutory requirements and objectives. We also find that the Plan, as supplemented, includes measures of performance for each program that are in the public interest and generally satisfy the requirements of the Efficiency Maine Trust Act, particularly in light of the Trust's intent and commitment to implement the comprehensive evaluation and verification program that will begin in Plan Year 2011 and continue throughout the Plan Period. As discussed in more detail below, however, the Trust should submit additional information regarding the performance measures in the Trust's 2011 Annual Report to the Commission pursuant to 35-A M.R.S.A. § 10104(5)(D) in order to facilitate the Commission's obligation pursuant to 35-A M.R.S.A. § 10120 to ensure that the performance measures provide a means to assess the Trust's progress in meeting the Statutory Targets. Additionally, the Trust should submit additional detail regarding the Trust's allocation of grant funds from the Maine Power Reliability Program.

A. Program Compliance with the Objectives and Requirements of Funding Statutes

Section 10104(4)(D) requires that the Commission reject portions of the Plan that fail to reasonably explain how elements of the program that propose to use money from the Funding Statutes would achieve the objectives and implementation requirements of the programs established under those Funding Statutes. Each of the Funding Statutes has requirements for how programs that are funded by those statutes must be implemented. Despite the fact that the Funding Statutes serve different purposes, all of the Funding Statutes require the programs that use such funds to be cost-effective and reduce the consumption of the respective electricity or fuel types.

1. Cost-Effectiveness

The Trust has reasonably demonstrated that the programs that utilize money from the Funding Statutes will be cost-effective. The information provided by the Trust showing the results of cost-effective analyses for residential and business programs indicate that the programs implemented by the Plan will be cost-effective because they have a benefit/cost ratio of greater than one based upon the total resource cost test. For those programs whose benefit-cost ratios are close to a one-to-one ratio, the Trust has committed to monitor program performance through careful review and analysis and to research best practices for similar programs in other states.

We note that the Trust provided cost-effective analyses for the small business programs and the medium and large business programs in the aggregate rather than providing cost-effective analyses for each individual business program which made it difficult to determine whether each of the business programs are cost-effective. However, the Trust has committed to complying with the requirement set forth in 35-A M.R.S.A. § 10104(5) that the Trust assess the cost-effectiveness of each program operated by the Trust in the prior 12 months and will present that analysis in the Trust's Annual Report submitted in December of each year. The Trust has also committed to selecting programs and projects that use funds from the Regional Greenhouse Gas Initiative (RGGI) Trust Fund (35-A M.R.S.A. § 10109) based on upon a competitive bid process that prioritizes high benefit-to-cost ratios. Many of the programs that use RGGI Trust Fund money also use money from the Funding Statutes. Finally, the Trust has committed to conducting comprehensive evaluation and verification activities beginning in 2011 for its business programs. The Trust has indicated that this independent evaluation process will include cost-benefit or cost-effective analyses. Thus, these commitments by the Trust provide further assurance that the business programs included in the Plan will be cost-effective. We expect the Trust to continuously monitor the results of these assessment and evaluation activities, however, and to make the needed adjustments if there is any indication that a program is not cost-effective.

2. Targeting of Funds to Reduction in Consumption of Respective Electricity/Fuel Type

The Trust has indicated its intent to use money from the Funding Statutes toward programs that will increase efficiency or reduce consumption of their respective fuel types. Based upon the program savings by fuel type information submitted by the Trust in the original Plan and in response to a follow-up questions by the Staff, we find that the programs utilizing the Electric Efficiency and Conservation Programs funds will reduce energy costs for consumers by reducing electricity usage, the programs using money from Natural Gas Conservation program funds will encourage efficiency in natural gas use, and the programs using Heating Fuels Efficiency and Weatherization Fund money will reduce heating fuel consumption.

Although our analysis does not indicate a strictly proportional relationship between the funding by fuel type and the savings by fuel type, the Trust has indicated its intent to deploy and track the funding sources according to the individual requirements of each Funding Statute. The Trust also stated that where there may be multiple funding sources, expenditures will be tracked to ensure appropriate deployment according to the applicable statute. This issue may become more difficult as funding sources shift or in the event that particular funding sources are not authorized by the Legislature. In light of the Trust's commitments discussed above, however, we expect the Trust to remain vigilant to ensure that resources from one Funding Statute do not materially subsidize fuel savings that should be supported by another Funding Statute.

3. Additional Requirements for Electric Efficiency and Conservation Programs

The Electric Efficiency and Conservation Program statute also requires that programs using funds from the electric system benefit charges (SBC)⁷ assessed pursuant to this section must target at least 20% of the funds from the Base Assessment for programs for low-income residential customers and at least 20% of the Base Assessment funds should target programs for small business consumers.

In the Supplemental Filing, the Trust stipulated that it would target at least 20% of the Base Assessment funds to low-income programs and 20% to small business programs. The annual budgets for the Plan Period contained in the Supplemental Filing support that commitment. Therefore, we find that the Plan as supplemented by the Trust complies with the Electric Efficiency and Conservation Program fund allocation requirements with respect to low-income and small business programs.

Based on our review of the Plan, the Supplemental Filing, and the additional information provided by Trust, as well as the Trust's commitment to comply with the applicable statutory requirements for each of the Funding Statutes, we find that the Plan as supplemented reasonably explains how the programs will achieve the objectives and implementation requirements of the Funding Statutes.

⁷ The Electric Efficiency and Conservation Program statute creates a funding source for electricity conservation programs through two different assessments on electricity ratepayers (collectively referred to as electric system benefit charge (SBC) funds). First, the statute requires a base assessment of .145 cents per kWh on transmission and distribution utility customers to fund electric conservation programs (Base Assessment). 35-A M.R.S.A. § 10110(4). And second, the statute allows for other assessments in accordance with the Plan to realize all available energy efficiency and demand reduction resources in Maine that are cost-effective, reliable and feasible after considering a variety of other funding for conservation programs. 35-A M.R.S.A. § 10110(5).

B. Performance Measures

As discussed above, the Efficiency Maine Trust Act requires the Trust to develop quantifiable measures of performance for all programs it administers in order to hold accountable all those who receive funding from the Trust and those who deliver programs implemented or funded by the Trust. 35-A M.R.S.A. § 10104(3). The Act further requires that the measures of performance define the electricity, natural gas and heating fuel savings targets established in the Statutory Targets set forth in 35-A M.R.S.A. § 10104(4)(F) and that the Plan specify the measures for assessing progress in meeting the Statutory Targets. 35-A M.R.S.A. § 10120. Pursuant to section 10104(4)(D), the Commission must reject elements of the Plan that propose to use money from the Funding Statutes if the Plan fails to reasonably explain how those elements would achieve the measures of performance. However, if the Commission finds that the performance measures satisfy the requirements of the Act, including the principles of administration set forth in section 10104(2), and if the Commission finds that the measures are in the public interest, the Commission must ratify the measures of performance incorporated in the Plan. 35-A M.R.S.A. § 10120.

In our July 19, 2010 Conditional Order, we asked the Trust to submit supporting detail regarding performance measures and quantification protocols for all programs. In the October 1, 2010 Supplemental Filing, the Trust provided a table that set forth performance measures for the majority of the programs discussed in the Plan and the Supplemental Filing. On December 3, 2010, in response to follow-up questions from the Commission Staff, the Trust further supplemented the table to include performance measures for all of the Trust's residential, and small, medium and large business programs for all of the fiscal years that the programs are funded. In the course of the Commission's review of the Supplemental Filing, the Trust clarified various performance measures for specific programs and confirmed that the performance measures were based on budgetary spending levels contained in the original Plan filed on April 22, 2010 rather than the updated budgets contained in the October 1, 2010 Supplemental Filing. The Trust also indicated that by the end of the Plan Period, the Trust expects to have made the following progress towards achieving the Statutory Targets: (1) 6,300 homes weatherized; (2) reduction of summer peak load by 78 MW; (3) liquid fossil fuel reduction of 1,610 BBTUs; and (4) natural gas savings of 130 BBTUs.⁸ Finally, the Trust included in the Supplemental Filing a detailed description of its evaluation and verification processes that Trust plans to implement for each program throughout the Plan Period. See October 1, 2010 Supplemental Filing, section VII.D.

Based upon our review of the information provided by the Trust in the Supplemental Filing and in response to the Staff's follow-up questions, we find that the Trust has developed measures of performance for the programs included in the Plan that are in the public interest and that satisfy the principals of administration set forth in

⁸ The Trust's quantification of its progress toward the Statutory Goals is measured against a baseline year of 2007.

the Act, particularly when viewed in light of the extensive evaluation and verification process that the Trust intends to undertake beginning in Plan Year 2011. We also find that based upon the program descriptions included in the Plan, the Supplemental Filing and in the Trust's response to follow-up questions asked by the Staff, the Trust has also provided a reasonable explanation of how the programs that receive money from the Funding Statutes will achieve the measures of performance that the Trust has developed for the respective programs.

Finally, we find that based upon the performance measures provided for each program and the extensive evaluation and verification processes that the Trust plans to conduct, the Trust is adequately positioned to use specified measures to assess progress towards meeting the Statutory Targets. The Trust shall adjust the performance measures over the course of the Plan Period to remain in line with the various program funding levels and we expect that the comprehensive evaluation and verification process will serve to fine tune the performance measures by drawing from the knowledge of the experts performing the evaluation activities.

In order to assist the Commission in meeting its ongoing obligation to ensure that the performance measures provide an adequate basis for assessing progress in meeting the Statutory Targets, however, the Trust shall: (i) quantify the relevant Statutory Targets set forth in 35-A M.R.S.A. §§ 10104(4)(F)(1)-(5) over the total life of the Targets (e.g. the aggregate amount of BBTUs that need to be saved to reduce the State's consumption of liquid fossil fuels by at least 30% by 2030); and (ii) express at least one performance measure for each program in the same unit(s) as the Statutory Target(s) that the program seeks to contribute toward achieving.

Accordingly, the Trust shall provide the Commission in the 2011 Annual Report and each subsequent Annual Report related to the Plan Period,⁹ updated performance measures that reflect the current program funding levels and measure performance for each program in the same unit(s) as the Statutory Target(s) that the program seeks to contribute toward achieving.

C. Assessments Pursuant to Electric Efficiency, Natural Gas, and Heating Fuels Statutes

The Trust's October 1, 2010 Supplemental Filing requested that the Commission order additional electric system benefit charge (SBC) assessments as part of its final order approving the Plan subject to the Legislature's subsequent approval of the Trust's Plan budget.

The Commission's role with respect to the Trust's expenditure of funds from the various Funding Statutes is addressed by the Efficiency Maine Trust Act in four ways. First, section 10104(4)(D) of title 35-A requires that the Commission reject those

⁹ Pursuant to 35-A M.R.S.A. § 10104(5), the Trust is required to submit an Annual Report to the Commission by December 1st of each year.

portions of the Plan that fail to reasonably explain how the programs would achieve the objectives and requirements of the Funding Statutes that provide resources for each program. Many of these Funding Statutes provide direction on how the funds should be targeted and therefore the Commission is charged under section 10104(4)(D) to ensure that the Trust is fulfilling the statutory funding allocation requirements in the Plan and Plan budgets. Second, section 10104(4)(D) prohibits funds generated under the Funding Statutes to be used pursuant to the Plan unless the elements of the Plan proposing to use the funds have been approved by the Commission. Therefore the Commission's determination whether to approve the Plan determines whether the Trust can spend the money from the Funding Statutes pursuant to the Trust's budget. Third, the Commission may approve any additional assessments on electric transmission and distribution utilities (and ultimately their ratepayers) pursuant to 35-A M.R.S.A. § 10110(5) after taking into account other sources of funding set forth in the statutory section. Finally, pursuant to 35-A M.R.S.A. § 10111(2), the Commission may assess an additional amount above the 3% minimum assessment on natural gas utilities in accordance with the Plan.

For the reasons discussed above, we approve the Plan as consistent with the applicable statutory provisions. However, we take no position as to whether any assessments under the Funding Statutes should be instituted or increased to implement the programs contained in the Plan, as that is a determination for the Legislature. For example, to the extent that the Plan is premised upon an additional electric SBC assessment above the base assessment pursuant to the Electric Efficiency and Conservation Program statute (§ 10110), such an increase must be approved by the Legislature as part of its approval of the Trust's budget before the Commission is permitted to put the requested increase into effect. 35-A M.R.S.A. § 10110(5).¹⁰ Additionally, to the extent that the Plan is premised upon the creation of an assessment on heating fuels pursuant to the Heating Fuels Efficiency and Weatherization Fund (§ 10119), the Legislature must determine whether or not to institute a heating fuels assessment as it does not currently exist. Therefore, we decline to approve the requested increase in the SBC assessment prior to the Legislature's review and approval of the Trust's Plan budget. Although it is not entirely clear from the Supplemental Filing, it appears that the Trust is also requesting an increase in the natural gas assessment and, similarly, we decline to approve such an increase prior to the Legislature's review and approval of the Trust's Plan budget.

If the Legislature approves the Trust's Plan budget, the Commission will approve and implement the increased electric SBC assessments in accordance with the

¹⁰ Section 10110(5) requires that following the Commission's approval of the Plan pursuant to section 10104(4), the Commission shall present any recommended increase in the assessment above the base assessment to the joint standing committee of the Legislature having jurisdiction over public utilities matters. Accordingly, the Commission will advise the Energy, Public Utilities and Technology Committee regarding effects of the assessments requested by the Trust pursuant to section 10110(5) as part of the Plan.

statutory requirements set forth in section 10110(5) and the natural gas assessment in accordance with the Plan as amended by the Trust. However, a determination by the Legislature that it is not willing to approve the necessary increases in the electric SBC assessment that form the basis of the Plan budget, or the Legislature's failure to enact legislation that implements an assessment on heating fuels to fund the Heating Fuel Efficiency and Weatherization Fund, constitute "significant changes" that trigger the Trust's obligation to submit a revised Plan budget to the Commission for approval pursuant to section 10104(6).

D. Allocation of Maine Power Reliability Program Grant Funds

Pursuant to the May 7, 2010 stipulation in the Maine Power Reliability Program (MPRP) proceeding which was subsequently approved by the Commission on June 10, 2010, The Trust will receive significant funding from Central Maine Power Co. (CMP) during the Plan Period.¹¹ Specifically, the Trust will receive: (i) a grant of \$300,000 per year from 2013 through 2021 which will be deposited in the Trust's Heating Fuels and Weatherization Fund (35-A M.R.S.A. § 10119) for purposes of funding programs for weatherizing the residences of low income Maine residents, with a priority given to those residents who have high electricity usage and have difficulty paying their electricity bills; (ii) a one-time grant of \$2,600,000 in 2012 and an annual grant of \$500,000 from 2013 through 2021 to fund energy efficiency projects in CMP's subtransmission and transmission customers' facilities that save the largest amounts of energy per dollar of investment; and (iii) a one-time \$900,000 grant in 2012 and an annual grant of \$700,000 from 2013 through 2021 to be used for electrical efficiency projects at the Trust's discretion. See MPRP Stipulation, section VII(F) at 21-22.

The budgets contained in the Plan and the Supplemental Filing do not explicitly include the MPRP grant funds, nor do they identify how the Trust will allocate the portions of the MPRP grants that the Trust will receive during the Plan Period. In its December 21, 2010 Response to Follow-Up Questions from the Staff, the Trust indicated that the Finance Committee of the Trust's Board of Trustees would make a recommendation for acceptance of the MPRP grant funds at the next Board meeting and that the Trust's Plan and budgets would then be updated as part of the budget process. It is our understanding that the Trust is seeking clarification as to whether the MPRP funds will be distributed on a calendar or fiscal year basis.

Therefore, as soon as practicable, but in any event before the Trust requests Commission approval of the additional electric SBC assessments, the Trust shall file with the Commission an updated budget that shows to which programs the

¹¹ See Central Maine Power Co. and Public Service of New Hampshire Request for Certificate of Public Convenience and Necessity for the Maine Power Reliability Program Consisting of the Construction of Approximately 350 Miles of 345 kV and 115 kV Transmission Lines (MPRP), Docket No. 2008-255, May 7, 2010 Stipulation (MPRP Stipulation), section V(F) at 21-22, approved by the June 10, 2010 Commission Order Approving Stipulation.

Trust will allocate MPRP grant funds received during the Plan Period and any other information relevant to the allocation and use of those funds. Furthermore, the Trust shall include in its filing a description of how the Trust will fulfill the requirement that the \$300,000 Low Income Home Weatherization grant in 2013 must be used to target, to the extent possible, high usage low income Maine residents who have difficulty paying their electricity bills. Finally, the Trust shall account for the MPRP funds that it will receive during the Plan Period when it presents the Plan budget to the Legislature as 35-A M.R.S.A. § 10110(5) requires that any predictable source of funding for conservation programs must be considered when determining the amount of additional electric SBC assessment required to realize all available energy efficiency and demand resources in Maine that are cost-effective, reliable and feasible.

Given that this is a significant source of additional funding during the Plan Period that was not taken into account when the Trust made its request for additional electric SBC assessments, the Commission will make a determination as to whether an additional assessment should be offset by some or all of this money pursuant to the process set forth in 35-A M.R.S.A. § 10110(5) after the Legislature has approved the Trust's budget and if the Trust seeks Commission approval of the additional assessments.

V. CONCLUSION

Pursuant to the foregoing analysis, we hereby find that the Plan as supplemented by the Trust complies with the Efficiency Maine Trust Act and grant final approval of the Plan consistent with this Order, subject to the following requirements:

1. The Trust shall provide the Commission in the 2011 Annual Report and each subsequent Annual Report related to the Plan Period updated performance measures that reflect the current program funding levels and measure performance for each program in the same unit(s) as the Statutory Target(s) that the program seeks to contribute toward achieving;
2. The Trust shall file with the Commission an updated budget that shows to which programs the Trust will allocate MPRP grant funds received during the Plan Period and any other information relevant to the allocation and use of those funds, as soon as practicable, but in any event before the Trust requests Commission approval of the additional electric SBC assessments;
3. As soon as practicable and prior to the Trust's request for Commission approval of the additional electric SBC assessments, the Trust shall file with the Commission a description of how the Trust will fulfill the MPRP Stipulation requirement that the \$300,000 Low Income Home Weatherization grant in 2013 must be used to target, to the extent possible, high usage low income Maine residents who have difficulty paying their electricity bills; and

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within **20 days** of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.