



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

To: Commission
From: Michael Dunn, Esq., Political Committee and Lobbyist Registrar
Date: March 10, 2020
Re: Request for Waiver of Late-Filing Penalties by Mainers for Local Power PAC

In 2019, the Maine Legislature established a new disclosure requirement for “major contributors.” Under this new law (21-A M.R.S. § 1060-A; ETH – 1-3), a major contributor is an organization that contributes more than \$100,000 in the aggregate to a political action committee (“PAC”) or ballot question committee (“BQC”) to influence a citizen initiative or people’s veto referendum. The law imposes a duty on the PAC or BQC receiving large contributions to provide a written notice to the major contributor advising the contributor that it is required to file a report with the Commission.

In December 2019, Mainers for Local Power was organized as a Maine PAC in support of the citizen initiative to reject the New England Clean Energy Connect (“NECEC”) transmission project. The PAC was late in providing written notices to its two major contributors and requests a waiver of preliminary penalties for the late notice. Both major contributors submitted reports with the Commission on time. The Commission received a complaint concerning this matter from Clean Energy Matters, a PAC formed in support of the NECEC project.

LEGAL REQUIREMENTS

Major Contributor Requirements

A person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people’s veto referendum campaign or any one direct initiative campaign is considered a “major contributor.” 21-A M.R.S. § 1060-A(1)(B). The recipient committee shall provide written notice to the major contributor

within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2). The report filed by the major contributor shall include:

1. The name and contact information for the major contributor and name of a responsible officer;
2. The form and purpose of the major contributor;
3. The amount and date of each contribution to the recipient committee from the major contributor;
4. A certification that the major contributor has not received contributions for the purpose of initiating or influencing the campaign;
5. The names of the five (5) largest sources of funds received by the major contributor during the period beginning six (6) months before the first contribution to the recipient committee; and
6. A statement indicating whether the major contributor is exempt from taxation under the IRS and a list of any governmental jurisdiction in which the major contributor has filed campaign finance reports during the previous 12 months.

Id. at (4).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee.

Id. The major contributor or recipient committee may request a wavier of the preliminary penalty within fourteen (14) days after receiving the penalty notice from the Commission.

Id.

Standard for Opening a Requested Investigation

The Election Law authorizes the Commission to receive requests for investigation and to conduct an investigation “if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.”

A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

21-A M.R.S. § 1003(2).

FACTUAL BACKGROUND

Late Notice by Mainers for Local PAC to its Major Contributors

Mainers for Local Power is a PAC that registered on December 19, 2019, in support of the citizen initiative to reject the NECEC project. In its registration form (ETH – 6), the PAC identified two companies as “founding organizations”: Calpine Corporation of Houston, Texas (“Calpine”) and Vistra Energy Corp. of Irving, Texas (“Vistra Energy”). The companies own power plants in Westbrook and Veazie that generate electricity from burning natural gas. The principal officer of the PAC is Jonathan Flumerfelt, who is a spokesperson for Calpine. He is quoted in news stories as stating the message of the PAC will be that natural gas power plants are contributors to Maine’s economy. The PAC’s treasurer is Vivian Mikhail, Esq., an attorney consultant at the Drummond Woodsum law firm. Through December 31, 2019, Calpine and Vistra Energy were the only contributors to the PAC.

Mainers for Local Power’s late notice to Calpine.

On December 19, 2019, Calpine contributed more than \$100,000 to Mainers for Local Power. Mainers for Local Power was then required to provide written notice to Calpine by December 24, 2019. Commission staff alerted Mainers for Local Power of this oversight on January 17, 2020, two days after the Mainers for Local Power disclosed the

relevant contributions in a campaign finance report. (ETH – 7-12). On January 21, 2020, Mainers for Local Power provided written notice to Calpine. (ETH – 13).

Calpine filed the Major Contributor Report on January 22, 2020. (ETH – 14-17). The Commission staff is viewing the report as due on April 10, 2020, which is the first regular PAC filing deadline after Calpine received the written notice. Accordingly, we believe Calpine’s Major Contributor Report was filed on time.

On January 27, 2020, Commission staff requested itemized contributions from Calpine to Mainers for Local Power from January 1, 2020 through January 22, 2020¹, which was informally provided on February 4, 2020. Calpine filed an amended Major Contributor Report on February 10, 2020. On February 6, 2020, Commission staff determined that the preliminary penalty against Mainers for Local Power for providing a late written notice to Calpine was \$24,660.41 (10% of \$246,604.05). (ETH – 30-31).

Mainers for Local Power’s late notice to Vistra Energy.

On January 2, 2020, Vistra Energy contributed more than \$100,000 to Mainers for Local Power. Mainers for Local Power was required to provide notice to Vistra Energy by January 7, 2020. On January 28, 2020, Mainers for Local Power provided notice to Vistra Energy. Vistra Energy filed its Major Contributor Report on February 7, 2020. (ETH – 24-27). On February 10, 2020, Commission staff determined that the preliminary penalty against Mainers for Local Power for providing a late written notice to Vistra Energy was \$28,770.74 (10% of \$ 287,707.43). (ETH – 32-33).

Request to Investigate by Clean Energy Matters.

On January 23, 2020, the Commission received the attached request for investigation from Clean Energy Matters alleging that Calpine was late in filing a Major Contributor Report pursuant to 21-A M.R.S. § 1060-A. (ETH – 28-29). On February 19, 2020, Mainers for Local Power requested a waiver of these preliminary penalties. Clean Energy Matters alleges that Calpine exceeded the \$100,000 threshold on December 19,

¹ In the initial email staff requested information through 01/23/2020, which was later corrected to the date the initial report was filed by Calpine.

2019, and failed to file a timely Major Contributor Report on January 15, 2020. Clean Energy Matters further contends that Calpine cannot assert that it was not informed of its obligations because Drummond Woodsum, a law firm, provides legal services to both Calpine and to Mainers for Local Power. In subsequent discussion with counsel for Clean Energy Matters, it is the Commission staff's understanding that the intent of the request for investigation is to assert that a report was filed late and a penalty should be imposed, but that Clean Energy Matters does not take a position on whether the penalty should be imposed against Calpine or Mainers for Local Power.

Request by Mainers for Local Power for a Waiver

Mainers for Local Power requests a waiver of the two penalties for providing written notice to its major contributors late. Mainers for Local Power contends that it has been in regular contact with Commission staff regarding various reporting obligations throughout and that there was no intent to deceive the public. Mainers for Local Power further contends that the 2017 Guidebook for Political Action Committees and Ballot Question Committees posted on the Commission website does not reference the major contributor requirements and that the forms for Major Contributors were placed under the "Other Forms" subsection on the Commission's website. Once the oversight was brought to its attention, Mainers for Local Power worked promptly to correct the oversight. Finally, Mainers for Local Power contends that Vistra Energy's report was further delayed due to a family emergency.²

² Vistra Energy's contributions exceeded the \$100,000 threshold after December 31, 2019, and Commission staff was unaware that Vistra Energy had qualified as a Major Contributor. The Commission staff accepts that an emergency in the family of the PAC's treasurer further delayed notice to Vistra Energy.

DISCUSSION AND STAFF RECOMMENDATIONS

It is the Commission staff's recommendation to not conduct an investigation into Calpine for its failure to file a Major Contributor Report on January 15, 2020. A major contributor is required to file their report by the next regularly scheduled filing deadline after receiving the notice from recipient committee. In this case, Calpine received notice from Mainers for Local Power on January 21, 2020, meaning that Calpine's report was due on or before April 10, 2020 and was filed on January 22, 2020. Accordingly, Calpine's report is not late under § 1060-A and an investigation is not necessary.

In deciding whether to grant the waiver request, the Commission may consider, among other things, the lack of notice to the major contributor, the number of days late, and the amount of the contributions that were required to be reported. 21-A M.R.S. § 1060-A(5). The below chart reflects the relevant information:

Contributor	Met Threshold	Notice Sent	Days Late	Report Filed	Amount of Contributions
Calpine	12/19/2019	01/21/2020	28	01/22/2020 ³	\$ 246,604.05
Vistra	01/02/2020	01/30/2020	23	02/07/2020	\$ 287,707.43

The request for investigation and waiver requests are a matter of first impression for the Commission, which should be given significant weight in the Commission's decision. In assessing any penalty, the Commission should aim to deter future late filings by Major Contributors and their recipient committees. Additionally, a late Major Contributor report or notice involves significant financial transactions to influence an election and the public has a substantial interest in obtaining the information.

Here, the Commission staff credits that Mainers for Local Power was unaware of the requirements under 21-A M.R.S. § 1060-A. Once Mainers for Local Power was made aware of their obligations by Commission staff on January 17, 2020, the committee took prompt action to remedy the error. The Commission staff published the Major

³ An amended report was filed on 02/10/2020 to disclose the contributions from 01/01/2020 through 01/22/2020.

Contributor FAQ and forms in November 2019, but the staff accepts that these documents could have been better positioned on our website. The 2017 PAC and BQC Guidebook is currently under revisions by Commission staff and once completed should correct future oversights by committees.

Based on the foregoing, the Commission staff recommends that the Commission treat the late notice to Calpine and the late notice to Vistra Energy as two violations arising from the same cause (lack of awareness of a new disclosure requirement). Mainers for Local Power was notified of the requirement on January 17, 2020, and both Calpine and Vistra Energy had already exceeded the \$100,000 threshold prior to that date. Accordingly, these two violations were based on the same nexus of information by Mainers for Local Power, and the Commission should treat both violations as a first offense for the purpose of calculating any future penalties against Mainers for Local Power. 21-A M.R.S. § 1062-A(3).

The Commission staff also recommends that Commission reduce the penalties to a total of \$2,500. While this is a matter of first impression, the Commission should consider its history in assessing penalties against committees for late filings. At present, the Commission generally assesses penalties of at least \$750 when a PAC or BQC files a late campaign finance report, unless circumstances warrant otherwise. Here, the Commission staff is recommending a penalty of \$2,500 for the violations because the penalty will deter other committees from failing to send timely notice to their largest contributors and because the financial activity is more substantial than most routinely filed campaign finance reports. The Commission staff would further suggest that the Commission keep this precedent limited to the late notice to major contributors; a late filed Major Contributor Report may be handled differently.

Thank you for your attention in these matters.

21-A M.R.S. § 1060-A

Current with the First Regular Session, the First Special Session, and Chapter 553 of the Second Regular Session of the 129th Maine Legislature.

Maine Revised Statutes Annotated by LexisNexis® > Title 21-A. Elections (Chs. 1 — 15) > Chapter 13. Campaign Reports and Finances (Subchs. 1 — 5) > Subchapter 4. Reports by Political Action Committees (§§ 1051 — 1063)

§1060-A. Campaign for direct initiative or people’s veto; reporting by major contributors

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Contribution” has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

(1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people’s veto referendum or direct initiative campaign;

(2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign; and

(3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee’s activities during the campaign.

B. “Major contributor” means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people’s veto referendum campaign or any one direct initiative campaign.

2. Notice to major contributor. Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting

requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

3. Required reports. A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

4. Content.In the reports required under subsection 3, a major contributor shall provide:

A.The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;

B.The form of organization and purpose of the major contributor;

C.The amount and date of each contribution from the major contributor to the recipient committee;

D.A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;

E.The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and

F.A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

5. Noncompliance.The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's

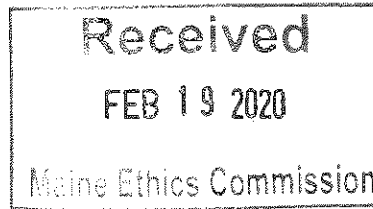
behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.

History

2018 ch. 418, § 4, effective December 13, 2018.

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February 19, 2020

Via Email and Regular Mail

Michael J. Dunn, Esq.
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Mainers for Local Power

Mr. Dunn:

Mainers for Local Power hereby requests a waiver of the preliminary penalties set out in your letters dated February 6 and 10, 2020. The proposed penalties total \$53,431.15. We believe the following circumstances support this request.

Throughout its timely registration as a PAC and timely financial report submissions, Mainers for Local Power has engaged the Ethics Commission on a regular basis, by phone and email, to strive to comply with all applicable reporting requirements. The PAC has consulted Ethics Commission staff regularly with the consistent intention of being accurate, complete and unambiguous in its activities.

The PAC followed Ethics' guidance in the posted online *Guidebook for Political Action Committees and Ballot Question Committees*, and confirmed or conformed its understanding of various elements of the requirements set forth therein with assistance it sought from the Commission, in order to remain fully compliant and transparent. The new Notice to Major Contributor requirement is not captured by the *Guidebook*, nor do the relevant forms appear with the other forms designated for PACs on the Commission website under the "Forms for PACs" tab, and that are referenced in the Committee's acceptance letter to the PAC. (Rather, the form is stored under "Other Forms" at the very end of the site, and there is no indication in the structure of that section or titles of the linked Other Forms that any of them pertain to PACs.)

Mainers for Local Power submitted a Notice to Major Contributor to Calpine and then to Vistra as soon as it became aware of the requirement to do so, and appreciated the timing and reporting obligations. Calpine's Notice was triggered first, due to its meeting the threshold amount of \$100,000 in contributions first. Vistra's Notice, triggered after Calpine's because it met the threshold contribution amount later, was additionally delayed due to the disruption of an out of state family medical emergency on the part of the PAC Treasurer.

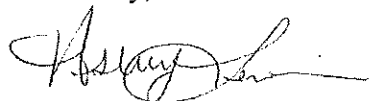
The PAC acknowledges its missteps, and has corrected them. In doing so, the PAC has continued to consult with Commission staff to ensure it provides the information expected by the Commission where that is not facially obvious to discern. At no time did Mainers for Local Power intend to conceal or avoid the disclosure of its Major Contributors' identity, Calpine and Vistra. To the contrary, Calpine and Vistra are the founding organizations of the PAC, and the only contributors to date, as set forth in its timely-filed, public registration and financial reports. There also is nothing about the companies' level of financial engagement with the PAC that has ever been hidden, or will be hidden in future financial reports.

Accordingly, we request a waiver of the proposed penalty. Here, before there is even a question on the ballot, notice was given to the major contributors and their contributions reported, in the case of Calpine initially in our PAC financial report and then in its Major Contributor Report, and in the case of Vistra, which triggered the major contributor reporting requirement after our PAC filing, in its Major Contributor Report. There was thus no harm of any kind to the public's need to have information about major contributors in advance of any actual voting. The absence of harm to the public weighs heavily in favor of a waiver of the proposed penalty, particularly in light of the newness of the major contributor provision.

We recognize that the Commission's reporting requirements are vital to transparency and disclosure, and the importance of the concerns that gave rise to the addition of the major contributor provisions. Although we believe that given the newness of the statute and lack of harm to the public no penalty is appropriate, should the Commission determine that some penalty might be appropriate, the most relevant precedent to look to here would be the penalties the Commission has imposed for late-filed PAC reports. Those penalties typically are \$750. Since the two notices here were essentially not timely given at roughly the same time and for the same reason, and the second one was delayed because of a family medical emergency, we respectfully request a reduction of the preliminary penalty, if one must be imposed, to \$750.

I'd be happy to answer any questions or provide further information if that would be helpful.

Sincerely,

 on behalf of

James T. Kilbreth

cc: Vivian A. Mikhail, Esq., Treasurer



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2019 REGISTRATION: POLITICAL ACTION COMMITTEE

COMMITTEE INFORMATION	
Mainers for Local Power 84 Marginal Way Portland, ME, 04101-2480 PAC TYPE: Regular	Phone: (207) 253-0536 Fax: (207) 772-3627 Email: vmikhail@dwmlaw.com Web:
TREASURER INFORMATION	
Vivian Mikhail 84 Marginal Way Portland, ME, 04101-2480	Public: (207) 253-0526 Fax: Email: vmikhail@dwmlaw.com
PRINCIPAL OFFICER INFORMATION	
John Flumerfelt Principal Officer 60 Eisenhower Drive WEstbrook, ME, 04092	Public: (207) 671-1621 Email: John.Flumerfelt@calpine.com
DECISION MAKERS AND FUNDRAISERS	
Andrew Weinstein	Decision Maker
LEGISLATORS AND CANDIDATES WITH A SIGNIFICANT ROLE IN THIS PAC	
FORM OF ORGANIZATION	
Voluntary Association	Date of origin / incorporation 12/18/2019
FOUNDING ORGANIZATIONS	
Calpine Corporation 717 Texas Avenue Houston, TX, 77002	Public: (207) 671-1621
Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039	Public: (202) 577-6310
STATEMENT OF SUPPORT OR OPPOSITION	
SUPPORT	Referendum against New England Energy Connect (NECEC)
CERTIFICATION	
I, Vivian Mikhail, certify that the information in this registration is true, accurate, and complete.	
SIGNATURE	Date: December 19, 2019

Filed Date: 12/19/2019
 Amended Date:

PAC Registration



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
Mainers for Local Power 84 Marginal Way Portland, ME, 04101-2480 PHONE:(207) 253-0536 EMAIL: vmikhail@dwmlaw.com		Vivian Mikhail 84 Marginal Way Portland, ME, 04101-2480 PHONE:(207) 253-0526 EMAIL: vmikhail@dwmlaw.com	
REPORT	DUE DATE	REPORTING PERIOD	
January Quarterly Report	01/15/2020	12/19/2019 - 12/31/2019	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$100,000.00	\$100,000.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$100,000.00	\$100,000.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$60,000.00	\$60,000.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$0.00	\$0.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$60,000.00	\$60,000.00
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$100,000.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$60,000.00	
12. CASH BALANCE AT END OF PERIOD	\$40,000.00	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$20,196.50	\$20,196.50
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$60,000.00	

I, **Vivian Mikhail**, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Michael Dunn on behalf of Vivian Mikhail
 REPORT FILED ON: 1/9/2020 12:21:32 PM
 LAST MODIFIED: 1/14/2020 9:39:12 AM
 COMMITTEE ID: 356331

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
12/19/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		3	\$100,000.00
TOTAL CASH CONTRIBUTIONS				\$100,000.00

**SCHEDULE A - 1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
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| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
12/19/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal services: 40 hrs (incl. svcs. rendered by Drummond Woodsum) 12/12/19-12/18/19 \$ amount= 50% total contribution	3	\$5,863.50
12/19/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting 34.35 hours (incl. services rendered by Drummond Woodsum) 12/12/19-12/18/19 \$ amt.= 50% total contribution	3	\$1,634.18
12/19/2019	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal services- 40 hours (incl. services rendered by Drummond Woodsum) 12/12/19-12/18/19 \$ amt. = 50% total contribution	3	\$5,863.50

12/19/2019	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting 34.35 hours (incl. services rendered by Drummond Woodsum) 12/12/19-12/18/19 \$ amt.= 50% total contribution	3	\$1,634.18
12/31/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Canvassing: 4 hours (12/19/19-12/31/19)	3	\$377.64
12/31/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Consulting: 30.7 hrs (12/19-12/31/19); incl. services rendered by DW [\$ amt =50% total contribution shared w/Vistra]	3	\$1,958.00
12/31/2019	Calpine Corp. 717 Texas Ave. Houston, TX, 77002		Legal: 3.3 hrs (12/19 -12/31/19); incl. services rendered by DW [\$ amt =50% total contribution shared w/Vistra]	3	\$453.75
12/31/2019	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Consulting: 30.7 hrs (12/19-12/31/19); incl. services rendered by DW [\$ amt =50% total contribution shared w/Calpine]	3	\$1,958.00
12/31/2019	Vistra Energy Corp. 6555 Sierra Drive Irving, TX, 75039		Legal: 3.3 hrs (12/19 -12/31/19); incl. services rendered by DW [\$ amt =50% total contribution shared w/Calpine]	3	\$453.75
TOTAL IN-KIND CONTRIBUTIONS					\$20,196.50

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
CNS	Campaign consultants	CON	Contribution to other candidate, party, committee	
EQP	Equipment (office machines, furniture, cell phones, etc.)	FND	Fundraising events	
FOD	Food for campaign events, volunteers	LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	
MHS	Mail house (all services purchased)	OFF	Office supplies, phone and internet services, rent and utilities	
OTH	Other (bank fees, entrance fees, small tools, wood, etc.)	PHO	Phone banks, automated telephone calls	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Other professional services	PRT	Print media ads only (newspapers, magazines, etc.)	
RAD	Radio ads, production costs	SAL	Campaign workers' salaries and personnel costs	
TRV	Travel (fuel, mileage, lodging, etc.)	TVN	TV or cable ads, production costs	
WEB	Online advertising, website design, maintenance, hosting, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
12/26/2019	Revolution Field Services 3000 K St NW STE 320 20007 Washington, DC, DC, 20007	Signature gathering effort PAYMENT OF \$60,000.00 TO SUPPORT: Resolve, To Reject the New England Clean Energy Connect Transmission Project	CNS	\$60,000.00
12/26/2019	Revolution Field Strategies 3000 K St NW STE 320 20007 Washington, DC, DC, 20007	Signature-gathering effort PAYMENT OF \$60,000.00 TO SUPPORT: Resolve, To Reject the New England Clean Energy Connect Transmission Project	CNS	\$60,000.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$60,000.00

**SCHEDULE D
UNPAID DEBTS AND OBLIGATIONS**

- A debt or obligation is incurred if a committee places an order for a good or service without making a payment; makes a promise or agreement to pay for a good or service; signs a contract for a good or service; or receives delivery of a good or service for which the committee has not paid.
- This schedule is a list of all debts and obligations of the committee as of the end of this reporting period.

DATE OF OBLIGATION	CREDITOR	DESCRIPTION	AMOUNT
12/19/2019	Revolution Field Services 3000 K St NW STE 320 20007 Washington, DC, DC, 20007	Campaign consultants Canvassing services	\$60,000.00
TOTAL UNPAID DEBTS AND OBLIGATIONS			\$60,000.00



NOTICE TO MAJOR CONTRIBUTOR

2020 Election

Your organization is receiving this notice because it has given to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. (21-A M.R.S.A. §1060-A)

Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207)-287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

MAJOR CONTRIBUTOR ORGANIZATION INFORMATION

(Completed by Recipient PAC/BQC)

MAJOR CONTRIBUTOR ORGANIZATION NAME

Calpine Corp.

RECIPIENT COMMITTEE NAME

Mainers for Local Power

BALLOT QUESTION SUPPORTED/OPOSED

NECEC Referendum

DATE OF FIRST CONTRIBUTION TO RECIPIENT COMMITTEE

December 19, 2019

DATE CONTRIBUTIONS RECEIVED EXCEEDED \$100,000

December 19, 2019

DATE NOTICE MAILED

January 21, 2020

NAME OF REPORT:	THE REPORT IS DUE ON OR BEFORE:	NOTICE RECEIVED:
April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
Primary Election 2-Day Report	Within 2 Business days after receipt of notice.	May 27 - June 9, 2020
42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
General Election 2-Day Report	Within 2 Business days after receipt of notice.	October 21 - November 3, 2020
42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
January Quarterly Report	January 15, 2021	December 9 - December 31, 2020



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATION

ORGANIZATION NAME	Calpine Corp.	
MAILING ADDRESS	717 Texas Avenue	PHONE (207) 671-1621
CITY, STATE, ZIP CODE	Houston, TX 77002	EMAIL john.flumerfelt@calpine.com
RESPONSIBLE OFFICER NAME AND POSITION	John Flumerfelt, Director of Government and Regulatory Affairs	
FORM OF ORGANIZATION AND PURPOSE	Corporation, Commercial	

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? Yes No

If Yes, under what section of the tax code does it claim exemption?

Please list all jurisdictions with which this Organization files campaign finance reports:

RECIPIENT INFORMATION

NAME OF RECIPIENT Mainers for Local Power

MAILING ADDRESS OF RECIPIENT 84 Marginal Way, Portland, ME 04101

DATE OF FIRST CONTRIBUTION TO RECIPIENT December 19, 2019

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE \$110,287.07

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-1" Worksheet)

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
12/19/2019	Cash	\$100,000.00
12/19/2019	In-kind: legal services	\$5,863.50
12/19/2019	In-kind: consulting	\$1,634.18
12/19/2019	In-kind: consulting	\$377.64

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. N/A

2.

3.

4.

5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes *(If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)*
- No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of Responsible Officer of Organization

Date

1-22-2020

Organization Name: Calpine Corp.

Schedule B-MC-1

Contributions Received to Influence Maine Ballot Question Worksheet

- Please list all contributions, as defined in 21-A M.R.S.A. §§ 1052(3) & 1060-A(1)(A), received, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in Maine in the spaces provided.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	DESCRIPTION (cash or goods, services, or discounts received)	VALUE
	N/A		
Total contributions (this page only) =>			

Schedule B-MC-2

Itemized Contributions to Recipient Worksheet

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
12/31/2019	In-Kind: consulting	\$1,958.00
12/31/2019	In-Kind: legal	\$453.75

**Amended****MAJOR CONTRIBUTOR REPORT****2020 Election**

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATIONORGANIZATION NAME **Calpine Corp.**MAILING ADDRESS **717 Texas Avenue**PHONE **(207) 671-1621**CITY, STATE, ZIP CODE **Houston, TX 77002**EMAIL **john.flumerfelt@calpine.com**RESPONSIBLE OFFICER NAME AND POSITION **John Flumerfelt, Director of Government and Regulatory Affairs**FORM OF ORGANIZATION AND PURPOSE
Corporation: independent power producer and competitive retail electricity supply**TAX STATUS**Does this Organization currently have a tax-exempt status with the Internal Revenue Service? Yes No

If Yes, under what section of the tax code does it claim exemption?

Please list all jurisdictions with which this Organization files campaign finance reports: **Calpine PAC: Pennsylvania, Ohio, Texas and federally**

Calpine Corporation: Form 461 (California Major Donor Report)

Calpine PAC: DSEB Form 502 (Pennsylvania PAC Report)

Calpine PAC: FEC Form 3X (Federal PAC Report)

NOTE: Calpine PAC is not registered in Texas or Ohio, but is required to send copies of the FEC 3X when there is activity in those states.

RECIPIENT INFORMATION

NAME OF RECIPIENT Mainers for Local Power

MAILING ADDRESS OF RECIPIENT 84 Marginal Way, Portland, ME 04101

DATE OF FIRST CONTRIBUTION TO RECIPIENT December 19, 2019

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE \$246,604.05

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-2" Worksheet)

Date	Type of Contribution (e.g., cash or in-kind. If in-kind, describe goods or services given.)	Amount
12/19/2019	Cash	\$100,000.00
12/19/2019	In-kind: legal services	\$5,863.50
12/19/2019	In-kind: consulting	\$1,634.18
12/31/2019	In-kind: canvassing	\$377.64

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. Cash on hand resulting from wholesale power generation and competitive retail electricity sales in organized markets across the U.S. in addition to various power marketing and trading activity. Additional details can be found in the company's most recent Annual Report on Form 10-K as filed with the U.S. Securities and Exchange Commission here.
(https://www.calpine.com/about-us/news/g7-lb83_trj1-2018-results_u3lg8)

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes (If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)
 No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of Responsible Officer of Organization

2-10-2020
Date

Schedule B-MC-1

Contributions Received to Influence Maine Ballot Question Worksheet

- Please list all contributions, as defined in 21-A M.R.S.A. §§ 1052(3) & 1060-A(1)(A), received, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in Maine in the spaces provided.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	DESCRIPTION (cash or goods, services, or discounts received)	VALUE
	N/A		

Total contributions (this page only) ⇒

Schedule B-MC-2

Itemized Contributions to Recipient Worksheet

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
12/31/2019	In-kind: legal services	\$453.75
12/31/2019	In-kind: consulting	\$1,958.00
1/3/2020	In-kind: canvasser meals (Otto Pizza)	\$122.04
1/4/2020	In-kind: canvasser meals (Rosemont Bakery)	\$20.90
1/4/2020	In-kind: mileage	\$71.50
1/5/2020	In-kind: safety equipment (Eastern Mountain Sports)	\$115.80
1/7/2020	Cash	\$120,499.00
1/8/2020	In-kind: canvasser meals (Rosemont Bakery)	\$88.58
1/11/2020	In-kind: canvasser meals (Holy Donut)	\$68.64
1/12/2020	In-kind: canvasser meals (Otto Pizza)	\$185.97
1/13/2020	In-kind: canvasser meals (Otto Pizza)	\$193.53
1/14/2020	In-kind: canvasser meals (Otto Pizza)	\$117.31
1/14/2020	In-kind: mileage	\$71.50
1/17/2020	In-kind: canvassing	\$600.00
1/18/2020	In-kind: canvasser meals (Holy Donut)	58.77

Schedule B-MC-2

Itemized Contributions to Recipient Worksheet

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
1/18/2020	In-kind: mileage	\$71.50
1/20/2020	In-kind: misc. office supplies	\$15.47
1/21/2020	In-kind: canvasser meals	\$344.97
1/21/2020	In-kind: mileage	\$71.50
1/22/2020	In-kind: consulting	\$13,600.00



NOTICE TO MAJOR CONTRIBUTOR

2020 Election

Your organization is receiving this notice because it has given to this committee more than \$100,000 in the aggregate for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign. (21-A M.R.S.A. §1060-A)

Your organization must complete and file a Major Contributor Report with the Maine Ethics Commission by the applicable date based on the date your organization receives this notice (please see the filing chart below). Your organization may obtain the report at the following website (www.maine.gov/ethics), or by contacting the Maine Ethics Commission directly at (207)-287-4179. Maine election law provides for civil penalties for failing to comply with the major contributor reporting law. Please contact the Maine Ethics Commission directly if you have questions regarding your reporting obligations.

MAJOR CONTRIBUTOR ORGANIZATION INFORMATION

(Completed by Recipient PAC/BQC)

MAJOR CONTRIBUTOR ORGANIZATION NAME

Vistra Energy Corp.

RECIPIENT COMMITTEE NAME

Mainers for Local Power

BALLOT QUESTION SUPPORTED/OPOSED

NECEC Referendum

DATE OF FIRST CONTRIBUTION TO RECIPIENT COMMITTEE

December 19, 2019

DATE CONTRIBUTIONS RECEIVED EXCEEDED \$100,000

January 2, 2020

DATE NOTICE MAILED

January 28, 2020

NAME OF REPORT:	THE REPORT IS DUE ON OR BEFORE:	NOTICE RECEIVED:
April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
Primary Election 2-Day Report	Within 2 Business days after receipt of notice.	May 27 - June 9, 2020
42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
General Election 2-Day Report	Within 2 Business days after receipt of notice.	October 21 - November 3, 2020
42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
January Quarterly Report	January 15, 2021	December 9 - December 31, 2020



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATION

ORGANIZATION NAME		Vistra Energy Corp.
MAILING ADDRESS	6555 Sierra Drive	PHONE (202) 577-6310
CITY, STATE, ZIP CODE	Irving, TX 75039	EMAIL andrew.weinstein@vistraenergy.com
RESPONSIBLE OFFICER NAME AND POSITION Andrew Weinstein, Counsel		
FORM OF ORGANIZATION AND PURPOSE Corporate, Commercial		

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If Yes, under what section of the tax code does it claim exemption?	N/A	
Please list all jurisdictions with which this Organization files campaign finance reports:		

Illinois – Illinois State Board of Election, Federal PACs may exercise their "federal filing option" and once they file a Statement of Organization (Form D1) they are not obligated to file future disclosure report as long as they are filing FEC report.

Maryland – State Board of Elections, Campaign Finance Report

Texas – Texas Ethics Commission, Form MPAC

Ohio – Secretary of State, FEC Form 3X (Ohio activity only)

Pennsylvania – Bureau of Commissions, Elections and Legislation, Division of Campaign Finance and Lobbying Disclosure, Campaign Finance Report, Form DSEB-502

Federal – Federal Election Commission, Form 3X

U.S. Congress – LD-203 (this is a lobbying disclosure but we also have to include PAC contributions)

RECIPIENT INFORMATION

NAME OF RECIPIENT Mainers for Local Power

MAILING ADDRESS OF RECIPIENT 84 Marginal Way, Suite 600, Portland, ME 04101

DATE OF FIRST CONTRIBUTION TO RECIPIENT December 19, 2019

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE \$287,707.43

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-2" Worksheet)

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
12/19/2019	In-kind: legal services	\$5,863.50
12/19/2019	In-kind: consulting services	\$1,634.18
12/31/2019	In-kind: legal services	\$453.75
12/31/2019	In-kind: consulting services	\$1,958.00

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.


1. The source of funds for our organization is revenue earned from our power generation assets' participation in the organized wholesale power markets across the U.S., and competitive retail electricity sales in those same markets. For additional information, we have attached our company's most recent 10-K that was filed at the U.S. Securities and Exchange Commission. (https://s21.q4cdn.com/410616722/files/doc_financials/quarterly/2018/q4/vistra-q42018-10K.pdf)

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes *(If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)*
 No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.


Signature of Responsible Officer of Organization

2/17/2020
Date

Schedule B-MC-2

Itemized Contributions to Recipient Worksheet

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
1/2/2020	Cash	\$100,000.00
1/9/2020	Cash	\$120,499.00
1/28/2020	In-kind: consulting	\$1,485.00
2/3/2020	Cash	\$55,499.00
2/7/2020	In-kind: consulting	\$315.00

Schedule B-MC-1

Contributions Received to Influence Maine Ballot Question Worksheet

- Please list all contributions, as defined in 21-A M.R.S.A. §§ 1052(3) & 1060-A(1)(A), received, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in Maine in the spaces provided.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	DESCRIPTION (cash or goods, services, or discounts received)	VALUE
	N/A		
Total contributions (this page only) ⇒			

157 Capitol Street
Suite 3
Augusta, ME 04330

PH 207.791.1281
FX 207.623.9367
naugur@pierceatwood.com

pierceatwood.com

January 23, 2020

Jonathan Wayne
Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

SENT VIA ELECTRONIC AND USPS

Dear Mr. Wayne:

On behalf of Clean Energy Matters, I am writing to initiate a complaint against a business operating under the name 'Calpine Corp.' for violating the requirements of 21-A MRSA §1060-A, also referred to as the major contributor statute.

The fourth quarter PAC filing made by 'Mainers for Local Power' identifies over \$110,000 of contributions made by 'Calpine Corp.' Calpine made a \$100,000 cash contribution on December 19, 2019, a series of in-kind contributions totaling \$7,497.68 reported on December 19, 2019 and an additional series of in-kind contributions totaling \$2,789.39 reported on December 31, 2019.

Pursuant to 21-A MRSA §1060-A (1)(B), any person, including a corporation, that makes contributions aggregating in excess of \$100,000 to a political action committee for the purpose of initiating a direct initiative campaign must register with the Ethics Commission as a 'major contributor.' The \$100,000 threshold is not limited to cash contributions; it includes 'anything of value,' including legal and consulting services. See 21-A MRSA §1052; 21-A MRSA §1060-A (1)(A)(1).

Accordingly, Calpine is a 'major contributor' pursuant to Maine election law and is therefore required to submit the information outlined in 21-A MRSA §§1060-A (3) and (4). "Mainers for Local Power" was required to provide notice to Calpine of its reporting requirement within five days of December 19, 2019 and provide notice of same to the Commission.

The statute requires that a major contributor file its report on or before the next regularly scheduled filing deadline after which the major contributor receives notice of its reporting requirement. Even accounting for possible delays due to the Christmas holiday, Mainers for Local Power should have provided Calpine with this notice before December 31, 2019.¹ That would mean that Calpine's major donor report was due to the Commission on or before

¹ The actual date by which Mainers for Local Power should have notified Calpine was December 24, 2019.

Maine Ethics Commission
January 23, 2020
Page 2

January 15, 2020, the filing deadline for the fourth quarter of 2019. Based upon representations from your office, that filing has not been made.

According to 21-A MRSA §1060-A (5), Calpine's failure to timely submit its major contributor report subjects the corporation to a minimum penalty of \$11,000, 10% of the total contribution that should have been reported.² This represents yet another in a series of troubling omissions – in some cases negligent and in others deliberate – orchestrated by out-of-state fossil fuel interests that are attempting to influence Maine voters with regard to the proposed clean energy transmission line. This ongoing pattern of non-compliance by Stop the Corridor, Say No to NECEC, No CMP Corridor and Mainers for Local Power demands the full and immediate attention of your office.

Please advise at your earliest convenience as to your staff's determination of the appropriateness of a further investigation. If your staff or the Commission need any further supporting documentation or information pursuant to this request, please do not hesitate to let me know. Thank you in advance for your consideration.

Sincerely,



Newell A. Augur
Counsel for Clean Energy Matters

² Any request by Calpine to waive this penalty on grounds that they were not given timely notice is muted by the fact that, as revealed in the fourth quarter 2019 filing by "Mainers for Local Power", the same law firm providing legal services to Calpine provides treasury services to "Mainers for Local Power".



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

February 6, 2020

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Re: Late Major Contributor Notice – Calpine/Mainers for Local Power

Dear Ms. Mikhail:

The Commission staff has made a preliminary finding that Mainers for Local Power (“the PAC”) was late in submitting a Notice to a Major Contributor as required by 21-A M.R.S. § 1060-A(2). The PAC was required to provide notice to Calpine Corporation (“Calpine”) by 11:59 p.m. on 12/24/2019 that Calpine was required to file a major contributor report with the Commission. The Notice, however, was not sent to Calpine until 01/21/2020. Under the Commission’s statutes, the late Notice triggers an enforcement process. (21-A M.R.S. §§ 1060-A & 1062). Based on the amount of the reported financial activity and the statutory 10% penalty, the Commission staff has determined that the preliminary penalty for the late notice is \$24,660.41.

The PAC may request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC did not provide the Notice to Calpine by 12/24/2019. Upon receiving your request, the Commission staff will schedule your request for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

Cc: Newell Augur, Esq.

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Mainers for Local Power
ATTN: Vivian Mikhail, Esq.
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Violation: Late Major Contributor Notice
Amount Due: \$24,660.41



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

February 10, 2020

Vivian Mikhail, Esq.
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Re: Late Major Contributor Notice – Vistra Energy Corp./Mainers for Local Power

Dear Ms. Mikhail:

The Commission staff has made a preliminary finding that Mainers for Local Power (“the PAC”) was late in submitting a Notice to a Major Contributor as required by 21-A M.R.S. § 1060-A(2). The PAC was required to provide notice to Vistra Energy Corp. (“Vistra”) by 11:59 p.m. on 01/07/2020 that Vistra was required to file a major contributor report with the Commission. The Notice, however, was not sent to Vistra until 01/28/2020. Under the Commission’s statutes, the late Notice triggers an enforcement process. (21-A M.R.S. §§ 1060-A & 1062). Based on the amount of the reported financial activity and the statutory 10% penalty, the Commission staff has determined that the preliminary penalty for the late notice is \$28,770.74.

The PAC may request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC did not provide the Notice to Vistra by 1/07/2020. Upon receiving your request, the Commission staff will schedule your request for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Mainers for Local Power
ATTN: Vivian Mikhail, Esq.
84 Marginal Way, Suite 600
Portland, ME 04101-2480

Violation:	Late Major Contributor Notice
Amount Due:	\$28,770.74.

MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS

Who is a Major Contributor?

A Major Contributor is a person (a business, organization, association, etc., but not an individual) who gives more than \$100,000 to a political action committee or ballot question committee for the purpose of initiating or influencing a people's veto or citizen initiative.

What counts as a contribution?

Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Does this only apply to single contributions of more than \$100,000?

No. All contributions from the same Contributor, regardless of the amount, count towards the \$100,000 threshold.

Who is responsible for notifying the Major Contributor of the reporting requirement?

The committee that received the contributions is responsible for sending a written notice to the Contributor explaining the reporting requirement. The recipient committee must also copy the Commission on the notification.

When does the recipient committee have to notify the Contributor?

The recipient committee must notify the Contributor within 5 days of having received contributions from the Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Contributor in writing within 24 hours.

When does the Contributor have to file?

The Contributor must file a report on or before the next regularly scheduled filing deadline for campaign finance reports. If, however, the Contributor receives notice during the 13 days before an election, then the Contributor must file the report within 2 business days of having received the notice. The notice from the recipient committee will have the filing schedule.

MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS CONTINUED

What does the Contributor have to report?

1. *The name and relevant contact information for the Contributor and the name of the responsible officer;*
2. *The form of the organization (LLC, P.A., etc.), and its purpose;*
3. *The amount and date of each contribution to the recipient committee;*
4. *A certification that the Contributor has not received any contributions for the purpose of initiating or influencing a people's veto or citizen initiative, or if the contributor has received such contributions, the dates, sources, and amounts of any such contributions must be included;*
5. *The names of the 5 largest sources of funds received by the Contributor during the period of six months prior to the first contribution made to the committee and ending on the date of filing the report. This does not apply to any funds received by the Contributor that are restricted to be used for purposes other than influencing or initiating a people's veto or citizen initiative; and*
6. *A statement indicating whether the contributor is exempt from taxation by the I.R.S. and a list of any governmental jurisdictions that the Contributor has filed campaign finance reports during the previous 12 months.*

What happens if the Contributor doesn't file timely?

If the Contributor doesn't file the report on time, the Commission will issue a notice of preliminary penalty, which is 10% of the total contributions up to a maximum penalty of \$50,000. The notice of preliminary penalty will be mailed to the Contributor.

What happens if the committee fails to notify or is late in notifying the Contributor?

The committee maybe liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.

Can the Contributor contest the preliminary penalty?

Yes. Within 14 days of having received the notice of preliminary penalty, the Contributor may request that the Commission issue a waiver, in full or in part, of the penalty. The Commission will consider the request at a monthly public meeting.

MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS CONTINUED

What factors does the Commission consider regarding a waiver request?

The Commission shall consider when the Contributor received notice of the reporting requirement, the number of days the report was late, the amount of the contributions reported late, and any other factors the Commission deems relevant.

Does the Contributor have to appear in person at the Commission meeting?

The Contributor or a representative may appear in person, or submit an affidavit explaining the mitigating circumstances. It is the Commission's strong preference that the Contributor or a representative appear in person.

What if the Commission doesn't grant a waiver request?

If the Commission does not grant a waiver request, the Contributor may appeal the Commission's decision to Superior Court. If the Contributor doesn't appeal the Commission's waiver denial, the Contributor must pay the preliminary penalty.

Statutory references:

21-A MRS A Sec. 1060-A

21-A MRS A Sec. 1062-A

Forms:

Notice to Major Contributor

Major Contributor Report

For more information:

Call the Commission on Governmental Ethics and Election Practices at (207) 287-4179 and ask to speak with the Political Committee and Lobbyist Registrar or send an e-mail to ethics@maine.gov.