



SEPTEMBER 2023 HIGHLIGHTS

In just over two months, Maine voters will be asked to vote on Question 3 – whether to replace CMP and Versant with a new consumer owned utility. This is one of the most important utility issues to arise in many years. Our Office has received many requests for information about the proposal and to find out where we stand.

The OPA declines to take a position. We recognize that the ratepayers, on whose behalf we advocate, do not all agree on whether the proposal should be adopted. We respect those disagreements and the important role that voters play in determining whether the proposal should be adopted.

We also believe that the OPA can and should play a constructive role in helping voters make *informed* decisions when they vote on November 7th. There already are, and undoubtedly will be many more, opinions and statements coming from both sides about the pros and cons of the proposal. We intend to serve as a trusted source of information for anyone who has questions or concerns about the accuracy or basis of such opinions and statements. We may not have all the answers, but we will do our best, based on the collective 75+ years of active involvement in utility regulation by OPA staff, to provide the clearest and most accurate responses we can.

We have prepared a seven-page summary of issues related to the proposal, addressing such questions as: Will rates be lower or higher; will service improve or decline; and will it help or hurt our efforts to meet our climate goals? A copy of the summary is available on OPA's website [here](#). We hope those who have not yet made up their mind how to vote find it helpful. As always, our Office welcome calls and e-mails from CMP and Versant's 750,000 ratepayers with questions regarding Question 3.

William Harwood

[OPA Annual Report](#)

The Office submitted its Annual Report to the Energy, Utilities, and Technology (EUT) Committee on September 1st. The Report, required by statute, is a summary of the Office's participation in Commission proceedings and at the Legislature. It also details the Office's expenditures over the past year and saving attained on behalf of ratepayers. The Report can be found [here](#).

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OPA Joins NE Consumer Advocates in Urging Congress to Increase LIHEAP Funding

OPA is working with other consumer advocates from NH, MA, and CT to support increased Federal funding of the Low-Income Home Energy Assistance Program (LIHEAP), which serves as a lifeline for millions of low-income families across the country. Households across New England are facing historically high electricity prices. To ensure low-income families do not have to make difficult choices between paying for electricity and other essentials such as food, housing, or medicine, the Advocates are urging the House and Senate Appropriations Committees to support supplemental funding for this critical program.

[PUC Electric Proceedings](#)

Maine OPA Opposes Federal Challenge to NECEC, FERC Docket No. EL23-84

On August 14, 2023, the OPA filed comments in opposition to a Petition for Enforcement brought by Allco Financial Limited against the Massachusetts Office of Energy Resources (DOER) and Massachusetts Department of Public Utilities (MDPU). The petition alleges that the solicitation process conducted by those agencies that resulted in the selection of a power purchase agreement with Hydro Quebec and transmission agreement with the New England Clean Energy Connect (NECEC) violated federal law, specifically the Public Utility Regulatory Policies Act of 1978 (PURPA). Allco argued that the solicitation failed to satisfy the requirements established by Congress under PURPA for the purchase of renewable energy from qualifying facilities.

In its response, the OPA argued that PURPA did not apply to the solicitation because state solicitations for large scale renewable resources have been found by the courts to be permissible under federal law so long as they do not compel a wholesale purchase of electricity at a price mandated by the state. It is therefore unnecessary to consider PURPA as an alternative basis of state authority. In their response, the Massachusetts agencies further argued that Allco's petition ignores that the state has an alternative purchasing scheme under PURPA that complies with federal requirements relating to the purchase of electricity from qualifying facilities.

This proceeding is important to Maine consumers not only as it relates to the NECEC project, but because if Allco's petition were granted, it would potentially render many of the solicitations undertaken by Maine for renewable power, such as for large scale solar, for Northern Maine wind power and for offshore wind power, illegal under federal law.

Maine OPA Files Comments Regarding Winter Reliability, FERC Docket No. AD22-9

On August 24, the OPA filed comments with the Federal Energy Regulatory Commission (FERC) regarding the reliability of the electric system in New England during the winter period. In recent years, ISO New England has undertaken several expensive programs to ensure the availability of fossil fuel generation units in New England during extremely cold weather conditions. During such

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periods, natural gas in the region is often unavailable to serve electric generators because of its consumption by space heating customers.

One program, a special contract with the Mystic natural gas fired generation unit in Everett, Massachusetts, has cost New England ratepayers over \$500 million per year. However, a recent study conducted by an independent consultant engaged by ISO New England found that the contract was unnecessary to ensure reliability. In its comments, the OPA argued that no further subsidy should be provided to Mystic or to the Everett Marine Terminal, which supplied gas to Mystic, on the basis of ensuring winter reliability to the region.

As an alternative to providing these subsidies moving forward, the OPA presented the following recommendations to ensure winter reliability on a cost effective basis.

ISO New England should:

- Proceed with the development of revised market rules with the potential to improve winter reliability, such as implementing a seasonal capacity market.
- Adopt or develop analytical tools that will allow it to perform rigorous evaluation of proposed market rule changes likely to result in significant financial impacts on customers.
- Periodically update its analysis of winter reliability risks to reflect anticipated changes in load and resource mix.
- Accelerate its consideration of tariff changes to reduce the cost of interconnection for energy storage resources, which have the ability to play a role similar to that historically played by fossil units during winter peak periods.
- Do more to involve state Consumer Advocates, who bring the important perspective to the process of advocating for affordability.

The OPA proposes a \$7 Alternative Compliance Payment for Class II Resources

The OPA submitted comments in the PUC Inquiry Regarding an Alternative Compliance Payment (ACP) Rate for Class II Resources (No. 2023-00194). Class II renewable resources are existing generators that meet various standards identified in the law. They are primarily hydro, trash to energy, and wood fired generators. The OPA argues that the ACP should not replace market forces by being set at or below the prevailing Class II REC prices. The OPA proposes the PUC establish a \$7 ACP for Class II resources, representing the middle ground between the lowest proposals of \$1-\$2 and the \$10 statutory limit. Generally, buyers of Class II Renewable Energy Credits (RECs) propose the Commission set an ACP at the lowest possible rate of \$1 or \$2. Sellers propose the highest allowed rate, at the \$10 legislative limit. Setting the ACP between these two points strikes a balance of interests. The OPA recommends the PUC establish the Class II ACP as a pilot program so the Commission can monitor its effect on the market and adjust it accordingly.

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PUC Considers Versant Power Request for Recovery of Storm Restoration Costs, Docket No. 2023-00140

On June 15, 2023, Versant Power (Versant) filed a Petition for Approval of Accounting Order, seeking to defer, for recovery in a future rate case, approximately \$5.5 million in incremental distribution costs used for restoration of service following a windstorm on December 23, 2022. Versant states that these incremental costs were extraordinary and thus meet the standard for issuance of an accounting order.

The current procedural schedule for this case calls for comments from the OPA on Versant's request by September 8, followed by responsive comments by Versant on or before September 22, 2023. The PUC is expected to deliberate shortly after this round of comments.

The PUC Presents Amendments to Maine's Arrearage Management Program that Would Expand Eligibility and Benefits

On June 9, 2019, the OPA requested the PUC to adopt recommendations made by the Electric Ratepayer Advisory Council (ERAC) on the PUC's Rules (Chapter 317) describing Maine's Statewide Arrearage Management Program (AMP or "the Program") (Docket No. 2023-00134). In particular, ERAC suggested rule changes that would:

- Allow an AMP participant to miss two payments before disqualification.
- Allow AMP eligibility once every seven years, rather than just once in a lifetime.
- Allow LIAP customers to automatically qualify for enrollment into the AMP program.
- Raise the maximum monthly forgiveness to \$500 a month (currently it's \$300/month).

The OPA filed Initial Comments on August 25, 2023 to renew its request and support additional proposals from the Commission to:

- Make changes to the enrollment process to ensure that participants are not required to pay for more than one month of service when enrolled in AMP.
- Add certain tracking and reporting requirements.

There will be a public hearing on September 27, 2023.

PUC Considers How to Spend New Funds (\$15,000,000) Provided for the Low-Income Assistance Program (LIAP) by Governor Mills

On July 11, 2023, Governor Janet Mills signed L.D. 258, which provides one-time funding of \$15 million for LIAP (Docket No. 2023-00175) which provides bills credits for low-income electric customers. On July 13, 2023, the PUC initiated an inquiry to seek public comment on how to allocate this additional funding. On July 27, 2023, the OPA provided initial comments, suggesting that the PUC both expand eligibility by raising the federal poverty level (FPL) eligibility threshold for customers that can receive the benefit and increase the amount of the benefit.

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In addition, we recommend using a portion of the funding to promote participation in LIAP. We also recommend that the Commission match the Legislative funding by increasing the ratepayer funding of LIAP by \$7.5 million beginning in PY 2023-2024. On August 10, 2023, the OPA filed further comments to recommend improving the clarity of the letter sent to customers about the program, and to highlight the importance of using actual data about past participation and customer eligibility in deciding how to spend these additional funds.

Nonwires Alternatives

Midcoast Highland Substation Project

The Commission sought comments on whether there needs to be a Certificate of Public Convenience and Necessity (CPCN) or any other review of CMP's \$89,000,000 Highland substation project before construction. (No 2023-00173) The OPA argues that Commission investigation and NWA Coordinator review of the Project will provide needed data to determine the most cost-effective means of meeting the Midcoast region's reliability need. The OPA states that the Highland substation CPCN is a continuation of the Midcoast region's reliability review, which focused first on Section 80 and now on the substation as integrated parts of the transmission infrastructure in the same region. The integrated nature of the electric system should be reflected in an integrated regulatory review. When the "associated infrastructure" – in this case the substation - is the major driver of costs for a project that involves transmission lines, the "associated infrastructure" should not evade CPCN review. The Commission will rule on whether a CPCN or NWA review for the \$89,000,000 Highland substation project is required.

PUC Natural Gas Proceedings

Settlement Reached in Northern Utilities Rate Case, Docket No. 2023-00051

On August 31, 2023, the OPA and Northern Utilities, Inc. d/b/a Unitil (Northern) entered into a Stipulation resolving all issues related to Northern's May 1, 2023 request for an increase in its base rates. The Stipulation is the result of comprehensive negotiations among the OPA, Northern, and PUC Staff and represents a compromise from litigated positions. If approved by the PUC, the Stipulation would result in an increase in Northern's distribution revenues of \$7,625,000, which is significantly lower than Northern's initial request of \$11,756,977. Under the Stipulation, Northern's revenue requirement is calculated based on an overall weighted cost of capital of 7.22 percent, an authorized return on common equity of 9.35 percent, and Northern's actual capital structure of 47.99 long-term debt and 52.01 percent equity. Residential heating customers are expected to experience an average bill impact of \$9.22 per month, with non-heating customers expected to see an average increase of \$7.99 per month.

The PUC has suspended the litigation schedule for this case pending its consideration of the Stipulation, except for the public witness hearing that will be held as scheduled on September 13,

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2023, at 5:30-7:30 p.m. at the University of Southern Maine campus in Portland, Maine. The OPA expects the PUC to deliberate the Stipulation shortly after the public witness hearing.

Northern Utilities Files for Decrease in Winter Cost of Gas Rates, Docket No. 2023-00212

On August 15, 2023, Northern Utilities, Inc. d/b/a Unutil (Northern) filed an application, pursuant to 35-A M.R.S. § 4703 and Chapter 430(2) of the PUC's Rules, for a change in the cost of gas factor (CGF) rate for the Winter Period November 1, 2023, through April 30, 2024. The proposed 2023 - 2024 Winter Period CGF Rate for Residential customers is \$0.7815 per therm. This rate is \$0.29 per therm lower than the average 2022 - 2023 Winter Period CGF rate, primarily due to significantly lower demand and commodity costs as well as a smaller reconciliation of prior under-collections. The total bill for a typical residential heating customer over the 2023 - 2024 Winter Period is projected to be \$911.12, which would be \$150.40 lower than their 2022 - 2023 Winter Period total bill, or about 14 percent. The total bill impact compares all Company 2023 - 2024 charges to 2022 - 2023 charges, including CGF Rates, base rates, and the applicable rate adjustments.

An initial schedule for processing this case has been established and the OPA will be an active participant. If fully litigated, the case is expected to conclude on or about October 31, 2023.

OPA Files Comments in Summit Cost of Gas Proceeding, Docket No. 2023-00168

On July 15, 2023, Summit Natural Gas of Maine, Inc. (Summit) filed its Petition for Cost of Gas Adjustment Rate relating to its gas procurement activities and related costs to provide service to its sales customers for the period of October 1, 2023 to September 30, 2024. The rate change is proposed for all Sales service rate classes to take effect on October 1, 2023. Summit's initial filing proposed to increase its cost of gas rate from \$0.678 per therm to \$1.085, an increase of \$0.407 per therm. On August 24, 2023, Summit filed an update to its proposed Cost of Gas Adjustment Rate, with a revised Cost of Gas Adjustment Rate of \$1.061, which represents a decrease of \$0.024 from Summit's originally proposed Cost of Gas Adjustment Rate but would be a \$0.383 increase from Summit's current Cost of Gas Adjustment Rate.

On August 31, 2023, the OPA, as the sole intervenor in this case, filed comments making suggestions as to actions that should be undertaken to lower their cost of gas rates. Summit will have an opportunity to file reply comments, with the case culminating with a decision by the PUC on or around September 26, 2023.

Bangor Gas Seeks PUC Approval of its Cost of Gas Activities, Docket No. 2023-00152

On July 5, 2023, Bangor Natural Gas Company (Bangor Gas) submitted for PUC review and approval its Annual Report of Cost of Gas Activities for the Period of May 1, 2022 through April 30, 2023. Through that filing, Bangor Gas requested that the PUC find as reasonable the company's hedging, procurement, and other cost of gas activities for the 2022-2023 period. The current

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schedule calls for comments to be filed by the OPA by September 15. The proposed PUC deliberation date for this proceeding is on or about October 24, 2023.

One major issue already settled in this case relates to the reconciliation of reservation costs under precedent agreements with several upstream pipeline companies known collectively as the Westbrook Xpress Projects. Under these precedent agreements, as approved by the PUC, Bangor Gas is allowed to recover its costs of approximately 8,000 Dth per day of natural gas transportation capacity to source gas from the Dawn Hub located in Ontario, Canada. The parties have agreed that rather than having a mid-period cost reconciliation for 2022-2023, any under-collected amounts will be included in cost of gas rates that will be effective November 1, 2023.

[PUC Water Proceedings](#)

PUC Approves Temporary Rate Increase for Maine Water Company's (MWC) Biddeford and Saco (B&S) Customers, Docket No. 2023-00065

On March 31, the MWC asked the PUC for a 19.92% increase for its B&S customers (Docket No. 2023-00065) to allow it to collect approximately \$3 million in additional revenue per year beginning July 1, 2023. The OPA has opposed this proposed rate increase as being too high. MWC later asked that the PUC adopt procedures to allow for the implementation of temporary rates while the case is pending, which is currently scheduled to extend into November 2023.

By Order dated August 25, 2023, the PUC approved temporary rates for MWC, pursuant to 35-A M.R.S. § 312. Section 312 authorizes the PUC to temporarily approve any undisputed amounts of a requested rate increase or rate decrease. In this case, the Commission found that the requirements of Section 312 can be satisfied when a utility agrees with the rate increase proffered by another party in that party's direct testimony. In this case, the PUC found that the OPA put forward a revenue requirement increase amount, and MWC agree that it should be recovering at least that amount in this rate proceeding. The PUC therefore granted MWC a temporary rate increase of \$1,495,441, effective as of the date of the PUC's Order. The PUC did note that the application of Section 312 should be limited to cases where there is a strong justification for doing so and that the burden of providing that justification lies with the utility.

PUC Staff Issues Examiners' Report Recommending Approval of Maine Water Company Proposal for New Surcharge to Customers' Bills in Camden & Rockland (C&R), Docket No. 2023-00163

On June 30, 2023, the MWC asked the PUC for permission to raise its revenues by 2.34% by adding a surcharge to C&R customers' bills to recover the costs (approximately \$1.7 million) of repairs/replacement of water mains and other equipment (Docket No. 2023-00163). The PUC opened an investigation into MWC's request on July 19, 2023. The OPA filed comments claims noting that the surcharge program that MWC is relying on was intended to help consumer-owned

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water utilities not investor-owned utilities, and that MWC may not be considering future cost savings that will result from replacing old water mains with new ones. On August 28, 2023, the PUC Hearing Examiners in this case issued an Examiners' Report, recommending that the PUC approve the requested surcharge. Interested persons may submit comments on or exceptions to the Examiners' Report by September 7, 2023. The PUC has until September 13, 2023 to decide on the surcharge request.

OPA Renews its Request for the PUC to Schedule a Public Meeting on Lincoln Water District's (LWD) Request to Approve a Special Rate Contract with Poland Spring

On June 23, 2023, LWD asked the PUC to certify that amendments to a proposed lease between LWD and Poland Spring Bottling Company do not require further Commission authorization. LWD also asked the Commission to approve a Special Rate Contract ("SRC") between the District and Poland Spring that will provide guaranteed minimum revenue to the District over the course of the proposed lease (Docket No. 2023-00151). On August 24, 2023, the OPA renewed its request for the PUC to schedule a Public Meeting to provide the public with an opportunity to comment on the lease, where Poland Spring proposes to take water from the same source of supply as a Maine water utility and resell the water outside of the utility's service area. A similar opportunity for public comment was provided in 2017, when the District held two public meetings as part of the process in considering an earlier version of the lease, and the OPA suggested that the PUC not decide on the current lease request until the public has weighed in.

Telecommunications

PUC Explores the Feasibility of Rate Center Consolidation in the 207 Area Code

A "rate center" is a specific geographic area in which all phone numbers must have one of the three-digit "exchanges" assigned to the rate center. For example, in the Portland rate center, many phone numbers look like "207-536-XXXX" where "536" is the exchange. When a phone service provider needs phone numbers in a particular rate center, they are assigned more numbers than they actually need. If all numbers in the rate center have been assigned, a new exchange will be created in that rate center, even if a neighboring rate center has unassigned numbers. The result is that the 207 area code could run out of phone numbers, even when many of them are unused. On January 25, 2023, the PUC began an investigation into whether Consolidated Communications could combine its 98 rate centers to stop this from happening (Docket No. 2023-00009.) On July 7, 2023, Consolidated submitted comments suggesting how this consolidation could be accomplished. On August 11, 2023, the OPA filed comments asking Consolidated to describe the operational efficiencies and long-term operational cost savings that Consolidated anticipates, and how it plans to recover the costs for the work it intends to do. The next step will be a series of workshops where the parties can talk about Consolidated's proposal and ask questions.

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[Find Out More](#)

To learn more about any of the cases mentioned in this issue, please visit the [PUC's Case Management System \(CMS\)](#). Make note of the docket number of the case of interest from this newsletter and enter it in the search feature.

You can visit our website for more information: <https://www.maine.gov/meopa/home>

If you know someone who might be interested in receiving future editions of our monthly highlights, have them contact benjamin.j.frech@maine.gov

[Consumer Assistance](#)

Elizabeth Deprey, OPA Consumer Advisor

A Reminder to be Thorough When Paying Your Bills

With all the demands on our time these days, many of us have set up bills on autopay, gone paperless, or pay online without looking at anything except the payment amount before hitting “submit.” While the utilities no doubt appreciate these shortcuts to getting bills paid on time, I would recommend slowing down and taking a good look.

It may be an extra step to download your electric bill and truly read it – but, if you have a competitive energy supplier (CEP), you may find that your contract has expired and you’re now on a higher variable month-to-month rate, costing you extra dollars each month you could have been saving. Or you may see the usage amount on your bill and be surprised. Efficiency Maine has some great [energy saving tips](#) if you want to bring your usage, and your bill amount, down.

It may be easier to tear off a payment stub and mail your check without reading all the extra text on your bill, but one consumer reported to us that on page 3 of her most recent Consolidated Communications bill, it states that there will be a \$4.95 monthly charge from September onward if customers receive a printed bill. With that knowledge, you can make an informed decision if your paper bill is worth it or if you want to make a change.

Many of us would say “no” to an unwanted purchase, but that may be what you get if unnoticed new charges are allowed to add up through the year.

Take a close look at your bills – make sure you know what you’re paying for and that it makes sense for your budget.

State Announces Help for Low-income Broadband Consumers

The Maine Connectivity Authority (MCA) has announced that qualifying low-income broadband customers will receive a discount of up to \$30 per month (up to \$75 per month for qualifying tribal households) and a one-time \$100 discount toward a laptop, desktop computer, or tablet. The Affordable Connectivity Program (ACP) is funded by the Federal Infrastructure Investments and Jobs Act (IIJA). MCA’s “ACP4ME” campaign is hoping to reach approximately 240,000 eligible

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Maine households. Eligible households earn 200% of the Federal Poverty Guidelines or less. For a household of 4, that is \$60,000. Also, this benefit may not be available after June 2024, so we encourage people to act quickly to benefit their household for as many months as possible.

To learn more, visit maineconnectivity.org/affordability

How to Contact Your Solar Provider

Several people have called the Office of the Public Advocate lately looking for contact information for their solar provider. With new community solar projects coming online, customers are seeing changes in their electric bills, such as a change in billing cycles, or a reduction in the amount.

Confusion arises because the solar company name that is familiar to customers, such as “Arcadia” or “NexAmp,” isn’t usually the name on the bill, so finding phone numbers for customer support can be a challenge. Instead, the bill often shows an LLC for a specific site. It also may be difficult for some customers to remember the name of the company they signed up with because that conversation likely happened several years ago.

Some consumers don’t even remember signing up for solar in the first place, so they are even more frustrated. What should consumers do? As the Consumer Advisor for the OPA I recommend the following:

- Searching all email accounts for the word “solar,” even in the spam folder. Often when these projects are about to go live, they contact customers via email.
- Search the database. Solar providers are expected to register with Maine Public Utilities Commission (MPUC), and consumers can search for the LLC name shown on their power bill – we have a link to the MPUC database on [our website](#).
- If those options fail, wait for a bill. This may also come to your email account, so keep a close eye there.

Note: If community solar is no longer a good fit for your needs, cancel within 5 days of receiving that first bill to be responsible for only that bill; otherwise, it may take up to 90 days to cancel your account.

What to do When Facing Disconnection

With temperatures hitting the 90s lately, it’s no secret that winter is over. So is the “Winter Period,” the time between Nov. 15 and April 15 when utilities typically don’t disconnect customers because they must first receive authorization from the PUC’s Consumer Assistance and Safety Division (CASD). CMP and Versant recently sent upwards of 80,000 notices to customers who are behind on their bills, and many of those people are contacting the OPA for help.

In addition, the 2-1-1 helpline has seen a 125% increase in Electric Service Payment Assistance calls statewide in the first quarter of 2023 compared with 2022. Our office, community action agencies, and state legislators are getting calls from Mainers trying to figure out next steps after getting one of these notices. Here’s some advice:

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1. **Don't wait.** If you act before the power is disconnected, you'll have more options regarding payment arrangements. You may even qualify for an Arrearage Management Program that helps erase past debt as you pay future bills on time.
2. **Contact the utility.** Find out the minimum amount required to keep the power on. Discuss payment arrangements and options.
3. **Call 2-1-1** to be connected with local funding sources and your local Community Action Partnership (CAP) to see if you qualify for:
 - o **Low-Income Assistance Program**
 - o **Electricity Lifeline Program**
 - o **Emergency HEAP Funding**
 - o **Maine Homeowner Assistance Fund**
 - o **The Winter Energy Relief Fund**
4. **Contact your city/town.** You may qualify for some General Assistance funds to help get you through this emergency.
5. If children are involved, the **Maine Office for Family Independence** may be able to help.

If you want to dispute the disconnection, you must first try to work out any disagreement with the utility. If that doesn't resolve the issue, you can contact CASD at 1-800-452-4699.

What to do if you are behind on your utility bills

There are a few key steps that you can take to ensure continued service:

- 1) Contact your utility. Ask about a payment arrangement to pay down your back balance.
- 2) If you have a payment arrangement with your utility and you can't afford it, contact the Maine PUC's Consumer Assistance Division at (800)452-4699 to see if they can negotiate a more favorable rate for you.
- 3) Call your local CAP. There are heating, electric, and pandemic assistance funds available to help with your utility bills.
- 4) Contact your town for general assistance fund support.
- 5) If you are eligible for heating assistance, call your electric utility and ask about enrolling in arrearage management. This program provides debt forgiveness as you pay your current electricity bill on-time.

[Having trouble paying a utility bill?](#)

The Public Utilities Commission has a webpage to connect you to bill assistance resources. This list covers all utilities and is a great page to review if you are having trouble making ends meet:

<https://www.maine.gov/mpuc/consumer-assistance/programs>