

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2022-00052

July 29, 2022

MAINE PUBLIC UTILITIES COMMISSION
Amendments to Electric Transmission and
Distribution Utility Service Standards
(Chapter 320)

ORDER ADOPTING RULE AND
STATEMENT OF FACTUAL AND
POLICY BASIS

BARTLETT, Chair; DAVIS and SCULLY, Commissioners

I. SUMMARY

Through this Order, the Commission adopts amendments to its Electric Transmission and Distribution Utility Service Standards Rule (Chapter 320). The amendments include substantial modifications to better measure and motivate improved performance in the areas of service quality and customer service, as well as for other aspects of investor-owned transmission and distribution (T&D) utilities' performance. The amended rule also complies with recently enacted legislation that provides for minimum service standards and a "report card" for T&D utilities.

II. BACKGROUND

A. Chapter 320

Chapter 320 establishes service standards for electric transmission and distribution utilities. Chapter 320 was adopted on June 7, 2019. *Maine Pub. Utils. Comm'n, Commission, Electric Transmission and Distribution Utility Service Standards Rulemaking (Chapter 320)*, Docket No. 2018-00311, Order Adopting Final Rule and Statement of Factual and Policy Basis (June 7, 2019).¹ It was last amended on April 23, 2020. *Maine Pub. Utils. Comm'n, Electric Transmission and Distribution Utility Service Standards Rulemaking (Chapter 320)*, Docket No. 2019-258, Order Amending Rule and Statement of Factual and Policy Basis (April 23, 2020).

B. Inquiry into Performance Metrics

This rulemaking proceeding follows an Inquiry conducted by the Commission. *Maine Pub. Utils. Comm'n, Inquiry into Performance Metrics and Regulatory Mechanisms for Transmission and Distribution Utilities*, Docket No. 2020-00344. The Inquiry was initiated in a December 15, 2020 Notice of Inquiry; Request for Comments (Notice) and was conducted for the purpose of gathering information regarding whether service quality metrics and performance incentives for T&D utilities can and should be revised or expanded to better measure and motivate improved performance in the areas

¹ Chapter 320 replaced Chapter 32. *Maine Pub. Utils. Comm'n*, Docket No. 2018-00270, Order Repealing Rule (Aug. 16, 2019).

of service quality and customer service, as well as for other aspects of the T&D utilities' performance. The Notice recognized that there are tradeoffs between performance and cost in some areas and sought input on the appropriate balance between performance and cost.

The Notice outlined seven performance areas that could be the subject of a subsequent rulemaking, including:

1. Service Reliability, Quality, and Storm Restoration
2. Customer Service
3. Field Services
4. Affordability and Cost Control
5. Distributed Energy Resources Interconnection and Deployment
6. Grid Modernization and Technologies
7. Energy and Environmental Policies

The Notice also sought input on:

1. The seven performance areas stated above and the desired outcome to be achieved by metrics and incentives in each of these areas;
2. What other high-level categories of performance could or should be explored in this inquiry, including a general description of the desired outcome in each category;
3. Whether adoption of revised or new metrics is best accomplished in individual utilities' future rate cases or through the rulemaking process, or some other process; and
4. Whether metrics should be adopted for consumer-owned utilities as well as investor-owned utilities.

Comments were received from the following entities:

- Competitive Energy Services (CES)
- Acadia Center (Acadia)
- Fox Islands Electric Cooperative, Inc. (FEIC)
- Versant Power (Versant)
- Eastern Maine Electric Cooperative, Inc. (EMEC)
- Central Maine Power Company (CMP)
- Conservation Law Foundation (CLF)
- Van Buren Light & Power District (VBLP)
- Houlton Water Company – Electric Dept. (HWC)

Reply comments were received from the following entities:

- Versant
- CMP
- Office of the Public Advocate (OPA)

With the exception of the consumer-owned utilities (COUs), the commenters generally supported developing and applying metrics to measure and incentivize utility performance. The commenters provided substantial information and proposals for metrics in various areas, including reliability, customer service, cost/affordability, and policy. All of the commenting COUs argued that, given their consumer ownership and self-governance, they should not be subject to performance metrics.

To facilitate further discussion and advancement of the development and implementation of metrics and incentives, Commission Staff developed a Straw Proposal, and issued it in conjunction with a June 18, 2021 Procedural Order (Straw Proposal for Comment; Stakeholder Workshop). The June 18, 2021 Procedural Order also provided an opportunity for written comments and scheduled a workshop to discuss the Straw Proposal.²

In response to the Straw Proposal, the following entities submitted comments:

- Acadia
- Madison Electric Works (Madison)
- CLF
- CMP
- Versant
- FIEC
- HWC
- EMEC
- VBLP
- OPA

After the workshop, which was held on August 4, 2021, Staff requested additional information from CMP and Versant on the topic of “bills not sent” to determine past performance in this area and to help with the establishment of a performance metric regarding the issuance of bills. CMP and Versant provided the requested information.

C. Rulemaking

² The Procedural Order also included an Appendix, which described in detail all of the comments received at that point.

On March 3, 2022, the Commission issued a Notice of Ratemaking (NOR) that included a redline of the proposed amendments to Chapter 320. The provisions contained in the proposed rule were informed by the information gathered during the Inquiry. The Commission provided an opportunity to submit comments on the proposed amendments and convened a public hearing on April 7, 2022. The Commission received comments from the OPA, CMP, Versant, EMEC, FIEC, HWC, VBLP, Madison, CLF, Natural Resources Council of Maine (NRCM), Acadia Center and AARP Maine (AARP).

D. An Act Regarding Utility Accountability and Grid Planning for Maine's Clean Energy Future

On May 3, 2022, the Governor signed into law an Act Regarding Utility Accountability and Grid Planning for Maine's Clean Energy Future (P.L. 2021, ch. 702) (Accountability Act or Act). Among several major provisions, the Act contains requirements directly related to this rulemaking. Specifically, Section 1 of the Act contains a provision governing “minimum service standards and report card for transmission and distribution utilities.” (Act, § 1, now codified at 35-A M.R.S. § 301(1-A)). These provisions require the Commission to adopt rules for investor-owned T&D utilities that include specific, quantitative metrics pertaining to utility operations and activities relating to each of the following categories:

- (1) Service quality, including but not limited to reliability of service and timeliness of restoring service after outages;
- (2) Customer service, including but not limited to timeliness and accuracy of bills;
- (3) Field services, including but not limited to communication with and responsiveness to municipalities, businesses and individuals; and
- (4) Distributed energy resources interconnection.³

The Act also requires the Commission to consider the cost impacts and benefits to ratepayers when establishing each service metric and to ensure that each performance standard may be measured using reliable and objective methods and information. The Act states that, for each service standard, the Commission shall require quarterly filings of quantifiable data and, annually, evaluate the data provided by the T&D utility for the prior calendar year to determine if the standards have been met. Moreover, the Act directs the Commission to impose administrative penalties for poor service standards performance in accordance with section 1508-A of Title 35-A, which is the Commission’s existing statutory authority for imposing penalties on utilities, unless the utility demonstrates good cause for the failure to meet the standard.

III. RULE AMENDMENTS

A. Overview Issues

Several Commenters raised overview issues regarding the content and purposes of the proposed rule. These are discussed below.

1. Additional Metrics

CLF, NRCM, and Acadia Center commented that the rule should include additional performance metrics for affordability and cost control, distributed energy resources interconnection and deployment, grid modernization and technologies, and energy and environmental policies.

These suggested metrics were not included in the proposed rule, thus the Commission cannot include such metrics in the amended rule.

With respect to distributed energy resources interconnection, as noted below, the Accountability Act requires that metrics, standards, and reporting requirements be established. Although not included in this Chapter, Chapter 324 of the Commission's rules governs utility small generation interconnection procedures, including timing requirements for the interconnection process. The Commission may consider additional provisions and metrics in a future Chapter 324 rulemaking.

2. Financial Penalties/Positive Incentives

Several commenters including the OPA, AARP, CLF/NRCM, and the Acadia Center stated that the rule should contain automatic penalties or result in a proceeding in which penalties are considered pursuant 35-A M.R.S. § 1508-A. CMP and Versant commented that the rulemaking fails to explore the issue of utility incentives and focuses exclusively on minimum performance standards and they would welcome the opportunity to explore positive incentive performance metrics as part of this rulemaking. The OPA opposed providing any additional compensation as violating just and reasonable rate principles. The Acadia Center strongly recommended that the Commission open a broader proceeding related to Performance-Based Regulation.

The Commission does not include parameters for penalties or incentives in the rule. However, the Accountability Act requires the Commission to "impose administrative penalties for designated thresholds of poor performance for service standards in accordance with section 1508-A, subsection 1, paragraph E unless the utility demonstrates good cause for its failure to meet the standard." Thus, in the event that a utility fails to provide service at the levels required, penalties may be assessed pursuant to the Commission's existing statutory authority for imposing penalties.

³ The Act specifies that these four requirements apply to T&D utilities with more than 50,000 customers. Because none of the State's COUs have more than 50,000 customers, the requirements apply to only the IOUs (CMP and Versant). The Act does not prohibit the Commission from adopting service quality standards for COUs.

3. Overall Purpose and Costs

Commenters raised the issue of the overall purpose of the performance metrics and related costs to comply with the standards.

The Commission clarifies that the purpose of the performance standards is to establish minimum requirements, taking into account the costs to the utilities (and thus to ratepayers) of complying with the adopted standards.⁴ To the extent the established standards cannot reasonably and cost-effectively be implemented in the near term, the utility may request a temporary waiver of the requirements of the amended rule.

In this regard, the Commission notes that both CMP and Versant have requested clarification regarding service metrics that each is required to satisfy pursuant to requirements previously adopted in other dockets.⁵ The utilities requested clarification that such metrics override those contained in the rule. As noted, the metrics contained in the amended rule are minimum standards. Any additional standards currently imposed or ordered by the Commission with respect to CMP and Versant are in addition to these minimum standards.

4. Applicability of Requirements to COUs

As noted in the NOR, the provisions of the proposed rule would apply to COUs because it is important to measure all utilities' performance and to motivate all utilities to improve performance. The Commission also recognizes, however, that some COUs may lack the resources, technology or equipment necessary to measure and report performance for each of the proposed service quality metrics.

MEW, HWC, FIEC, VBLP, EMEC commented that COUs should be exempted from the requirements in the rule. The OPA stated that COUs should not be totally exempted from the metric requirements. If service standards are set for COUs, it may be appropriate for them to be different from those set for IOUs. If the Commission decides that the COUs should have a reduced reporting burden, the OPA suggests that COUs be required to report on Service Interruptions, Billing Performance and Customer Satisfaction Metrics.

⁴ This is consistent with the Accountability Act, which refers to "minimum service standards."

⁵ See, *Maine Public Utilities Commission, Investigation into Rates and Revenue Requirements of Central Maine Power Company*, Docket No. 2018-00194, Order at 118 et. seq. (Feb. 19, 2020); *Emera Maine, Maine Electric Power Company, and Chester SVC Partnership*, Docket No. 2019-00097, Order Approving Stipulation Part II (April 21, 2020).

Based on a review of the comments, the Commission concludes the service standard requirements of the amended rule should not apply to COUs.⁶ The COUs generally do not have the technology to measure the standards in the amended rule, including the service interruption metrics. Further, several of the COUs commented that they seldom have billing errors, that they often review every bill, and if customers have a concern regarding their bills, they have the ability to bring those concerns to the utility's board of directors. Further, many do not have telephone services that would allow measurement of calls answered or dropped. Customers can express their concerns regarding the utility's performance to the board of directors during one of the board's public meetings. The Commission observes that it receives few complaints of any kind from customers of COUs.

Accordingly, the Commission has removed the requirements regarding COUs from the rule.

5. Provisions of the Accountability Act

As described above, the recently enacted Accountability Act requires the Commission to adopt rules that include "specific, quantitative metrics" relating to the following categories: service quality, customer service, field services, and distributed resource interconnections. Although this rulemaking was initiated prior to its enactment, the amended rule includes provisions that address the Accountability Act's minimum service standard requirements.

With respect to field services, the amended rule's call response metric applies to field service calls and the customer satisfaction metric, by using a survey, will include information about customer satisfaction related to field services. Consideration of standards, metrics, and reporting requirements for field services will be considered in a future ratemaking. Similarly, interconnection standards and metrics will be examined through a future Chapter 324 review.

The amended rule contains quarterly reporting and annual provisions consistent with the requirements of the Accountability Act.

B. Scope and Purpose (Section 1)

The amended rule adds, as part of the Scope and Purpose provision, the establishment of "metrics and reporting requirements for system reliability, call answering, billing and customer satisfaction." The Commission did not receive comments on this provision, and it is unchanged from the proposed rule.

C. Definitions (Section 2)

⁶ As noted above, the Accountability Act explicitly exempts COUs from its service standard provisions.

The amended rule adds several definitions of terms, as well as clarifying existing definitions contained in the current rule. The new terms that are defined in amended rule include: “Call,” “Major Outage Event,” and “Sustained Interruption.”⁷ These provisions are unchanged from the proposed rule.

The OPA commented that Section 2(Q) defines “SAIFI” as the average frequency of sustained service interruptions per customer over a predefined area. The OPA stated that “Interruption” should be further clarified as to whether this is momentary interruptions or sustained interruptions, and what is meant by these terms.

The Commission notes that the rule contains definitions of “Momentary Interruption” (Section 2(N)) and “Sustained Interruption” (Section 2(P)). The Commission has amended the metric formula for each of CAIDI, SAIDI and SAIFI so that each now includes the defined term “Sustained Interruption.”

D. General Provisions (Section 3)

The amended rule adds a requirement for utilities to collect information necessary to comply with the rule. The Commission did not receive comments on this provision, and it is unchanged from the proposed rule.

E. Service Interruptions (Section 5)

The proposed rule modified this section of the rule to include a “Major Outage Event Response” provision. This provision required that, for each Major Outage Event, each utility calculate the percentage of customers that experience a Sustained Interruption in each hour of the event and the percentage of customers restored in each hour of the event.

CMP commented that it is unclear whether the calculation of Sustained Interruptions for each hour of a Major Outage Event is intended to include only unique interruptions that occur in each hour or if the intent is to capture cumulative interruptions. In addition, it is unclear whether and how a T&D utility would report outages if a customer’s service is restored and subsequently interrupted again in the same hour.

The amended rule clarifies that the calculation of Sustained Interruption includes “one or more” Sustained Interruptions in each hour. Thus, the report must include the number of customers that experience one or more outages in each hour. For example, in each of the following scenarios, the customer would be counted for three separate hours of outage:

- Customer A loses power at 9:15 and service is restored at 11:15;

⁷ Defined terms throughout the rule have initial capital letters.

- Customer B loses power at 9:15, service is restored at 10:15 but then the customer loses power again at 10:45 and service is restored at 11:15;
- Customer C loses power at 9:15, service is restored at 10:15 but then the customer loses power again at 10:45 and power is restored at 10:55, then the customer loses power at 11:15 and power is restored at 11:30, and then the power goes out again at 11:40 and is restored at 11:50.

In these cases, each outage is a Sustained Interruption because it lasts for longer than 5 minutes, and in each case the customer experiences “one or more” Sustained Interruption in each of the three hours (9:00-10:00, 10:00-11:00 and 11:00-12:00).

The proposed rule defined “Major Outage Event” to include outages of more than 30 minutes. While the reporting requirements in Section 5(B), which have been in place for years, specifically do not include the 30-minute requirement, the new Major Outage Event Response section adds the 30-minute feature because the reporting it prescribes is intended to address longer lasting outage events.

Versant commented that it should be able to provide a restoration profile that shows service interruptions throughout the course of a Major Outage Event based on its current practices. Following the rollout and integration of Versant’s AMI system, the Commission could order Versant to collect the hourly data envisioned in the rule beginning in 2024.

The Commission notes that if Versant cannot provide the hourly data required by the amended rule, it may seek a waiver to allow the use of the “restoration profile” produced by its outage tracking system and described in its comments.

F. Reliability Metrics (Section 6)

This section of the amended rule adds clarifying language regarding reliability metrics, including CAIDI, SAIFI and SADI. Section 6(B) of the amended rule states that benchmarks will be established for each utility in a separate proceeding and will be based on the historic performance of each utility, or otherwise at levels that reflect reasonable service quality. Thus, due to the differences in each utility’s service territory and distribution system topology, this provision of the rule does not contain specific “benchmarks.” The Commission anticipates initiating proceedings to establish SAIFI, CAIDI and SAIDI benchmarks for CMP and Versant following the effective date of the amended rule.

Versant commented that the benchmarks should be set on SAIFI and SAIDI, rather than SAIFI and CAIDI, to encourage improvements in overall system-wide reliability. A utility should not be subject to negative reporting and penalties if it reduces

average system interruptions more than SAIDI, which will result in a higher CAIDI.⁸ While CAIDI may provide useful information for reporting, the report cards and benchmarks should focus on SAIDI and SAIFI to encourage overall system-wide reliability performance improvements.

The Commission declines to make this change. SAIDI represents the yearly number of minutes the average customer is out of power. CAIDI, however, describes the average time required to restore service. Unlike SAIDI, CAIDI's value is not impacted by reducing the frequency of outages. It measures the time it takes the utility to restore power to a customer. The Commission understands that with the investments in automation, sectionalizing and other grid modernization technologies that SAIFI and SAIDI should improve. Including CAIDI as a metric allows the Commission to evaluate how well the utility is responding to those outages that may be harder to restore.

Versant also commented that benchmarks, report cards, and financial penalties should apply only on the basis of "post-exclusion" metrics. Versant does not object to reporting with "major event days;" however, declining to exclude major event days would necessitate additional investments and expenses for system-hardening, vegetation management, and procurement of preferential storm restoration contracts that are expensive for customers, and that the Commission may not find to be cost-effective.

AARP commented that the rule should contain standards for "major event" interruptions.

It is not clear that fair and quantifiable metrics can be developed for major storm events due to the unique nature of each event. Thus, the amended rule requires utilities to calculate the percentage of its customers that experience a sustained interruption in each hour of the event and report this information to the Commission annually. The Commission can then inquire about and possibly investigate any concerns it has regarding a utility's response to a Major Outage Event.

Versant stated that the Commission should consider evaluating statistical reliability trends over time rather than single-year performance (over a 5-year period rather than looking at single-year performance).

⁸ System Average Interruption Duration Index (SAIDI) is the average outage duration for each customer served and is typically measured in minutes. SAIDI is calculated by multiplying the average duration of customer interruptions by their total number and then dividing by the total number of customers in the system. If system interruptions are reduced, then the SAIDI metric should improve. However, if system interruptions improve, CAIDI may get worse as the short duration outages that are avoided through technology improvements are removed from the CAIDI calculation, resulting in a higher CAIDI.

This recommendation is accomplished through the data review used to establish the benchmark for each metric, *i.e.*, five years' worth of performance can be considered when setting the benchmark. The Commission must, however, also establish a period of time to be used to measure and compare a utility's performance against the benchmark and the amended rule uses a calendar year. Further, the final rule contains a definition of Major Event Days that is consistent with the IEEE definition.

AARP recommended that the rule address the poorest service quality on identified feeders and require the utility to identify its poorest performance feeders or circuits and submit a specific plan to bring that area up to the overall standard.

The Commission declines to adopt this recommended addition to the rule. Such an amendment is unnecessary in that the Commission routinely explores worst performing circuits in rate proceedings and utilities are currently required to include in their annual reports information regarding poor performing circuits along with remediation plans. *See, e.g., Maine Public Utilities Commission, Investigation into Rates and Revenue Requirements of Central Maine Power Company*, Docket No. 2018-00194, Order at 39 et. seq. (Feb. 19, 2020); *Maine Public Utilities Commission, Request for Approval of Rate Change Pertaining to Emera Maine*, Docket No. 2017-00198, Order at 59. (Jun. 28, 2018).

G. Customer Service Metrics (Section 7)

This provision adds a section to the amended rule that governs Customer Service Metrics. The section specifies the metrics for "utility call response," "call abandonment rate" and "blocked call rate." This section also establishes performance benchmarks for each of these metrics.

1. Calls During Outage

CMP raised significant concerns regarding the proposed outage reporting, which would require utilities to answer 80% of live outage calls within 30 seconds. For the vast majority of CMP customers, an outage is automatically reported to the Company using AMI smart meter technology, meaning most often a customer call is not necessary. CMP has invested in technologies to enable customers to report their outage in a variety of ways other than by speaking with a person. Customers can report an outage using the Interactive Voice Response (IVR) phone system, which can identify a customer's account by phone number, account number or social security number; on the Company's website; or on the Company's mobile app.

CMP recognized that some customers prefer to affirmatively report their outage to the Company and indeed, in cases of wires down, fires, or other emergencies, it is important that customer calls be answer promptly. To accommodate this, CMP proactively staffs the outage emergency line 24 hours a day, 7 days a week. During a regular business day, CMP staffing is designed to answer at least 80% of business calls within 30 seconds, and to promptly answer outage emergency calls throughout the day.

This requires a staff of 100+ representatives at any given time. Requiring the same level of performance of 80% of outage calls within 30 seconds for outage calls, which by nature are not scheduled and sometimes not reasonably anticipated, while simultaneously continuing to answer business calls with the same existing staff, simply is not practical or possible in larger events.

Finally, CMP questions whether customers truly expect a live answer within 30 seconds during a major outage event. Utility standards across the country suggest that automated reporting through IVRs, mobile apps and websites is a best practice for the vast majority of customers, specifically to allow customers to report their outages in the most cost-effective and efficient manner, and specifically to avoid customers having to wait for a live answer

Versant agreed the rule should exclude “major event days” and other Commission-approved exclusions in calculating the call response metric, call abandonment rate. To meet the metric – particularly the separate outage reporting metric – without excluding major event days, would require meaningful and likely costly changes to call answering system.

The Commission agrees with CMP and Versant and the amended rule specifies that a utility’s performance with regards to meeting a call metrics’ benchmark excludes major event days. As noted above, the amended rule contains a definition of Major Event Days. Further, the Commission has deleted the “speed of answer” metric for calls made to a utility’s outage reporting line.

2. Call Abandonment and Blocked Call Rate

CMP generally supported the proposed Call Abandonment Rate and Blocked Call Rate in the proposed rule, other than to note that 1) both metrics should be clarified to apply only during regular business hours and to exclude major event days, similar to the Calls Answered metric, and 2) the Company currently reports these as a single combined metric rather than two individual metrics.

The Commission agrees and as noted above, the amended rule excludes “major event days” from the speed of answer, blocked call and call abandonment performance calculations.

AARP commented that the Call Abandonment Rate is too high and should be 5% or less in a properly operating call center rather the 7% contained in the proposed rule.

The Commission declines to accept AARP’s recommendation at this time, and the amended rule maintains the 7% benchmark. Based upon a range of 5-10% recommended by The Liberty Consulting Group’s billing and metering audit,⁹ the

⁹ Final Report – Forensic Audit of CMP’s Metering and Billing Systems, prepared by The Liberty Consulting Group, filed in Docket No. 2018-00052, *Maine Public Utilities*

Commission adopted a 7% benchmark metric for CMP. *Maine Public Utilities Commission, Investigation into Rates and Revenue Requirements of Central Maine Power Company*, Docket No. 2018-00194, Order at 124, (Feb. 19, 2020). As noted above, the purpose of establishing metrics in this rulemaking is to establish minimum standards and the 7% contained in the amended rule is, at this time, a reasonable minimum standard.

H. Billing Performance Metrics (Section 8)

This provision adds a section that governs Billing Performance Metrics. The section includes specific metrics for “bill error” and “percentage of bills based on estimated meter reads.” This section also establishes performance benchmarks for each of these metrics.

1. Bill Error

CMP commented that the bill error metric should mirror that adopted by the Commission for CMP in Docket No. 2018-00194, except that a 12-month fixed annual period would be used instead of an 18-month rolling period. The metric set in Docket No. 2018-00194 is not applicable to this rulemaking.

Both Versant and CMP commented that they have existing service quality metrics established in other Commission cases and that similar metrics in the amended rule should match the metrics from these other cases. The Commission disagrees. First, the existing metrics may differ for each utility, *e.g.*, the bill error metric for CMP may vary somewhat from the bill error metric for Versant. Thus, the amended rule establishes unique and distinct metrics that both utilities must comply with and any other metrics established by Commission order in other cases are unique and separate from the metrics contained in the amended rule.

CMP and Versant commented that bills issued within 10 days of a meter read should continue to be considered “on time” rather than refining the metric to within 7 days as proposed in the redline.

The Commission agrees and has made this change in the amended rule.

2. Estimated Meter Reads

With respect to estimated bill reads, CMP stated that this metric should mirror that adopted in Docket No. 2018-00194, including exclusions for major storm days.

Commission Investigation of Central Maine Power Company’s Metering, Billing and Customer Communication Issues, Final Report – Forensic Audit of CMP’s Metering and Billing System at 89 (Dec. 20, 2018).

The Commission notes that the metric in the amended rule excludes "major event days."

Versant commented that it should not be required to separately track the estimated bills metric at this time because its processes and practices would double count this in its bill error rate. As discussed above, metrics established in other cases are separate and distinct from metrics adopted in the amended rule. Thus, there will not be any "double-counting," *i.e.*, utilities must comply with both metrics.

Versant stated that if a utility counts estimated bills that fail to comply with Chapter 815 as part of its bill error rate, the utility should not be required to separately track, report on, or be held to a benchmark associated with the percentage of bills based on estimated meter reads. The Commission agrees and notes that both the proposed rule and the amended rule specifically state that "estimated bills" are not considered "erroneous bills."

Versant commented that it should not be required to count, as part of the billing performance metrics, estimated meter reads associated with customers that opt out of AMI meters. The Commission agrees. The amended rule excludes estimated bills for customers that have opted-out from remote meter reads.

I. Customer Satisfaction Metric-Survey (Section 9)

This provision of the amended rule adds a section that governs Customer Satisfaction Metrics. The section requires utilities to conduct surveys of customers that have contacted the utility with a report, request, inquiry, complaint, or request for work. The utilities will provide a report on the surveys annually.

CMP supported the measurement of customer satisfaction through the use of surveys and suggested limiting such measurement to transactional customer satisfaction, which can be directly correlated to CMP performance and is generally within the Company's control.

In contrast, Versant opposed using any customer contacts to undertake surveys. Such collection could displease customers and directly result in customer satisfaction going down in a number of metrics and extend call times leading to impacts to Calls Answered and Calls Abandoned. Versant stated that the survey should be of all customers, not a subset that contacts the utility.

The OPA stated it is willing to support, on a limited provisional basis, a survey that is conducted on individual ratepayers immediately after the ratepayer has a significant interaction with the utility. The OPA does not support annual surveys where customers may be less interested in providing feedback, where factors such as the timing of the survey (for example, just after a rate change or in the middle of summer) would influence the answers, and where they may not support a timely response to any problems that come to light.

CMP expressed significant concerns with the proposed metrics related to Outage Reporting Customer Satisfaction and Outage Information Customer Satisfaction, stating that the Company has invested in multiple technologies to enable customers to report an outage quickly and easily and in fact, to not need to report their outage at all, as well as to provide for live call answering. Despite the Company's dedication to enabling outage reporting in whatever venue a customer prefers, the fact remains that some customers may score utilities based upon their dissatisfaction with experiencing an outage at all, rather than their satisfaction with the reporting methods. Similarly, Versant commented that it should not be required to collect customer contact information during an outage.

Versant commented that customer satisfaction benchmarks should be based on real survey data for Maine's T&D utilities. Surveys should occur in 2022 and the Commission should utilize that data to develop customer satisfaction benchmarks. A realistic benchmark must be set using a baseline developed from real, statistically reliable survey data. Versant suggested that the Commission phase in the establishment of a universal customer satisfaction benchmark or benchmarks. Versant also stated that the rule should be flexible enough to allow for surveys through electronic means, such as through e-mail.

Versant also requested clarification regarding the process by which the independent third-party survey contractors will be selected. AARP recommended the survey instrument be developed by the Commission and used in a uniform manner by utilities. Such an approach would ensure comparability of results.

Finally, Versant also requested the Commission clarify who will bear the cost for the surveys and whether those costs will be recoverable through rates.

The comments described above illuminate several problems with the satisfaction surveys contained in the proposed rule. Further, the Commission questions the usefulness of subjective surveys as a quantified metric with potential penalties. While such metrics may provide an incentive for utilities to provide better service, the Commission recognizes that there is much that is outside the control of the utilities that would influence the answers provided by customers in surveys. Accordingly, the Commission has removed the benchmark from the amended rule. The Commission may consider adopting a benchmark for customer satisfaction surveys in the future based upon a review of survey data and trends.

The satisfaction surveys included in the amended rule are different than those proposed in the proposed rule. Utilities will be required to survey customers that have recently contacted the utility to determine the customers' level of satisfaction for the service they received. The specific details regarding the conduct of the surveys will be determined in a separate proceeding.

Assuming the utility has acted prudently in conducting the survey, the costs would be recoverable through rates.

J. Reporting On Metrics (Section 10)

This section of the proposed rule required utilities to file annual reports with the Commission that provide the calculations and underlying information for the prior calendar year for each of the metrics specified in the rule. Because of the requirements of the Accountability Act, the rule as adopted has changed the reporting requirements to quarterly. The investor-owned T&D utilities therefore must file quarterly reports no later than 30 days after the close of the quarter. The amended rule specifies that in each quarter, the report must contain cumulative information for that calendar year. For example, no later than April 30, a utility must file a report with information from the quarter just ended (January through March); no later than July 30, a utility must file a report with information from January through June, etc. Each of the reports will provide information broken down to present the data on a monthly basis.

This section also contains a “Customer Report Cards” provision. This provision requires T&D utilities to provide customers with annual reports to residential customers regarding the utilities’ performance and rates. The report card would contain in plain language the T&D utilities’ individual performance benchmarks included in the rule. The proposed rule included a format for the Customer Report Card as Attachment A to the rule. The amended rule does not include a format as an attachment. The specific format for each utility will be determined in a separate proceeding.

1. Modification and Posting

CMP commented that it has no particular objection to the form and content of the proposed report card; however, it would prefer to be able to modify the format of the Customer Report Card to better align with the Company’s general communications strategy and branding, and to provide further explanation to its customers about the metrics and meaning and calculations behind them. CMP proposed that a process whereby approval from the Commission or its Director of the CASD would be necessary for a T&D utility to use a modified form of the Customer Report Card.

The Acadia Center commented that the Commission should be the one to establish the form and content for the Customer Report Cards, rather than the T&D utilities themselves.

The amended rule specifies that the report card template will be established by Commission order. The Commission notes its discretion to delegate review authority, if appropriate. The Commission expects that once a format is approved, the format will remain largely unchanged year over year, so that customers become accustomed to the format.

CMP stated that it is appropriate to post this information on its website and to provide the same information in a bill insert, but the Company sees no reason why a costly separate mailing should be required for this purpose.

Versant commented that, to minimize additional costs, the rule should be flexible regarding how the Report Card is provided to customers. It should allow for utilities to send the Report Card, or a truncated version, to customers along with a bill or other regularly scheduled mailing or post to its website with an email and billing notice to all customers. Versant noted that the costs for supplies and postage for a separate mailing to every customer would be upwards of \$80,000 annually before considering the data processing, verification, and presentation resources.

Versant commented that the Report Cards should be made available to customers after a utilities' annual reports are due to the Commission. The proposed rule would have Versant printing, populating, and mailing the Report Cards before it makes its annual reports to the Commission.

The Commission agrees and has modified the amended rule to specify that the Report Card must be provided to customers on or before June 1 of each year. The amended rule also allows utilities to provide the Report Card as a bill insert and does not require a separate mailing. The amended rule requires the utilities to post the Customer Report Card on their websites.

CLF commented that the Commission should consider revising the reporting scorecards so that performance can be compared to past performance and to performance of peer utilities. While comparison can be useful, the Commission is concerned that the report card not become too detailed, leading to customers choosing not to read it. Therefore, the Commission rejects this suggestion.

2. Inclusion of Utility Rate Information

CMP commented that the proposed form of Customer Report Card would require the inclusion of utility rate information, broken down by transmission, distribution, and renewable policy programs. While CMP did not oppose providing such information to customers, it stated that there is no nexus between the newly proposed service quality metrics and the required rate information.

NRCM strongly opposed the inclusion of "renewable policy programs" in the rate information chart, stating that there is no explanation as to how it will calculate this value. In addition, methodologies for the benefit-cost analysis of distributed energy resources are complex and require careful consideration of how to treat costs and benefits that may be monetized by different entities across the transmission and distribution system and society at large.

The Commission agrees that there is no compelling nexus between the newly proposed service quality metrics and the required rate information. Accordingly, the rate information will not be included as part of the Report Card.

IV. ORDERING PARAGRAPHS

Accordingly, the Commission

O R D E R S

1. That the amendments to Chapter 320, Electric Transmission and Distribution Utility Service Standards, as described in the body of this Order and as set forth in the attached amended rule are hereby adopted;
2. That the Administrative Director shall file the amended rule with the Secretary of State;
3. That the Administrative Director shall notify the following of the adoption of the amended rule:
 - a. all transmission and distribution utilities in the State;
 - b. the service list in Docket No. 2020-00344;
 - c. all persons that filed comments or are on the notification list for this proceeding.
4. That the Administrative Director shall send a copy of the amended rule to the Executive Director of the Legislative Council, 115 State House Station, Augusta, Maine 04333-0115.

Dated at Hallowell, Maine this 29th day of July 2022.

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear
Harry Lanphear
Administrative Director

COMMISSIONERS VOTING FOR: Bartlett
Davis
Scully

NOTICE OF RIGHTS TO REVIEW OR APPEAL

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

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Pursuant to 5 M.R.S. § 8058 and 35-A M.R.S. § 1320(6), review of Commission Rules is subject to the jurisdiction of the Superior Court.

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