



Kennebunk Light & Power District
4 Factory Pasture Lane
Kennebunk, Maine 04043
(207) 985-3311
www.klpd.org

BOARD OF TRUSTEES BUSINESS MEETING AGENDA

TUESDAY, APRIL 7, 2020

CONFERENCE CALL @ 5.00 PM

I.	CALL TO ORDER	5.00
II.	EXPLANATION OF CALL FORMAT	5.00
III.	STATUS UPDATE ON STATE CIVIL EMERGENCY ORDERS	5.10
IV.	STATUS UPDATE ON PUC CIVIL EMERGENCY ORDERS	5.20
V.	STATUS UPDATE ON KLPD OPERATIONS	5.35
VI.	STATUS UPDATE ON KLPD FINANCIALS	5.45
VII.	STATUS UPDATE AMERICA FIRST HYDRO	5.55
VIII.	STATUS UPDATE ON ENERGY PRICES	6.10
IX.	DETERMINATION OF FORMAT AND DATE OF NEXT MEETING	6.15
X.	BOARD RECOMMENDATION FOR AGENDA ITEMS FOR NEXT MEETING	6.20
XI.	ADJOURN	6.30

Agenda item II:

Explanation of call format.

The 4-7-2020 meeting will be conference call format. I will provide you the number to dial into to participate in the meeting. This conference call will be solely Board members, Matt and I and will begin at 5 PM. The conversation will be broadcast in some fashion outdoors should any members of the public attend; outside. The Trustee President will introduce the agenda items and I will then update the Board on each item. The President will then entertain comment and questions from Board members one at a time. If, and only if, motions are made on any business they will be taken in a roll call format. This means that the President will state the motion and ask each Trustee, in succession, what their vote is. Each Trustee will then record a yea or nay vote for the record. This is a requirement of the amended statute for public meetings.

My suggested order for the roll call would be: Cluff; Emmons; Bartilucci; Ducharme; Freudenreich.

When you dial into the call, please place your phone on mute. This will eliminate feedback and improve call quality. When it is your turn to speak just unmute your phone, state your name, and begin speaking.

The call will be audio recorded for uploading to the website. I will send the call-in number to each Trustee in an email this week.



OFFICE OF
THE GOVERNOR

NO. 28 FY 19/20
DATE March 31, 2020

**AN ORDER REGARDING FURTHER RESTRICTIONS ON
PUBLIC CONTACT AND MOVEMENT, SCHOOLS, VEHICLE TRAVEL
AND RETAIL BUSINESS OPERATIONS**

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, Executive Order No. 14 FY 19/20 dated March 18, 2020 restricted certain social gatherings and certain use of restaurants and bars, prohibited gatherings of more than ten people that are primarily social, personal or discretionary events, and strongly recommended use of social distancing to reduce the transmission of COVID-19; and

WHEREAS, Executive Order No. 19 FY 19/20 dated March 25, 2020 restricted the operations of essential and non-essential business in order to further reduce the transmission of COVID-19; and

WHEREAS, because of unhealthy crowds, the Maine Department of Agriculture, Conservation and Forestry has closed many state-owned beaches and other public venues; and

WHEREAS, other New England states have seen a dramatic rise in positive COVID-19 tests and deaths related to the COVID-19 virus in recent days; and

WHEREAS, the Maine Center for Disease Control and Prevention advises that additional social/physical distancing measures are warranted to slow the spread of this life-threatening virus in order to save lives and improve the ability of the health care system to respond; and

WHEREAS, on March 28, 2020, the President of the United States and his Coronavirus Response Team extended the national guidelines for social distancing and other measures to quell the virus to April 30; and

WHEREAS, a governor's emergency powers expressly include the authorities to:

- a. Control the movement of persons and occupancy of premises within the State pursuant to 37-B M.R.S. §742(1)(C)(8);

- b. Enlist the aid of any person to assist in the effort to control the emergency and aid in the caring for the safety of persons pursuant to 37-B M.R.S. §742(1)(C)(5) and 37-B M.R.S. §827;
- c. Utilize all available resources of the State as reasonably necessary to cope with the emergency pursuant to 37-B M.R.S. §742(1)(C)(2); and
- d. Take whatever action is necessary to mitigate a danger that may exist within the State pursuant to 37-B M.R.S. §742(1)(C)(12);

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions referenced above, do hereby Order as follows:

I. STAY AT HOME

A. ORDER

All persons living in the State of Maine are hereby ordered, effective as of 12:01AM on April 1, 2020 to stay at their homes or places of residence (“homes”) except:

- 1. To conduct or participate in Essential Activities (defined below);
- 2. Workers at Essential Businesses and Operations that are not required to close pursuant to Executive Orders 19 FY 19/20 may travel:
 - a. between their Homes and those businesses and organizations;
 - b. to and from child care; and
 - c. to and from customers for the purpose of delivering goods or performing services; and
- 3. Workers of Non-Essential Businesses and Operations under Executive Orders 19 FY 19/20 may travel:
 - a. between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and
 - b. to and from customers for the purpose of delivering goods.

B. ESSENTIAL ACTIVITIES

For purposes of this section, “Essential Activities” means:

- 1. Obtaining necessary supplies or services for one’s self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed

to work from home, laundry, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence;

2. Engaging in activities essential for the health and safety of one's self, one's family, household members, pets, or livestock, including such things as accessing child care, seeking medical or behavioral health or emergency services, and obtaining medication or medical supplies;
3. Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities, and obtaining necessary supplies and services;
4. Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;
5. Engaging in outdoor exercise activities, such as fishing, walking, hiking, running or biking, but only in compliance with the gathering restriction in Executive Order 14 FY 19/20 and all applicable social distancing guidance published by the U.S. and Maine Centers for Disease Control and Prevention;
6. Travel required by a law enforcement officer or court order; and
7. Traveling to and from a federal, State, or local government building for a necessary purpose.

When out of the home or when at work at an essential business, all individuals shall maintain a minimum distance of six feet from other persons.

II. VEHICLE TRAVEL

- A. No one shall use public transportation unless absolutely necessary, for an essential reason or for an essential job that cannot be done from home.
- B. Persons traveling in private vehicles shall limit passengers to persons within their immediate household, unless transporting for essential activities.

III. SCHOOL CLOSURES

Public and private k-12 schools statewide have terminated in-classroom instruction in accordance with my recommendation of March 15, 2020. It is hereby Ordered that all such schools shall remain closed for classroom or other in-person instruction until at least May 1, 2020 unless otherwise ordered.

IV. ESSENTIAL RETAIL BUSINESSES AND OPERATIONS

A. APPLICATION

This section applies to those retailers identified as Essential Businesses and Operations by the Department of Economic and Community Development. All Non-Essential Businesses and Operations must continue to limit their activities consistent with Executive Order 19 FY 19/20 and this Order.

B. PRIORITIZING REMOTE ORDER AND CURBSIDE PICK-UP

To reduce the risk of community spread, essential stores shall:

1. Prioritize opportunities to offer and transact as much business as possible by curbside order-pick up or other like limited in-person contact method.
2. Broadly advertise and promote this method, including how to best reach the facility and continue services by telephone or remotely.

C. IN-STORE GATHERING LIMITS

To reduce the risk of community spread, essential stores with retail space of:

1. Less than 7,500 square feet shall limit the number of customers in the store at one time to 5. Examples of such stores typically include gas stations and convenience and specialty food stores
2. More than 7,500 and less than 25,000 square feet shall limit the number of customers in the store at one time to 15. Examples of such stores typically include stand-alone pharmacies and certain hardware stores.
3. More than 25,000 and less than 50,000 square feet shall limit the number of customers in the store at one time to 50. Examples of such stores typically include mid-sized and locally owned grocery stores.
4. More than 50,000 and less than 75,000 square feet shall limit the number of customers in the store at one time to 75. Examples of such stores typically include chain grocery stores.
5. More than 75,000 square feet shall limit the number of customers in the store at one time to 100. Examples of such stores typically include Lowes, Wal-Mart, Target and Home Depot.

Such retailers shall actively monitor and enforce these limits. Any customer lines outside the store must enforce the six-foot separation requirement between waiting customers and such line areas shall be marked with signage and ground lines designed to impose that distancing.

D. ADDITIONAL IN-STORE REQUIREMENTS

To reduce the risk of community spread, essential stores shall:

1. Implement and actively enforce social distancing requirements in and around their facilities.
2. Prominently post signage at all public entrances instructing customers to remain six feet away from other people inside and outside the store.
3. Mark every customer line with signage and floor lines designed to impose social distancing.
4. Disinfect the handles of every used cart and basket prior to customer reuse.
5. Take all reasonable steps to minimize customer handling of unpurchased merchandise.
6. Offer separate operating hours for persons over the age of 60 and customers with medical conditions to be the only customers in the store.

E. ADDITIONAL REQUIREMENT FOR ESSENTIAL STORES WITH MORE THAN 75,000 SQUARE FEET

Essential stores with more than 75,000 square feet shall as soon as practicable install protective shields between the customer and checkout and pharmacy personnel.

F. COMPLIANCE

A violation of this Order may be construed to be a violation of any such license, permit and other authorization to which pertinent penalties may be assessed. Failure to comply may result in further on-site restrictions or closure until the violations are remedied.

G. INTERPRETATION

The Department of Economic and Community Development is designated as the lead agency for addressing questions regarding the interpretation and application of this section of the Order.

V. PREEMPTION

This Order preempts any local ordinance or emergency order of the same subject matter that is less restrictive than or otherwise inconsistent with this Order.

VI. ENFORCEMENT

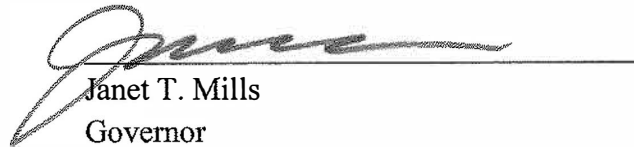
Pursuant to 37-B M.R.S. §786, this Order shall be enforced by law enforcement as necessary and violations are a class E crime subject to up to six months days in jail and a \$1000 fine. In addition, compliance with Section IV of this Order may also be enforced by government officials who regulate licenses, permits or any other authorization to operate a business or occupy a building.

VII. EXECUTIVE ORDER 14 FY 19/20 EXTENDED

The previous requirement that all restaurants and bars shall close their dine-in facilities remains in effect until at least April 30, 2020 unless otherwise ordered.

VIII. EFFECTIVE DATE

This Order takes effect at 12:01 AM on April 2, 2020 and shall remain in effect until at least April 30, 2020 unless otherwise ordered.



Janet T. Mills
Governor

KENNEBUNK LIGHT & POWER DISTRICT

A CONSUMER OWNED UTILITY SINCE 1893

Total Due:
ARREARS:

REMINDER NOTICE

Account Number:

This notice is to remind you of your past due balance that is currently reflected on your account. We, at KLPD, understand the personal challenges being faced during this time of public health challenges and the personal disruptions to every-day life it is causing. Therefore, we would like to inform you that a moratorium on disconnections will remain in place until 30 days after the State of Maine is no longer being held under a civil state of emergency.

Although our lobby is closed to the general public, there are several options available for payment of your bill. There is a drop box located in front of the building in which check payments can be left and several online payment methods are available. Please visit KLPD.ORG to view the various payment options that are available. A listing is also available of other entities that may be able to assist you during this time.

The KLPD customer service representatives stand at the ready to assist you in creating a payment arrangement that will permit you the ability to pay the past due balance in affordable installments while maintaining a current status with your monthly billings. You may contact the office between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday (excluding holidays) at 207-985-3311 to discuss your available options.

Please rest assured that we at KLPD will continue to serve you to the very best of our ability during this time. Please continue to visit KLPD.ORG for updates.

Stay safe and stay well.

Sincerely,
Your Customer Service Representatives

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2020-00081

March 16, 2020

INVESTIGATION OF AN EMERGENCY
MORATORIUM ON DISCONNECTION
ACTIVITIES

ORDER

BARTLETT, Chairman; WILLIAMSON and DAVIS, Commissioners

In light of public health concerns arising from the coronavirus (COVID-19) pandemic and the State of Emergency declared by the Governor, the Commission, through its Director of the Consumer Assistance and Safety Division, directs that all electric transmission and distribution utilities, natural gas utilities, water utilities, and telephone Providers of Last Resort service not engage in any disconnection activity until further notice. This includes the issuance of disconnection notices and actual service disconnections for all classes of customers.

The Commission takes this action pursuant to the Emergency Moratorium provisions contained in its following consumer protection rules: Chapter 815, section 3; Chapter 660, section 3; and Chapter 290, section 4.

BY ORDER OF THE DIRECTOR OF CONSUMER ASSISTANCE AND SAFETY

/s/ Derek Davidson
Derek Davidson

NOTICE OF RIGHTS TO REVIEW OR APPEAL

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

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. 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).

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.

Todd J. Griset
tgriset@preti.com
207.623.3280

March 30, 2020

Derek Davidson
Director of the Consumer Assistance and
Safety Division
Maine Public Utilities Commission
18 State House Station
Augusta, Me 04333-0018

**RE: Kennebunk Light and Power District
Request for Waiver of Section 8(J) of Chapter 815 Regarding In-Person
Payment Locations
Docket No. _____**

Dear Mr. Davidson,

Pursuant to Section 16(A) of Chapter 815 of the Commission's Rules and Regulations, Kennebunk Light and Power District (the District) hereby requests a temporary waiver of the provisions of Section 8(J) of Chapter 815, as described below.

Section 8(J) of Chapter 815 requires each utility to "maintain a reasonable number of locations throughout its service territory where customers may pay bills in person."¹ The District currently allows its customers to pay bills through a variety of mechanisms, including via e-billing/paperless billing, by phone, through customers' online banking systems, through a physical drop box located in front of the District's building at 4 Factory Pasture Lane, and at the District office between 8:00 a.m. and 5:00 p.m., Monday through Friday.

To safeguard the public and District employees during the COVID-19 pandemic as recognized by Governor Mills' March 15 *Proclamation of State of Civil Emergency to Further Protect Health*, the District requests a temporary waiver of the requirement to maintain a reasonable number of locations throughout its service territory where customers may pay bills in person. While the District presently intends to continue accepting payment from its customers through the various methods listed above, the District requests this waiver in case future circumstances related to the civil emergency require the District to temporarily close its building at 4 Factory Pasture Lane.

The District requests that this waiver extend through the termination of the later of (i) any state of civil emergency declared by the Governor and (ii) the related moratorium on utility

¹ Chapter 815, §8(J).

March 30, 2020

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disconnections imposed by the Commission by Order dated March 16, 2020 in Docket No. 2020-00081.

Pursuant to Section 16(A) of Chapter 815, a utility may request that the Commission waive any requirement of Chapter 815 that is not required by statute. The waiver may not be inconsistent with the purposes of this Rule or Title 35-A. The Commission, the Director of the CASD, or the Hearing Examiner assigned to a proceeding related to this Rule, may grant the waiver.²

Good cause exists for the granting of the District's requested waiver. The Governor's proclamation of a state of civil emergency cites the State's need to respond to and protect against the threat of a highly infectious agent that poses an imminent threat of substantial harm to the State's citizens. The Commission has recently noted that these public health concerns have near-term energy policy implications, in its order suspending utility disconnections of customers. Granting the requested waiver is consistent with these public policy and health concerns.

Furthermore, the requirement to maintain a reasonable number of locations where customers may pay bills in person is not required by statute, and therefore the Commission may waive this requirement. Moreover, granting the requested waiver is not inconsistent with the purposes of Chapter 815³ nor of Title 35-A.⁴ Even if the District were to suspend its acceptance of in-person payments, customers could continue to make payments through their choice of the District's other accepted payment methodologies such as by e-billing/paperless billing, by phone, through customers' online banking systems.

For these reasons, the District respectfully requests that the Director of the Consumer Assistance and Safety Division grant the District's request for a waiver of Section 8(J) of Chapter 815 in order to allow this waiver to go into effect as soon as possible.

Sincerely,

Todd J. Griset

² Chapter 815, §16(A).

³ Chapter 815, §1(A) provides that Chapter 815's purposes are "To assure safe and adequate provision of utility service; To assure that service is not disconnected or refused unreasonably; and To assure the utility's right to collect proper payment for utility service."

⁴ 35 M.R.S. § 101 provides that Title 35-A's purposes are to "to ensure that there is a regulatory system ... that is consistent with the public interest and with other requirements of law and to provide for reasonable licensing requirements for competitive electricity providers... [and] to ensure safe, reasonable and adequate service, to assist in minimizing the cost of energy available to the State's consumers and to ensure that the rates of public utilities subject to rate regulation are just and reasonable to customers and public utilities."

Kennebunk Light & Power District

A CONSUMER OWNED UTILITY SINCE 1893

Below is a summary of action taken by KLPD, beginning on 3/13/2020, in regard to COVID-19 response. These actions continue to be revised as more guidance is received.

Kennebunk

Until further notice:

- Service disconnections have been discontinued, both residential and commercial.*
 - Payment reminder calls refocused on payment arrangements.*
 - District offices are closed to the public. No non-employees permitted in building.*
 - Employees are under separation orders. KLPD employees are to be maintaining social distance at all times, even from each other. If approached KLPD employees are to say: "I am under direct orders from management to tell you to stay away."*
 - Customers are asked to utilize electronic payment options available on the home page of our website. We are quarantining payments for 24 hours out of an abundance of caution. Cash payments have been strongly discouraged. Quarantine length for cash and drop box payments is 24 hours (held) but credited on day of receipt.*
 - Separation of functions and employees within functions implemented.*
 - New line construction will follow KLPD protocol.*
 - No in person meetings.*
 - Direct assignment of vehicles to employees.*
 - Social distancing mandatory. Employee group meetings, if necessary, will be held outdoors or in open bay garages.*
 - All travel restricted.*
 - KLPD employees without a District vehicle have been issued KLPD official logo for their vehicles.*
 - According to the Critical Infrastructure Workforce protocol our employees are exempt from travel bans if and when tighter controls are imposed.*
- Line crews are separated.*
- My office is my OC and will remain so. I can go remote if necessary.*