

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-298)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 164, L.D. 196, Bill, "AN ACT Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 4 MRSA §1151, sub-§2, first sentence, as amended by PL 1977, c. 694, §5, is further amended to read:  
Except as provided in Title 5, section 10004, Title 29, chapter 17 and Title 35, ~~section~~ sections 13-A and 1566, the Administrative Court shall have exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and shall have original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 2. 5 MRSA §10051, sub-§1, first sentence, as amended by PL 1977, c. 694, §39, is further amended to read:  
Except as provided in section 10004, Title 29, chapter 17 and Title 35, ~~section~~ sections 13-A and 1566. the Administrative Court shall have exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act

within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by such agency and shall have original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 3. 35 MRSA §13-A, first paragraph, as amended by PL 1977, c. 374, §1, is repealed and the following enacted in its place:

Whenever any electric company or companies propose to erect within this State a permanently installed generating facility of more than 1,000 kilowatts or any transmission line of 100 kilovolts or more, the construction of which is required as a result of the generating facility, the company or companies shall file with the Commission, no less than 3 months in advance of submitting its petition for approval of the proposed facility or lines, a notice of its intent to file the petition. This notice shall inform the Commission of the location, size, type of facility, estimated cost and proposed construction schedule of the generating facility or lines together with such other facts and details concerning the proposed facility or lines as the Commission shall, by rule, prescribe. The petition for approval of the proposed generating facility shall contain such information as the Commission shall, by rule, prescribe. The petition shall be set down for public hearing and the Commission shall issue its order within 15 months after the peti-

tion is filed with the Commission unless the period is either extended by agreement of all the parties or by the Commission upon its determination that the party seeking the extension would, because of circumstances beyond that party's control for which it has no reasonable substitute and the party to that time having prosecuted its case in good faith and with due diligence, be unreasonably disadvantaged unless the extension were granted.

Whenever any electric company or companies propose to erect within this State any transmission line carrying 100 kilovolts, or more, and the transmission line does not result from the construction of any generating facility pursuant to  $\longleftrightarrow$  this section, the company or companies shall file a petition for the approval of the proposed line. This petition shall contain such information as the Commission shall, by rule, prescribe. The petition shall be set down for public hearing and the Commission shall issue its order within 6 months after the petition is filed with the Commission unless the period is either extended by agreement of all parties or by the Commission upon its determination that the party seeking the extension would, because of circumstances beyond that party's control for which it has no reasonable substitute and the party to that time having prosecuted its case in good faith and with due diligence, be unreasonably disadvantaged unless the extension were granted.

Sec. 4. 35 MRSA §13-A, last sentence,  
as enacted by PL 1971, c. 476, §1, is repealed and the following  
enacted in its place:

The commission may approve or disapprove all or portions of the  
proposed transmission line, and shall make such orders regarding  
its character, size, installation and maintenance as are  
necessary, having regard for any increased costs thereby caused.

Sec. 5. 35 MRSA §13-A, as amended by PL 1977, c, 374, §1,  
is further amended by adding at the end 2 new paragraphs to read:

In the event that the Commission has issued a certificate  
of public convenience and necessity for the transmission or  
generating facilities proposed and the Board of Environmental  
Protection in an order under Title 38, Section 484, makes any  
modification in the location, size, character or design of  
the facilities, the company or companies shall deliver a copy  
of the order to the Commission and shall state the nature of  
the modifications and all cost adjustments occasioned thereby  
to the cost of the proposed facilities relied upon by the  
Commission in issuing its certificate of public convenience  
and necessity under this section.

If the cost adjustments specified herein exceed the cost  
relied upon by the Commission in the original proceeding under  
this section by more than 20% of the original cost, the com-  
pany or companies shall not proceed with any construction of  
the proposed facilities, the Commission's original certificate

of public convenience and necessity notwithstanding. The Commission, upon notification of the cost increase, shall reopen its original decision concerning the facilities and shall make specific findings with regard to the need for the facilities to the same extent and with the same authority as if the company's or companies' petition for approval were before it. Except as modified herein, the Commission shall retain all authority granted to it under Section 306.

Statement of Fact

Electric companies must obtain certificates of public convenience and necessity for proposed generation and transmission facilities from the Public Utilities Commission under Title 35, section 13-A. To insure timely proceedings on applications for needed facilities, a period for proceedings on certificates of public convenience and necessity is added. As public law 1977, chapter 374, section 3, now Title 38, section 484, 10th paragraph, last sentence, gave the Board of Environmental Protection jurisdiction over the location, width and appearance of transmission lines, those factors are removed from certificate of public convenience and necessity proceedings under Title 35, section 13-A to avoid duplication of regulatory effect, and the language of the two complementary statutory provisions, Title 38, section 484 and Title 35,

section 13-A, is thus coordinated. If the Board of Environmental Protection makes a change in the facilities authorized by the Public Utilities Commission to increase its costs more than 20%, further approval of the Public Utilities Commission is required. This further approval requires changes in both Title 4, section 1151, subsection 2 and Title 5, section 10051, subsection 1.

Reported by the Committee on Public Utilities  
Reproduced and distributed under the direction of the  
Clerk of the House.

4/30/79 (Filing No. H-298)