

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 (New Draft of H.P. 1915, L.D. 1901)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TENTH LEGISLATURE  
5

6 **Legislative Document**

**No. 2119**

7  
8  
9 H. P. 2272 House of Representatives, March 31, 1982  
Reported by Representative Davies from the Committee on Public  
Utilities and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

10  
11 **STATE OF MAINE**  
12

13 IN THE YEAR OF OUR LORD  
14 NINETEEN HUNDRED AND EIGHTY-TWO  
15

16 **AN ACT Requiring Public Utilities Com-**  
17 **mission Approval for the Purchase of Portions**  
18 **of Electrical Generating Facilities by**  
19 **Electrical Companies or Fuel Conversion**  
20 **in Electrical Generating Facilities.**  
21

22 Be it enacted by the People of the State of Maine as follows:

23 **Sec. 1. 35 MRSA §13-B is enacted to read:**

24 §13-B. Purchase of generating capacity, energy or transmis-  
25 sion capacity or fuel conversion of generating  
26 facilities prohibited without prior order of the  
27 commission

28 1. Certificate of public convenience and necessity.  
29 Commission approval is required as follows whenever any  
30 electrical company proposes:

1 A. To purchase any right, title or interest in gener-  
2 ating capacity, transmission capacity or energy, as de-  
3 defined in subsection 2; or

4 B. To convert a permanently installed generating  
5 facility of more than 1,000 kilowatts to use a type of  
6 fuel different from that which the facility currently  
7 is equipped to use.

8 The company shall file with the commission, no less than 2  
9 months in advance of submitting its petition for a certifi-  
10 cate of public convenience and necessity for the proposed  
11 purchase or conversion, a notice of its intent to file the  
12 petition. The notice shall inform the commission of the  
13 terms of the proposed purchase or conversion, and thereafter  
14 the commission may, by rule or otherwise, require the peti-  
15 tioner to make available such additional information as it  
16 deems necessary. The petition for a certificate of public  
17 convenience and necessity shall contain such information as  
18 the commission may by rule prescribe. The petition shall be  
19 set down for public hearing. The commission shall issue its  
20 order within 12 months after the petition is filed. If  
21 there is then outstanding for the utility a long-range plan  
22 approved pursuant to section 13-C, the commission shall  
23 issue its order within 9 months of filing. If an approved  
24 plan is outstanding, the utility need not provide an advance  
25 notice of its intent to file the petition. No electrical  
26 company may purchase any generating capacity, transmission  
27 capacity or energy as defined in subsection 2, or carry out  
28 a fuel conversion within the meaning of this section, unless  
29 the commission has issued a certificate of public conven-  
30 ience and necessity approving the petition.

31 In its order, the commission shall make specific findings  
32 with regard to the need for such facilities and, if the  
33 commission finds that a need for the purchase or conversion  
34 exists, it shall issue a certificate of public convenience  
35 and necessity for the purchase or conversion. In ruling  
36 upon a fuel conversion petition, the commission may consider  
37 the benefit to the public of any increased security of fuel  
38 supply which may result from the conversion.

39 The issuance of a certificate of public convenience and  
40 necessity establishes that, as of the date of issuance of  
41 the certificate, the decision by the utility to purchase or  
42 convert was prudent.

43 2. Definitions. As used in this chapter, unless the  
44 context indicates otherwise, the following terms have the  
45 following meanings.

1       A. "Energy" is defined to include an entitlement to  
2       energy for a period greater than 3 years.

3       B. "Generating capacity" includes an entitlement to  
4       the output of 1,000 kilowatts or more of an electric  
5       generating facility or facilities for a period greater  
6       than 3 years.

7       C. "Transmission capacity" includes an entitlement to  
8       transmission services over a transmission line with a  
9       capacity greater than 100 kilovolts for periods greater  
10       than 3 years.

11       3. Exclusions. Nothing in this section may be con-  
12       strued to apply to any purchases made by an electrical com-  
13       pany from any cogenerator or small power producer, as de-  
14       defined in chapter 172.

15       4. Filing fee. When the petition is filed, the util-  
16       ity or utilities involved shall pay to the Public Utilities  
17       Commission an amount equal to 2/100 of 1% of the estimated  
18       cost of the purchase or conversion.

19       Notwithstanding any other provision of law, filing fees paid  
20       as required here shall be segregated, apportioned and  
21       expended by the Public Utilities Commission for the purposes  
22       of this section.

23       Sec. 2. 35 MRSA §13-C is enacted to read:

24       §13-C. Long-range energy plan

25       1. Filing by electric companies. Every electric com-  
26       pany whose total sales of electric energy for purposes other  
27       than resale exceeded 300 million kilowatt hours during any  
28       calendar year beginning after December 31, 1980, may submit  
29       to the Public Utilities Commission a long-range energy plan  
30       for the 15-year period subsequent to the date the plan is  
31       submitted. This plan shall include the company's annual  
32       peak-load forecasts, annual energy forecasts, projected  
33       annual fuel mix type and location of proposed generating  
34       facilities and alternatives, type and route of major pro-  
35       posed transmission lines and alternatives, and an analysis  
36       of the cost and financing of the plan, together with such  
37       other information as the commission may by rule require.  
38       The plan shall list and describe all the assumptions used by  
39       the company in formulating the plan required by this  
40       section.

