

MAINE STATE LEGISLATURE

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(New Draft of S.P. 763, L.D. 2071)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2424

S.P. 904

In Senate, April 3, 1984

Reported by Majority Report from the Committee on Public Utilities and printed Joint Rule 2.

Original bill presented by Senator Baldacci of Penobscot. Cosponsored by Representative Vose of Eastport, Representative Weymouth of West Gardiner and Representative Ridley of Shapleigh.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Limit the Authority of
the Public Utilities Commission to Award
Compensation to Intervenors.

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

Sec. 1. 35 MRSA §§19 and 20 are enacted to read:

§19. Limitation on intervenor funding

Except when authorized by the Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et. seq., notwithstanding sections 3, 4 and 313, the commission shall not order compensation of intervenors except as authorized in this section. The commission, with the advice of the Public Advocate, may compensate intervenors only from the budget of the commission and only when the commission finds that:

1. Public Advocate unable to present issue. The Public Advocate and the staff of the commission are unable to present the issue which the intervenor seeks to present;

2. Presentation a significant contribution. The presentation of the issue can make a significant contribution to the commission's consideration of the case;

3. Inability to develop issue without intervenor compensation.. The issue could not be reasonably developed without the award of the intervenor compensation;

4. Responsible presentation. The issue will be responsibly presented; and

5. Cost of presentation. The cost of presentation without compensation would impose a substantial financial hardship on the intervenor.

\$20. Rate-making treatment of utility costs incurred in commission proceedings

No public utility may recover through rates for any expenditures, contributions, expenses or costs incurred with respect to commission proceedings which are imprudent or unreasonable.

Sec. 2. Effective date. Section 1 shall be effective 90 days after adjournment of the 2nd Regular Session of the 111th Legislature, except that the Revised Statutes, Title 35, section 19, shall not apply to cases pending before the commission on April 1, 1984. In those cases, intervenor funding shall be paid in accordance with the final order of the commission in the case in question.

STATEMENT OF FACT

This new draft allows intervenor funding through the consultants budget of the commission, but only under carefully defined circumstances where it will make a significant contribution to a case. The new draft also reemphasizes current practice of disallow-

1 ing in the rate base impudent or unreasonable costs
2 incurred by a utility in presenting its case.

3 This bill will not affect intervenor funding on
4 cases pending before the Public Utility Commission on
5 April 1, 1984.

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