MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1936

H.P. 1400

House of Representatives, December 14, 1989

Submitted by the Office of Public Advocate pursuant to Joint Rule 24. Received by the Clerk of the House on December 14, 1989. Referred to the Committee on Utilities and 1600 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Old Town.

Cosponsored by Senator BOST of Penobscot, Representative CLARK of Millinocket and Senator WEYMOUTH of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act Authorizing the Public Advocate to Initiate Proceedings on Behalf of Utility Consumers.



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

35-A MRSA §1702, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Intervention on behalf of public. When determined necessary by the Public Advocate, in the interest of the using and consuming public, or any particular group of consumers, the Public Advocate may <u>initiate</u>, or intervene and appear on their behalf in, any proceedings before the commission, appeals from orders of the commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility doing business in this State, except that the Public Advocate shall not intervene in any proceeding in which the commission staff is representing a position substantially similar to that of the Public Advocate, as determined by the Public Advocate.

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STATEMENT OF FACT

This bill will enable the Public Advocate to seek redress for utility customers and ratepayers by initiating proceedings in their behalf at the Public Utilities Commission, the federal agencies regulating utilities and the courts. At present, the Public Advocate statute restricts the participation of the Office of Public Advocate in utility cases only to proceedings that have already been initiated by another party, typically a utility seeking a rate increase. This bill enables the Public Advocate to seek to reduce rates, or secure a refund for customer groups who have been overcharged, at the Federal Energy Regulatory Commission or the Federal Communications Commission even if no proceeding is already underway.

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