

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)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2288

H.P. 1637

House of Representatives, December 17, 1999

An Act to Eliminate Regulation of Public Heating Utilities.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Received by the Clerk of the House on December 15, 1999. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DAVIDSON of Brunswick.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Sec. 1. 5 MRSA §200-B, sub-§1, as amended by PL 1999, c. 398, Pt. A, §1 and affected by §105, is further amended to read:

1. Public utility services. As used in this section, the term "public utility services" means services furnished by a public utility as defined in Title 35-A, section 102, subsections 7, 8, ~~12~~, 14, 15, 19, 20-B and 22 whether or not subject to the jurisdiction of the Public Utilities Commission.

Sec. 2. 35-A MRSA §102, sub-§12, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 3. 35-A MRSA §102, sub-§13, as amended by PL 1999, c. 398, Pt. A, §7 and affected by §§104 and 105, is further amended to read:

13. Public utility. "Public utility" includes every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility, ~~public heating-utility~~ and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area.

Nothing in this subsection precludes:

A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature;

B. The commission's jurisdiction and control over and regulation of a public utility that provides, in addition to other services, radio paging service or mobile telecommunications services;

C. The commission's jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and

2 D. Negotiations for, or negates agreements or arrangements
existing on the effective date of this paragraph relating
4 to, rates, terms and conditions for interconnection provided
by a telephone utility to a company providing radio paging
or mobile telecommunications services.

6

8

SUMMARY

10

This bill removes the term "public heating utility" from the
definition of "public utility" in the laws governing public
12 utilities, thereby eliminating regulation of these entities by
the Public Utilities Commission.