

MAINE STATE LEGISLATURE

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DATE: 3-24-00

(Filing No. H-935)

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1788, L.D. 2508, Bill, "An Act Relating to Electric Industry Restructuring"

Amend the bill by striking out all of section 8 and inserting in its place the following:

'Sec. 8. 17-A MRSA §357, sub-§5, as enacted by PL 1993, c. 106, §1, is amended to read:

5. Proof that utility services or electricity services have been improperly diverted or that devices belonging to the utility or electricity service provider and installed for the delivery, regulation or measurement of utility services or electricity services have been interfered with constitutes prima facie evidence that the person to whom the utility service or electricity service is being delivered or diverted knowingly created or caused to be created the improper diversion or interference with the devices of the utility or electricity service provider.

This inference does not apply unless the person to whom the utility service or electricity service is being delivered has been furnished the service for at least 30 days.

For purposes of this subsection, "electricity service" means electric billing and metering services, as defined in Title 35-A, section 3201, subsection 8, and the service of a competitive electricity provider as defined in Title 35-A, section 3201, subsection 5.'

Further amend the bill by inserting after section 17 the following:

COMMITTEE AMENDMENT

2 'Sec. 18. 35-A MRSA §3203, sub-§4, as enacted by PL 1997, c.
316, §3, is amended to read:

4 **4. Consumer protection provisions.** As a condition of
6 licensing, a competitive electricity provider that provides or
proposes to provide generation service to a ~~customer,--wherever~~
8 ~~located,--with--a--demand--of--100--kilowatts--or--less~~ residential
consumer or to a small commercial consumer:

10 A. May not terminate generation service without at least 30
12 day 30-day prior notice to the ~~customer~~ consumer;

14 B. Must offer service to the ~~customer~~ consumer for a
minimum period of 30 days;

16 C. Must allow the ~~customer~~ consumer to rescind selection of
18 the competitive electricity provider orally or in writing
within 5 days of initial selection;

20 D. May not telemarket services to the ~~customer~~ consumer if
22 the ~~customer~~ consumer has filed with the commission a
written request not to receive telemarketing from
24 competitive electricity providers;

26 E. Must provide to the ~~customer~~ consumer within 30 days of
28 contracting for retail service a disclosure of information
provided to the commission pursuant to rules adopted under
30 subsection 3 in a standard written format established by the
commission; and

32 F. Must comply with any other ~~provisions~~ applicable
34 standards or requirements adopted by the commission by rule
or order.

36 For purposes of this subsection, "residential consumer" means a
38 consumer defined as residential under the terms and conditions of
the consumer's transmission and distribution utility. For
40 purposes of this subsection, "small commercial consumer" means,
in the case of a consumer served by an investor-owned
42 transmission and distribution utility, a nonresidential consumer
that meets the availability criteria to take service under a core
44 customer class of the transmission and distribution utility that
does not pay a demand charge to the transmission and distribution
46 utility or, in the case of a consumer served by a consumer-owned
transmission and distribution utility, a nonresidential consumer
48 with a demand of 20 kilowatts or less.

50 **Sec. 19. 35-A MRSA §3203, sub-§4-A** is enacted to read:

4-A. General consumer protections. As a condition of licensing, a competitive electricity provider:

A. Shall obtain a consumer's authorization before serving the consumer;

B. May not release to any other entity, other than for purposes of debt collection or credit reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, any personal information regarding a customer, including name, address, telephone number, usage and historical payment information, without the consent of the customer;

C. Must comply with the provisions of the Maine Unfair Trade Practices Act, Title 5, chapter 10;

D. May not collect or seek to collect unreasonable costs from a customer who is in default;

E. Must comply with all applicable provisions of the federal Equal Credit Opportunity Act, 15 United States Code, Sections 1691 to 1691f;

F. May not initiate a telephone solicitation call to a consumer who has notified the competitive electricity provider of the consumer's wish not to receive telephone solicitation calls made by or on behalf of the competitive electricity provider;

G. Must provide at least once annually to a customer any information disclosures required by the commission by rule pursuant to subsection 3; and

H. Must comply with any other applicable standards or requirements established by the commission by rule.

Sec. 20. 35-A MRSA §3203, sub-§8, as enacted by PL 1997, c. 316, §3, is amended to read:

8. Dispute resolution. The commission shall resolve disputes between competitive electricity providers and retail consumers of electricity concerning standards or requirements established by or pursuant to subsection 4, 4-A or 6.'

Further amend the bill in section 23 in paragraph D by striking out all of subparagraph (4) (page 9, lines 37 to 41 in L.D.) and inserting in its place the following:

'(4) ~~An electric power generation company established~~
by A competitive electricity provider, as defined in
Title 35-A, section 3201, affiliated with a public
utility whether or not it is regulated by the Public
Utilities Commission or a successor state agency; and'

Further amend the bill by striking out all of the emergency
clause and inserting in its place the following:

'Sec. 25. Changes to Public Utilities Commission rules.
Notwithstanding the provisions of the Maine Revised Statutes,
Title 5, chapter 375, the Public Utilities Commission may amend
the following rules in the following manner to bring them into
conformity with the provisions of this Act without holding
hearings or conducting other formal proceedings.

1. The Public Utilities Commission shall amend Chapter 305:
Licensing Requirements, Annual Reporting, Enforcement and
Consumer Protection Provisions for Competitive Provision of
Electricity to bring it into conformity with the provisions of
this Act by amending section 4, subsection A, paragraph 1 to
provide that the consumer protections established under section 4
of that rule apply to residential and small commercial consumers
as defined in the Maine Revised Statutes, Title 35-A, section
3203, subsection 4. Nothing in this subsection may be
interpreted as converting any portion of Chapter 305 into a major
substantive rule pursuant to the Title 5, chapter 375, subchapter
II-A.

2. The Public Utilities Commission shall amend Chapter 306:
Uniform Information Disclosure and Informational Filing
Requirements to bring it into conformity with the provisions of
this Act by amending section 2, subsection A, paragraph 3 to
provide that the uniform information disclosure requirements
established under section 2 of that rule apply to residential and
small commercial consumers as defined in the Maine Revised
Statutes, Title 35-A, section 3203, subsection 4. Modification
of the rule consistent with this subsection does not require
further legislative approval pursuant to Title 5, chapter 375,
subchapter II-A.

Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect when approved.'

Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

Further amend the bill by inserting at the end before the
summary the following:

2 **FISCAL NOTE**

4 The Department of Economic and Community Development will
6 incur some minor additional costs to develop a model
8 certification form to be used by electric transmission and
distribution utilities. These costs can be absorbed within the
department's existing budgeted resources.

10 The Public Utilities Commission will incur some minor
12 additional costs to modify certain rules. These costs can be
absorbed within the commission's existing budgeted resources.'

14 **SUMMARY**

16 This amendment does the following:

18 1. Modifies the provision of the bill concerning theft of
20 utility services to make it clear that competitive service
22 providers are not public utilities;

24 2. Clarifies the wording in a provision of the bill
regarding investments of public waste disposal corporations;

26 3. Modifies the electric industry restructuring law
28 provisions regarding consumer protection by:

30 A. Establishing certain protections that apply to all
consumers;

32 B. Modifying existing consumer protections provisions so
34 that instead of applying to customers with a demand lower
than 100 kilowatts they apply to residential and small
36 commercial consumers;

38 C. Specifying that the Public Utilities Commission must
40 resolve disputes between competitive electricity providers
and consumers concerning any consumer protections
established by law or by the commission by rule; and

42 D. Directing the Public Utilities Commission to modify
44 certain rules to make them consistent with these changes; and

46 4. Changes the emergency clause to make the bill effective
immediately upon approval and adds a fiscal note to the bill.