

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 157

H.P. 146

House of Representatives, January 16, 2001

**An Act to Clarify Marketing Standards for Telephone Utilities and
Competitive Electricity Providers.**

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.
Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton.

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

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Sec. 1. 35-A MRSA §3203, sub-§4, as amended by PL 1999, c. 657, §18, is further amended to read:

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4. Consumer protection provisions. As a condition of licensing, a competitive electricity provider that provides or proposes to provide generation service to a residential consumer or to a small commercial consumer:

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

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

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

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

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

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

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

A competitive electricity provider that is licensed pursuant to subsection 1 is governed by the provisions of this subsection and any rules adopted by the commission pursuant to subsection 6 and

2 is not subject to Title 32, chapter 69, subchapter V or Title 32,
3 section 4690-A, subsection 4 to the extent the competitive
4 electricity provider is providing or proposing to provide
5 generation service.

6 **Sec. 2. 35-A MRSA §7106**, as enacted by PL 1997, c. 702, §1,
7 is amended by adding a new first paragraph to read:

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9 An initiation of a change in a customer's local or
10 intrastate interexchange carrier is governed by this section and
11 any rules adopted by the commission pursuant to this section and
12 is not subject to the provisions of Title 32, chapter 69,
13 subchapter V or Title 32, section 4690-A, subsection 4.

14 15 **SUMMARY**

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17 This legislation clarifies that provisions regarding
18 consumer protection when consumer solicitation sales occur, that
19 are contained in the Maine Revised Statutes, Title 35-A or in
20 rules promulgated by the Public Utilities Commission, are the
21 governing directives for telephone utilities that are regulated
22 by the Public Utilities Commission and competitive electricity
23 providers that are licensed by the Public Utilities Commission.
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