

# MAINE STATE LEGISLATURE

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# Maine Public Utilities Commission

Program Evaluation Report

Submitted on  
November 1, 2007



KURT ADAMS  
CHAIRMAN

SHARON M. REISHUS  
VENDEAN V. VAFIADES  
COMMISSIONERS



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
18 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0018

KURT ADAMS  
CHAIRMAN

SHARON M. REISHUS  
VENDEAN V. VAFIADES  
COMMISSIONERS

November 1, 2007

Senator Phil Bartlett, Senate Chair  
Representative Larry Bliss, House Chair  
Joint Standing Committee on Utilities and Energy  
115 State House Station  
Augusta, ME 04333-0115

Dear Senator Bartlett and Representative Bliss:

On April 20, 2007 we received formal notification that the Joint Standing Committee on Utilities and Energy (Committee) had decided to proceed with a review of the Maine Public Utilities Commission (Commission) pursuant to the Governmental Evaluation Act, 3 M.R.S.A. §951 et seq., (the "Act"). The Act provides a mechanism for the orderly, periodic review of the Commission to ensure that its future existence, based on past performance, is justified. The process of evaluation is known as the "sunset review."

As required under the Act, we have prepared the enclosed Program Evaluation report of the Commission dated November 1, 2007. The report gives a broad overview of our purpose and programs.

In 2004 the Commission absorbed the Emergency Services Communication Bureau (ESCB). In order to synchronize the review of all the Commission's activities, we have included the ESCB in the attached report, though they remain on a different statutory reporting schedule. Currently, the next ESCB GEA review is scheduled for 2009, and changing it would require an amendment to Title 3, subsection 959 (P) (4). If the Committee favors a statutory change, we can either (1) go with a Committee bill to make the change or (2) have the Commission introduce a bill in 2009.

If you have any questions or wish further information to aid you in this review process, please don't hesitate to contact us.

Sincerely,

Handwritten signature of Kurt Adams in blue ink.

Kurt Adams  
Chairman

Handwritten signature of Sharon M. Reishus in blue ink.

Sharon M. Reishus  
Commissioner

Handwritten signature of Vendean V. Vafiades in blue ink.

Vendean V. Vafiades  
Commissioner

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the Commission

Part 2 (A)

*Enabling or authorizing law or other relevant mandate; including any federal mandates*

## **REGULATORY PROGRAM**

### **Maine**

35-A M.R.S.A. §§ 101-106 (public utilities)

23 M.R.S.A. § 3360-A (Dig Safe)

### **Federal**

#### Telecommunications:

47 U.S.C. § 252 (Telecommunications Act of 1996) (Negotiation, Arbitration and Approval of Agreements for Competitive Providers)

47 USC § 271 (Telecommunications Act of 1996) (Provisions for Bell Operating Companies Entering in InterLATA Services)

#### Gas

49 U.S.C. Chapter 601 (Intrastate Pipeline Safety)

## **CONSERVATION PROGRAM**

### **Maine**

35-A M.R.S.A. § 3211-A

## **E9-1-1 PROGRAM**

### **Maine**

25 M.R.S.A. §§ 2921-2934

## Part 2 (B)

*A description of each program administered by the agency or independent agency, including the following for each program:*

- (1) Establish priorities, including goals and objectives in meeting each priority;*
- (2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and*
- (3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives;*

## **REGULATORY PROGRAM**

**Goal:** To assure safe, reliable and adequate utility and related services at rates which are just and reasonable

**Objective:** Assure the provision of utility and related services that meet customer needs at prices that are consistent with legitimate costs and markets

The Commission processes utility revenue requirement and alternative rate plan cases as required by law, with the level of scrutiny necessary to insure appropriate prices for customers. Staff works in teams that have expertise in the areas of finance, technical/engineering, legal, and consumer interest to help ensure that we conduct a multi-faceted analysis of the costs and issues presented to us.

From time to time, for complex cases, the Commission employs outside expert consultants to provide specialized knowledge.

The Commission chooses providers of electricity standard offer service through competitive bidding processes carried out throughout the year.

The Commission monitors related electric wholesale and retail markets consistent with the Objective.

**Objective:** Assure that utilities continue to deliver reliable service

The Commission investigates customers' concerns about service quality or reliability to determine whether utilities are employing reasonable practices. For many of the larger utilities, we implement Service Quality Indices (SQI) to help ensure responsive and reliable service for customers.

During mergers and acquisitions and requests for service, we determine that the relevant utilities are capable of delivering reliable services.

The Commission maintains an aggressive pipeline safety inspection program as an agent of the U. S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and conducts training and enforces the "Dig Safe Law" to protect against excavation damage to underground facilities.

The Commission encourages expansion of advanced technologies by asserting its jurisdictional authority by encouraging the build out of broadband telecommunications and by certifying wireless providers to obtain federal funds to serve rural Maine.

Finally, the Commission actively influences regional decisions that result in electrical transmission and generation capabilities in Maine.

**Objective:** Implement legislative policies for oversight of utility and related services

The Commission develops reports and rules as required by law and legislative resolve, and faithfully carries out its statutory duties.

We provide resources and support to committees and stakeholder groups as established by the Legislature and regularly provide information and background when requested by the Legislature or the Joint Standing Committee on Utilities and Energy.

**Objective:** Establish regulation that is appropriate to the level of competition that exists in an industry

The Commission, as permitted by law, has reduced regulation of the competitive telecommunication industry by eliminating certain tariffing requirements and progressively reducing its oversight of competitive carriers, where competition has replaced the need for regulation. We have also implemented alternative forms of regulation that provide results oriented regulation of some electric and telephone utilities.

The Commission monitors and actively influences activities by market participants and regional and national oversight bodies that are designed to ensure the healthy and effective operation of deregulated markets.

**Objective:** Provide utilities and customers with assistance that effectively meets their needs by answering calls live and resolving complaints in a timely fashion

The Consumer Assistance Division (CAD) at the Commission is staffed with responsive and knowledgeable experts who are available from 8 AM to 5 PM Monday through Friday to answer inquiries and assist utility companies and their customers in

resolving disputes. Since 1999, they have answered at least 90% of their calls live and resolved approximately 50% of all complaints received within 30 days.

## **CONSERVATION PROGRAM**

### **Goals:**

- Improve the efficiency of electric use by Maine residential consumers, businesses and other organizations,
- Increase consumer awareness of cost effective options for conserving energy,
- Create more favorable, sustainable market conditions for the increased use of efficient products and services,
- Promote sustainable economic development, and
- Reduce environmental degradation associated with energy use.

**Objective:** Implement a portfolio of conservation programs pursuant to a Maine energy conservation plan

In response to the implementing statute, the Commission initiated Docket No. 2002-162, a formal program planning proceeding. By our own Chapter 380 rule the Commission reviews its conservation program plan at least once every 3 years.

**Objective:** Implement an organizational model for administration and management of energy conservation programs

The Commission has conducted a national review of the organizational models of other utility and non-utility organizations that operate energy efficiency programs. We have adopted a contractor delivery program model. Formal evaluations of each program are conducted triennially.

**Objective:** Create awareness of conservation programs and the value of energy efficiency by the general public and businesses and schools

Commission energy efficiency programs each have their own outreach strategies. Residential consumers are targeted through mass marketing and PR events. Businesses are reached through professional associations, mass marketing, trade allies, PR events. School administrative units are approached through trade associations, the Maine School Management Association, and the Maine Department of Education.

**Objective:** Increase the availability of energy efficient products and services through Maine businesses

The Commission works with more than 300 retail outlets to increase the availability of efficient lighting and appliances. Over 450 small and large mechanical and electrical contracting businesses are Efficiency Maine “trade allies” who work

through the program to provide efficient products and services to their customers. The Commission conducts training programs for architects, engineers and facility managers to improve the efficiency of energy service delivery.

Conservation program performance criteria are reported annually to the Utilities and Energy Committee. Criteria on which the Commission must report are stated in M.R.S.A. 35-A § 3211-A (11). The annual report, which is due December 1<sup>st</sup>, must include the following:

- A description of actions taken by the commission pursuant to this section, including descriptions of all conservation programs implemented during the prior 12 months and all conservation programs that the commission plans to implement during the next 12 months, a description of how the commission determines the cost effectiveness of each conservation program and its assessment of the cost effectiveness of programs implemented during the prior 12 months;
- An accounting of assessments made on each transmission and distribution utility pursuant to this section during the prior 12 months and projected assessments during the next 12 months; total deposits into and expenditures from the program fund during the prior 12 months and projected deposits into and expenditures from the program fund during the next 12 months; the amount and source of any grants or funds deposited in the program fund pursuant to subsection 5, paragraph D during the previous 12 months and the projected amount and source of any such funds during the next 12 months; and total deposits into and expenditures from the administration fund during the prior 12 months and projected deposits into and expenditures from the administration fund during the next 12 months;
- Any recommendations for changes to law relating to energy conservation; and
- The status of the progress towards meeting the goals of subsection 2, paragraph J and the strategies that have been implemented to meet those goals. The report also must include an accounting, to the extent available, of the energy savings that have been achieved by school administrative units after their school facility managers have been certified pursuant to subsection 2, paragraph J. A school administrative unit is not required to incur additional costs in order to supply information to the commission for its report.

In addition, the Commission conducts a formal review of the entire conservation program every 3 years. The last formal review by the Commission was conducted in 2006 in Docket No. 2005-446. At the conclusion of that formal review, the energy conservation program was found to be meeting or exceeding all goals and objectives laid out in statute.

## **E9-1-1 PROGRAM**

**Goal:** Develop and implement a statewide Enhanced 9-1-1 emergency telephone reporting system

**Objective:** Establish system design with a minimum numbers of Public Safety Answering Points (PSAPs) necessary to meet the legislative goal and operate the system effectively

The 121st Legislature enacted legislation (codified at 25 M.R.S.A. § 2926 (2-A)) setting a goal that the Emergency Services Communication Bureau (ESCB) consolidate PSAPs, to the extent possible, from between 16 to 24. In October 2007, this task was completed within the time lines established in the statute for an approved final total of 27 designated PSAPs.

**Objective:** Develop rules and procedures necessary to operate and manage the system including PSAP requirements

In 1994 the ESCB was granted legislative authority to conduct rulemakings. The ESCB has adopted rules to insure telephone company participation, allow timely emergency response in facilities with multiline telephone systems, and setting dispatcher training standards and PSAP ADA compliance requirements. The ESCB rules may be found at [http://www.maine9-1-1.com/laws\\_rules/rules.htm](http://www.maine9-1-1.com/laws_rules/rules.htm)

**Objective:** Implement a statewide technology upgrade to the E9-1-1 emergency telephone reporting system

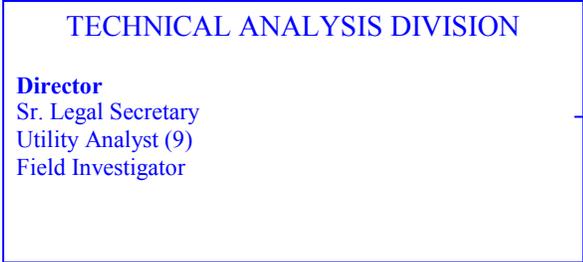
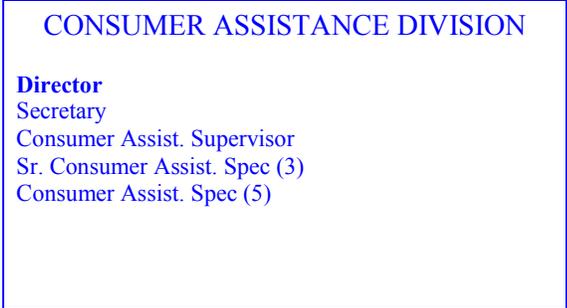
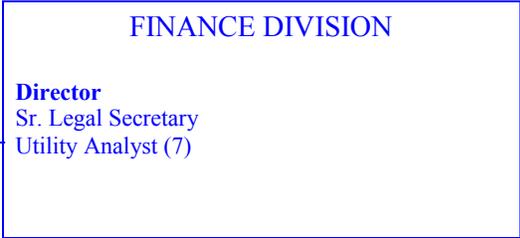
The ESCB has implemented:

- Capability of 100% Statewide Wireless/Cellular E9-1-1 reporting to the PSAP,
- Capability of 100% VoIP E9-1-1 reporting to the PSAP,
- Capability of 100% E9-1-1 mapped location identification,
- Digital E9-1-1 equipment at each PSAP,
- PSAP consolidation of 49 to 27 locations,
- Service Provider contract extension until 2012, and
- 98% community addressing in place.

Part 2 (C)

*Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility*

See the following attachments that provide this information.



## Public Utilities Commission

### 75.5 Positions Authorized

<b>Class Code</b>	<b>Position List</b>
0322	Accountant II
6592	Administrative Assistant
6558	Administrative Secretary
EU53	Administrative Director
EU80	Asst. Administrative Director
0997	Chairman – PUC
6542	Clerk III
6542	Clerk III
6542	Clerk III
6563	Clerk of the Commission
0998	Commissioner
0998	Commissioner
0374	Consumer Assistance Specialist
0352	Consumer Assistance Supervisor
EU53	Director of CAD
EU53	Director of Finance
EU53	Director of Technical Analysis
EU53	Director of Energy
MA34	Director Emergency Srvc Communications
CA27	Director of Special Projects
7045	E-911 Database Manager
6317	Energy Conservation Specialist
6321	Environmental Engineer
0067	Field Investigator
EU53	General Counsel
0928	Info System Support Specialist
6568	Information Associate
8001	Laborer I
6560	Legal Secretary



<b>Class Code</b>	<b>Position List</b>
CA01	Utility Analyst
CA01	Utility Analyst
CA01	Utility Analyst

Part 2 (D)

*Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers*

The Commission fully complies with the applicable requirements of the Americans with Disabilities Act, the Occupational Safety and Health Act, the Civil Rights Act of 1964, the Maine Human Rights Act, state workers' compensation law and all related regulation. The Commission works closely with the Bureau of Employee Relations, Division of Employee Health and Benefits and the Department of Labor to ensure compliance.

In addition, the Commission has a Health and Safety Team, conducts worksite evaluations, offers annual staff training in First Aid and CPR, and creatively encourages wellness activities for all our employees.

## Part 2 (E)

*Financial Summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years*

The chart included in this section represents the financial history of the Commission for the period of FY97 through FY07. The chart reflects expenses incurred by the Commission separated by Line Categories: Personal Services, Consulting, All Other and Capital.

### **REGULATORY PROGRAM**

The Regulatory Fund is funded with a “dedicated account” whose revenues are derived from an annual assessment against total gross in-state revenues of Maine’s regulated utilities.

Pursuant to 35-A M.R.S.A. § 116, on May 1 of each year an assessment is mailed to all utilities regulated by the Commission. The assessment is due on July 1. Funds derived from this assessment are for use during the fiscal year beginning on the same date on which the assessments are due. The Commission exempts a utility from the assessments if it’s gross annual revenues are less than or equal to \$50,000. For example, of the approximately 500 utilities the Commission regulated as of December 31, 2006, only 222 received an assessment because the exemption applied to 278 of the state’s smallest utilities.

Annual Reports filed with the Commission by the utilities include revenues from the previous year ending December 31st. Calculations are made to determine what percentage of the total reported revenues will provide the amount authorized by statute. The factor derived that will raise the authorized amount is applied against the reported revenues of each utility.

### **CONSERVATION PROGRAM**

The Conservation Fund was set in statute by M.R.S.A. 35-A § 3211-A (5). The fund is to be used by the Commission to implement energy conservation programs. Revenues for the fund are generated by quarterly assessments to transmission and distribution utilities as directed by § 3211-A (4).

### **E9-1-1 PROGRAM**

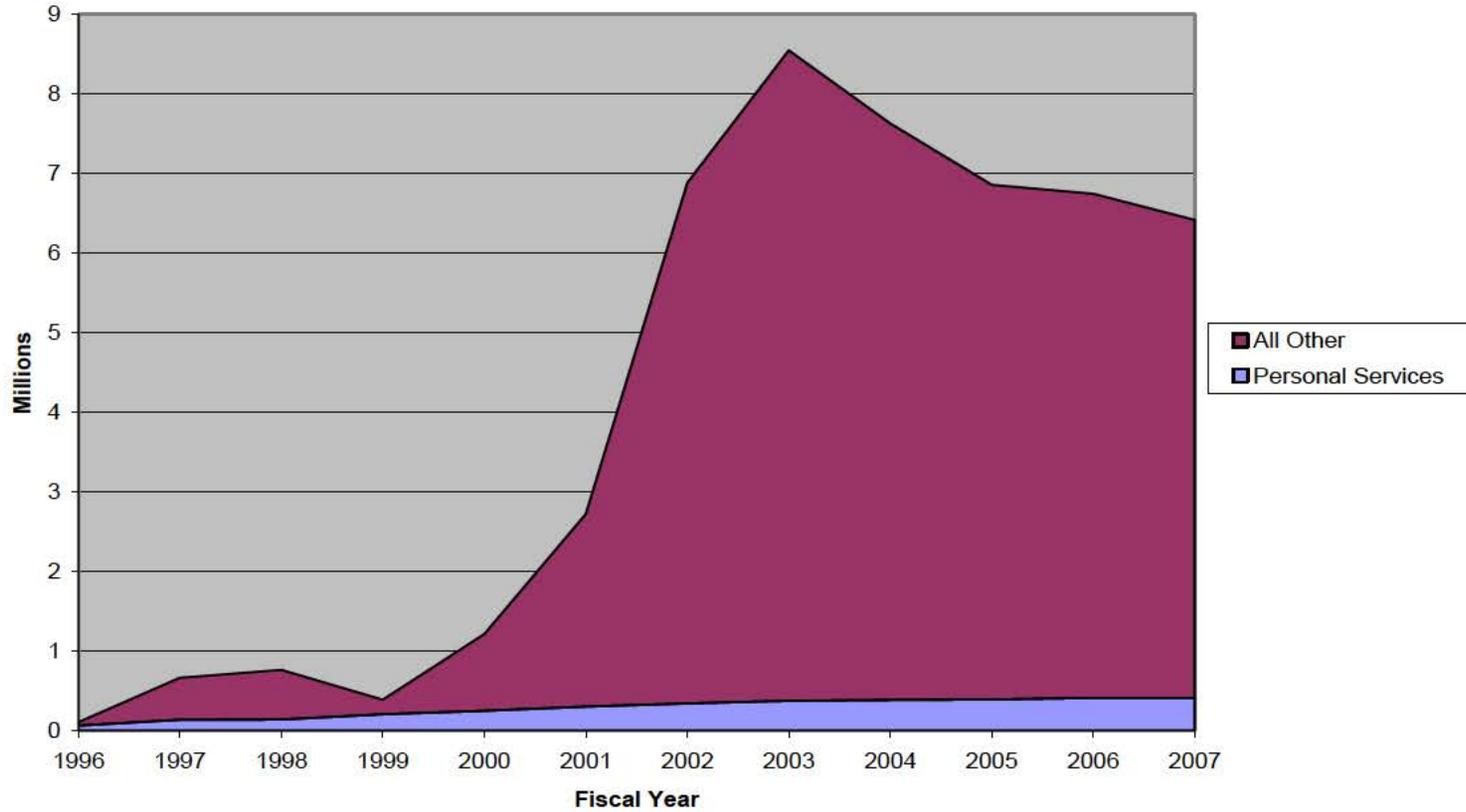
The E9-1-1 Fund is established in M.R.S.A. 25 § 2927 to fund costs associated with the implementation, operation and management of E9-1-1. Revenues are generated from a statewide E9-1-1 surcharge billed monthly at \$.50 per line or number, with some limitations.

<u>Program</u>	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Regulatory												
Personal Services	3,485,729	3,580,498	3,605,538	3,608,545	3,701,440	3,998,936	4,087,135	4,193,528	4,421,942	4,563,097	4,754,299	4,819,502
All Other	779,090	924,814	1,231,260	1,582,191	1,759,151	1,078,749	1,125,814	1,087,315	943,855	1,230,567	1,158,266	1,229,396
Capital	18,553	93,498	7,312	18,067	183,884				20,348			
Total	4,283,372	4,598,810	4,844,110	5,208,803	5,644,475	5,077,685	5,212,949	5,280,843	5,386,145	5,793,664	5,912,565	6,048,898
Conservation												
Personal Services								323,950	531,749	544,905	596,990	783,622
All Other								1,107,150	4,738,943	7,834,509	10,061,599	13,848,423
Capital												
Total							0	1,431,100	5,270,692	8,379,414	10,658,589	14,632,045
ESCB												
Personal Services	60,789	132,933	135,003	203,336	245,561	298,311	340,077	372,061	380,216	389,359	409,833	408,990
All Other	41,681	528,714	625,667	180,528	966,453	2,421,622	6,546,248	8,175,913	7,248,034	6,467,724	6,334,843	6,008,238
Capital												
Total	102,470	661,647	760,670	383,864	1,212,014	2,719,933	6,886,325	8,547,974	7,628,250	6,857,083	6,744,676	6,417,228

NOTE: From FY96 through the first quarter of FY04, ESCB was part of the Department of Public Safety, and they joined the PUC in the second quarter of FY04: FY 04 DPS expenditures = \$1,494,797; FY04 PUC expenditures = \$6,133,453

# Maine Public Utilities Commission ESCB Program

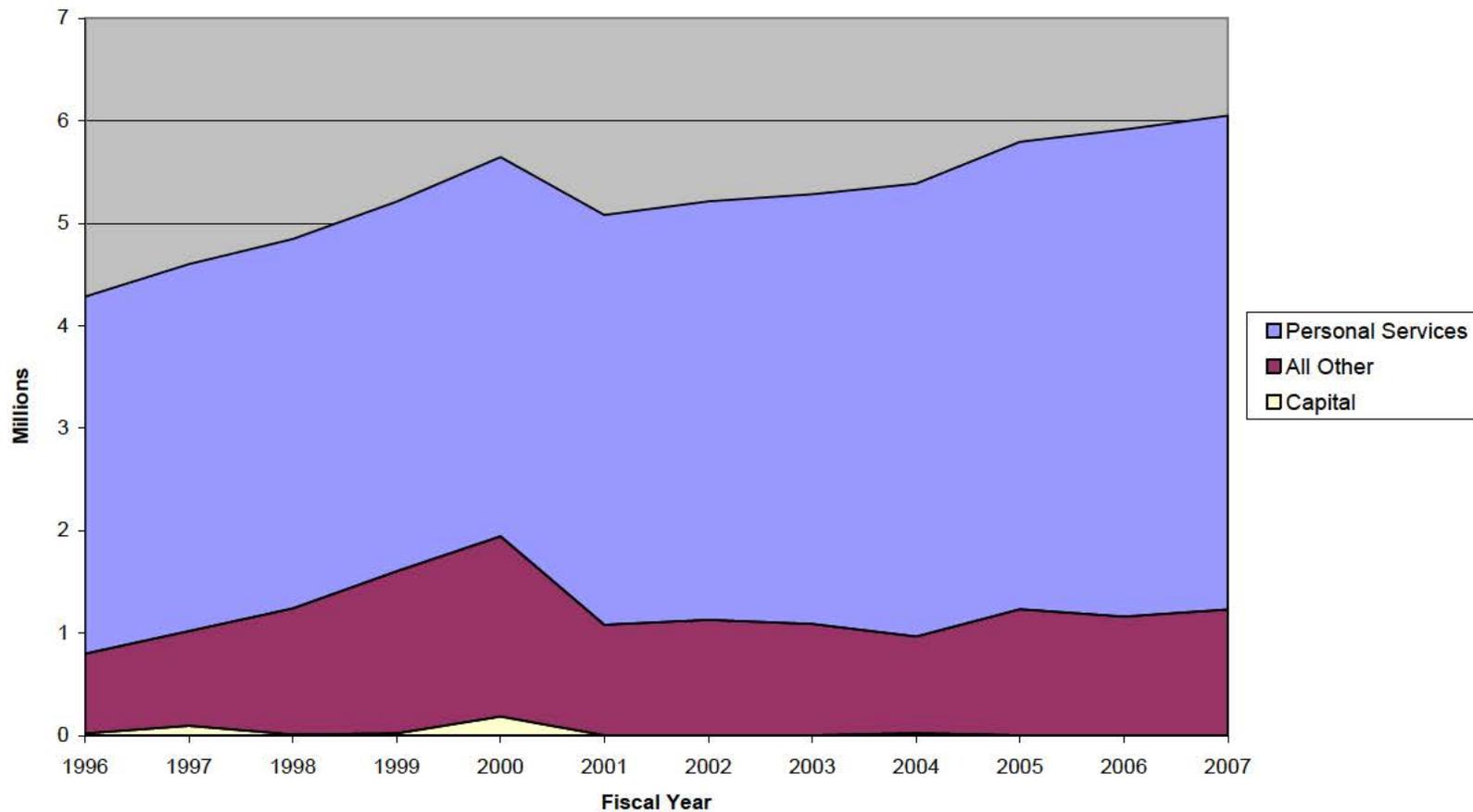
Expenditure Comparisons from FY 96 to FY 07



# Maine Public Utilities Commission

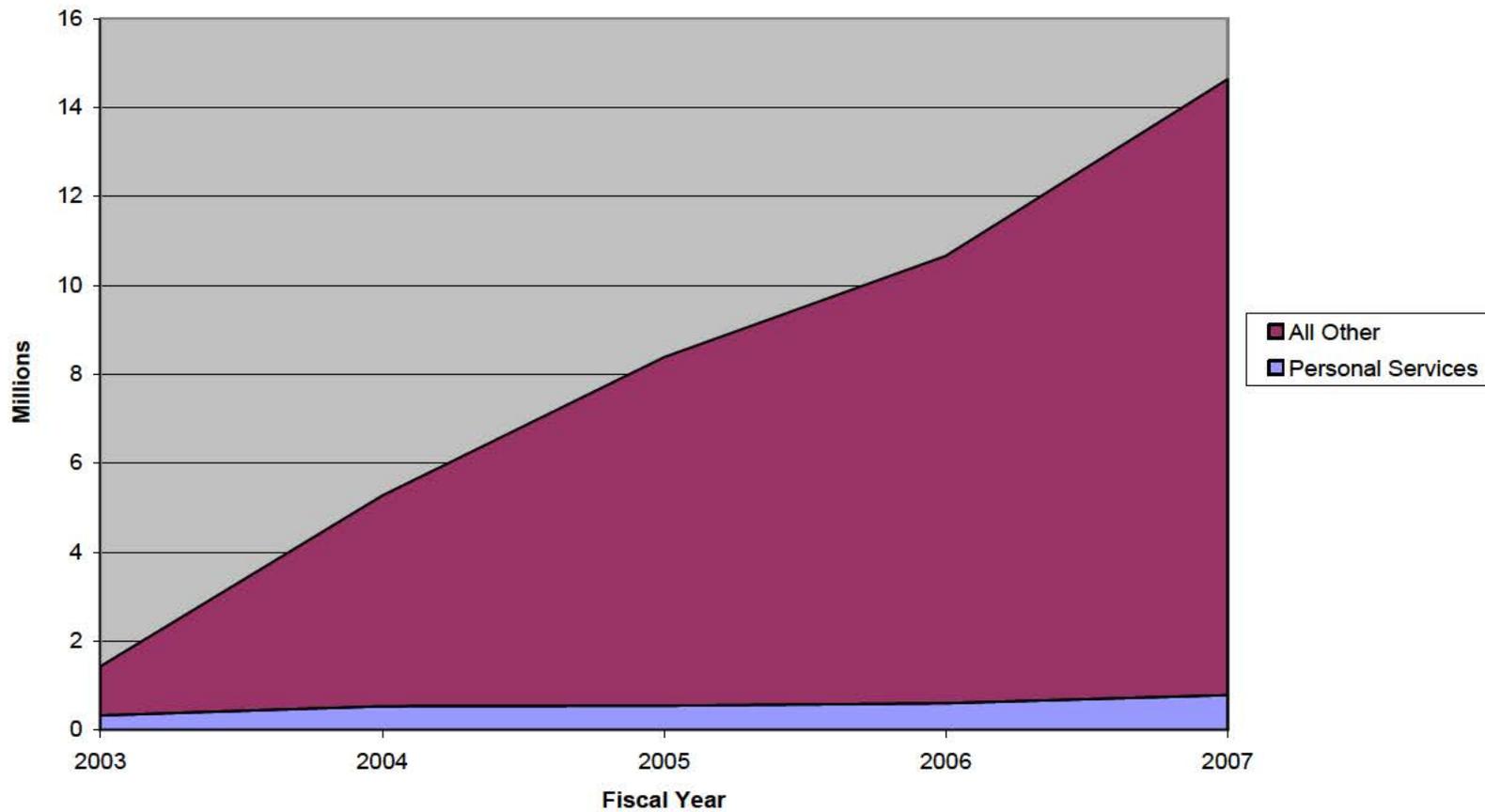
## Regulatory Program

Expenditure Comparisons from FY 96 to FY 07



# Maine Public Utilities Commission Conservation Program

Expenditure Comparisons from FY 03 TO FY 07



Part 2 (F)

*When applicable, the regulatory agenda and the summary of rules adopted*

The Commission submits its Regulatory Agenda to the Office of the Secretary of State every year. The Regulatory Agenda (for Regulatory, Conservation and E9-1-1 Programs), included in this section, contains chapter numbers and title of rules that may be amended, and also includes subject areas of new rules that may or must be adopted pursuant to recently enacted legislation.

Also included in this section is a summary of the 83 rules in effect as of October 15, 2007.

## **2007-2008 REGULATORY AGENDA**

**October 1 , 2007 – October 1, 2008**

**AGENCY UMBRELLA-UNIT NUMBER:** 65-407

**AGENCY NAME:** Maine Public Utilities Commission

**CONTACT PERSON:** Joanne B. Steneck, General Counsel, State House Station 18, Augusta, ME 04333. Tel: (207)287-1390; E-mail: [Joanne.steneck@maine.gov](mailto:Joanne.steneck@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS – BASED RULE DEVELOPMENT PROCESS:** At this time, the Commission does not anticipate engaging in the consensus – based rule development process described in 5 M.R.S.A. § 8051-B during 2007-2008.

### **EXPECTED 2007-2008 RULE-MAKING ACTIVITY:**

**CHAPTER 140:** Utility Service and Infrastructure Maps

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 301, 2102-2105, 2110

PURPOSE: To amend rule based on Commission's experience operating under the rule.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: All utilities.

**CHAPTER 200:** Telecommunication Carriers Reporting Requirements for Service Interruptions

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 301, 801-808

PURPOSE: To consider changes to reporting requirements for service interruptions.

ANTICIPATED SCHEDULE: Winter 2008

AFFECTED PARTIES: All telephone utilities.

**CHAPTER 210:** Uniform System of Accounts for Telephone Utilities

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 107, 111, 112, 501, 502, 504, 505, 507

PURPOSE: To conform the rule to the nationally established Uniform System of Accounts and update Annual Report requirements.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: All telephone utilities.

**CHAPTER 206:** Standards for Designating and Certifying Eligible Telecommunication Carriers (ETCs)

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 301, 7101, 7104

**PURPOSE:** To address the requirements that carriers seeking Eligible Telecommunication Carrier (ETC) must meet, including the components of basic service.

**ANTICIPATED SCHEDULE:** Fall 2007

**AFFECTED PARTIES:** All local exchange carriers and their customers and any other telecommunications company that is granted ETC status and its customers.

**CHAPTER 250:** Coin Operated Telephone (COCOT) Service

**STATUTORY AUTHORITY:** 35-A M.R.S.A. §§ 111, 301, 2010, 7301, 7503

**PURPOSE:** To determine what, if any, provisions of the rule remain necessary.

**ANTICIPATED SCHEDULE:** Summer 2008

**AFFECTED PARTIES:** COCOT providers and COCOT users.

**CHAPTER 2XX:** Requirements and Terms for Bundled Services Offered by Incumbent Local Exchange Carriers

**STATUTORY AUTHORITY:** 35-A M.R.S.A. §§ 104, 301, 111, 704, 705, and 7302

**PURPOSE:** To establish procedures associated with the provision of bundled services by Incumbent Local Exchange Carriers.

**ANTICIPATED SCHEDULE:** Spring 2008.

**AFFECTED PARTIES:** Incumbent Local Exchange Carriers and their customers.

**CHAPTER 301:** Standard Offer Service

**STATUTORY AUTHORITY:** 35-A M.R.S.A. §§ 111, 3212

**PURPOSE:** To consider changes to opt-out provisions.

**ANTICIPATED SCHEDULE:** Winter 2008

**AFFECTED PARTIES:** All transmission and distribution utilities, competitive electricity providers and their customers.

**CHAPTER 311:** Eligible Resource Portfolio Requests

**STATUTORY AUTHORITY:** 35-A M.R.S.A. § 3210(3-A)

**PURPOSE:** To amend rule to reflect recent statutory changes related to new portfolio requirements.

**ANTICIPATED SCHEDULE:** Winter 2008

**AFFECTED PARTIES:** All Competitive Electricity Providers

**CHAPTER 316:** Long Term Contracting/Resource Adequacy Planning

**STATUTORY AUTHORITY:** 35-A M.R.S.A. §§ 3210-C, 3210-D

**PURPOSE:** To incorporate statutory amendments.

**ANTICIPATED SCHEDULE:** Winter 2008

**AFFECTED PARTIES:** All transmission and distribution utilities, competitive electricity providers and their customers.

**CHAPTER 3XX:** Green Power Certification

**STATUTORY AUTHORITY:** 35-A M.R.S.A. § 3212-A

**PURPOSE:** To promote the use of green power.

**ANTICIPATED SCHEDULE:** Fall 2007

AFFECTED PARTIES: Green power suppliers, utilities.

**CHAPTER 420:** Safety of Gas Transmission and Distribution Systems

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 4702

PURPOSE: To revise existing gas safety standards for natural gas, liquid natural gas, and propane to comply with federal requirements, as well as to establish new state requirements consistent with current recommended safety practices.

ANTICIPATED SCHEDULE: Winter 2008

AFFECTED PARTIES: Gas utilities and the general public.

**CHAPTER 8XX:** Utility Service Standards for Credit and Collection Programs for Water Utilities

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 704

PURPOSE: To create a separate rule applicable to water utility credit and collection practices.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: Water utilities and their customers.

**CHAPTER 81:** Residential Utility Service Standards for Credit and Collection

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 704

PURPOSE: To eliminate this rule after a separate rule is established for water utilities.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: None.

**CHAPTER 86:** Disconnection and Deposit Regulations for Nonresidential Utility Services

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 111, 704, 705

PURPOSE: To eliminate this rule after a separate rule is established for water utilities.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: None.

**CHAPTER 8XX:** Requirements for Construction of Line Extensions

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 314

PURPOSE: To institute a uniform policy for T&Ds and telephone utilities for the construction and maintenance of, and customer charges for, line extensions.

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: Transmission and distribution utilities, telephone utilities and their customers.

**CHAPTER 930:** Solar Energy Rebate Program

STATUTORY AUTHORITY: 35-A M.R.S.A. § 3211-C

PURPOSE: To amend the solar rebate levels and energy audit requirements to make them consistent with recent statutory changes.

ANTICIPATED SCHEDULE: Fall 2007

AFFECTED PARTIES: Applicants for solar rebates.

**AGENCY UMBRELLA UNIT NUMBER:** 65-625

**AGENCY NAME:** Maine Public Utilities Commission, Emergency Services  
Communication Bureau

**CONTACT PERSON:** Albert E. Gervenack, Director, ESCB, 15 Oak Grove Road,  
Vassalboro, ME 04989-3201. Tel: (207) 877-8052; Email:  
[albert.e.gervenack@maine.gov](mailto:albert.e.gervenack@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2007-2008 RULE-MAKING ACTIVITY:**

**CHAPTER XXX:** Requirements to Provide E9-1-1 Access after Telephone  
Disconnection

STATUTORY AUTHORITY: 25 M.R.S.A. § 2935

PURPOSE: Establish circumstances in which a telecommunications carrier must retain  
“soft dialtone” at a residence that otherwise retains no telephone service from that  
carrier.

ANTICIPATED SCHEDULE: December 2007

AFFECTED PARTIES: Telephone utilities and their customers.

**CHAPTER XXX:** Contributions to E9-1-1 Fund

STATUTORY AUTHORITY: 25 M.R.S.A. § 2927(8)

PURPOSE: Establish methods for telecommunications carriers, including prepaid  
wireless telephone service providers and VOIP providers, to contribute to the statewide  
E-9-1-1 fund.

ANTICIPATED SCHEDULE: Spring 2008

AFFECTED PARTIES: Telephone utilities companies providing prepaid wireless  
telephone service and VOIP service and their customers.

**Chapter XXX:** Wireless Standards for E9-1-1

STATUTORY AUTHORITY: 25 M.R.S.A. §§ 2926, 2933

PURPOSE: To add E9-1-1 wireless carrier requirements for pre-deployment,  
deployment, and post deployment activities.

ANTICIPATED SCHEDULE: Fall 2007

AFFECTED PARTIES: Wireless carriers operating in Maine.

**SUMMARY OF MAINE PUBLIC UTILITIES COMMISSION RULES**  
**(In effect as of 10/2007)**

**PART 1 – PROCEDURAL RULES**

**Chapter 110 – RULES OF PRACTICE AND PROCEDURE**

SUMMARY: This rule establishes rules of practice and procedure before the Maine Public Utilities Commission

**CHAPTER 120 – FILING REQUIREMENTS FOR SCHEDULES OF RATES, TERMS AND CONDITIONS**

SUMMARY: This rule establishes requirements for the form, content, and organization of all filings of schedules of rates and terms and conditions by public utilities with the Public Utilities Commission, and specifies additional information to be submitted in connection with general rate cases.

**CHAPTER 130 – SAFETY AND ACCIDENT REPORTING REQUIREMENTS**

SUMMARY: This rule establishes reporting and investigation requirements for utility-related accidents. The rule clarifies the scope of the privilege against discovery, use as evidence, and disclosure under the Freedom of Access Law.

**CHAPTER 140 – UTILITY SERVICE AREA AND INFRASTRUCTURE MAPS**

SUMMARY – This rule requires certain public utilities to develop, maintain, and file with the Commission maps of their service area and key infrastructure. This rule further establishes standards for the content and format of those maps.

**PART 2 – COMMUNICATIONS**

**CHAPTER 20 – REPORTING REQUIREMENTS FOR LOCAL EXCHANGE CARRIERS**

SUMMARY: This rule requires local exchange carriers to notify the Commission of scheduled cut-overs in central office switching equipment conversion projects and to notify the Commission of major service interruptions.

**CHAPTER 202 – REQUIREMENTS FOR AUDIOTEXT (PAY-PER-CALL) SERVICES**

SUMMARY: This rule, applicable to all telephone utilities that offer basic local exchange service, establishes rules for the billing and collection of audiotext or pay-per-call service. The rule requires a minimum bill format and describes the minimum content of customer education materials that must be issued by telephone utilities.

## **CHAPTER 204 – BASIC SERVICE CALLING AREA**

SUMMARY: This rule establishes the criteria and the procedures that the Commission, Local Exchange Carriers and others who provide telephone service in Maine, will follow to establish and change basic-service calling areas.

## **CHAPTER 210 – UNIFORM SYSTEM OF ACCOUNTS-TELEPHONE UTILITIES**

SUMMARY: This rule establishes a uniform system of accounting for all telephone utilities.

## **CHAPTER 214 – EXEMPTION OF TELEPHONE UTILITIES FROM CERTAIN FILING AND APPROVAL REQUIREMENTS**

SUMMARY: This rule exempts certain telephone utilities, with respect to certain services, from the filing requirements of Title 35-A M.R.S.A. §§ 304, 307, and 310 and establishes conditions under which the Commission may grant additional exemptions.

## **CHAPTER 230 – INSTALLATION, MAINTENANCE AND OWNERSHIP OF CUSTOMER PREMISES WIRE**

SUMMARY: This rule establishes the Commission's policies concerning the installation, maintenance and ownership of customer premises wire.

## **CHAPTER 240 – MOBILE TELECOMMUNICATIONS SERVICES**

SUMMARY: This rule governs mobile telecommunications services when provided by a public utility.

## **CHAPTER 25 – COIN-OPERATED TELEPHONE SERVICE**

SUMMARY: This rule establishes the minimum requirements for the provision of public and semi-public Customer-Owned Coin-Operated Telephone (COCOT) service and Local Exchange Carrier Coin-Operated Telephone (LECCOT) service. Because the Commission finds that the existence of competition in the pay telephone market furthers the public convenience and necessity, the rule streamlines the COCOT certification process. The rule also provides the procedural requirements for disconnection or termination of COCOT service.

## **CHAPTER 280 – PROVISION OF COMPETITIVE TELECOMMUNICATIONS SERVICES**

SUMMARY: This rule establishes access charges for the provision of competitive services and describes the process for intrastate competitive telecommunications carriers to obtain authority from the Commission to provide service.

## **CHAPTER 285 – MAINE TELECOMMUNICATIONS EDUCATION ACCESS FUND**

SUMMARY: This rule describes the process for telecommunications carriers to contribute to the Maine Telecommunications Education Access Fund and the process for approving expenditures from the Fund .

## **CHAPTER 288 – HIGH COST UNIVERSAL SERVICE FUND**

SUMMARY: This rule describes how “high cost” support will be available for those local exchange telephone companies that are not able to maintain affordable and reasonably comparable local service rates without that support. The rule also describes the assessment on intrastate retail service revenues of all telecommunications providers.

## **CHAPTER 290 – STANDARDS FOR BILLING, CREDIT AND COLLECTIONS, AND CUSTOMER INFORMATION FOR ELIGIBLE TELECOMMUNICATIONS CARRIERS PROVIDING BASIS TELEPHONE SERVICE**

SUMMARY: This rule establishes consumer protections for the provision of local exchange telephone service by eligible telecommunications carriers in Maine. The rule governs interruptions in service, the granting and denying of service, provision of consumer information, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining exemptions.

## **CHAPTER 291 – STANDARDS FOR BILLING, CREDIT AND COLLECTION, AND CUSTOMER INFORMATION FOR NON-ELIGIBLE TELECOMMUNICATIONS CARRIERS**

SUMMARY: This rule establishes consumer protections for the provision of local exchange telephone service by non-eligible telecommunications carriers in Maine. The rule governs interruptions in service, the granting and denying of service, provision of consumer information, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining exemptions.

## **CHAPTER 292 – STANDARDS FOR BILLING, CREDIT AND COLLECTION, AND CUSTOMER INFORMATION FOR INTEREXCHANGE CARRIERS**

SUMMARY: This rule establishes consumer protections for the provision of interexchange telephone service in Maine. The rule governs interruptions in service, the provision of consumer information, billing, disconnection, customer complaint procedures and methods of obtaining exemptions and variations from this Chapter.

## **CHAPTER 293 – ABANDONMENT OF SERVICE AND AUTHORITY TO PROVIDE SERVICE AND TRANSFER OF CUSTOMERS BY COMPETITIVE TELECOMMUNICATIONS CARRIERS**

SUMMARY: This rule provides the method for competitive telecommunications carriers to abandon service and terminate their authority to provide service, and governs transfers of customers from one carrier to another.

## **CHAPTER 294 – LIFELINE AND LINK UP SERVICE PROGRAMS**

SUMMARY: This rule establishes eligibility criteria for Maine's Lifeline and Link Up programs to assist low income customers pay for telephone service. In addition, the rule addresses the level of discounts and verification of eligibility.

## **CHAPTER 296 – SELECTION OF PRIMARY INTEREXCHANGE AND LOCAL EXCHANGE CARRIERS**

SUMMARY: This rule prohibits telecommunications carriers from changing a customer's preferred telecommunications carrier without first receiving the customer's authorization and allows customers to "freeze" their preferred carrier selections. The rule establishes requirements for soliciting, imposing, and lifting preferred carrier freezes and establishes penalty procedures for violations.

## **CHAPTER 297 – ANTI-CRAMMING RULE: REGISTRATION REQUIREMENTS, COMPLAINT PROCEDURES AND PENALTY PROVISIONS FOR SERVICE PROVIDERS AND BILLING AGGREGATORS**

SUMMARY: This rule prohibits telephone utilities from placing charges for services on a customer's bill without first receiving the customer's authorization. The rule also establishes a registration process for billing aggregators and service providers and establishes penalty procedures for violations.

## **PART 3 – ELECTRIC UTILITIES**

### **CHAPTER 301 – STANDARD OFFER SERVICE**

SUMMARY: This rule establishes terms and conditions for standard offer service for electric generation, and establishes a methodology for selecting standard offer providers.

### **CHAPTER 302 – CONSUMER EDUCATION PROGRAM; ELECTRIC INDUSTRY RESTRUCTURING**

SUMMARY: This rule implements a consumer education program to educate the public about implementation of retail access and establishes a funding mechanism for the program.

## **CHAPTER 303 – EMPLOYEE TRANSITION BENEFITS**

SUMMARY: This rule establishes the procedures to be followed to determine whether an employee of an investor-owned utility or its successor is eligible to receive transition services and benefits, the standards under which the Commission will review a utility's employee benefits transition plan, and the regulatory treatment of the costs associated with providing the employee transition benefits.

## **CHAPTER 304 – STANDARDS OF CONDUCT FOR TRANSMISSION AND DISTRIBUTION UTILITIES AND AFFILIATED COMPETITIVE ELECTRICITY PROVIDERS**

SUMMARY: This rule establishes standards of conduct applicable to both large and small investor-owned distribution utilities and affiliated competitive providers, a method of tracking the retail sales made by an affiliated competitive provider within the service territory of its affiliated distribution utility and a requirement that consumer-owned utilities notify the Commission of any wholesale generation sales.

## **CHAPTER 305 – LICENSING REQUIREMENTS, ANNUAL REPORTING, ENFORCEMENT AND CONSUMER PROTECTION PROVISIONS FOR COMPETITIVE PROVISION OF ELECTRICITY**

SUMMARY: This rule establishes licensing requirements for competitive electricity providers, which include marketers, brokers and aggregators. It includes procedural rules governing application for licensing, revocation and enforcement, and annual reporting provisions. It also establishes consumer protection rules applicable to competitive electricity providers.

## **CHAPTER 306 – UNIFORM INFORMATION DISCLOSURE AND INFORMATIONAL FILING REQUIREMENTS**

SUMMARY: This rule contains requirements for competitive electricity providers to disclose price, contract, resource mix, and emissions information to customers in a uniform format. It also contains requirements for informational filings by competitive providers.

## **CHAPTER 307 – SALE OF CAPACITY AND ENERGY; EXTENSIONS FOR DIVESTITURE OF ASSETS**

SUMMARY: This rule governs the sale of capacity and energy of generation assets and generation-related business activities that are not divested by investor-owned electric utilities.

## **CHAPTER 310 – UNIFORM SYSTEMS OF ACCOUNTS FOR ELECTRIC UTILITIES**

SUMMARY: This rule establishes a uniform system of accounts for electric utilities.

## **CHAPTER 311 - ELIGIBLE RESOURCE PORTFOLIO REQUIREMENT**

SUMMARY: This Chapter establishes requirements and standards for implementing the eligible resource portfolio requirement.

## **CHAPTER 312 – VOLUNTARY RENEWABLE RESOURCE RESEARCH AND DEVELOPMENT FUND**

SUMMARY: This rule establishes a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development.

## **CHAPTER 313 – CUSTOMER NET ENERGY BILLING**

SUMMARY: This rule establishes the requirements for net energy billing.

## **CHAPTER 314 – STATEWIDE LOW-INCOME ASSISTANCE PLAN**

SUMMARY: This rule establishes the standard design, as well as the administration and funding criteria for a Statewide Low-Income Assistance Plan to assist qualified low-income customers pay their electric bills.

## **CHAPTER 315 – SMALL GENERATOR AGGREGATION**

SUMMARY: This rule establishes the requirements for standard offer providers to purchase electricity from small generators.

## **CHAPTER 316 – LONG-TERM CONTRACTING AND RESOURCE ADEQUACY**

SUMMARY: This rule establishes the requirements, standards and procedures governing the authorization of long-term contracts for capacity resources and associated energy and establishes an electric resource adequacy plan.

## **CHAPTER 32 – ELECTRIC UTILITIES SERVICE STANDARDS**

SUMMARY: This rule establishes service standards for electric utilities.

## **CHAPTER 321 – LOAD OBLIGATION AND SETTLEMENT CALCULATIONS FOR COMPETITIVE PROVIDERS OF ELECTRICITY**

SUMMARY: This rule establishes requirements governing the calculation of hourly and monthly loads by transmission and distribution utilities for competitive

electricity providers operating in Maine, for purposes of determining their retail load obligations within bulk power systems operating in the region.

### **CHAPTER 322 – METERING, BILLING, COLLECTIONS, AND ENROLLMENT INTERACTIONS AMONG TRANSMISSION AND DISTRIBUTION UTILITIES AND COMPETITIVE ELECTRICITY PROVIDERS**

SUMMARY: This rule establishes terms and standards governing metering, billing and collections by transmission and distribution utilities and by competitive electricity providers operating in Maine. It also establishes procedures governing customer enrollment for generation service, transfers among generation service providers, and termination of generation service.

### **CHAPTER 323 – ELECTRONIC BUSINESS TRANSACTIONS STANDARDS**

SUMMARY: This rule establishes business processes and defines electronic transactions necessary to support retail competition. The rule adopts the Maine Electronic Business Transactions (EBT) Standards appended to this rule.

### **CHAPTER 330 – FILING REQUIREMENTS FOR PETITIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC TRANSMISSION FACILITIES AND STANDARDS FOR GRANTING CERTIFICATES**

SUMMARY: This rule establishes filing requirements for petitions for certificates of public convenience and necessity for the construction of new transmission lines of 100 kilovolts or more, and for amendments to agreements regarding such construction. This rule also establishes filing requirements for rebuilding and relocating transmission lines of 100 kilovolts or more. In addition, this rule establishes filing requirements for transmission lines financed, permitted, constructed, owned or operated by the Northern Maine Transmission Corporation or financed by the Finance Authority of Maine.

### **CHAPTER 332 – FILING REQUIREMENTS FOR PETITIONS OF PUBLIC CONVENIENCE AND NECESSITY FOR PURCHASES OF ENERGY OR FUEL CONVERSION OF GENERATING FACILITIES**

SUMMARY: This rule establishes filing requirements for petitions of public convenience and necessity for purchases of generating capacity, energy or transmission capacity or fuel conversion of generating facilities of more than 1,000 kilowatts.

## **CHAPTER 334 – FILING REQUIREMENTS FOR PETITIONS OF PUBLIC CONVENIENCE AND NECESSITY FOR SIGNIFICANT AGREEMENTS RELATING TO GENERATING, ENERGY OR TRANSMISSION CAPACITY**

SUMMARY: This rule establishes filing requirements for petitions of public convenience and necessity for significant agreements and contracts relating to generating capacity, energy or transmission capacity.

## **CHAPTER 35 – ACCOUNTING TREATMENT FOR AREA LIGHTING**

SUMMARY: This rule establishes specific accounting procedures for area lighting.

## **CHAPTER 360 – COGENERATION AND SMALL POWER PRODUCTION**

SUMMARY: This rule establishes the principles and procedures for setting rates for purchases of electricity from small power production facilities and cogenerators.

## **CHAPTER 380 – ELECTRIC ENERGY CONSERVATION PROGRAMS BY ELECTRIC TRANSMISSION AND DISTRIBUTION UTILITIES**

SUMMARY: This rule implements portions of the requirements of the State's electric energy conservation program.

## **CHAPTER 381 - SELECTION OF CONSERVATION PROGRAM SERVICE PROVIDERS**

SUMMARY: This rule establishes the procedures governing the selection of service providers for conservation programs.

## **CHAPTER 395 – CONSTRUCTION STANDARDS AND OWNERSHIP AND COST ALLOCATION RULES FOR ELECTRIC DISTRIBUTION LINE EXTENSIONS**

SUMMARY: This rule establishes the requirements for persons who construct electric distribution line extensions, including the development and approval of construction standards qualifications to perform tasks associated with building line extensions, and dispute resolution procedures. In addition, it governs the ownership of electric distribution line extensions and the method for reapportioning construction costs among customers who receive service from them.

## **PART 4 – GAS**

## **CHAPTER 410 – UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES**

SUMMARY: This rule establishes a uniform system of accounts for gas utilities.

## **CHAPTER 420 – SAFETY OF GAS TRANSMISSION AND DISTRIBUTION SYSTEMS**

SUMMARY: This rule establishes safety requirements for gas transmission and distribution systems for natural gas and for liquefied natural gas installations.

## **CHAPTER 430 – COST OF GAS ADJUSTMENT FOR GAS UTILITIES**

SUMMARY: This rule establishes rules for calculation of gas cost adjustments, procedures to be followed in establishing gas cost adjustments and refunds, and describes reports required to be filed with the Commission.

## **CHAPTER 480 – NATURAL GAS ENERGY CONSERVATION PROGRAMS**

SUMMARY: This rule describes how natural gas utilities serving more than 5,000 residential customers must implement natural gas energy conservation programs.

## **PART 5 – TRANSPORTATION**

### **CHAPTER 510 – AUTHORIZATION AND OPERATION OF FERRIES IN CASCO BAY**

SUMMARY: This rule governs authorization of ferries in Casco Bay.

### **CHAPTER 520 - TOUR, CHARTER AND WATER TAXI SERVICES AND UNSCHEDULED FREIGHT SERVICES IN CASCO BAY**

SUMMARY: This rule governs unscheduled freight, tours, charters, and water taxi services in Casco Bay.

### **CHAPTER 560 – PUBLICATION AND POSTING REQUIREMENTS FOR RATE CHANGES FILED BY THE CASCO BAY ISLAND TRANSIT DISTRICT**

SUMMARY: This rule establishes public notice requirements for rate changes filed by Casco Bay Island Transit District.

## **PART 6 – WATER**

### **CHAPTER 610 – UNIFORM SYSTEM OF ACCOUNTS FOR WATER UTILITIES**

SUMMARY: This rule establishes a uniform system of accounts for water utilities.

## **CHAPTER 62 – SERVICE STANDARDS FOR WATER UTILITIES**

SUMMARY: This rule describes requirements related to jobbing, conditions of service, seasonal service, low and high pressure areas, limited service contracts, and metering.

## **CHAPTER 63 – MAJOR CONSTRUCTION PROJECTS OF WATER UTILITIES**

SUMMARY: This rule requires water utilities to inform the Commission of construction projects which exceed the lesser of 5% of the utility's fixed capital investment, or \$1,000,000.

## **CHAPTER 640 – PRIVATE FIRE PROTECTION SERVICES**

SUMMARY: This rule requires water utilities to account for those portions of water lines for private fire protection service which are within highway limits, provides a methodology for determining the allocation of costs between public and private fire protection, and establishes general provisions for private fire protection service.

## **CHAPTER 65 – WATER MAIN EXTENSION AND SERVICE LINE RULE**

SUMMARY: This rule establishes standards and conditions for the extension of water utility services.

## **CHAPTER 68 – WATER UTILITIES DEPRECIATION RATE**

SUMMARY: This rule establishes the procedures for estimating the depreciation rates for the plant of water utilities.

## **CHAPTER 69 – DETERMINATION OF FIRE PROTECTION REVENUES FOR WATER UTILITIES**

SUMMARY: This rule establishes a formula for determining for ratemaking purposes, the percentage of gross revenues that water utilities should derive from fire protection charges.

## **CHAPTER 691 – SALE OF WATER RESOURCE LAND**

SUMMARY: The rule requires an eight month advance notice period whenever a consumer-owned water utility intends to transfer water resource land, and provides an assignable right of first refusal to the municipality or municipalities where the land is located. The rule also provides a mechanism for customers to obtain information about the sale and to obtain Commission review of the sale.

## **PART 7 – ACCOUNTING GENERAL**

### **CHAPTER 710 – AUDITING REQUIREMENTS FOR ALL PUBLIC UTILITIES**

SUMMARY: This rule establishes auditing requirements for the accounts of all public utilities.

### **CHAPTER 720 – COMPLIANCE WITH THE GAAP REQUIREMENTS OF STATEMENT OF FINANCIAL ACCOUNTING STANDARD NO. 109 ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS BOARD**

SUMMARY: This rule establishes the regulatory accounting and reporting requirements related to compliance by public utilities in Maine that are subject to the Generally Accepted Accounting Principles that are set forth by the Financial Accounting Standards Board in Statement of Financial Accounting Standard No. 109, Accounting for Income Taxes.

### **CHAPTER 730 - COMPLIANCE BY PUBLIC UTILITIES WITH THE REQUIREMENTS OF STATEMENT OF FINANCIAL ACCOUNTING STANDARD NO. 109 ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS BOARD**

SUMMARY: This rule establishes the regulatory accounting and reporting requirements related to compliance by public utilities in Maine that are subject to the Generally Accepted Accounting Principles that are set forth by the Financial Accounting Standards Board in Statement of Financial Accounting Standard No. 109, Accounting for Income Taxes.

## **PART 8 – MULTI-UTILITY**

### **CHAPTER 81 – RESIDENTIAL UTILITY SERVICE STANDARDS FOR CREDIT AND COLLECTION PROGRAMS**

SUMMARY: This rule establishes the minimum standards of fairness in credit and collection programs. It governs granting and denying service, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining exemptions or variances.

### **CHAPTER 815 – CONSUMER PROTECTION STANDARDS FOR ELECTRIC AND GAS TRANSMISSION AND DISTRIBUTION UTILITIES**

SUMMARY: This rule establishes the minimum standards for the provision of service and the administration of credit and collection programs by electric and gas transmission and distribution utilities. These rules govern granting and denying service, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining waivers from this rule.

## **CHAPTER 820 – UTILITY REQUIREMENTS FOR NON-CORE ACTIVITIES AND TRANSACTIONS BETWEEN AFFILIATES**

SUMMARY: This rule describes the record keeping, accounting and structural requirements that Maine utilities must comply with if they engage in non-core business activities.

## **CHAPTER 83 – POLITICAL ACTIVITIES, INSTITUTIONAL ADVERTISING, PROMOTIONAL ADVERTISING, AND PROMOTIONAL ALLOWANCES BY PUBLIC UTILITIES**

SUMMARY: This rule requires all public utilities to file annual reports describing their political activities, institutional advertising, promotional advertising, and promotional allowances; requires detailed and separate accounting for expenses associated with political activities, institutional advertising, promotional advertising, and promotional allowances; prohibits any electric or gas utility from providing promotional allowances without prior Commission approval; and establishes Commission policy and ratemaking treatment for expenses associated with political activities, institutional advertising, promotional advertising, and promotional allowances.

## **CHAPTER 840 – INTERVENOR FUNDING**

SUMMARY: This rule describes the eligibility requirements for award of intervenor funding.

## **CHAPTER 85 – REGULATORY PROCEEDING EXPENSES**

SUMMARY: This rule defines regulatory proceeding expenses; sets forth reporting requirements for these expenses; and establishes criteria to be used in determining the reasonableness of those expenses.

## **CHAPTER 86 – DISCONNECTION AND DEPOSIT REGULATIONS FOR NONRESIDENTIAL UTILITY SERVICE**

SUMMARY: This rule governs the disconnection of, and the collection of deposits from, the nonresidential customers, except those having no full-time employees. The rule includes procedures for Commission review of disputes relating to deposits or disconnections. The extension of service to customers who owe overdue bills to the utility is also covered in the rule, and provisions relating to late payment charges have also been included.

## **CHAPTER 870 – LATE PAYMENT CHARGES, INTEREST RATES TO BE PAID ON CUSTOMER DEPOSITS, AND CHARGES FOR RETURNED CHECKS**

SUMMARY: This rule establishes the maximum interest rate that public utilities may charge customers on balances that remain unpaid for no less than twenty-five days

from the postmark date of the customer's bill. The rule also provides for a just and reasonable interest rate for customer deposits, and establishes the maximum fee that may be charged for checks returned for nonpayment.

#### **CHAPTER 880 – ATTACHMENTS TO JOINT-USE UTILITY POLES; DETERMINATION AND ALLOCATION OF COSTS; PROCEDURE**

SUMMARY: This rule establishes the amounts which electric utilities, telephone utilities and cable television systems may include in their cost of service for attachments to joint-use utility poles; the allocation of those costs among joint users; and the procedure for establishing cost responsibility and rates.

#### **CHAPTER 89 – CONFIDENTIALITY OF CUSTOMER RECORDS**

SUMMARY: This rule requires that records of a customer's credit history that are in the possession of a utility may be inspected by the Commission. It also clarifies that such records which are provided to the Commission are confidential and therefore not available for public inspection.

#### **CHAPTER 895 - UNDERGROUND FACILITY DAMAGE PREVENTION REQUIREMENTS**

SUMMARY: This rule describes the responsibilities of excavators, underground facility operators, the damage prevention system (Dig Safe System, Inc.), and the Public Utilities Commission in implementing Maine's underground facility damage prevention statute. The rule establishes notification, marking, and reporting procedures, defines violations and penalties, and describes the process by which the Public Utilities Commission will enforce the program and monitor its success.

#### **PART 9 - MISCELLANEOUS**

#### **CHAPTER 910 – SAFETY OF OVERHEAD UTILITY LINES CROSSING WATER AND ADJACENT AREAS SUITABLE FOR RIGGING, LAUNCHING, AND OPERATING BOATS**

SUMMARY: This rule establishes safety requirements for overhead utility lines crossing areas of water and adjacent rigging and launching areas where boats may come into contact with the overhead lines.

#### **CHAPTER 920 – MAINE MODEL BUILDING ENERGY CODE**

SUMMARY: This rule establishes the standards that comprise the Maine Model Building Energy Code applicable to construction in Maine.

## **CHAPTER 930 – SOLAR ENERGY REBATE PROGRAM**

SUMMARY: This rule establishes the standards and procedures necessary to implement the solar energy rebate program.

## **EMERGENCY SERVICES COMMUNICATIONS BUREAU**

### **CHAPTER 1 – STANDARDS FOR ESTABLISHING A STATEWIDE ENHANCED 9-1-1 SYSTEM**

SUMMARY: This rule outlines the standards, specifications, and procedures to establish a statewide Enhanced 9-1-1 system pursuant to 25 M.R.S.A. § 2926.

### **CHAPTER 2 – REQUIREMENTS FOR THE ENHANCED 9-1-1 SYSTEM SERVICE PROVIDER AND LOCAL EXCHANGE CARRIERS**

SUMMARY: This rule establishes requirements for the Enhanced 9-1-1 System Service Provider and Local Exchange Carriers pursuant to 25 M.R.S.A. § 2933. It includes requirements for network design, connectivity, database provisioning, outage notification procedures and financial reimbursements for LECs.

### **CHAPTER 11 – PBX/MULTILINE TELEPHONE SYSTEM (MLTS) REQUIREMENTS**

SUMMARY: This rule establishes the requirements to allow timely emergency response in facilities with multiline telephone systems.

## Part 2 (G)

*Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements*

### **REGULATORY PROGRAM**

The Commission's program goals and objectives are summarized in our response to § 956 (2) (B). The Commission coordinates with a variety of other state agencies to achieve our program goals and objectives. As discussed in more detail below, other state agencies and entities with whom the Commission routinely interacts include: the Department of Environmental Protection (DEP), the Department of Health and Human Services (DHHS), the Department of Transportation (DOT), the Maine State Housing Authority (MSHA), the Department of Public Safety (DPS), Maine Office of Geographical Information Services (MEGIS), the Maine Forest Service, the Office of Information Technology (OIT), the Department of Education (DOE), the State Planning Office (SPO), the Office of the Public Advocate (OPA), the Office of the Attorney General (AG), the Maine Municipal Bond Bank (MMBB), the Department of Economic and Community Development (DECD), the Department of Administrative and Financial Services (DAFS), the Office of Energy Independence and Security (OEIS), the Land Use Regulatory Commission (LURC), the ConnectME Authority and the Maine Emergency Management Agency (MEMA).

At the federal level, the Commission works closely with the Federal Energy Regulatory Commission (FERC), the Environmental Protection Agency (EPA), the Federal Communications Commission (FCC), Department of Energy, Department of Housing and Urban Development (HUD), the Federal Trade Commission (FTC), the National Telecommunications and Information Administration (NTIA), the United States Department of Transportation (USDOT), the United States Postal Service (USPS), the United States Geological Survey (USGS) and the Nuclear Regulatory Commission (NRC).

In addition to substantial interaction with other entities at the state and federal level, the Commission interacts with other state regulatory commissions at the regional level through the New England Conference of Public Utility Commissioners (NECPUC) and at the national level through the National Association of Regulatory Utility Commissioners (NARUC). The Commission regularly is involved with services provided by the Independent Systems Operator for New England (ISO-NE) and the New England Power Pool (NEPOOL). Finally, the Commission has become active at the international level by working with New Brunswick on a variety of critical energy issues.

The Commission works diligently with sister agencies to identify and take advantage of opportunities for cooperative activities and to eliminate redundant requirements. In addition, the Commission believes that our close interaction with agencies and other entities at the local state, regional, national and international levels

has enhanced the Commission's ability operate efficiently and effectively. As discussed below, the Commission's mandate evolves over time. The Commission is constantly re-evaluating its activities and relationships with other agencies in an effort to improve the services we provide.

Some examples of coordinated action with other local, state, regional and federal agencies/entities include the following:

### Electric

The Commission coordinates with many state agencies on electricity matters. Some of these agencies include the OPA, SPO, OEIS, DECD, DEP, MEMA and LURC. The Commission also participates in various inter-agency councils and working groups, such as the Energy Resources Council, the Maine Energy Council and the Governor's Wind Energy Task Force. Outside of Maine government, the Commission works closely with other state Commissions, particularly within New England, and state Commission organizations, NECPUC and NARUC, as well as regional and federal groups and agencies, most notably the New England ISO, the northern Maine ISA, and the FERC. The Chair of the Commission serves on the NARUC Electric Committee.

### Telecommunications

The Commission works with a variety of state agencies on telecommunications matters including the OPA, MEMA and the AG. The Commission, in coordination with the DOE and the State Library, provides funding from the Maine Telecommunications Education Access Fund to ensure high speed internet access to Maine's school and libraries. State funding is supplemented with funds from the Federal E-Rate program administered by the FCC. Finally, we provide technical assistance to the Maine Governor's Office as it develops the Connect Maine Authority to encourage the implementation of high speed internet throughout the state.

The Commission is also very active with federal agencies and regional entities as it implements the Telecommunications Act of 1996. In particular, a Commission staff person is an active member on the National Joint Board on Universal Service, an organization through which the FCC and regulatory officials across the country coordinate the implementation of specific telecommunications regulations. Through the Joint Board staff, we have led the rural states' efforts to ensure that rules for collection and disbursement of the federal Universal Service Fund treat our rural areas comparably with urban areas in other parts of the country. Members of the Commission have served on other regional and national boards in order to shape federal issues in ways that do not disadvantage rural states. Currently, a commissioner serves on NARUC's telecommunications committee.

## Consumer Assistance and Protection

The Consumer Assistance Division (CAD) routinely works with a variety of local, state and federal agencies to assist low-income utility customers who have difficulty paying their utility bills. The CAD must also coordinate with a variety of municipal and state agencies to help resolve customer inquiries and complaints. At the local level, CAD coordinates with towns and CAP agencies. At the state level, CAD routinely works with MSHA, DHHS and the AG. At the federal level, CAD works cooperatively with the FCC and the FTC.

## Additional Commission Activities

The Commission performs many other functions that require it to coordinate with other state and federal agencies. For instance, the Commission's gas pipeline safety and Dig Safe responsibilities require the Commission to work at the state level with DOT and DEP and at the federal level with the USDOT, Pipeline and Hazardous Material Safety Administration. The Commission's regulation of water utilities requires the Commission to work closely with the Drinking Water Program of DHHS, DEP, MMBB and DOT as well as with the federal EPA and USDA Rural Development. Finally, the Commission's administrative activities require it interface with a variety of state human resource agencies and bureaus.

## **CONSERVATION PROGRAM**

The Commission has been given many new responsibilities since our last GEA report in 1999. One prime example of the Commission's expanded mandate is Efficiency Maine. Efficiency Maine also provides a good illustration of how the Commission works closely and cooperatively with other state and federal agencies. Efficiency Maine is working closely with DEP, OPA, SPO and the AG on Regional Green House Gas Initiative (RGGI) implementation issues. Efficiency Maine also coordinates with DEP on issues such as recycling compact fluorescent lights. Efficiency Maine and MSHA work together on building standards and housing issues. Efficiency Maine also coordinates with the MMBB on such things as funding for energy audits. Efficiency Maine also works closely with the DOE to implement the High Performance School program. At the federal level, Efficiency Maine works with HUD and the Department of Energy.

## **E9-1-1 PROGRAM**

Another new component of the Commission's mandate is the provision of statewide E9-1-1 service through the Emergency Services Communication Bureau (ESCB). The nature of the ESCB's responsibilities requires it to coordinate with a variety of other state agencies. For instance, the ESCB works closely with MEOGIS, the Maine Forest Service, LURC and DOT on mapping and coordination activities. The ESCB and DPS share the DPS law enforcement network for PSAP monitoring and Management Information System, ensuring security and reliability. The ESCB and OIT

share the SONET network to ensure E9-1-1 network security and reliability of a portion of the network. The ESCB funds and coordinates with the DPS, Emergency Medical Services, EMD coordinator in EMD training and certification of both PSAP calltakers and dispatchers. At the federal level, the ESCB works with the FCC, the Department of Transportation, the USPS, the USGS and the NTIA.

## Part 2 (H)

*Identification of the constituencies served by the agency or program, noting any changes or projected changes*

### **REGULATORY PROGRAM**

The general public, regulated utilities and customers of the utilities are the primary constituents in the Regulatory Program at the Commission. The Commission has broad powers to regulate more than 500 utility companies and districts that generate more than \$1.1 billion per year in electric, telephone, water and gas utility revenues. In the gas safety program, in addition to regulated gas utilities and their customers, certain propane customers and propane distribution system operators are also constituents.

The Consumer Assistance Division (CAD) works with both consumers and utilities to provide information and assistance, investigate consumer complaints, or process a request by an electric or gas utility to disconnect a customer during the winter period (November 15th to April 15th). In calendar year 2006, CAD had more than 6,800 contacts and 1,248 complaints.

### **CONSERVATION PROGRAM**

The Conservation Program works closely with a variety of constituents in programs designed to help consumers use electricity more efficiently. Separate programs are designed with the objective of giving every residential and business consumer in the state an opportunity to participate. The business program works through equipment manufacturers and vendors to reach small and large businesses. In FY 2006, the program provided \$1.9 million in incentives to 316 businesses to help them purchase more energy efficient equipment. The residential lighting program partners with more than 300 retail stores providing point of purchase discounts to help sell more energy efficient lighting to homeowners. In FY 2006, \$928,000 in incentives helped sell more than 700,000 efficient lighting products through the program. The Low Income Program works in cooperation with Maine Housing to provide supplemental funding for the United States Department of Energy's weatherization assistance program. In FY 2006, the program provided energy efficient refrigerators to more than 2500 low income customers. The Conservation program also provides energy efficiency training to school children and energy professionals. In FY 2006, over 7,700 students and 270 adults participated in energy efficiency training programs.

### **E9-1-1 PROGRAM**

The Enhanced 9-1-1 emergency reporting system impacts every citizen and visitor within the state. The ESCB works closely with all public safety agencies including state and local medical, fire, and police; all Public Safety Answering Points (PSAPs); wireline telephone companies; wireless companies; VoIP companies;

municipal and county governments; utility companies; and the deaf and hard of hearing community.

## Part 2 (I)

*A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meetings its goals and objectives*

Privatization of Commission services is not viewed as a realistic option. The regulation of the rates for and the terms and conditions of utility service is a legislative function that has been delegated to an administrative agency as a matter of governmental efficiency. There is some question as to whether the Legislature could legally delegate the regulatory function to a private entity. Regardless of the legal question, we do not expect that the Legislature (or public) would accept private regulation, answerable to the Legislature (or public) only through contract rather than an agency answerable through governmental and political processes.

As a result of electric restructuring in 2000, energy is provided to consumers by competitive retail and wholesale providers. Those consumers who do not procure energy directly from a provider receive standard offer service. The Commission has been directed by the Legislature to serve as the buying agent for all residential and business consumers who do not competitively purchase energy directly. Maine has the only state commission that serves as the buying agent for standard offer service. During the past 6 years, the Commission has conducted the standard offer bid process and has procured supply that is valued at over \$700 million.

The Commission continually reviews our day-to-day operations to identify organizational and technological changes to make the Commission more efficient while we maintain or improve our effectiveness. We regularly reassign staff and redefine tasks for certain employees. In addition to improving the Commission's productivity each change is designed to improve the quality of the service the Commission provides to its customers.

One of the most significant efforts we have made to provide better service to our constituents has been the continued enhancement of our Commission website. A partial list of how our website serves the general public and regulated community is as follows:

- File complaints electronically,
- File cases and all related documents electronically,
- Check the status of active cases,
- View utilities annual reports,
- Read Consumer Assistance bulletins,
- Check Commission Calendar and hearing schedule, and
- Listen to Commission proceedings via the web

During 2007, the Commission reduced the regulatory burden of all telecommunication carriers by eliminating, for some or all of each carrier's tariffs, the requirement that carriers file rates, terms, and conditions with the Commission for its approval. This action, referred to as "detariffing," was taken pursuant to 35-A M.R.S.A. § 307-A.

In the Consumer Assistance Division (CAD) we have direct access to Central Maine Power's CCS System, which allows CAD immediate access to a customer's record while they are on the phone with the customer. In the past few years, CAD has also instituted three-way calling which allows CAD to negotiate and mediate in real-time between the utility and its customer.

## Part 2 (J)

### *Identification of emerging issues for the agency or program in the coming years*

#### **REGULATORY PROGRAM**

The regulation of public utilities has evolved considerably since the Commission submitted its 1999 GEA report. There are several fundamental emerging issues today that did not exist 8 years ago. Yet a comparison of the “emerging issues” section of the Commission’s 1999 GEA report with today’s emerging issues indicates that some of the key issues from the late 1990’s have evolved and are still quite viable today. Interestingly, some of the cutting edge issues in 1999 are “re-emerging” today. Some of these emerging and re-emerging issues are discussed below.

#### **Electric**

- **Structure of the Electric Industry.** In 1999, the restructuring of Maine’s electric industry was one of the fundamental emerging issues. Eight years later, there is sharp disagreement about whether some or all aspects of the Restructuring Act of 1997 should be amended. Last session, the Legislature adopted Resolve 2007, Chapter 54, which (1) directs the Commission to undertake a review of electric utilities’ participation in the energy supply business, (2) requires the Commission to submit a report to the UTE Committee by January 15, 2008 and (3) authorizes the Committee to submit legislation on the topic in the second session of the 123<sup>rd</sup> Legislature. The structure of Maine’s electric industry is a “re-emerging” issue for the State.
- **Climate Change.** Climate change is a critical emerging issue that has significant ramifications for the electric industry. Many fundamental questions relating to such disparate topics as resource diversity, energy efficiency, the economy, public health and national security are all implicated under the larger issue of climate change. Last session, the Legislature passed the Regional Greenhouse Gas Initiative Act of 2007 in response to concerns about climate change.

#### **Telecommunications**

- **Continuing Implementation of the TelAct.** As was true in 1999, the Federal Telecommunications Act of 1996 (the TelAct) continues to drive regulation of the telecommunications industry. The primary purpose of the TelAct is to open local telecommunications markets to competition. It does so by establishing standards for the interconnection of competing telecommunications networks, governing actions that legacy Bell Atlantic companies (e.g., Verizon) must take in opening their networks to competitors, and creating policies for universal service funding. The FCC and the Commission continue to implement the terms of the TelAct that fall within their

respective jurisdictions and to respond to the changes created by rapidly changing technologies.

- **Competition.** Competition within the telecommunication industry continues to evolve in Maine. Currently, incumbent local exchange carriers compete to varying degrees with competitive local, intrastate, and interstate carriers as well as wireless carriers and various types of Voice over Internet Protocol (VoIP) providers.
- **Broadband Deployment.** Major changes in the telecommunications industry are driven by federal and state efforts to increase the level of competition in the industry and by continually changing technologies. Delivery of broadband to all citizens has become a nationwide goal, and many of Maine's legacy telephone companies now offer broadband service. The emergence of cable, fiber, satellite, and even the Internet as alternatives to copper as a telecommunications delivery channel has impacted federal and state regulation.

### **Security And Safety**

- Everything changed on September 11, 2001. The effects of 9/11 have presented a new set of challenges for public utilities. These challenges relate to securing utility infrastructure and emergency preparedness.

### **CONSERVATION PROGRAM**

- **Forward Capacity Market.** New England's wholesale electricity markets are the first in the world to treat energy efficiency as a resource on a par with energy supply. Efficiency Maine is the first and only state-run energy program in the region to participate in this singular market. In June of 2006, FERC approved a landmark settlement on rules that included certain energy products called "capacity"<sup>1</sup>. Those rules created a "Forward Capacity Market" to help ensure the security and stability of the system. For the first time anywhere, this new market featured a form of "capacity" made up of savings from energy efficiency programs. The first competitive auction in the Forward Capacity Market that includes Demand Resources will take place in February of 2008.

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<sup>1</sup> While the MPUC supports the inclusion of efficiency products as a resource in the market, it opposes other aspects of the ruling and has appealed FERC's decision.

## **E9-1-1 PROGRAM**

- **NG9-1-1.** E9-1-1 technology is evolving. The new technology, known as Next Generation 9-1-1 or “NG9-1-1” will include a network upgrade to a VoIP based platform. NG9-1-1 standards will soon be approved at the federal level.

Part 2 (K)

*Any other information specifically requested by the committee of jurisdiction*

The UTE Committee (Committee) has requested the Commission to submit reports on a variety of specific issues. The Commission is in the process of preparing the requested reports and will submit them to the Committee as separate documents by their respective due dates. However, the Committee has not specifically requested the Commission to include additional information as part of this GEA report.

On August 22, 2007, the Commission's Legislative Liaison sent an email to Senators Bartlett and Smith and Representatives Bliss and Fletcher noting that § 956 outlines the required contents of the Commission's 2007 GEA report and asking if there is any other information they would like the Commission to include in its GEA report. None of these Committee members requested additional information from the Commission.

Part 2 (L)

*Comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program*

Federal law provides that the state must apply standards that are at least as stringent as federal minimum standards. See 49 U.S.C., Chapter 601. Chapter 420 (2) of the Maine Commission's rules adopts 49 C.F.R. Parts 191 and 192 as the minimum standards governing the design, fabrication, installation, inspection, reporting, testing, and the safety aspects of operation and maintenance of gas transmission and distribution systems, including pipelines, compressor stations, metering and regulating stations, mains and service lines up to the outlet of the customer's meter set assembly.

Part 2 (M)

*Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement*

This question is difficult for the Commission to respond to because in almost all cases, we do not interact with the public and collect personal information in the way this question might be targeted. In fact, the only personal information the Commission has access to is through the work of the Consumer Assistance Division (CAD). The Commission is bound by the provisions of M.R.S.A. 35-A § 704 (5) to protect all medical and financial information and we strictly adhere to the law. If a consumer or utility appeals a CAD decision and it appears on a deliberative agenda at the Commission, all references to personal information are redacted to protect the customer's privacy.

In terms of information technology policies, since May 2006, we have been a part of the Office of Information Technology and we are in compliance with all of their policies, rules and standard procedures.

Part 2 (N)

*A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:*

- (1) The statutory authority for each filing requirement;*
- (2) The date each filing requirement was adopted or last amended by the agency;*
- (3) The frequency that filing is required;*
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and*
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication. (Emphasis added)*

As suggested by the words underlined above, this question appears to be targeted for agencies that interact directly with the general public in a certification or permitting context. Moreover, the questions appear to be designed for mandatory certificates/permits that are required on an ongoing and periodic basis.

The Commission does issue certificate/permits to the general public and consequently does not “require” the general public to file reports or applications. However, the Commission does encourage public participation in Commission proceedings and our rules and applicable statutes do allow a variety of ways for the public to voluntarily apply for Commission action. Ways the general public can voluntarily request Commission action include the following:

- Any member of the public to submit a complaint or inquiry to the CAD,
- Any interested person may petition to intervene in a Commission proceeding (Chapter 110, Part 7, Subpart 2),
- Any interested person may testify at a public witness hearing (Chapter 110, Part 7, Subpart 2),
- Any group of 10 interested persons may file a formal complaint pursuant to 35-A M.R.S.A. § 1302(1) (Chapter 110, Part 11),
- Any interested person may file an informal complaint (Chapter 110, Part 11),
- Any interested person may request an Advisory Ruling (Chapter 110, Part 6), and
- Any interested person may request an Opinion of the General Counsel (Chapter 110, Part 6).

Each of these voluntary applications for Commission action involves a different process and places different requirements on the applicant. The Commission does not routinely keep comprehensive records of the number persons who petition to intervene in Commission proceedings, testify at a public witness hearing or file 10-person complaints. However, if the Committee would find it useful, we could attempt to compile that information, along with requests for an Advisory Ruling and requests for an Opinion of the General Counsel over the past two years.

Section 956 (2) (N) makes more sense in the PUC context if we replace the phrase “the public” with the phrase “a public utility.” Each utility is required to file an annual report with the Commission. The requirements for such annual reports are set forth in 35-A, Part 1, Chapter 5. Utilities are also required to file a schedule of rates and Terms and Conditions under § 304 and changes to rates and Terms and Conditions under § 307. There are additional, more specified filing requirements for utilities that appear throughout Title 35-A and the Commission’s rules. For instance, a utility must provide specific information to the Commission prior to issuing stocks, bonds or notes (35-A, Part 1, Chapter 9) or sales or mergers (35-A, Part 1, Chapter 11). There are also many reporting requirements associated with specific Commission programs such as Dig Safe, E9-1-1 and Efficiency Maine.

The Commission is mindful of the fact that filing and reporting requirements constitute a cost to the utilities we regulate. The Commission constantly tries to balance the Commission’s/public’s need for the information with the cost to the utility for developing and submitting the information. This is frequently done on a case-by-case basis and when justified, the Commission will modify or waive the filing or reporting requirement in question.

The Commission is also aware that market forces within a utility industry may evolve and that filing and reporting requirements may need to evolve in a corresponding fashion. For example, the Commission recently adopted Chapter 214, which exempts certain telephone utilities from specified tariffing and approval requirements and establishes conditions under which the Commission may grant additional exemptions or revoke exemptions. The Commission has progressively reduced the level of scrutiny we perform of competitive providers’ rates as the number and type of competitors in the telecommunications industry has increased. This incremental approach allows the Commission to maintain oversight where needed and reduce regulatory oversight, and the associated costs to utilities and the Commission, when justified.