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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON UTILITIES AND ENERGY

February 26, 2008

Honorable Beth G. Edmonds, President of the Senate
Honorable Glenn A. Cummings, Speaker of the House
123rd Maine Legislature
Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Public Utilities Commission. The committee found that the Public Utilities Commission is acting within its statutory authority.

Sincerely,

A handwritten signature in black ink, appearing to be 'Philip L. Bartlett, II'.

Philip L. Bartlett, II
Senate Chair

A handwritten signature in black ink, appearing to be 'Lawrence Bliss'.

Lawrence Bliss
House Chair

Cc: Kurt Adams, Chair, Public Utilities Commission
Chris Simpson, Legislative Liaison, Public Utilities Commission
Patrick Norton, Director, Office of Policy and Legal Analysis

**JOINT STANDING COMMITTEE ON
UTILITIES AND ENERGY**

**Review of Public Utilities Commission
Under the Government Evaluation Act
February 2008**

The Government Evaluation Act

The Government Evaluation Act (“Act”) provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA § 951 et seq). The law provides for a legislative review of each agency based on an agency self-evaluation presented in a “program evaluation report,” the contents of which are prescribed in statute. The program evaluation report provides a starting point for the committee of jurisdiction to conduct its evaluation of the agency’s effectiveness, efficiency and performance.

Review Process

On April 20, 2007, the chairs of the Joint Standing Committee on Utilities and Energy, on behalf of the committee, sent notice to the Public Utilities Commission (PUC) of the committee’s intent to review the PUC pursuant to 3 MRSA §959 during the second regular session of the 123rd Legislature and directed the PUC to submit its program evaluation report in accordance with 3 MRSA §956.

On November 1, 2007, the PUC submitted its report in compliance with 3 MRSA §956, and on January 8, 2008, representatives of the PUC presented the GEA report to the committee. Immediately following the presentation, the committee discussed the report and made the following findings and recommendations.

Findings and Recommendations

The committee finds that the PUC is acting within its statutory authority and it is doing so effectively and efficiently. The committee also finds that the nature and extent of Public Utilities Commission Regulatory Fund expenditures on matters related to entities that are not subject to the regulatory fund assessment under current law (35-A MRSA §116) is an issue that merits further consideration. Based on this finding, the committee requests that the PUC examine this issue in the course of preparing its recommendations for the FY10-FY11 biennial budget and report its findings and recommendations, along with any necessary legislation, as part of the biennial budget presentation to the committee required under 35-A MRSA §116, sub§2.