

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 1586**

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S. P. 499

In Senate, March 26, 1973

Referred to the Committee on Public Utilities. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Kelley of Aroostook.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Complaints against Public Utilities.**

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

R. S., T. 35, § 291, amended. Section 291 of Title 35 of the Revised Statutes is amended by adding at the end 5 new paragraphs to read as follows:

Notwithstanding the procedures set forth in the first paragraph, and in addition to said remedies, a petitioner may file a good faith complaint on his own behalf against a public utility regarding cessation of service, failure to initiate available service or failure to render a correct bill by giving written notice of his complaint directly to the public utility. The public utility shall refer the complaint to its company-designated complaint officer, who, being satisfied that the petitioner is responsible, shall immediately investigate the complaint, and shall within 7 days of receipt of the complaint send notice in writing of the utility's decision to the petitioner. The written notice of the decision of the complaint officer shall contain the following statement: "If you consider our decision to be unjust or if you have any other complaint pertaining to this matter, you have a right to appeal within 7 days of receipt of this decision by writing the Public Utilities Commission, Capitol Shopping Center, Augusta, Maine."

If within 7 days of receipt of the complaint officer's decision, the customer notifies the Public Utilities Commission in writing that he wishes an appeal, a representative of the commission shall notify the company and thereafter immediately conduct an investigation of said complaint. Such investigation shall include an opportunity for each side in the dispute to be heard. The commission may refuse to entertain such an appeal where the appeal is clearly frivolous and without merit. Pending final determination of the appeal by the

commission, the commission may enter any temporary orders to the company or to the petitioner which it deems just and equitable.

The commission shall, after an investigation in accordance with this section, order service to be continued, restored or terminated forthwith upon such terms and conditions as it deems equitable to both the customer and the company. Before issuing its final order, the commission must give the public utility at least 7 days' notice of the time and place of hearing as provided in section 293, et seq.

For the purposes of this section, "public utility" shall be deemed to apply only to gas, electric and telephone utilities subject to the jurisdiction of the Maine Public Utilities Commission; commercial, industrial and municipal accounts and accounts rendered to customers for service provided upon a seasonal basis only are expressly excluded from the coverage of this section.

For the purpose of this section, the commission need not give notice of the complaint as set forth in section 292.

#### STATEMENT OF FACT

There is currently no protection for the individual customer of a public utility from arbitrary action on the part of the utility that may decline to provide service, provide inadequate service or fail to initiate service for any reason. With certain services, particularly electricity and water, critical to the safety and welfare of customers with even short breaks in service irreparably harmful, some effective and proper remedy for the customer should at all times be available.