

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-288)

SENATE AMENDMENT "B " to H.P. 226, L.D. 290, Bill,
"AN ACT Relating to Judicial Review of Public Utilities
Commission Decisions."

Amend the Bill by inserting after the enacting clause
the following:

'Sec. 1. 35 MRSA §304-A is enacted to read:

§304-A. Surcharges and refunds

If the law court finds in an appeal from a commission order or ruling that any rates, tolls, charges or joint rates approved by the commission were not just and reasonable, as defined by sections 51 and 52, it shall direct the commission to provide for a surcharge to be applied equitably to all ratepayers. The total amount to be collected by the surcharge shall not exceed the amount found to be owing the utility from the effective date of rates to the date on which just and reasonable rates are substituted pursuant to the court's decision.

If the law court finds in an appeal from a commission order or ruling that any rates, tolls, charges or joint rates approved by the commission were not just and reasonable, as defined by sections 51 and 52, it shall direct the commission to provide for a refund to be paid equitably to all ratepayers affected thereby. The total amount to be paid by refund shall not exceed the amounts collected unjustly and unreasonably

between the effective date of the rates to the date on which substituted rates pursuant to the court's decision are placed into effect.

Surcharges and refunds authorized by this section shall be consistent with the court's decision and shall be subject to such terms and conditions as the court may prescribe.

The commission shall supervise the collection and assessment of surcharges and payment of refunds and upon satisfaction that the amount collected through surcharges or paid through refunds is consistent with the court's decree, it shall certify the same to the court.

The commission may establish, by order or regulation, such reasonable terms and conditions as it deems necessary to administer the assessment and collection of surcharges and the payment of refunds pursuant to this section.'

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 2.'

Statement of Fact

The purpose of this amendment is to allow the court to order the commission to provide for a surcharge on utility customers where and to the extent the court has found that a commission decision has resulted in unjust and unreasonable

rates. The surcharge thus shall operate to recoup only those revenues lost while an appeal before the court was pending. The amendment also allows the court to order the commission to provide for a refund to be made to utility customers where the court finds that rates approved by the commission were not just and reasonable. the refund shall operate to return only those charges collected while an appeal before the court was pending.

(Merrill)
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COUNTY: Cumberland

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