

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 196

H. P. 164

House of Representatives, January 25, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

Cosponsor: Mr. Smith of Mars Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Relating to Action by the Public Utilities Commission on Petitions by
Electrical Companies for Certificates of Public Convenience and Necessity.**

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

Sec. 1. 35 MRSA § 13-A, first ¶, 2nd sentence, as enacted by PL 1971, c. 476, § 1, is repealed and the following enacted in its place:

The petition shall be set down for public hearing, which hearing shall be held within 60 days of the date of filing the petition.

Sec. 2. 35 MRSA § 13-A, first ¶, as amended by PL 1977, c. 374, § 1, is further amended by inserting at the end the following new sentence:

Nothing herein shall prevent the commission from holding a joint hearing on any proposed project with the Board of Environmental Protection when the company or companies have applied for site location of development approval pursuant to Title 38, section 483.

Sec. 3. 35 MRSA § 13-A, 2nd ¶, first sentence, as enacted by PL 1971, c. 476, § 1, is amended to read:

In its order, **which shall be issued within 30 days after the commission adjourns the public hearing held under this section**, the commission shall make specific findings with regard to the need for such facilities and if the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the facilities proposed.

Sec. 4. 35 MRSA § 13-A, last sentence, as enacted by PL 1971, c. 476, § 1, is repealed and the following enacted in its place:

The commission may approve or disapprove all or portions of the proposed transmission line, and shall make such orders regarding its character, size, installation and maintenance as are necessary, having regard for any increased costs thereby caused; provided that if the commission has issued a certificate of public convenience and necessity for the transmission facilities proposed and the Board of Environmental Protection in an order under Title 38, section 484 makes a modification in the location or character of the facilities, the company or companies shall deliver a copy of the order to the commission and no further proceedings under this section shall be necessary.

STATEMENT OF FACT

Electric companies must obtain certificates of public convenience and necessity for proposed generation and transmission facilities from the Public Utilities Commission under Title 35, section 13-A. To insure timely proceedings on applications for needed facilities, a schedule for hearings on certificates of public convenience and necessity is added corresponding to the time schedule on applications for site location approvals pursuant to Title 38, sections 483 and 484. As public law 1977, chapter 374, section 3 (now Title 38, section 484, 10th paragraph, last sentence) gave the Board of Environmental Protection jurisdiction over the location, width and appearance of transmission lines, those factors are removed from certificate of public convenience and necessity proceedings under Title 35, section 13-A to avoid duplication of regulatory effect, and the language of the 2 complementary statutory provisions, Title 38, section 484 and Title 35, section 13-A, is thus coordinated. In addition, the Public Utilities Commission is authorized, if it deems it appropriate, to hold a joint hearing on a proposed project with the Board of Environmental Protection when there are applications pending before both agencies for the same facilities.