

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE (Filing No. S-289)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 507, L.D. 1567, Bill, "AN ACT to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause."

Amend the bill by striking out everything after the title and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Yankee Atomic Power Plant has been to ordered/shut down by the Nuclear Regulatory Commission until design alterations can be made which will bring the plant into compliance with all applicable safety requirements; and

Whereas, Central Maine Power Company, Maine Public Service Company and Bangor Hydro-Electric Company incurred higher fuel costs as a result; and

Whereas, under existing law, these higher fuel costs will be passed on to Central Maine Power Company, Maine Public Service Company and Bangor Hydro-Electric Company ratepayers under the fuel adjustment clause; and

Whereas, there are many questions regarding allowing these costs to pass under the fuel adjustment clause, including the question of whether the adjustment should be allowed until all available remedies have been pursued to a conclusion by Central Maine Power Company and the other Maine utilities with an ownership interest in Maine Yankee Atomic Power Company; and

Whereas, there may not presently be a procedure under which the questions may be satisfactorily resolved before any higher costs are passed on to ratepayers under the fuel adjustment clause; and

Whereas, the Public Utilities Commission does not have jurisdiction to order a refund of these charges once they have been paid; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35 MRSA §131, sub-§4, as enacted by PL 1977, c. 689, §1, is amended to read:

4. Scope of Adjustment. Changes in the cost of fuel consumed in the electric utility's generating stations and changes in the cost of power purchased, excluding capacity charges, by the electric utility for use in Maine shall constitute the only items subject to adjustment, pursuant to regulations promulgated by the commission under this section; provided  $\longleftrightarrow$  that the regulations may also provide for adjustments to the cost of fuel consumed or power purchased based upon the justness and reasonableness of that cost. In determining just and reasonable costs, the commission shall provide such revenues to the utility as may be required to perform its public service.

Sec. 2. → 35 MRSA §131, sub-§10 is enacted to read:

10. Commission review. The Public Utilities Commission shall have discretion to review, on its own motion, any costs resulting in an adjustment to the fuel charge of an electric utility under this section. The commission may, after notice and hearing, deny all or any part of the adjustment if it finds that the costs, or any part thereof, are not just and reasonable. In determining just and reasonable costs, the Commission shall provide such revenues to the utility as may be required to perform its public service.

← In the event that the Commission finds that it would be unreasonable, considering the need to prevent injury to the business of the electric utility and to the interests of the customers of the utility for the costs, or any part thereof, to pass under the fuel adjustment clause without review by the Commission in a formal rate proceeding or in any other proceeding conducted under the authority of this Title, →  
→ it may suspend all or part of these costs for a period not to exceed → 4 months. The Commission may, in its discretion, and after the proceeding, make appropriate adjustments for overcharges or undercharges in customer bills in subsequent computation periods to account for the differences between the fuel adjustment charges billed during the time of any suspension referred to herein and the fuel adjustment charge found to be just and reasonable by the commission. This subsection shall remain effective with respect to an electric utility until that utility has a fuel cost adjustment which has been approved and ordered into effect by the commission under regulations promulgated pursuant to subsections 2 and 4.

D. O. R.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Statement of Fact

The purpose of this amendment is to provide review and suspension authority to the Public Utilities Commission of the electric utility fuel charge until such time as the utility complies with the regulations promulgated by the commission by filing an application for fuel cost adjustment. The regulations provide for commission review of drastic changes in fuel cost requirements occasioned by circumstances as outlined in the emergency preamble of this amendment.

Reported by the Minority of the Committee on Public Utilities.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 1, 1979

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