

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 597

H. P. 531

House of Representatives, February 3, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Cunningham of New Gloucester.

Cosponsor: Representative McKean of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Disposition of Consumer Complaints by the Public Utilities Commission.

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

Sec. 1. 35 MRSA § 291 is amended to read:

§ 291. Complaints

Upon written complaint made against any public utility by 10 persons, firms, corporations or associations aggrieved, that any of the rates, tolls, charges or schedules or any joint rate or rates of any public utility are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act of said public utility is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission ~~being satisfied that the petitioners are responsible and that a hearing is expedient~~ shall proceed with or without notice to make an investigation thereof. **No Unless there has been an informal disposition by means of stipulation, agreed settlement, consent order or default as provided in Title 5, section 9053, no order affecting said rates, tolls, charges, schedules, regulations, measurements, practices or acts complained of shall be entered by the commission without a formal public hearing.**

Sec. 2. 35 MRSA § 292, 2nd sentence is amended to read:

If at the expiration of 7 days therefrom such public utility shall not have removed the cause of complaint to the satisfaction of the ~~commission, said complainant,~~ the commission shall proceed to set a time and place for a hearing as provided.

Sec. 3. 35 MRSA § 293, as repealed and replaced by PL 1977, c. 694, § 664, is amended by adding at the end a new sentence to read:

When the formal hearing is conducted as a result of a complaint as described in section 291, that hearing shall be completed and a written decision shall be issued by the commission within 9 months of the date of the filing of the complaint, unless all parties agree to an extension of time for the completion of the hearing and the issuance of a decision or unless the complaint is resolved by stipulation, agreed settlement, consent order or default within the meaning of Title 5, section 9053.

STATEMENT OF FACT

This bill would require the Public Utilities Commission to respond formally to consumer complaints against utility companies within 9 months of the filing of the complaint. While rate hike requests and requests for new construction must be ruled on within 9 months and 12 months, respectively, there is currently no time limit for Public Utilities Commission rulings on consumer complaints. This has led to inordinate delays in issuing final decisions in the Northern Utilities security deposit case, the Maine Yankee shut-down case, the Sears Island nuclear plant abandonment case and other utility issues of concern to local citizens.

The bill would also remove the Public Utilities Commission's authority to reject consumer complaints based solely on the commission's perception that the complainant is irresponsible or that a hearing is inexpedient. No other state agency has this power to reject complaints on nonsubstantive grounds without a hearing.

Finally, the bill would recognize by statute the role of various means of informal disposition of a case, as is current commission practice.