

MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 1901

8 H. P. 1915 House of Representatives, January 28, 1982
Referred to the Committee on Public Utilities. Sent up for
concurrence and 1,600 ordered printed.

EDWIN H. PERT, Clerk

9 Presented by Representative Kany of Waterville.

Cosponsors: Senator Trafton of Androscoggin, Representative
Weymouth of West Gardiner and Senator Hichens of York.

11 STATE OF MAINE
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT Requiring Public Utilities**
17 **Commission Approval for the Purchase**
18 **of Portions of Electrical Generating**
19 **Facilities by Electrical Companies or Fuel**
20 **Conversion in Electrical Generating Facilities.**
21

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

23 **Sec. 1. 35 MRSA §13-A, as last amended by PL 1979, c.**
24 **265, §§3-5, is further amended by adding after the 2nd para-**
25 **graph a new paragraph to read:**

26 This procedure shall also be followed whenever any
27 electric company or companies propose to purchase an owner-
28 ship interest greater than 1,000 kilowatts in any generating
29 plant or transmission lines carrying more than 100 kilovolts
30 constructed outside the State, or whenever an electric com-
31 pany proposes to purchase or sell any energy or capacity
32 greater than 1,000 kilowatts from or to any source outside
33 the State over a period longer than 3 years or whenever an

1 electric company or companies propose to convert a perma-
2 nently installed generating facility of more than 1,000
3 kilowatts to a different fuel source than that previously
4 used.

5 Sec. 1. 35 MRSA §13-A, 3rd ¶, as enacted by PL 1971,
6 c. 476, §1, is repealed and the following enacted in its
7 place:

8 In its order the commission shall make specific find-
9 ings with regard to the need for such facilities, ownership
10 interests, energy or capacity or fuel conversions and if the
11 commission finds that a need exists, it shall issue a cer-
12 tificate of public convenience and necessity for the facili-
13 ties, ownership interests, energy or capacity purchases or
14 fuel conversions proposed. If the commission orders or
15 allows a proposal made by that company or companies, that
16 order shall be subject to all other provisions of law and
17 the right of any other agency to approve those facilities.
18 In ruling upon a petition dealing with fuel conversion, the
19 commission may consider the benefit to the public of any
20 increased security of fuel supply which may result from the
21 conversion. With respect to petitions dealing with owner-
22 ship interests, energy or capacity purchases or fuel conver-
23 sions, the commission shall issue an order within 9 months
24 of receipt of the petition.

25 Sec. 2. 35 MRSA §13-A, 4th ¶, first sentence, as
26 enacted by PL 1971, c. 476, §1, is amended to read:

27 At any public hearing held by the commission as to the
28 erection and construction of a transmission line within this
29 State, the electric company shall submit a map to the com-
30 mission at least 14 days prior to ~~such~~ that public hearing.

31 Sec. 3. 35 MRSA §13-A, as last amended by PL 1979, c.
32 265, §§3-5, is further amended by adding at the end a new
33 paragraph to read:

34 Nothing in this section shall apply to purchases of
35 ownership interests, energy or capacity made from small
36 power producers or cogenerators.

37 Sec. 4. 35 MRSA §13-B is enacted to read:

38 §13-B. Commission permitted to charge utilities for costs
39 of prior approval orders

1 Upon issuance of an order in accordance with section
2 13-A, the commission may charge the utility or utilities
3 involved for its cost incurred in preparing its order. The
4 amount charged shall not exceed .004 of the value of the
5 proposed purchase or investment or \$40,000, whichever is
6 less.

7 Statement of Fact

8 This bill broadens the prior approval authority of the
9 Public Utilities Commission to include electric utility pro-
10 posals for the purchase of ownership interests in generating
11 plants and transmission lines located outside of the State
12 and the purchase of energy or capacity from outside of the
13 State. Only those proposals in excess of 1,000 kilowatts,
14 100 kilovolts in the case of transmission lines, and contin-
15 uing for more than 3 years are affected. In these cases,
16 the utility or utilities involved must file a petition with
17 the Public Utilities Commission which will in turn, issue an
18 order within 9 months. Purchases from small power producers
19 and cogenerators are exempt.

20 This bill also contains a provision giving the Public
21 Utilities Commission authority for prior review and approval
22 of proposed changes in the fuel used at generating stations
23 with a capacity in excess of 1,000 kilowatts.

24 This bill also contains a provision authorizing the
25 Public Utilities Commission to charge the utility or utili-
26 ties for the costs incurred by the Public Utilities Commis-
27 sion in preparing prior approval orders.