

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1915, L.D. 1901)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2119

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8
9 H. P. 2272 House of Representatives, March 31, 1982
Reported by Representative Davies from the Committee on Public
Utilities and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

10
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 Com-**
17 **mission Approval for the Purchase of Portions**
18 **of Electrical Generating Facilities by**
19 **Electrical Companies or Fuel Conversion**
20 **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-B is enacted to read:**

24 §13-B. Purchase of generating capacity, energy or transmis-
25 sion capacity or fuel conversion of generating
26 facilities prohibited without prior order of the
27 commission

28 1. Certificate of public convenience and necessity.
29 Commission approval is required as follows whenever any
30 electrical company proposes:

1 A. To purchase any right, title or interest in gener-
2 ating capacity, transmission capacity or energy, as de-
3 defined in subsection 2; or

4 B. To convert a permanently installed generating
5 facility of more than 1,000 kilowatts to use a type of
6 fuel different from that which the facility currently
7 is equipped to use.

8 The company shall file with the commission, no less than 2
9 months in advance of submitting its petition for a certifi-
10 cate of public convenience and necessity for the proposed
11 purchase or conversion, a notice of its intent to file the
12 petition. The notice shall inform the commission of the
13 terms of the proposed purchase or conversion, and thereafter
14 the commission may, by rule or otherwise, require the peti-
15 tioner to make available such additional information as it
16 deems necessary. The petition for a certificate of public
17 convenience and necessity shall contain such information as
18 the commission may by rule prescribe. The petition shall be
19 set down for public hearing. The commission shall issue its
20 order within 12 months after the petition is filed. If
21 there is then outstanding for the utility a long-range plan
22 approved pursuant to section 13-C, the commission shall
23 issue its order within 9 months of filing. If an approved
24 plan is outstanding, the utility need not provide an advance
25 notice of its intent to file the petition. No electrical
26 company may purchase any generating capacity, transmission
27 capacity or energy as defined in subsection 2, or carry out
28 a fuel conversion within the meaning of this section, unless
29 the commission has issued a certificate of public conven-
30 ience and necessity approving the petition.

31 In its order, the commission shall make specific findings
32 with regard to the need for such facilities and, if the
33 commission finds that a need for the purchase or conversion
34 exists, it shall issue a certificate of public convenience
35 and necessity for the purchase or conversion. In ruling
36 upon a fuel conversion petition, the commission may consider
37 the benefit to the public of any increased security of fuel
38 supply which may result from the conversion.

39 The issuance of a certificate of public convenience and
40 necessity establishes that, as of the date of issuance of
41 the certificate, the decision by the utility to purchase or
42 convert was prudent.

43 2. Definitions. As used in this chapter, unless the
44 context indicates otherwise, the following terms have the
45 following meanings.

1 A. "Energy" is defined to include an entitlement to
2 energy for a period greater than 3 years.

3 B. "Generating capacity" includes an entitlement to
4 the output of 1,000 kilowatts or more of an electric
5 generating facility or facilities for a period greater
6 than 3 years.

7 C. "Transmission capacity" includes an entitlement to
8 transmission services over a transmission line with a
9 capacity greater than 100 kilovolts for periods greater
10 than 3 years.

11 3. Exclusions. Nothing in this section may be con-
12 strued to apply to any purchases made by an electrical com-
13 pany from any cogenerator or small power producer, as de-
14 defined in chapter 172.

15 4. Filing fee. When the petition is filed, the util-
16 ity or utilities involved shall pay to the Public Utilities
17 Commission an amount equal to 2/100 of 1% of the estimated
18 cost of the purchase or conversion.

19 Notwithstanding any other provision of law, filing fees paid
20 as required here shall be segregated, apportioned and
21 expended by the Public Utilities Commission for the purposes
22 of this section.

23 Sec. 2. 35 MRSA §13-C is enacted to read:

24 §13-C. Long-range energy plan

25 1. Filing by electric companies. Every electric com-
26 pany whose total sales of electric energy for purposes other
27 than resale exceeded 300 million kilowatt hours during any
28 calendar year beginning after December 31, 1980, may submit
29 to the Public Utilities Commission a long-range energy plan
30 for the 15-year period subsequent to the date the plan is
31 submitted. This plan shall include the company's annual
32 peak-load forecasts, annual energy forecasts, projected
33 annual fuel mix type and location of proposed generating
34 facilities and alternatives, type and route of major pro-
35 posed transmission lines and alternatives, and an analysis
36 of the cost and financing of the plan, together with such
37 other information as the commission may by rule require.
38 The plan shall list and describe all the assumptions used by
39 the company in formulating the plan required by this
40 section.

