

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 857

H.P. 674 House of Representatives, February 23, 1983

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

EDWIN H. PERT, Clerk

Presented by Representative Baker of Portland.

STATE OF MAINE

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

AN ACT to Provide for the Funding of  
Consumer Intervention Before the Public  
Utilities Commission.

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

35 MRSA §18 is enacted to read:

§18. Funding of intervenors by the commission

1. Utilities subject to fees. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission, and every water carrier subject to the jurisdiction of the commission pursuant to private and special laws of the Legislature, shall be subject to a fee of not more than .02% on its intrastate gross operating revenues to produce no more than \$100,000 in revenue annually. The commission shall determine the fees annually

1 prior to May 1st and shall assess each utility for  
2 its pro rata share. Each utility shall pay the fees  
3 charged to the utility on or before July 1st of each  
4 year.

5 A. The fees charged the utilities under this  
6 section shall be deemed just and reasonable oper-  
7 ating costs for rate-making purposes.

8 B. For the purposes of this section, "intrastate  
9 gross operating revenues" means intrastate reve-  
10 nuces derived from filed rates, except revenues  
11 derived from sales for resale.

12 2. Deposit of funds. All revenues derived from  
13 fees levied against the utilities described in this  
14 section shall be deposited with the Treasurer of  
15 State in a separate account to be known as the Public  
16 Utilities Commission Intervention Fund.

17 3. Use of funds. The Public Utilities Commis-  
18 sion may fund the cost of intervention in Public  
19 Utilities Commission proceedings to persons who have,  
20 or represent, an interest which would not otherwise  
21 be adequately represented in the proceeding, and  
22 representation of which is necessary for a fair  
23 determination in the proceeding, and who are, or  
24 represent an interest which is, unable to effectively  
25 participate or intervene in the proceeding because  
26 that person or persons cannot afford to pay reason-  
27 able attorneys' fees, expert witness fees and other  
28 reasonable costs of preparing for, and participating  
29 or intervening in that proceeding; including fees and  
30 costs of obtaining judicial review of that proceed-  
31 ing.

32 4. Reasonable regulations. The commission may,  
33 after notice and hearing, adopt such reasonable regu-  
34 lations as may be necessary for the implementation of  
35 this section.

36 5. Unexpended funds. Except as specified in  
37 this section, any amount of the fund that is not  
38 expended at the end of the fiscal year shall not  
39 lapse, but shall be carried forward to be expended  
40 for the purposes specified in this section in suc-  
41 ceeding fiscal years; but for any unexpended funds in

1 excess of 7% of the total annual fees authorized in  
2 subsection 1 shall, at the option of the commission,  
3 either be presented to the Legislature in accordance  
4 with subsection 2 for reallocation and expenditure  
5 for commission purposes, or used to reduce the util-  
6 ity fees in the following fiscal year.

7 6. Violation. Any utility, subject to this  
8 section, that willfully fails to pay the fees in ac-  
9 cordance with this section commits a civil violation  
10 for which a forfeiture of not more than \$500 may be  
11 adjudged per day for which payment is not made fol-  
12 lowing the due date.

13 7. Transitional funding. The commission shall  
14 bill each utility within 30 days of the effective  
15 date of this section for a transition fee in an  
16 amount designed to produce no more than \$100,000  
17 multiplied by a fraction which shall consist of the  
18 number of full months remaining in the year prior to  
19 the first year when the full fees shall be due,  
20 divided by 12. Each utility shall pay its transi-  
21 tional fee within 30 days of its assessment.

22 STATEMENT OF FACT

23 There is no mechanism to assure that funding will  
24 be necessary for direct consumer, as distinct from  
25 governmental, intervention in rate cases.

26 This bill provides a mechanism. The conditions  
27 under which intervenors may be funded parallel those  
28 in the United States Public Utilities Regulatory  
29 Policy Act.

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