

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1243

6
7 H.P. 962

House of Representatives, March 17, 1983

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.
9 Referred to the Committee on Public Utilities. Sent up for concurrence
and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McGowan of Pittsfield.

Cosponsors: Representative Bost of Orono, Representative Roderick of
11 Oxford and Senator Baldacci of Penobscot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Clarify the Timing of Fuel
18 Adjustment Clause Cases before the Public
19 Utilities Commission.
20

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

23 Sec. 1. 35 MRSA §131, sub-§7, as enacted by PL
24 1977, c. 689, §1, is amended to read:

25 7. Commission approval required. In no event
26 shall a fuel adjustment charge be billed to customers
27 which has not been approved and ordered into effect
28 by the commission pursuant to this section. Each
29 electric utility shall file application for changes
30 in its fuel adjustment rate in accordance with regu-
31 lations promulgated pursuant to this section. The
32 ~~commission shall order notice of the application to~~
33 ~~be published within 7 days of receipt of the applica-~~
34 ~~tion and shall set a time and place for a public~~
35 ~~hearing which shall be held, unless otherwise ordered~~

1 by the commission, within 14 days after publication
2 of the notice. The commission shall issue public
3 notice of the application and the opportunity to
4 request a hearing within 7 days after the application
5 is found sufficient by the commission. The commis-
6 sion may render its decision on the application based
7 on written submissions, without holding a public
8 hearing. If a public hearing is held, the commission
9 shall hold the first session within 45 days of the
10 filing of the application. The commission shall
11 render its decision on the application within 45 days
12 of the close of the hearing, or within 45 days of
13 receipt of the application, if no hearing is held. No
14 electric utility shall may make application for
15 changes in its fuel adjustment rate until a period of
16 90 days has elapsed from the filing of its last
17 application, unless otherwise ordered by the commis-
18 sion.

19 Sec. 2. 35 MRSA §132, sub-§6, as enacted by PL
20 1981, c. 600, is amended to read:

21 6. Commission approval required. In no event
22 may a cost of gas adjustment charge be billed to cus-
23 tomers which has not been approved and ordered into
24 effect by the commission pursuant to this section.
25 Each gas company shall file application for changes
26 in its cost of gas adjustment rate in accordance with
27 regulations promulgated under this section. The com-
28 mission shall order notice of the application to be
29 published within 7 days of receipt of the application
30 and shall set a time and place for a public hearing
31 which shall be held, unless otherwise ordered by the
32 commission, within 14 days after publication of the
33 notice. The commission shall issue public notice of
34 the application and the opportunity to request a
35 hearing within 7 days after the application is found
36 sufficient by the commission. The commission may
37 render its decision on the application based on writ-
38 ten submissions, without holding a public hearing.
39 If a public hearing is held, the commission shall
40 hold the first session within 45 days of the filing
41 of the application. The commission shall render its
42 decision on the application within 45 days of the
43 close of the hearing, or within 45 days of receipt of
44 the application, if no hearing is held. No gas com-
45 pany may make application for changes in its cost of

1 gas adjustment rate until a period of 90 days has
2 elapsed from the filing of its last application,
3 unless otherwise ordered by the commission.

4 STATEMENT OF FACT

5 This bill clarifies the timing of electric and
6 gas fuel adjustment cases before the Public Utilities
7 Commission. The current statutes provide that the
8 holding of a hearing is discretionary with the com-
9 mission, but that if one is held, it must be held
10 within an unreasonably short time, thereby forcing
11 the commission to schedule a hearing before it can
12 determine whether one is really necessary. This bill
13 allows sufficient time for the commission to make
14 this determination, after considering any requests
15 for a hearing, and to allow time for preparation for
16 the hearing.

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