

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 802, L.D. 1042)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1496

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H.P. 1140

House of Representatives, April 22, 1983

Reported by Representative Weymouth from the Committee on Public Utilities and printed under Joint Rule 2.

Original bill presented by Representative Baker of Portland. Cosponsored by Senator Kany of Kennebec.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT to Fairly Apportion the Cost of  
Cancelled Generating Facilities.

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

Sec. 1. 35 MRSA §52-A is enacted to read:

§52-A. Recovery of cost of canceled or abandoned electric generating facility

1. Cost recovery restricted. The commission shall not, with respect to any canceled or abandoned electric generating facility, issue any order concerning the recovery from ratepayers of all or any portion of the cost of that facility until after the date last announced for completion of the plant by the lead participant. This section does not apply if an electrical company can establish, as part of a proceeding initiated by it under section 64, that it

1 will be unable to perform its public service or  
2 attract necessary capital on just and reasonable  
3 terms, absent a commission order at the conclusion of  
4 the proceeding under section 64 authorizing the cur-  
5 rent recovery of all or a portion of the cost from  
6 ratepayers.

7 2. Exception. This section does not apply to  
8 any abandoned or canceled electrical generating  
9 facility for which the commission has authorized a  
10 recovery of any portion of the costs of that facility  
11 from ratepayers prior to the effective date of this  
12 section.

13 Sec. 2. Transition provision. Title 35, section  
14 52-A, applies to any case pending before the Public  
15 Utilities Commission on the date on which this  
16 section, adopted by the First Regular Session of the  
17 111th Legislature, enters into effect, without regard  
18 to the date when any affected utility has sought  
19 recovery from ratepayers of the cost of any canceled  
20 or abandoned electric generating facility. This  
21 includes recovery for the Pilgrim II plant proposed  
22 by Central Maine Power Company.

23 STATEMENT OF FACT

24 This new draft provides that ratepayers shall not  
25 pay any portion of the cost of a canceled or aban-  
26 doned plant until that plant would have been com-  
27 pleted, unless the commission finds that utility will  
28 be unable to perform its public service or attract  
29 necessary capital on just and reasonable terms with-  
30 out current recovery of all or part of the cost.

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