

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 629

7
8 H.P. 447

House of Representatives, February 20, 1985

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

11 EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

12 Cosponsored by Representative Joseph of Waterville, Representative
Baker of Portland and Senator Matthews of Kennebec.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Relating to Measured Local Telephone
19 Charges.
20

21 **Emergency preamble.** Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, the Public Utilities Commission has or-
25 dered mandatory measured service for local telephone
26 calls effective July 1, 1985; and

27 Whereas, the decision by the Public Utilities
28 Commission concerns broad questions of public policy
29 regarding the effects of local mandatory measured
30 service on Maine businesses and individuals; and

31 Whereas, the Public Utilities Commission has
32 changed, without sufficient inquiry, the way in which
33 local telephone service has been billed for many dec-
34 ades in Maine; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 35 MRSA §107 is enacted to read:

10 §107. Mandatory measured service

11 No telephone company may implement mandatory mea-
12 suring, in any form, of local telephone calls for any
13 class of customers before July 1, 1986, and any com-
14 mission order or opinion now in effect that requires
15 or permits such measuring is nullified. Before any
16 telephone company may implement the mandatory measur-
17 ing of local telephone calls for any class of custom-
18 ers, the commission shall initiate a formal investi-
19 gation and hold a formal public hearing to determine
20 the justness and reasonableness of mandatory local
21 measured service. The investigation shall include,
22 without limitation, the costs and savings to both the
23 telephone company and all classes of customers of
24 mandatory local measured service, the effects of man-
25 datory local measured service upon customers, whether
26 mandatory local measured service will impose addi-
27 tional costs upon any class of customers that exceeds
28 the cost to provide that service and any other rele-
29 vant matter. The commission shall base its decision
30 to order or permit any telephone company to implement
31 mandatory measuring of local telephone calls upon the
32 evidence presented in the formal public hearing. No-
33 tice of the hearing and investigation shall be given
34 to all classes of customers pursuant to Title 5, sec-
35 tion 9052, and shall include, at least 30 days prior
36 to the formal hearing, an insert in each customer's
37 bill, advising the customer of the matters specified
38 in Title 5, section 9052, subsection 2, paragraph C,
39 subparagraph (4).

40 **Emergency clause.** In view of the emergency cited
41 in the preamble, this Act shall take effect when ap-
42 proved.

1

STATEMENT OF FACT

2 The Public Utilities Commission has recently re-
3 quired New England Telephone Company to institute the
4 mandatory measuring of local telephone calls in 8 ex-
5 changes serving approximately 25% of New England's
6 customers. The order followed the completion of a
7 rate case which began in 1983. None of the many par-
8 ties to that case supported the institution of manda-
9 tory measured service for local calls and the issue
10 was not fully and thoroughly addressed. Mandatory
11 measured service will result in additional costs for
12 measuring, may disrupt the calling patterns of many
13 Maine businesses and individuals, and will impose
14 substantial additional costs on many customers which
15 do not reflect the cost to New England Telephone Com-
16 pany to provide that service.

17 This bill prohibits the implementation of manda-
18 tory local measured service until July 1, 1986.

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