

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

D. OF R

1  
2  
  
3  
4  
5  
6  
  
7  
8  
9  
10  
  
11  
12  
  
13  
14  
15  
  
16  
17  
18  
19  
20  
21  
  
22  
23  
  
24  
25  
26  
27  
28  
29  
  
30  
31  
32  
33  
  
34  
35  
36

L.D. 1203  
(Filing No. S-212 )

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 436, L.D. 1203, Bill, "AN ACT to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities."

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 35 MRSA §13-A, as amended by PL 1983, c. 237, is further amended by adding at the end a new paragraph to read:

This section applies to any amendment, extension or renewal of any contract between the utility and other parties governing their participation in an erection of a generation or transmission facility subject to this section, whether or not the original contract was approved by the commission.

Sec. 2. 35 MRSA §13-B, sub-§5 is enacted to read:

5. Application. This section applies to any amendment, extension or renewal of any contract between the utility and other parties governing their participation in a purchase or conversion subject to this section, whether or not the original contract was approved by the commission.'

Further amend the bill in section 1, in that part designated "§13-D." by striking out all of subsections 2, 3 and 4 and inserting in their place the following:

'2. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

## COMMITTEE AMENDMENT "A" to S.P. 436, L.D. 1203

1       A. "Significant agreement or contract" means any  
2 contract or other agreement enforceable as a con-  
3 tract which binds the utility to a future course  
4 of action with respect to supplying, purchasing  
5 or exchanging generating capacity, energy or  
6 transmission capacity, or any renewal, amendment  
7 or extension of any such contract. The agreement  
8 shall be considered "significant" if it is for a  
9 period of 3 years or more and involves 1,000 ki-  
10 lowatts or more of electrical generating capaci-  
11 ty, or 10,000,000 kilowatt-hours per year or more  
12 of energy or transmission services for 10,000,000  
13 kilowatt-hours per year or more over a transmis-  
14 sion line with a capacity greater than 100  
15 kilovolts or if the agreement involves more than  
16 10% of the generating capacity, energy generat-  
17 ing or transmission capacity of the utility,  
18 whichever is less.

19       3. Exclusions. This section does not apply to  
20 any contract or agreement for which commission ap-  
21 proval is required under section 13-A or 13-B or to  
22 any contract with a cogenerator or small power pro-  
23 ducer as defined by section 2323. This section does  
24 not apply to any contract or agreement which was in  
25 force prior to January 1, 1985, but does apply to the  
26 renewal, amendment or extension on or after January  
27 1, 1985, of those preexisting contracts or agree-  
28 ments.

29       4. Filing fee. When the petition is filed, the  
30 utility or utilities involved shall pay to the Public  
31 Utilities Commission an amount equal to 2/100 of 1%  
32 of the estimated cost of the contract or agreement.  
33 The utility or utilities may, at or before the time  
34 of filing of notice of its intent to file the peti-  
35 tion, request the commission to waive all or a por-  
36 tion of the filing fee. The commission shall rule on  
37 the request for waiver within 60 days.

38       Notwithstanding any other provision of law, filing

D. OF R.

COMMITTEE AMENDMENT " A " to S.P. 436, L.D. 1203

1     fees paid as required in this subsection shall be  
2     segregated, apportioned and expended by the commis-  
3     sion for the purposes of this section. Any portion  
4     of the filing fee that is received from a utility or  
5     utilities and is not expended by the commission to  
6     process the petition for a certificate of public con-  
7     venience and necessity shall be returned to the util-  
8     ity or utilities.'

9             Further amend the bill by renumbering the sec-  
10            tions to read consecutively.

11                             STATEMENT OF FACT

12            This amendment adds the Public Utilities Commis-  
13            sion's approval of amendments, renewals and exten-  
14            sions of contracts where the original contract will  
15            be subject to the Public Utilities Commission review  
16            under existing law.

17            The amendment also retains the Public Utility  
18            Commission review of the NEPOOL agreement as required  
19            by section 2 of the original bill.

20            Finally, the amendment retains the intent of the  
21            original bill which grants the Public Utilities Com-  
22            mission authority to review significant agreements  
23            and contracts, but it narrows the definition of con-  
24            tracts to be reviewed to contracts for 1,000 kilo-  
25            watts or more of electrical capacity or 10,000,000  
26            kilowatt-hours or more of energy or transmission.

27   4047053185

Reported by the Minority for the Committee on Utilities.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(6/4/85)                             (Filing No. S-212)