

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1723

6
7 S.P. 669

In Senate, December 23, 1985

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.
9 Received by the Secretary of the Senate on December 23, 1985. Referred
10 to the Committee on Utilities and 1,600 ordered printed pursuant to Joint
11 Rule 14.

Presented by Senator Baldacci of Penobscot.
12 JOY J. O'BRIEN, Secretary of the Senate

13
14 Cosponsored by Representative Richard of Madison, Representative
15 Clark of Millinocket and Representative Nicholson of South Portland.
16

17 STATE OF MAINE
18

19
20 IN THE YEAR OF OUR LORD
21 NINETEEN HUNDRED AND EIGHTY-SIX

22 AN ACT to Make Changes in the Laws Governing
23 Public Utilities.
24

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

27 Sec. 1. 35 MRSA §13-A, as amended by PL 1983, c.
28 237, is further amended by adding after the 2nd para-
29 graph a new paragraph to read:
30

31 Beginning on January 1, 1987, each electric com-
32 pany shall file annually with the commission a sched-
33 ule of transmission line rebuilding or relocation
34 projects which it intends to carry out during the
35 next 5 years concerning transmission lines that will
36 become, or will remain at, voltages of 100 kilovolts
or more. The schedule shall describe each project,
showing the length, location and estimated cost. If
the commission determines that an investigation of
any transmission reconstruction project is warranted,
it shall notify the electric company within 60 days
of the annual filing, and the electric company shall

1 then be required to comply with the provisions of
2 this section with respect to that project. The ab-
3 sence of a commission notification to file shall not
4 preclude such notification in subsequent years.

5 Sec. 2. 35 MRSA §13-A, 7th ¶, as enacted by PL
6 1983, c. 237, is amended to read:

7 When the petition is filed, the electric company
8 or companies involved shall pay to the Public Utili-
9 ties Commission an amount equal to 2/100th of 1% of
10 the estimated cost of the purchase or conversion to
11 erect, rebuild or relocate the facility as may be
12 applicable. The utility or utilities may, at the
13 time of the filing of notice of its intent to file
14 the petition, request the commission to waive all or
15 a portion of the filing fee. The commission shall
16 rule on the request for waiver within 60 days. Not-
17 withstanding any other provision of law, filing fees
18 paid as required under this paragraph shall be segre-
19 gated, apportioned and expended by the Public Utili-
20 ties Commission for the purposes of this section. Any
21 portion of the filing fee that is received from any
22 utility or utilities and is not expended by the com-
23 mission to process the petition for a certification
24 of public convenience and necessity shall be returned
25 to the utility or utilities.

26 Sec. 3. 35 MRSA §19, first ¶, as repealed and
27 replaced by PL 1985, c. 506, Pt. A, §72, is amended
28 to read:

29 All money collected by the Public Utilities Com-
30 mission in the form of filing fees ~~or~~ expense reim-
31 bursements ordered by the commission or payments for
32 services, such as reproduction and distribution of
33 copies of commission decisions and photocopying or
34 for the use of facilities, shall be deposited with
35 the Treasurer of State in an account to be known as
36 the Public Utilities Commission Reimbursement Fund,
37 which shall be a continuous carrying account, with
38 appropriate subaccounts, for reimbursement of commis-
39 sion expenses incurred in processing the associated
40 matters or providing the associated services or
41 facilities which generated the filing fee ~~or~~ expense
42 reimbursement or payment and so much thereof as may
43 be required is appropriated allocated for these pur-

1 poses and for refund of the unexpended portion of the
2 filing fee. All such payments shall be made to the
3 commission after approval of the State Controller and
4 in no event may the payments exceed the amounts re-
5 ceived by the Treasurer of State from the Public
6 Utilities Commission.

7 Sec. 4. 35 MRSA §72, 2nd ¶, as amended by PL
8 1983, c. 214, §1, is further amended to read:

9 Municipal and quasi-municipal water corporations
10 which elect to set rates under this section shall not
11 file with the commission or increase any rate, toll
12 or charge without first holding a public hearing at
13 which any person, firm or corporation which pays
14 those rates, tolls or charges to the municipal or
15 quasi-municipal water corporations may testify and
16 may question the officials present regarding such
17 proposed increase. The municipal or quasi-municipal
18 water corporation as described in this section shall,
19 at least 14 days prior to the hearing, publish a no-
20 tice of the proposed rate increase and the hearing
21 including the date, time, place and purpose of the
22 hearing ~~at least twice~~ in a newspaper of general cir-
23 culation in the area encompassed by the municipal or
24 quasi-municipal water corporation. In addition, each
25 municipal or quasi-municipal water corporation shall
26 give one notice of the proposed rate increase and the
27 date, time and place of the hearing to each of its
28 ratepayers. The published and individual notices
29 shall include a statement describing the amount of
30 the increase and the percentage increase for each
31 customer class. At the commencement of each hearing
32 held pursuant to this section, the municipal or qua-
33 si-municipal water corporation shall inform those
34 present that the rate increase may be investigated by
35 the Public Utilities Commission in accordance with
36 this section. The water utility shall file its
37 changed rates with the commission within 30 days of
38 the public hearing, but not sooner than 10 days fol-
39 lowing the public hearing.

40 Sec. 5. 35 MRSA §73, sub-§5, ¶E, as enacted by
41 PL 1981, c. 438, §5, is amended to read:

42 E. To provide for a contingency ~~reserve fund~~
43 allowance by providing rates to reflect up to a

1 5% addition to yearly revenues over what is re-
2 quired to operate the water company, ~~in accord-~~
3 ~~ance with section 3311.~~ If this allowance re-
4 sults in an excessive surplus, rates may be set
5 which use the excess to offset future revenue re-
6 quirements.

7 Sec. 6. 35 MRSA §104, sub-§3, as amended by PL
8 1985, c. 481, Pt. C, §10, is further amended to read:

9 3. Consent by commission. No public utility may
10 extend or receive credit or make or receive a loan to
11 or from an affiliated interest or make any contract
12 or arrangement for the furnishing of management, su-
13 pervision of construction, engineering, accounting,
14 legal, financial or similar services, or for the fur-
15 nishing of any service other than those enumerated
16 with any affiliated interest unless and until such
17 contract or arrangement shall have been found by the
18 commission not to be adverse to the public interest
19 and shall have received its written approval.

20 Any such contract or arrangement filed with the com-
21 mission hereunder shall be deemed approved unless the
22 commission disapproves such within 60 days of filing.
23 The commission may, however, suspend the effective
24 date of the contract or arrangement for an additional
25 60 days if necessary to enable the commission to com-
26 plete its review of the contract or arrangement.

27 The commission may approve a contract or arrangement
28 undertaken subsequent to the effective date of this
29 Aet, subject to such terms and conditions and
30 requirements as it deems necessary to safeguard the
31 public interest. If such contracts or arrangements
32 are not consented to or approved by the commission as
33 provided in this section, that contract or arrange-
34 ment is void and the commission may disallow, for
35 rate-making purposes, payments or such part of any
36 such payments thereunder as the commission finds not
37 to be in the public interest.

38 The commission shall, in the case of any utility or
39 groups of utilities, have the power to exempt
40 herefrom, from time to time, such classes of transac-
41 tions as it may specify by rule or regulation in ad-
42 vance and which in its judgment will not be adverse
43 to the public interest.

1 Commission approval of any such contract or arrange-
2 ment under this section shall not limit or restrict
3 the powers of the commission in determining and fix-
4 ing any rate, fare, toll, charge, classification,
5 schedule or joint rate as provided in this Title.

6 Sec. 7. 35 MRSa §171, sub-§5 is enacted to read:

7 5. Short-term debt of certain utilities. Not-
8 withstanding any limitations therein, subsection 1
9 shall apply to the issuance of notes or other evi-
10 dences of indebtedness payable at periods of not more
11 than 12 months after the date of issuance, if:

12 A. The note or evidence of indebtedness is is-
13 ssued by a public utility as defined by the Feder-
14 al Power Act, United States Code, Title 16, Sec-
15 tion 824(e); and

16 B. The note or evidence of indebtedness, togeth-
17 er with all other then outstanding notes and
18 drafts of a maturity of not more than 12 months
19 on which the public utility is primarily or sec-
20 ondarily liable, aggregates more than 5% of the
21 par value of the other securities of the public
22 utility then outstanding. In the case of securi-
23 ty having no par value, the par value for the
24 purpose of this subsection shall be the fair mar-
25 ket value as of the date of the issue.

26 Sec. 8. 35 MRSa §175 is enacted to read:

27 §175. Approval of long-term leases

28 No public utility may enter into a long-term
29 lease with a term of 3 years or more without the
30 written approval of the commission. The commission's
31 procedure and standards governing approval shall be
32 similar to those which apply to applications under
33 section 171.

34 Sec. 9. 35 MRSa §292, as amended by PL 1983, c.
35 141, §2, is repealed and the following enacted in its
36 place:

37 §292. Notice of complaint

1 The commission immediately upon the filing of
2 that complaint shall notify in writing the public
3 utility complained of that a complaint has been made
4 and of the nature of the complaint. The utility shall
5 file its response to the complaint within 10 days of
6 the date the notice of complaint is issued. After
7 receipt of the response, if the commission is satis-
8 fied that the utility has taken adequate steps to re-
9 move the cause of the complaint or that the complaint
10 is without merit, the complaint may be dismissed. If
11 the complaint is not dismissed, the commission may
12 allow for all parties to attempt to resolve the com-
13 plaint to their mutual satisfaction or proceed to set
14 a hearing on the complaint pursuant to section 293.
15 The hearing shall be promptly set if a mutually sat-
16 isfactory resolution does not appear to be forthcom-
17 ing. In the absence of an informal disposition pur-
18 suant to Title 5, section 9053, the commission shall
19 render a decision upon the complaint no later than 9
20 months after its filing.

21 Sec. 10. 35 MRSA §355, as amended by PL 1985, c.
22 481, Pt. C, §24, is further amended to read:

23 §355. Illegal issue of stocks, bonds or notes; mis-
24 appropriation of proceeds

25 Any director or officer of any public utility who
26 shall directly or indirectly issue or cause to be is-
27 sued any stocks, bonds, notes or other evidences of
28 indebtedness contrary to this Title, or who shall ap-
29 ply the proceeds from the sale thereof to any other
30 purpose than that specified in the order of the com-
31 mission shall, upon conviction thereof, be punished
32 by a fine of not less than \$500 or by imprisonment
33 for not less than one year nor more than 10 years, or
34 by both.

35 Sec. 11. 35 MRSA §2326, as amended by PL 1983,
36 c. 822, §3, is further amended to read:

37 §2326. Transactions

38 The rate paid by the public utility for the pur-
39 chase of electricity as described in this section
40 shall be determined by the small power producer or
41 cogenerator and the public utility electric company

1 or cooperative. In the event that the small power
2 producer or cogenerator and the public utility elec-
3 tric company or cooperative are unable to agree to a
4 contract for electricity, or to a price for the elec-
5 tricity purchased by the public utility, or to an equ-
6 itable apportionment of existing transmission and
7 distribution line improvement costs, the commission
8 shall require the utility to purchase the power at
9 such rates and under such terms as the commission
10 shall establish by rule or order. In the event com-
11 peting petitions are filed by small power producers
12 or cogenerators which are otherwise equivalent with
13 respect to the standards set forth in section 2327,
14 and implementing rules promulgated by the commission,
15 the commission may give preference to any such facil-
16 ity that is fueled primarily by municipal solid
17 waste. The equitable apportionment of existing
18 transmission and distribution line improvement costs
19 by the commission shall be based upon the benefits to
20 the small power producer or cogenerator and the pub-
21 lic utility electric company or cooperative. The
22 commission shall render a decision within 90 days 6
23 months from receipt of a petition signed by a small
24 power producer, cogenerator, public utility electric
25 company or electric cooperative for commission
26 intercession.

27 Sec. 12. 35 MRSa §2361, as amended by PL 1983,
28 c. 531, §1, is further amended to read:

29 §2361. Telecommunication services for the deaf,
30 hearing impaired and speech impaired

31 1. Toll call rates. The commission shall estab-
32 lish, ~~within 30 days after the effective date of this~~
33 ~~Act,~~ a 70% rate reduction for intrastate toll calls
34 from deaf and hearing impaired and speech impaired
35 persons who must rely on teletypewriters for residen-
36 tial telephone communications. To qualify for the re-
37 duction, a customer must file an affidavit, on a form
38 approved by the Public Utilities Commission Division
39 of Deafness, with the telephone company, stating
40 that, due to deafness or hearing impairment or speech
41 impairment, he or a member of the household must rely
42 on a teletypewriter for telephone communications, and
43 that such equipment is connected or acoustically cou-
44 pled to his telephone.

1 2. Moneys for telecommunication typewriters. The
2 Bureau of Rehabilitation within the Department of Hu-
3 man Services, pursuant to any appropriation of moneys
4 to the bureau for telecommunication typewriters for
5 the deaf, hearing impaired and speech impaired,
6 shall, upon request, provide up to 50% of the cost of
7 telecommunication typewriters to any organization or
8 municipality that makes available the remaining funds
9 for this equipment in a manner satisfactory to the
10 Director of the Bureau of Rehabilitation.

11 3. Telecommunications Equipment Fund. A Tele-
12 communications Equipment Fund is established. The
13 ~~Office~~ Division of Deafness in the Bureau of Rehabil-
14 itation may accept any gifts or grants for the pur-
15 poses of this section. These, and any authorized ap-
16 propriations shall be deposited in the fund, and dis-
17 bursed in accordance with this section. The fund may
18 be used for purchase, lease, upgrading, installation,
19 maintenance and repair of special telecommunications
20 equipment for the deaf, hearing impaired or speech
21 impaired. The ~~Office~~ Division of Deafness under the
22 Bureau of Rehabilitation may draw on the fund in ac-
23 cordance with the Telecommunications Equipment Plan
24 required under subsection 4. ~~The commission shall~~
25 ~~include a progress report on this program in its an-~~
26 ~~nuat report under section 17, subsection 2-~~

27 4. Telecommunications Equipment Plan. The
28 ~~Office~~ Division of Deafness shall develop a plan to
29 make special telecommunications equipment available
30 to deaf, hearing impaired and speech impaired per-
31 sons, and to distribute moneys from the Telecommuni-
32 cations Equipment Fund. The plan shall be developed
33 by the ~~Office~~ Division of Deafness and approved by
34 ~~the commission~~ annually, not later than January 1st,
35 ~~after appropriate notice and hearing in accordance~~
36 ~~with the rule-making procedures in Title 5, chapter~~
37 375. The plan shall provide for the expenditure of
38 moneys from the fund for the benefit of deaf, hearing
39 impaired and speech impaired persons for the pur-
40 chase, lease, upgrading, installation, maintenance
41 and repair of special telecommunications equipment
42 capable of serving their needs. Persons who are
43 profoundly deaf or speech impaired so that they can-
44 not use the telephone for expressive or receptive
45 communications, as verified by a written report from

1 an otologist, audiologist or physician are eligible
2 for the assistance from the fund. The plan shall in-
3 clude specific criteria that will govern the priori-
4 ties assigned to various persons who need this equip-
5 ment. The criteria shall take into account household
6 income, degree of impairment, need for emergency com-
7 munications, living arrangements and other factors
8 deemed relevant by the Office Division of Deafness.

9 Sec. 13. 35 MRSA §3311, as enacted by PL 1979,
10 c. 455, is repealed.

11 Sec. 14. 35 MRSA §3358, as enacted by PL 1981,
12 c. 688, is amended to read:

13 §3358. Cost of review

14 The licensee shall submit to the commission, with
15 the initial filing or upon a subsequent formal review
16 of a decommissioning financing plan under this sub-
17 chapter, a filing fee as determined by the commis-
18 sion, but not to exceed ~~§35,000~~ \$50,000, in order to
19 assist in covering the cost of review by the commis-
20 sion. Within one year after establishment of a de-
21 commissioning fund under this subchapter, the licens-
22 ee may recover the licensing fee from the fund. Not-
23 withstanding any other provision of law, money re-
24 ceived from the filing fee shall be segregated, ap-
25 portioned and expended by the Public Utilities Com-
26 mission for the purposes stated in this section, with
27 a report to the joint standing committee of the Leg-
28 islature having jurisdiction over appropriations and
29 financial affairs. Any unexpended funds from the
30 filing fee shall be transferred to the decommission-
31 ing trust fund after approval of the plan.

32 Sec. 15. Compliance. Any utility which has
33 failed to comply with the Maine Revised Statutes, Ti-
34 tle 35, section 3311, 2nd paragraph, shall not be re-
35 quired to act in accordance with that section, but
36 shall be subject to the Maine Revised Statutes, Title
37 35, section 73, subsection 5, paragraph E, as amended
38 by section 5 of this Act.

1

STATEMENT OF FACT

2 Section 1 clarifies the necessity for commission
3 approval of the repair, maintenance, rebuilding or
4 relocation of existing transmission lines of 100
5 kilovolts or more. The Maine Revised Statutes, Title
6 35, section 13-A, currently requires commission ap-
7 proval when any electric utility proposes to erect
8 certain generating or transmission facilities. There
9 has been uncertainty as to the application of this
10 law to the repair, maintenance or rebuilding of
11 transmission facilities. The Public Utilities Com-
12 mission has attempted to reduce the confusion by
13 means of an advisory ruling (Docket No. 83-250), but
14 statutory clarification appears preferable. This
15 bill provides this clarification by requiring approv-
16 al of projects which involve an upgrade in voltage to
17 100 kilovolts or which the Public Utilities Commis-
18 sion notifies the utility it wishes to investigate.
19 The bill requires electric utilities to file a sched-
20 ule of transmission line reconstruction projects with
21 the commission on an annual basis. If the commission
22 believes that a reconstruction project should be in-
23 vestigated, it will have the power to require a fil-
24 ing under the Maine Revised Statutes, Title 35, sec-
25 tion 13-A.

26 Section 2 deletes an erroneous reference to "the
27 purchase or conversion" in the Maine Revised Stat-
28 utes, Title 35, section 13-A, and substitutes correct
29 language.

30 Section 3 provides that payments received by the
31 Public Utilities Commission for such incidental ser-
32 vices as reproduction and distribution of commission
33 decisions, photocopying and mailing of documents, and
34 use of photocopying and other services or facilities
35 will be deposited in the Public Utilities Commission
36 Reimbursement Fund, from which the commission may
37 then be reimbursed for its associated costs.

38 Section 4 assures that the notices issued by a
39 municipal or quasi-municipal water utility which
40 elects to set its own rates by holding a hearing con-
41 tain an adequate description of the amount of the
42 proposed increase and its impact on the ratepayers.

1 At the present time, the law merely requires that
2 they "publish a notice of the proposed rate increase
3 and the hearing" and "give one notice of the proposed
4 rate increase and the date, time and place of the
5 hearing to each of its ratepayers." The law does not
6 require the utility to include sufficient detail con-
7 cerning the amount of the rate increase so as to ap-
8 prise a customer of its impact. This bill requires
9 the utility notices to include the amount of the in-
10 crease and its impact on the rates of various custom-
11 er classes. The bill also removes the requirement
12 that the utility publish a notice twice. A single
13 publication is sufficient in light of the requirement
14 that individual notice is also required to be pro-
15 vided to each of its ratepayers.

16 Sections 5, 13 and 15 clarify the current statu-
17 tory provisions governing the creation of a reserve
18 fund for municipal and quasi-municipal water utili-
19 ties and delete unreasonable restrictions associated
20 with that creation. The Maine Revised Statutes, Ti-
21 tle 35, section 3311, authorizes the commission to
22 provide that municipal and quasi-municipal water
23 utilities may collect rates to establish a contingen-
24 cy fund to be accrued by collecting up to an addi-
25 tional 5% in annual revenues. Title 35, section
26 3311, 2nd paragraph, further provides that any reve-
27 nues collected in excess of the limitations set forth
28 must be transferred to the sinking fund or applied in
29 payment on outstanding debt. If the utility has no
30 sinking fund or outstanding debt, the excess must be
31 returned to the customers. This bill deletes Title
32 35, section 3311, and leaves the general language in
33 Title 35, section 73, thereby allowing the water
34 utility discretion in the application of any excess.
35 The exercise of this discretion would be subject to
36 commission oversight. The purpose of the bill is to
37 remove the inflexible standards in Title 35, section
38 3311, 2nd paragraph, which may require inefficient or
39 uneconomic disposition of any excess revenues, for
40 example the premature retirement of inexpensive debt.
41 The bill also adds the requirement that any excessive
42 surplus be used to reduce future rates.

43 Section 6 provides that a contract between a pub-
44 lic utility and an affiliated interest which is not
45 approved by the commission shall be void. The law

1 currently states that no public utility may make a
2 contract without first receiving approval and that
3 the commission may disallow for rate-making purposes
4 payments made pursuant to an unapproved contract
5 which it finds not to be in the public interest. If
6 a utility enters into an unapproved contract, it has
7 violated the law, but the contract is still recog-
8 nized as valid and binding even though it may not be
9 in the utility's or customer's interest. The bill
10 remedies this deficiency by providing that a contract
11 does not exist unless first approved by the Public
12 Utilities Commission.

13 Section 7 provides that in certain circumstances
14 the Public Utilities Commission must approve short-
15 term debt issued by a public utility which is subject
16 to the Federal Power Act. The Federal Power Act pro-
17 vides for regulation by the Federal Energy Regulatory
18 Commission of electric utilities which sell wholesale
19 power in interstate commerce. The Federal Energy
20 Regulatory Commission must approve their short-term
21 debt issuances which together with outstanding short-
22 term debt exceeds 5% of the utility's other debt.
23 (The Federal Power Act, United States Code, Title 16,
24 Section 824c(e).) Federal law also provides that Fed-
25 eral Energy Regulatory Commission approval is not re-
26 quired where state regulation exists. (The Federal
27 Power Act, United States Code, Title 16, Section
28 824c(f).) The purpose of this section is to provide
29 for state regulation instead of federal regulation of
30 only those short-term debt issuances which are cur-
31 rently subject to federal legislation.

32 Section 8 enacts a provision which requires com-
33 mission approval before the utility enters into a
34 long-term lease. The law currently required commis-
35 sion approval before a public utility may issue
36 stocks, bonds, notes or other evidences of indebted-
37 ness, payable at periods of more than 12 months after
38 the date of the issuance. This bill requires the
39 Public Utilities Commission approval of long-term
40 leases with a term of 3 years or more. Long-term
41 leases are recognized means of financing and should
42 be subject to the Public Utilities Commission review
43 to the same extent as other long-term financing meth-
44 ods.

1 Section 9 provides for the informal resolution of
2 10-person complaints against utilities without the
3 need for a formal hearing in every case. The law
4 currently may be read to require that, if after the
5 expiration of 7 days after a utility is notified by
6 the Public Utilities Commission of the filing of a
7 formal 10-person complaint, the utility has not re-
8 moved the cause of the complaint to the satisfaction
9 of the commission, the commission shall proceed to
10 set a time and place for a hearing, which shall be
11 promptly set. In most cases, 7 days is not an ade-
12 quate amount of time during which the commission may
13 determine whether the cause of the complaint is re-
14 moved to its satisfaction. Furthermore, the filing
15 of a formal 10-person complaint is often followed by
16 a period during which the utility, the customers and
17 the commission staff may attempt to work out an
18 agreeable resolution. This informal process should
19 be allowed sufficient time before the commission must
20 make its determination and set a formal hearing. The
21 bill requires the utility to file its response within
22 10 days, but allows the commission adequate addition-
23 al time to determine if the cause of the complaint
24 has been removed to its satisfaction and allows for
25 attempts at informal resolution.

26 Section 10 removes the mandatory imprisonment
27 penalty found in the law governing the illegal issue
28 of utility securities or misappropriation of the pro-
29 ceeds. The law currently provides that a person re-
30 sponsible for the illegal issuance of public utili-
31 ties securities or the application of the proceeds
32 for a purpose other than that specified in the order
33 of the commission shall, upon conviction, be punished
34 by imprisonment for not less than one year and not
35 more than 10 years. This bill provides the addition-
36 al sanction of a fine, as now exists for the making
37 of false statements as to the issue of securities, so
38 that imprisonment is not the only penalty.

39 Section 11 extends the period during which the
40 commission must render a decision on a disputed con-
41 tract between a utility and a small power producer or
42 cogenerator from 90 days to 6 months. The law cur-
43 rently allows the Public Utilities Commission only 90
44 days to render a decision when it is petitioned to
45 resolve a dispute between a utility and a small power

1 producer or cogenerator. In cases of substantial
2 disagreement, there may be considerable litigation
3 which cannot be concluded within 90 days.

4 Section 12 deletes the requirements that the af-
5 fidavit of a speech or hearing impaired person and
6 the Telecommunications Equipment Plan, which is de-
7 veloped annually by the Division of Deafness of the
8 Bureau of Rehabilitation, must be approved by the
9 Public Utilities Commission. The social and policy
10 considerations involved in decisions as to the proper
11 allocation of funds to assist the hearing and speech
12 impaired are not within the primary areas of commis-
13 sion responsibility. These decisions are better to
14 remain with the Division of Deafness. Although the
15 commission's expertise in hearing procedure may have
16 been required previously, it now appears that the Di-
17 vision of Deafness should be able to conduct any nec-
18 essary proceedings.

19 Section 14 increases the fee to be submitted upon
20 the filing of a decommissioning financing plan from
21 \$35,000 to \$50,000 in order to more adequately cover
22 the costs incurred by the Public Utilities Commission
23 in reviewing the plan. The bill also provides that
24 the commission may require a filing fee to cover the
25 costs of any subsequent formal review of the plan.

26 5410120685