

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 255

H.P. 203 House of Representatives, February 5, 1987
Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.
Cosponsored by Senator ERWIN of Oxford and Representative
NICHOLSON of South Portland.

STATE OF MAINE

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

AN ACT to Increase the Annual Public
Utilities Commission Regulatory Fund
Assessment.

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5 Emergency preamble. Whereas, Acts of the Legis-
6 lature do not become effective until 90 days after
7 adjournment unless enacted as emergencies; and

8 Whereas, the 90-day period will not terminate un-
9 til after the beginning of the next fiscal year; and

10 Whereas, the Public Utilities Commission requires
11 additional funds in fiscal years 1987-88 and 1988-89
12 for ongoing services in order to ensure reliable ser-
13 vice at just and reasonable rates for state
14 ratepayers; and

1 Whereas, these funds must be assessed by May 1,
2 1987, in order to be available in fiscal year
3 1987-88; and

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

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

12 Sec. 1. 35 MRSA §17, sub-§1, as amended by PL
13 1985, c. 618, §6, is further amended to read:

14 1. Utilities subject to assessments. Every elec-
15 tric, gas, telegraph, telephone and water utility
16 subject to regulation by the commission and every wa-
17 ter carrier subject to the jurisdiction of the com-
18 mission pursuant to Private and Special Act of the
19 Legislature shall be subject to an assessment of not
20 more than .25% on its intrastate gross operating rev-
21 enues to produce no more than ~~\$2,079,000~~ \$2,219,000
22 in revenues annually beginning in the ~~1986-87~~ 1987-88
23 fiscal year and not more than \$2,309,000 in revenues
24 annually beginning in the 1988-89 fiscal year. The
25 commission shall determine the assessments annually
26 prior to May 1st and shall assess each utility for
27 its pro rata share. Each utility shall pay the as-
28 sessment charged to the utility on or before July 1st
29 of each year. Any increase in the assessment that
30 becomes effective subsequent to May 1st may be billed
31 on the effective date of the Act authorizing the in-
32 crease.

33 A. The assessments charged to utilities under
34 this section shall be deemed just and reasonable
35 operating costs for rate-making purposes.

36 B. For the purposes of this section, intrastate
37 gross operating revenues means intrastate reve-
38 nues derived from filed rates, except revenues
39 derived from sales for resale.

1 C. Gas utilities subject to the jurisdiction of
2 the commission solely with respect to safety
3 shall not be subject to any assessment until such
4 time as the commission has reviewed the scope and
5 cost of such that jurisdiction and an assessment
6 or fee structure is authorized by the Legisla-
7 ture.

8 D. The commission may at its discretion correct
9 any errors in the assessments by means of a cred-
10 it or debit to the following year's assessment
11 rather than reassessing all utilities in the cur-
12 rent year.

13 Sec. 2. Allocation. Income not otherwise allo-
14 cated from the Public Utilities Commission Regulatory
15 Fund is allocated for the fiscal years ending June
16 30, 1988, and June 30, 1989, and shall be segregated,
17 apportioned and disbursed as designated in the fol-
18 lowing schedule:

19		<u>1987-88</u>	<u>1988-89</u>
20	<u>PUBLIC UTILITIES COMMISSION</u>		
21	All Other	\$140,000	\$90,000

22 Emergency clause. In view of the emergency cited
23 in the preamble, this Act shall take effect when ap-
24 proved.

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STATEMENT OF FACT

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This bill will increase the annual Public Utilities Regulatory Fund assessment by \$140,000 to a total of \$2,219,000 beginning in fiscal year 1987-88 and by an additional \$90,000 to a total of \$2,309,000 beginning in fiscal year 1988-89. Together with the General Fund appropriation and the existing level of Public Utilities Regulatory Fund assessments, these increases will provide the Public Utilities Commission with sufficient funds to carry out its duties. The additional funds will be used to fund increases in personnel and general operating expenses.

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