

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)

1 within 60 30 days. Notwithstanding any other provi-
2 sion of law, filing fees paid as required under this
3 paragraph shall be segregated, apportioned and ex-
4 pended by the Public Utilities Commission for the
5 purposes of this section. Any portion of the filing
6 fee that is received from any utility or utilities
7 and is not expended by the commission to process the
8 petition for a certification of public convenience
9 and necessity shall be returned to the utility or
10 utilities.

11 Sec. 2. 35 MRSa §13-B, sub-§4, as amended by PL
12 1983, c. 443, is further amended to read:

13 4. Filing fee. When the petition is filed, the
14 utility or utilities involved shall pay to the Public
15 Utilities Commission an amount equal to 2/100 of 1%
16 of the estimated cost of the purchase or conversion.
17 The utility or utilities may, at the time of the fil-
18 ing of notice of its intent to file the petition, re-
19 quest the commission to waive all or a portion of the
20 filing fee. The commission may waive the requirement
21 that at least 2 months advance notice be given. The
22 commission shall rule on ~~the~~ a request for waiver
23 within 60 30 days.

24 Notwithstanding any other provision of law, filing
25 fees paid as required here in this subsection shall
26 be segregated, apportioned and expended by the Public
27 Utilities Commission for the purposes of this sec-
28 tion. Any portion of the filing fee that is received
29 from any utility or utilities and is not expended by
30 the commission to process the petition for a certifi-
31 cation of public convenience and necessity shall be
32 returned to the utility or utilities.

33 Sec. 3. 35 MRSa §52-B, sub-§5, as amended by PL
34 1985, c. 423, §1, is further amended to read:

35 5. Canceled plant recovery filing fee. Any util-
36 ity requesting recovery in rates of its investment in
37 a canceled or abandoned electric generating facility
38 shall pay to the commission a filing fee of \$150,000
39 for each facility. The utility may request the com-
40 mission to waive all or a portion of the filing fee.
41 The commission shall rule on the request for waiver

1 within 30 days. Notwithstanding any other provision
2 of law, filing fees paid as required in this section
3 shall be segregated, apportioned and expended by the
4 commission for the purposes of this section. Any por-
5 tion of the filing fee that is received from any
6 utility and is not expended by the commission for the
7 purposes of this section shall be returned to the
8 utility.

9 Sec. 4. 35 MRSA §57, as amended by PL 1985, c.
10 481, Pt. C, §7, is further amended to read:

11 §57. Other systems prohibited

12 No public utility shall keep any other books, ac-
13 counts, papers or records of its business transacted
14 than those prescribed or approved by the commission.
15 Nothing contained in this Title shall require
16 requires any public utility engaged in interstate
17 commerce to do, or not to do, anything contrary to
18 the requirements of any federal law relating thereto
19 to interstate commerce.

20 Sec. 5. 35 MRSA §103, 2nd ¶ is amended to read:

21 Any person, firm or corporation violating any of
22 the provisions of this section shall be punished by a
23 fine of not more than \$1,000 for each offense by
24 knowingly soliciting, accepting or receiving an un-
25 lawful preference from a utility commits a civil vio-
26 lation for which a forfeiture not to exceed \$1,000
27 may be adjudged for each offense. A public utility
28 that offers or grants an unlawful preference commits
29 a civil violation for which a forfeiture not to ex-
30 ceed \$1,000 may be adjudged for each offense.

31 Sec. 6. 35 MRS §295 is amended to read:

32 §295. Conformity to decision; copies

33 Every public utility to which such order applies
34 shall make such changes in its schedules on file as
35 may be necessary to make the same conform to said
36 that order. No change thereafter shall may be made by
37 any public utility in any such rates, tolls or
38 charges or in any joint rate or rates within one year
39 after the date of said the order without the approval

1 of the commission. At the expiration of one year from
2 the date of said the order, and thereafter, no change
3 ~~shall~~ may be made by any public utility in any such
4 rates, tolls or charges or in any joint rate or rates
5 except in accordance with section 64. Copies of all
6 orders of the commission, certified by the ~~clerk~~ ad-
7 ministrative director, shall be delivered to the pub-
8 lic utility affected thereby and the same shall take
9 effect when signed by the administrative director or
10 within ~~such~~ that time ~~thereafter~~ as the commission
11 shall prescribe. The Superior Court shall have full
12 jurisdiction upon application of the commission or of
13 the Attorney General, to enforce all orders of the
14 commission and the performance by public utilities of
15 all duties imposed by law upon them, including the
16 appointment of receivers, agents and special masters
17 to carry the orders of ~~said~~ the courts and of ~~said~~
18 the commission into effect and clothing them with ad-
19 equate authority ~~therefor~~.

20 Sec. 7. 35 MRSAs §2326, 2nd ¶, as enacted by PL
21 1985, c. 604, §2, is amended to read:

22 The petitioner or petitioners requesting commis-
23 sion intercession shall pay to the commission an
24 amount equal to \$1,000 per megawatt of capacity of
25 the facility in issue. The petitioner or petitioners
26 may request the commission to waive all or part of
27 the filing fee. The commission shall rule on the re-
28 quest for waiver within 30 days. Notwithstanding any
29 other provision of law, filing fees paid as required
30 in this paragraph shall be segregated, apportioned
31 and expended by the commission for the purposes of
32 this section. Any portion of the filing fee that is
33 received from any petitioner or petitioners and is
34 not expended by the commission to process the request
35 for intercession shall be returned to the petitioner
36 or petitioners.

37 Sec. 8. 37-B MRSAs §1055, as enacted by PL 1983,
38 c. 460, §3, is amended to read:

39 §1055. Exemptions

40 Dams and projects licensed by or subject to the
41 jurisdiction of the Federal Power Energy Regulatory
42 Commission and dams and ~~projects of public utilities~~

1 that have been certified to be in a safe condition by
2 the Public Utilities Commission, after inspection at
3 least once in every 5 years, are exempt from this
4 chapter.

5 STATEMENT OF FACT

6 This legislation makes a number of minor substan-
7 tive changes to the public utilities laws of a house-
8 keeping nature.

9 Sections 1, 2, 3 and 7 amend various filing fee
10 laws to provide a uniform 30-day period within which
11 the Public Utilities Commission must rule on requests
12 for waiver of the filing fee. The laws now contain
13 periods of 60 days, 30 days and no specified period.

14 Section 4 deletes language which prohibits a pub-
15 lic utility from keeping records other than those
16 prescribed or approved by the commission.

17 Section 5 updates the penalty provisions for cus-
18 tomers who seek or receive unlawful preference from a
19 public utility. This section also adds a specific
20 penalty on utilities which offer or make an unlawful
21 preference.

22 Section 6 clarifies the law to make it clear that
23 orders of the Public Utilities Commission are effec-
24 tive upon signature of the administrative director,
25 unless otherwise directed by the commission. The law
26 presently states that orders take effect within the
27 time prescribed by the commission.

28 Section 8 deletes the responsibility of the Pub-
29 lic Utilities Commission to inspect dams which is
30 suggested by the language of the section amended.

31

0795020387