

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 662

H.P. 492 House of Representatives, March 6, 1987
Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.
Cosponsored by Representative PARADIS of Old Town.

STATE OF MAINE

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

1 AN ACT to Increase the Lowest Amount of Units
2 of Transmission or Generation under the Public
3 Utilities Commission Law.
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 35 MRSA §13-B, sub-§1, as enacted by PL 1981, c.
8 673, §1, is amended to read:

9 1. Certificate of public convenience and neces-
10 sity. Commission approval is required as follows
11 whenever any electrical company proposes:

12 A. To purchase any right, title or interest in
13 generating capacity, transmission capacity or en-
14 ergy, as defined in subsection 2; or

1 B. To convert a permanently installed generating
2 facility of more than 1,000 kilowatts to use a
3 type of fuel different from that which the facil-
4 ity currently is equipped to use.

5 The company shall file with the commission, no less
6 than 2 months in advance of submitting its petition
7 for a certificate of public convenience and necessity
8 for the proposed purchase or conversion, a notice of
9 its intent to file the petition. The notice shall
10 inform the commission of the terms of the proposed
11 purchase or conversion, and thereafter the commission
12 may, by rule or otherwise, require the petitioner to
13 make available such additional information as it
14 deems necessary. The petition for a certificate of
15 public convenience and necessity shall contain such
16 information as the commission may by rule prescribe.
17 The petition shall be set down for public hearing.
18 The commission shall issue its order within 12 months
19 after the petition is filed. If there is then out-
20 standing for the utility a long-range plan approved
21 pursuant to section 13-C, the commission shall issue
22 its order within 9 months of filing. If an approved
23 plan is outstanding, the utility need not provide an
24 advance notice of its intent to file the petition.
25 No electrical company may purchase any generating ca-
26 pacity, transmission capacity or energy as defined in
27 subsection 2, or carry out a fuel conversion within
28 the meaning of this section, unless the commission
29 has issued a certificate of public convenience and
30 necessity approving the petition.

31 In its order, the commission shall make specific
32 findings with regard to the need for such facilities
33 and, if the commission finds that a need for the pur-
34 chase or conversion exists, it shall issue a certifi-
35 cate of public convenience and necessity for the pur-
36 chase or conversion. In ruling upon a fuel conver-
37 sion petition, the commission may consider the bene-
38 fit to the public of any increased security of fuel
39 supply which may result from the conversion.

40 The issuance of a certificate of public convenience
41 and necessity establishes that, as of the date of is-
42 suance of the certificate, the decision by the utili-
43 ty to purchase or convert was prudent.

1 Notwithstanding this section, extensions of existing
2 wholesale power purchase arrangements, subject to
3 Federal Energy Regulatory Commission review with re-
4 spect to rates, are exempt from prior review.

5 STATEMENT OF FACT

6 The purpose of this bill is to modify the prior
7 approval, the Maine Revised Statutes, Title 35, sec-
8 tion 13-B, to exempt from prior review extensions of
9 existing wholesale power purchase arrangements which
10 are subject to Federal Energy Regulatory Commission
11 review with respect to rates.

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