

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 263

S.P. 143

In Senate, February 21, 1989

Submitted by the Public Utilities Commission pursuant to Joint Rule 24.

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOST of Penobscot.

Cosponsored by Representative CLARK of Millinocket, Representative PARADIS of Old Town and Representative STROUT of Windham.

STATE OF MAINE

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

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment, Establish a Consumer Assistance Specialist Position and Make Certain Other Changes.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
3 become effective until 90 days after adjournment unless enacted
 as emergencies; and

5 Whereas, the 90-day period may not terminate until after the
7 beginning of the next fiscal year; and

9 Whereas, the Public Utilities Commission requires additional
11 funds in fiscal years 1989-90 and 1990-91 for ongoing services to
 ensure reliable service at just and reasonable rates for state
 ratepayers; and

13 Whereas, these funds must be assessed by May 1, 1989 to be
15 available in fiscal year 1989-90; and

17 Whereas, in the judgment of the Legislature, these facts
19 create an emergency within the meaning of the Constitution of
21 Maine and require the following legislation as immediately
 necessary for the preservation of the public peace, health and
 safety; now, therefore,

23 **Be it enacted by the People of the State of Maine as follows:**

25 **Sec. 1. 2 MRSA §6-A, sub-§3-B is enacted to read:**

27 3-B. Other employees; range 18. The salaries of the
 following employees shall be within range 18:

29 A. Administrative secretary to the chairman.

31 **Sec. 2. 5 MRSA §931, sub-§1, ¶J, as repealed and replaced by PL**
33 **1987, c. 631, §2, is amended to read:**

35 J. Staff attorney, financial analyst, chief utility
37 accountant, utility accountant III, assistant administrative
39 director, administrative assistant to the administrative
 director, administrative secretary to the chairman and
 assistant to the director of consumer assistance positions
 at the Public Utilities Commission;

41 **Sec. 3. 35-A MRSA §107, sub-§2, ¶¶A and C, as amended by PL**
43 **1987, c. 631, §3, are further amended to read:**

45 A. The general counsel, the administrative director, the
47 assistant administrative director, the administrative
49 assistant to the administrative director, the administrative
51 secretary to the chairman, the director of finance, the
 director of technical analysis, the director of consumer
 assistance and the assistant to the director of consumer
 assistance shall serve at the pleasure of the commission and
 their salaries shall be set by the commission within the
 ranges established by Title 2, section 6-A.

1 C. The salaries of the other subordinate officials and
3 employees of the commission, other than those of the general
5 counsel, the administrative director, the assistant
7 administrative director, the administrative assistant to the
9 administrative director, the administrative secretary to the
11 chairman, the director of finance, the director of technical
13 analysis, the director of consumer assistance, the assistant
15 to the director of consumer assistance and the staff
17 attorney, financial analyst, chief utility accountant and
19 utility accountant III positions, shall be subject to the
21 Civil Service Law, except as provided in paragraph D.

23 **Sec. 4. 35-A MRSA §116, sub-§1, as amended by PL 1987, c. 631,**
25 **§4, is further amended to read:**

27 1. Utilities subject to assessments. Every electric, gas,
29 telegraph, telephone and water utility and ferry subject to
regulation by the commission shall be subject to an assessment of
not more than .25% on its intrastate gross operating revenues to
produce no more than \$2,386,000 \$2,700,000 in revenues annually
beginning in the 1988-89 1989-90 fiscal year and not more than
23 \$2,914,000 in revenues annually beginning in the 1990-91 fiscal
25 year. The commission shall determine the assessments annually
prior to May 1st and shall assess each utility for its pro rata
share. Each utility shall pay the assessment charged to the
27 utility on or before July 1st of each year. Any increase in the
assessment that becomes effective subsequent to May 1st may be
29 billed on the effective date of the act authorizing the increase.

31 A. The assessments charged to utilities under this section
33 are just and reasonable operating costs for rate-making
purposes.

35 B. For the purposes of this section, "intrastate gross
operating revenues" means intrastate revenues derived from
37 filed rates, except revenues derived from sales for resale.

39 C. Gas utilities subject to the jurisdiction of the
41 commission solely with respect to safety shall not be
subject to any assessment.

43 D. The commission may correct any errors in the assessments
45 by means of a credit or debit to the following year's
assessment rather than reassessing all utilities in the
current year.

47 E. The commission may exempt utilities with annual
49 intrastate gross operating revenues under \$50,000 from
assessments under this section.

1 **Sec. 5. 35-A MRSA §116, sub-§4**, as amended by PL 1987, c. 631,
2 §5, is further amended to read:

3
4 **4. Use of funds.** The Public Utilities Commission may use
5 the revenues provided in accordance with this section to fund 45
6 47 employees and 2 seasonal legal researchers and to defray the
7 costs incurred by the commission pursuant to this Title,
8 including administrative expenses, general regulatory expenses,
9 consulting fees and all other reasonable costs incurred to
10 administer this Title.

11
12 **Sec. 6. Allocation of Public Utilities Commission Regulatory Fund.**
13 Income not otherwise allocated from the Public Utilities
14 Commission Regulatory Fund is allocated for the fiscal years
15 ending June 30, 1990 and June 30, 1991 and shall be segregated,
16 apportioned and disbursed as designated in the following schedule:

	1989-90	1990-91
PUBLIC UTILITIES COMMISSION		
Regulatory Fund - Public Utilities Commission		
Positions	(2)	(2)
Personal Services	\$35,000	\$38,000
All Other	277,000	490,000
Capital Expenditures	2,000	
Funds to be used for 2 new positions, a consumer assistant specialist and a part-time position in the administrative division; and for increases in personnel and general operating expenses.		
PUBLIC UTILITIES COMMISSION TOTAL	\$314,000	\$528,000

41 **Emergency clause.** In view of the emergency cited in the
42 preamble, this Act shall take effect when approved.

1

FISCAL NOTE

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This bill will have the following effect on revenues:

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1989-90

1990-91

7

Public Utilities Commission -

9

Regulatory Fund

\$314,000

\$528,000

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This bill increases the limits on the Public Utilities Commission Regulatory Fund by \$314,000 and \$528,000 in fiscal years 1989-90 and 1990-91, respectively. The increases in dedicated revenues to the Public Utilities Commission are allocated fully for general operating expenses and 2 new positions.

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STATEMENT OF FACT

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This bill increases the annual Public Utilities Commission Regulatory Fund assessment by \$314,000 to a total of \$2,700,000 beginning in fiscal year 1989-90 and by an additional \$214,000 to a total of \$2,914,000 beginning in fiscal year 1990-91. Together with the General Fund appropriation and the existing level of Public Utilities Commission Regulatory Fund assessments, these increases will provide the commission with sufficient funds to carry out its duties. The additional funds will be used to fund increases in personnel costs and general operating expenses. This bill also funds 2 new positions: a consumer assistance specialist for the consumer assistance division and a part-time position for the administrative division; and places the administrative secretary to the chairman in the unclassified service.