

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 296

H.P. 216

House of Representatives, 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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representative HOLT of Bath, Representative PARADIS of Old Town and Representative STROUT of Windham.

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STATE OF MAINE

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

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An Act to Clarify the Jurisdiction of the Public Utilities Commission  
over the Construction of Transmission Lines by Electric Utilities.

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

3               **Sec. 1. 35-A MRSA §3132, sub-§1, as enacted by PL 1987, c.**  
5               **141, Pt. A, §6, is amended to read:**

7               **1. Construction of generating facility and resulting line.**  
9       Whenever any electric utility or utilities proposes to erect  
11       within this State a permanently installed generating facility of  
13       more than 1,000 kilowatts or any transmission line capable of  
15       carrying 100 kilovolts or more, the construction of which is  
17       required as-a-result-of to carry the capacity or energy produced  
19       by the generating facility, the following provisions apply.

21               A. The utility or utilities shall file with the commission,  
23       no less than 3 months in advance of submitting its petition  
25       for approval of the proposed facility or lines, a notice of  
27       its intent to file the petition.

29               The notice of intent to file shall inform the commission of  
31       the location, size, type of facility, estimated cost and  
33       proposed construction schedule of the generating facility or  
35       lines, together with such other facts and details concerning  
37       the proposed facility or lines as the commission by rule  
39       prescribes.

41               B. The petition for approval of the proposed generating  
43       facility or lines shall contain such information as the  
45       commission by rule prescribes.

47               C. The petition for approval shall be set down for public  
49       hearing.

51               D. The commission shall issue its order within 15 months  
after the petition is filed with the commission unless the  
period is either extended by agreement of all the parties or  
by the commission upon its determination that the party  
seeking the extension would, because of circumstances beyond  
that party's control for which it has no reasonable  
substitute, and be unreasonably disadvantaged unless the  
extension were granted, provided that the party to that time  
had prosecuted its case in good faith and with due diligence.

**Sec. 2. 35-A MRSA §3132, sub-§1-A is enacted to read:**

**1-A. Purchase of capacity or energy and resulting line.**  
Whenever any electric utility or utilities propose to purchase  
any generating capacity, transmission capacity or energy as  
defined in section 3131 and erect any transmission line capable  
of carrying 100 kilovolts or more, the construction of which is  
required to carry the capacity or energy purchased, the following  
provisions shall apply.

1       A. The purchase of the generating capacity, transmission  
3       capacity or energy shall be subject to section 3133.

5       B. The construction of the resulting transmission line  
7       shall be subject to this section, except that the notice of  
9       intent must be filed no less than 2 months in advance of  
      submitting the petition for approval and the commission  
      shall issue its order within 12 months after the petition is  
      filed.

11       **Sec. 3. 35-A MRSA §3132, sub-§2, as enacted by PL 1987, c.**  
13       **141, Pt. A, §6, is amended to read:**

15       2. Line not resulting from construction or purchase.  
17       Whenever any electric utility or utilities propose to erect  
19       within this State a transmission line capable of carrying 100  
21       kilovolts, or more, and the transmission line does not result  
23       from the construction of a generating facility pursuant to this  
25       section or the purchase of generating capacity, transmission  
      capacity or energy, the utility or utilities shall file a  
      petition for the approval of the proposed line. The petition is  
      subject to the requirements of subsection 1, paragraphs B and C.  
      The commission shall issue its order within 6 months after the  
      petition is filed unless this period is extended as provided in  
      subsection 1, paragraph D.

27       **Sec. 4. 35-A MRSA §3132, sub-§3-A is enacted to read:**

29       3-A. Minor transmission line construction projects. Each  
31       domestic electric utility shall file annually with the commission  
33       a schedule of minor transmission line construction projects which  
35       it intends to carry out during the next 5 years concerning  
37       transmission lines that will be capable of carrying 100 kilovolts  
      or more. A minor transmission line construction project shall be  
      a transmission line construction project, the cost of which does  
      not exceed 25% of the utility's current annual transmission  
      property depreciation charge. The schedule shall describe each  
      project, showing the length, location and estimated cost.

39       If the commission determines that an investigation of any minor  
41       transmission line construction project is warranted, it shall  
43       notify the electric utility within 60 days of the annual filing  
45       and the electric utility shall then be required to comply with  
47       the provisions of this section with respect to that project. The  
      absence of commission notification requiring the utility to file  
      a petition does not preclude such notification in subsequent  
      years.

49       **Sec. 5. 35-A MRSA §3132, sub-§9, as amended by PL 1987, c.**  
51       **490, Pt. A, §5, is further amended to read:**

9. Filing fee; waiver of fee. When a petition is filed under this section, the electric utility or utilities involved shall pay to the commission an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the facility. The utility may, at the time of the filing of notice of its intent to file the petition, or, in the case of lines subject to subsection 2, at the time of the filing of the petition, request the commission to waive all or a portion of the filing fee. The commission shall rule on the request for waiver within 30 days.

Filing fees paid as required under this subsection shall be segregated, apportioned and expended by the commission for the purposes of this section. Any portion of the filing fee that is received from any utility and is not expended by the commission to process the petition for a certificate of public convenience and necessity shall be returned to the utility.

## STATEMENT OF FACT

This bill clarifies which transmission line projects must receive the prior approval of the Public Utilities Commission. The clarification is achieved by amending the Maine Revised Statutes, Title 35-A, section 3132 in 2 respects. First, subsections 1 and 2 are amended to provide that prior approval is required for the construction of transmission lines which are "capable of carrying" 100 kilovolts or more, even if they initially carry less than 100 kilovolts. Second, subsection 3-A is added to include "minor" transmission line construction projects under the same treatment for rebuilding and relocation of existing lines with respect to the necessity of prior Public Utilities Commission approval. The utility will be required to notify the Public Utilities Commission of any plans with respect to minor transmission line construction projects and must file for approval only if ordered to do so by the Public Utilities Commission.

The bill also amends the statutory deadline for approval of transmission line projects, which are made necessary by the purchase of capacity or energy, to make the deadline consistent with the deadlines for the approval of the purchase.