

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)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 309

S.P. 161

In Senate, February 22, 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 that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

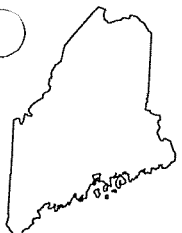
Presented by Senator BOST of Penobscot.

Cosponsored by Representative PAUL of Sanford, Representative PARADIS of Old Town and Representative AIKMAN of Poland.

STATE OF MAINE

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

An Act to Make Changes to the Public Utilities Commission Laws.



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

3 **Sec. 1. 35-A MRSA §117, sub-§1**, as enacted by PL 1987, c. 141,
5 Pt. A, §6, is amended to read:

7 **1. Filing fees and expense reimbursements.** All money
9 collected by the commission in the form of filing fees, expense
11 reimbursements ordered by the commission or payment for services,
13 such as reproduction and distribution of copies of commission
15 decisions and photocopying or for the use of facilities, shall be
17 deposited with the Treasurer of State in an account to be known
19 as the Public Utilities Commission Reimbursement Fund. This
21 account is a continuous carrying account, with appropriate
subaccounts, for reimbursement of commission expenses incurred in
processing the associated matters or providing the associated
services or facilities which generated the filing fee, payment or
expense reimbursement and so much of the filing fee, payment or
expense reimbursement as may be required is allocated for these
purposes and for refund of the unexpended portion of the filing
fee.

23 **Sec. 2. 35-A MRSA §707, sub-§3**, as enacted by PL 1987, c. 141,
Pt. A, §6, is amended to read:

25 **3. Consent by commission.** No public utility may extend or
27 receive credit, including the guarantee of debt, or make or
29 receive a loan to or from an affiliated interest or make any
31 contract or arrangement for the furnishing of management,
33 supervision of construction, engineering, accounting, legal,
35 financial or similar services, or for the furnishing of any
service or real or personal property other than those enumerated
with any affiliated interest until the commission finds that the
contract or arrangement is not adverse to the public interest and
gives the contract or arrangement its written approval.

37 **A.** Unless the commission disapproves it within 60 days of
39 filing, a contract or arrangement filed with the commission
41 under this section is deemed approved. The commission may,
43 however, suspend the effective date of the contract or
arrangement for an additional 60 days if necessary to enable
the commission to complete its review of the contract or
arrangement.

45 **B.** The commission may approve a contract or arrangement
47 with an affiliated interest undertaken after October 24,
49 1977, subject to such terms, conditions and requirements as
51 it determines necessary to safeguard the public interest.
If the contract or arrangement is not consented to or
approved by the commission as provided in this section, the
commission may disallow, for rate-making purposes, payments
or part of any such payments as the commission finds not to
be in the public interest, and the commission may, after

1 notice to the affected parties and opportunity for hearing,
2 declare that contract or arrangement prospectively void.
3 Unless otherwise invalid, that contract or arrangement shall
4 remain in effect until declared prospectively void by an
5 effective final order of the commission issued under this
6 section no later than 90 days from the date of service of
7 the notice.

9 C. The commission may, in the case of a utility or group of
10 utilities, exempt from this section from time to time
11 classes of transactions as it may specify by rule or order
12 in advance and which in its judgment will not be adverse to
13 the public interest.

15 D. Commission approval of a contract or arrangement under
16 this section may not limit or restrict the powers of the
17 commission in determining and fixing any rate, fare, toll,
18 charge, classification, schedule or joint rate as provided
19 in this Title.

21 E. By rule, the commission may make this section applicable
22 to transactions between affiliated interests of a public
23 utility, even though the public utility is not a party to
24 the transactions, in cases when the transactions may have a
25 significant effect on the public utility.

27 **Sec. 3. 35-A MRSA §708, sub-§2-A is enacted to read:**

29 2-A. Approval does not affect rate-making powers.
30 Commission approval of a reorganization under this section may
31 not limit or restrict the powers of the commission in determining
32 and fixing any rate, fare, tolls, charge, classification,
33 schedule or joint rate as provided in this Title.

35 **Sec. 4. 35-A MRSA §3502, sub-§2, as enacted by PL 1987, c.**
36 **141, Pt. A, §6, is amended to read:**

37 **2. Notification.** The consumer-owned electric utility
38 shall, at least 30 days prior to the hearing, publish a notice of
39 the amount of the proposed rate increase, the percent of increase
40 for each customer class and the hearing, including the date,
41 time, place and purpose of the hearing ~~at least twice~~ in a
42 newspaper of general circulation in the area encompassed by the
43 consumer-owned electric utility. In addition, 60 days prior to
44 the hearing, the consumer-owned electric utility shall notify the
45 commission and the Public Advocate of its intent to increase
46 rates, tolls or charges.

49 **Sec. 5. 35-A MRSA §3502, sub-§3, ¶F, as enacted by PL 1987, c.**
50 **141, Pt. A, §6, is amended to read:**

51 **F. The date, time and, place and purpose of the hearing.**

1
3 **Sec. 6. 35-A MRSA §3502, sub-§10**, as enacted by PL 1987, c.
141, Pt. A, §6, is amended to read:

5 **10. Electric utility may challenge petitions.** The electric
6 utility shall have 10 days from the receipt of notice to notify
7 the commission whether it intends to contest any aspect of the
8 validity of the petition, after which it shall lose that right.
9 If the electric utility notifies the commission in a timely
10 fashion that it wishes to contest the validity of the petitions,
11 the commission shall set the matter down for hearing. It shall
12 hold the hearing and issue its decision on the validity of the
13 petitions within 30 days of notification by the electric utility
14 that it intends to contest the validity of the petitions. If the
15 commission finds the petitions to be invalid, it shall lift its
16 order of suspension. For the purposes of this section,
17 "customer" means, in the case of residential accounts, any one
18 adult residing in a household where the utility's electric
19 service is provided, and in the case of all other accounts where
20 the utility's electric service is provided, a corporate officer,
21 a partner or a proprietor. No more than one person may sign on
22 behalf of an account. No one person may sign on behalf of more
23 than one account unless ~~receiving service at the residence of~~
24 the person is a customer at each account.

25
26 **Sec. 7. 35-A MRSA §6104, sub-§3**, as amended by PL 1987, c.
27 628, §2, is further amended to read:

29 **3. Notice of proposed rate increase and hearing.** The
30 consumer-owned water utility shall, at least 14 days prior to the
31 hearing, publish a notice of the proposed rate increase and the
32 hearing, including the date, time, place and purpose of the
33 hearing, in a newspaper of general circulation in the area
34 encompassed by the consumer-owned water utility and give one
35 notice of the proposed rate increase and the date, time and
36 place and purpose of the hearing to each of its customers. The
37 published and individual notices shall include a statement
38 describing the amount of the increase and the percentage increase
39 for each customer class, the customer's right to request
40 information relating to the present and proposed rates, the right
41 to an open and fair hearing and the right to further hearings
42 before the commission, and the availability of assistance from
43 the Public Advocate. Copies of the notice shall be sent to the
44 commission and the Public Advocate at least 14 days prior to the
45 hearings.

46
47 **Sec. 8. 35-A MRSA §6104, sub-§9**, as amended by PL 1987, c.
48 628, §4, is further amended to read:

49
50 **9. Water utility may challenge petitions.** The water
51 utility has 10 days from receipt of notice to notify the
52 commission whether it intends to contest any aspect of the
53 validity of the petitions, after which it shall lose that right.

1 If the water utility notifies the commission in a timely fashion
2 that it wishes to contest the validity of the petitions, the
3 commission shall schedule a hearing. It shall hold the hearing
4 and issue its decision on the validity of the petitions within 30
5 days of notification by the water utility that it intends to
6 contest the validity of the petitions. If the commission finds
7 the petitions to be invalid, it shall lift its order of
8 suspension. For the purposes of this section, "customer" means,
9 in the case of residential accounts, any one adult residing in a
10 household where the utility's service is provided, and, in the
11 case of all other accounts where the utility's service is
12 provided, a corporate officer, a partner or a proprietor. No
13 more than one person may sign on behalf of an account. No one
14 person may sign on behalf of more than one account unless
15 ~~receiving service at the residence of~~ the person is a customer at
16 each account.

17 **Sec. 9. 35-A MRSA §6106, sub-§4** is enacted to read:

19 **4. Notice to commission.** A consumer-owned water utility
20 that chooses to make no investment in water main extensions or
21 service lines under subsection 1 shall notify the commission in
22 writing of the effective date of the decision and shall include
23 the minutes or other record of the decision, including any
24 endorsement required by subsection 3.

27 **Sec. 10. 35-A MRSA §6505, sub-§1**, as enacted by PL 1987, c.
28 141, Pt. A, §6, is amended to read:

29 **1. Accommodation of the owner and taker.** The county
30 commissioners in awarding damages for property taken by eminent
31 domain, upon the application of the owner or the taker, may
32 prescribe terms and conditions, for the use of the property
33 taken, that will best accommodate the owner and the taker.

35 **Sec. 11. 35-A MRSA §7503, sub-§1**, as repealed and replaced by
36 PL 1987, c. 628, §5, is amended to read:

39 **1. Placement of public telephones.** Any person placing
40 public telephones in any building public place after December 31,
41 1983, shall provide that at least one public telephone is
42 wheelchair accessible if the ~~building has an entrance which~~
43 public place is otherwise wheelchair accessible.

45 If a building public place in which one or more public telephones
46 are located becomes wheelchair accessible after December 31,
47 1983, the subscriber shall notify the person placing the public
48 telephones and that person shall replace at least one public
49 telephone with a telephone which is wheelchair accessible.

51 Any public telephone placed before January 1, 1984, shall be
52 deemed to be in compliance with this section. This section shall
53 not apply to public telephones for the use of persons while in
motor vehicles.

1 Section 5 requires a consumer-owned electric utility to
2 include the purpose of the hearing, in addition to the date, time
3 and place, in its customer notices of a hearing, as is required
4 with respect to the newspaper notice of the hearing.

5
6 Section 6 makes it clear that only one signature per account
7 may be counted in determining whether a petition for Public
8 Utilities Commission review of a rate change by a consumer-owned
9 electric utility contains a sufficient number of signatures.

11 Section 7 requires a consumer-owned water utility to include
12 the purpose of the hearing, in addition to the date, time and
13 place, in its customer notices of a hearing on a proposed rate
14 change, as is required with respect to the newspaper notice of
15 the hearing.

17 Section 8 makes it clear that only one signature per account
18 may be counted in determining whether a petition for Public
19 Utilities Commission review of a rate change by a consumer-owned
20 water utility contains a sufficient number of signatures.

21 Section 9 provides that a consumer-owned water utility which
22 chooses to make no investment in water main extensions or service
23 lines and have the customer bear the cost of the extension or
24 line must inform the Public Utilities Commission of the effective
25 date of the decision, so that the commission is aware of the
26 decision when processing customer inquiries.

29 Section 10 allows the property owner, in addition to the
30 taker, to request county commissioners to prescribe terms and
31 conditions on certain utility takings of property when awarding
32 damages.

33 Sections 11, 12 and 13 amend the law which requires that
34 public telephones be accessible to disabled persons to make it
35 clear that the law does not apply to only locations inside
36 buildings, but that it applies to all public places, whether
37 inside or outside.