

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1592

H.P. 1092

House of Representatives, April 18, 1991

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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator CLEVELAND of Androscoggin, Senator CARPENTER of York and Representative AIKMAN of Poland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Increase the Annual Public Utilities Commission Regulatory
Fund Assessment and Make Certain Other Changes.**

(EMERGENCY)



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

4 Whereas, the next fiscal year may begin before the
6 expiration of the 90-day period; and

8 Whereas, the Public Utilities Commission requires additional
funds in fiscal years 1991-92 and 1992-93 for ongoing services to
10 ensure reliable service at just and reasonable rates for state
ratepayers; and

12 Whereas, these funds must be assessed by May 1, 1991 to be
14 available in fiscal year 1991-92; and

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

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

24 **Sec. 1. 35-A MRSA §116, sub-§1,** as amended by PL 1991, c. 9,
Pt. E, §19, is further amended to read:

26 **1. Utilities subject to assessments.** Every electric, gas,
28 telegraph, telephone and water utility and ferry subject to
regulation by the commission is subject to an assessment of not
30 more than .35% on its intrastate gross operating revenues to
produce no more than \$3,378,000 \$4,475,000 in revenues annually
32 beginning in the 1990-91 1991-92 fiscal year and not more than
\$4,918,000 in revenues annually beginning in the 1992-93 fiscal
34 year. The commission shall determine the assessments annually
prior to May 1st and assess each utility for its pro rata share
36 for expenditure during the fiscal year beginning July 1st. Each
utility shall pay the assessment charged to the utility on or
38 before July 1st of each year. Any increase in the assessment
that becomes effective subsequent to May 1st may be billed on the
40 effective date of the act authorizing the increase.

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

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

50 C. Gas utilities subject to the jurisdiction of the
commission solely with respect to safety ~~shall~~ are not be
52 subject to any assessment.

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

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

19
20 **Sec. 2. 35-A MRSA §116, sub-§7, as enacted by PL 1987, c. 141,**
21 **Pt. A, §6, is repealed.**

22 **Sec. 3. Allocation; Public Utilities Commission Regulatory Fund.**
23 Income not otherwise allocated from the Public Utilities
24 Commission Regulatory Fund is allocated for the fiscal years
25 ending June 30, 1992 and June 30, 1993 and must be segregated,
26 apportioned and disbursed as designated in the following schedule.

	1991-92	1992-93
27 PUBLIC UTILITIES COMMISSION		
28 Public Utilities Commission		
29 Regulatory Fund		
30 Personal Services	\$683,166	\$793,604
31 All Other	413,834	746,396
32 Funds to be used for		
33 increases in personnel and		
34 general operating expenses		
35 and to fund 22 positions		
36 previously transferred from		
37 the General Fund.		
38 PUBLIC UTILITIES COMMISSION		
TOTAL	<u>\$1,097,000</u>	<u>\$1,540,000</u>

39 **Emergency clause.** In view of the emergency cited in the
40 preamble, this Act takes effect when approved.
41

42
43
44 **STATEMENT OF FACT**

45 This bill increases the annual Public Utilities Commission
46 Regulatory Fund assessment by \$1,097,000 to a total of \$4,475,000
47 beginning in fiscal year 1991-92 and by an additional \$443,000 to
48 a total of \$4,918,000 beginning in fiscal year 1992-93. Together
49 with the existing level of Public Utilities Commission Regulatory
50

2 Fund assessments, these increases will provide the Public
Utilities Commission with sufficient funds to carry out its
duties. The additional funds will be used to fund increases in
4 personnel costs and general operating expenses and to fund 22
positions previously transferred from the General Fund. The bill
6 also adds language to the Maine Revised Statutes, Title 35-A,
section 116, subsection 1 suggested by the State Auditor and
8 deletes subsection 7 relating to the renovation of commission
offices that is now complete.

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