

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 573

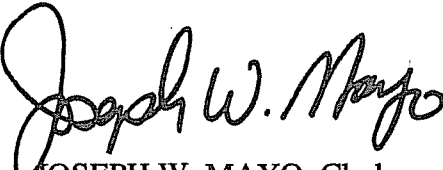
H.P. 447

House of Representatives, February 22, 1993

**An Act to Ensure Residential Consumer Representation on and before  
the Public Utilities Commission.**

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Reference to the Committee on Utilities suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TREAT of Gardiner.  
Cosponsored by Representative ADAMS of Portland and  
Representatives: CHASE of China, FITZPATRICK of Durham, GRAY of Sedgwick, HOLT of  
Bath, MARTIN of Eagle Lake, MORRISON of Bangor, RYDELL of Brunswick,  
WENTWORTH of Arundel, Senators: HANDY of Androscoggin, McCORMICK of Kennebec.

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

Sec. 1. 35-A MRSA §105, sub-§3 is enacted to read:

3. Qualifications. At least one member of the commission must have a substantial background in residential consumer advocacy.

Sec. 2. 35-A MRSA §1304, sub-§§6 and 7 are enacted to read:

6. Commissioner presence. At least 2 commissioners must be present for a substantial portion of any public hearing held by the commission concerning utility rates.

7. Petitions for holding hearing in specific location. Customers of a utility concerning which a hearing is to be held may petition the commission to hold the hearing in a location other than Augusta. If 25 persons sign a petition requesting a particular location other than Augusta, the commission shall hold a hearing in that location.

Sec. 3. 35-A MRSA §1310, sub-§1, ¶A, as enacted by PL 1989, c. 281, is amended to read:

A. In any commission proceeding in which standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., are implemented, the commission may order the utility to compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that:

(1) The position of the intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission staff;

(2) The intervenor's participation is likely to substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in contribute to the commission's decision proceeding; and

(3) Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor.

Sec. 4. Application. Section 1 of this Act applies to any full commission serving on or after February 1, 1993.

## STATEMENT OF FACT

2           This bill:

4           1. Requires that at least one member of the 3-member Public  
6 Utilities Commission to have a background in residential consumer  
advocacy;

8           2. Requires at least 2 of the 3 commissioners to attend a  
10 substantial portion of any rate hearing;

12          3. Establishes a petition procedure whereby 25 customers of  
a utility may request the commission to hold a public hearing  
14 concerning the utility in a location other than Augusta; and

16          4. Changes the procedures for funding of intervenors in  
cases in which the federal standards under the Public Utilities  
18 Regulatory Policy Act of 1978 are implemented. Under the new  
provision, an intervenor qualifies at the outset of the  
20 proceeding based on a determination of whether the intervenor's  
participation is likely substantially to contribute to the  
22 commission's decision in the proceeding.