

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

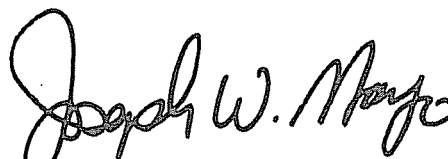
No. 780

H.P. 575

House of Representatives, March 4, 1993

**An Act to Clarify Certain Statutes Relating to the Public Utilities
Commission.**

Submitted by the Public Utilities Commission pursuant to Joint Rule 24.
Reference to the Committee on Utilities suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative AIKMAN of Poland.
Cosponsored by Representatives: CLARK of Millinocket, HOLT of Bath, TAYLOR of
Cumberland.

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

2
3 Sec. 1. 35-A MRSA §2305, first ¶, as enacted by PL 1987, c.
4 141, Pt. A, §6, is amended to read:

6 Every electric utility may construct and maintain its lines
7 in, upon, along, over, across and under the roads and streets in
8 any municipality in which it is authorized to supply electricity
9 ~~or both~~, subject to the conditions and restrictions provided in
10 this chapter and chapter 25.

12 Sec. 2. 35-A MRSA §3132, sub-§11, as enacted by PL 1987, c.
13 387, §2, is repealed.

14 Sec. 3. 35-A MRSA §3132, sub-§§11-A and 11-B are enacted to
15 read:

18 11-A. Amendments, extensions and renewals of contracts
19 originally subject to commission approval. This section applies
20 to any amendment, extension or renewal of any contract between
21 the utility and other parties with an ownership interest,
22 governing the terms of their participation in the construction of
23 a generation or transmission facility subject to this section, if
24 the original contract was subject to approval by the commission.
25 The commission may waive the approval requirements of this
26 section with respect to a particular amendment, extension or
27 renewal or a group of amendments, extensions or renewals upon
28 request under subsection 1. If the commission does not respond
29 to a request for waiver within 30 days, the request is deemed to
30 have been granted. The commission shall prescribe by rule the
31 content of a request for waiver and procedures for the
32 expeditious processing of requests in certain circumstances.

34 11-B. Amendments, extensions and renewals of contracts not
35 originally subject to commission approval. For any amendment,
36 extension or renewal of any contract otherwise subject to this
37 section, but when the original contract was not subject to
38 approval by the commission, the utility shall file a copy of the
39 proposed amendment, extension or renewal with the commission
40 within 7 days of the day when the utility receives notice of the
41 proposal, but approval under this section is not required.

42 Sec. 3. 35-A MRSA §3133, sub-§10, as amended by PL 1987, c.
43 769, Pt. A, §§138 and 139, is repealed.

44 Sec. 4. 35-A MRSA §3133, sub-§§10-A and 10-B are enacted to
45 read:

46 10-A. Renewal of contracts for purchase or conversion
47 originally subject to commission approval. This section applies
48

2 to any amendment, extension or renewal of any contract between
4 the utility and other parties governing the terms of their
6 participation in a purchase or conversion subject to this
8 section, if the original contract was subject to approval by the
10 commission. The commission may waive the approval requirements
12 of this section with respect to a particular amendment, extension
14 or renewal or a group of amendments, extensions or renewals upon
request by the utility. The commission may also waive the
2-month notice required in subsection 2. If the commission does
not respond to a request for waiver within 30 days, the request
is deemed to have been granted. The commission shall prescribe
by rule the content of a request for waiver and procedures for
the expeditious processing of the request in certain
circumstances.

16 10-B. Renewal of contracts not originally subject to
18 commission approval. For any amendment, extension or renewal of
20 any contract otherwise subject to this section for which the
22 original contract was not subject to approval by the commission,
24 the utility shall file a copy of the proposed amendment,
extension or renewal with the commission within 7 days of the day
when the utility receives notice of the proposal, but approval
under this section is not required.

26 Sec. 4. 35-A MRSA §3133-A, sub-§5, as enacted by PL 1987, c.
387, §4, is repealed.

28 Sec. 5. 35-A MRSA §3133-A, sub-§§5-A and 5-B are enacted to
30 read:

32 5-A. Amendments, extensions and renewals. This section
34 applies to any amendment, extension or renewal of any significant
36 agreement or contract subject to this section, if the original
38 contract was subject to approval by the commission. The
40 commission may waive the approval requirements of this section
42 with respect to a particular agreement or group of agreements
upon request by the utility. The commission may also waive the
2-month notice requirement in subsection 1. If the commission
does not respond to a request for waiver within 30 days, the
request is deemed to have been granted. The commission shall
prescribe by rule the content of a request for waiver in certain
circumstances.

44 5-B. Amendments, extensions and renewals of contracts not
46 originally subject to commission approval. For any amendment,
48 extension or renewal of any contract otherwise subject to this
50 section when the original contract was not subject to approval by
the commission, the utility shall file a copy of the proposed
amendment, extension or renewal with the commission within 7 days
of the day when the utility receives notice of the proposal, but
approval is not required under this section.

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2 2. This bill corrects parallel drafting errors that appear
3 in the Maine Revised Statutes, Title 35-A, section 3132,
4 subsection 11, section 3133, subsection 10 and section 3133-A,
5 subsection 5. This bill divides section 3132, subsection 11 into
6 2 distinct parts, creating a new subsection 11-A, which relates
7 to the renewal of contracts that were originally subject to
8 approval by the Public Utilities Commission, and subsection 11-B,
9 which relates to the renewal of contracts that were not subject
10 to commission approval. This bill divides section 3133,
11 subsection 10 into 2 distinct parts, creating a new subsection
12 10-A, which relates to the renewal of contracts that were
13 originally subject to commission approval, and subsection 10-B,
14 which relates to the renewal of contracts that were not subject
15 to commission approval. This bill divides section 3133-A,
16 subsection 5 into 2 distinct parts, creating a new subsection
17 5-A, which relates to the renewal of contracts that were
18 originally subject to commission approval, and subsection 5-B,
19 which relates to the renewal of contracts that were not subject
20 to commission approval.

21 3. The bill deletes the reference to "consumer-owned" water
22 utilities in the Maine Revised Statutes, Title 35-A, section
23 6102, subsection 2, paragraph D. The change makes section 6102,
24 subsection 2, paragraph D consistent with all other parts of
25 section 6102, which refers only to water utilities.
26

27 4. The bill corrects 2 obsolete references in the Maine
28 Revised Statutes, Title 35-A, section 3154, subsection 1.