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.

. 2	Be it enacted by the People of the State of Maine as follows:
	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 in, upon, along, over, across and under the roads and streets in
8	any municipality in which it is authorized to supply electricity ex-beth, 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12	Sec. 2. 35-A MRSA §3132, sub-§11, as enacted by PL 1987, c. 387, §2, is repealed.
14	Sec. 3. 35-A MRSA §3132, sub-§§11-A and 11-B are enacted to
16	read:
18	11-A. Amendments, extensions and renewals of contracts originally subject to commission approval. This section applies
20	to any amendment, extension or renewal of any contract between the utility and other parties with an ownership interest,
2-2	governing the terms of their participation in the construction of
24	a generation or transmission facility subject to this section, if the original contract was subject to approval by the commission.
26	The commission may waive the approval requirements of this section with respect to a particular amendment, extension or
28	renewal or a group of amendments, extensions or renewals upon request under subsection 1. If the commission does not respond
30	to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the
32	content of a request for waiver and procedures for the expeditious processing of requests in certain circumstances.
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34	11-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment,
36	extension or renewal of any contract otherwise subject to this section, but when the original contract was not subject to
38	approval by the commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission
40	within 7 days of the day when the utility receives notice of the
42	proposal, but approval under this section is not required.
. 44	Sec. 3. 35-A MRSA §3133, sub-§10, as amended by PL 1987, c. 769, Pt. A, §§138 and 139, is repealed.

769, Pt. A, \S 138 and 139, is repealed.

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

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

to any amendment, extension or renewal of any contract between the utility and other parties governing the terms of their participation in a purchase or conversion subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section with respect to a particular amendment, extension 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.

10-B. Renewal of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this section for which 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 under this section is not required.

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

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

5-A. Amendments, extensions and renewals. This section applies to any amendment, extension or renewal of any significant agreement or contract subject to this section, if the original contract was subject to approval by the commission. The commission may waive the approval requirements of this section 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.

5-B. Amendments, extensions and renewals of contracts not originally subject to commission approval. For any amendment, extension or renewal of any contract otherwise subject to this 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.

Sec. 6. 35-A MRSA §3154, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

- 1. Rate design and conservation improvements. commission shall mandate, after notice and hearing on the proposed schedule, a scheduled phasing-in of the improvements in electric utility rate design and related regulatory programs submitted and approved under section 3153 3153-A and authorized to order utilities to implement electric utility rate design improvements approved by the commission on a temporary, pilot and experimental basis, affecting either a portion or all of any class of consumers of any utility as the commission may determine is appropriate to carry out the purposes of this subchapter, and order other energy conservation techniques, programs and innovations relating to electric utility service that, in the commission's judgment, are practicable, just and reasonably related to fulfilling the purposes of this chapter. In ordering any rate design improvements or any other programs for implementing energy conservation techniques and innovations referred to in section 3153 $\underline{3153-A}$, the commission shall consider rate design stability and shall assure the revenue requirements of the utility.
- Sec. 7. 35-A MRSA §6102, sub-§2, ¶D, as repealed and replaced by PL 1991, c. 52, §1, is amended to read:
 - D. Publish in a newspaper of general circulation in the service territory of the eensumer-ewned water utility a notice to customers that the information required in paragraphs A and B is available for public review at the location established pursuant to paragraph C and provide to each of the water utility's customers a direct written notice of the availability of that information; and

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STATEMENT OF FACT

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This bill is intended to make the following nonsubstantive changes to 6 existing sections in the Maine Revised Statutes, Title 35-A.

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1. The bill deletes the words "or both" from the Maine Revised Statutes, Title 35-A, section 2305. It appears that the words "or both" are a vestige from section 2344, which dealt with both gas and electric lines. Under Title 35-A, the pertinent gas pipeline language is codified as section 2304 and electric line language is contained in section 2305.

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

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

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