

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

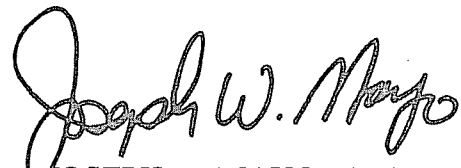
No. 927

H.P. 686

House of Representatives, March 18, 1993

**An Act to Include a Waiver Provision for the Advance Notice Required
by the Public Utilities Commission for Energy Agreements and
Contracts.**

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 HOLT of Bath.
Cosponsored by Representative: MORRISON of Bangor.

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

2
4 Sec. 1. 35-A MRSA §3133-A, sub-§1, as enacted by PL 1987, c.
387, §4, is amended to read:

6 1. **Certificate of public convenience and necessity.** Except
8 as provided in subsection 3, no electric utility may enter into
10 any significant agreement or contract, as defined in subsection
12 2, unless the commission has issued a certificate of public
14 convenience and necessity approving the proposed agreement or
16 contract. The utility shall must file a notice with the
18 commission, no less than 2 months in advance of submitting its
20 petition for a certificate of public convenience and necessity
22 for the proposed agreement or contract. The commission may waive
24 the requirement that at least 2 months' advance notice be given.
26 The commission shall rule on any request for waiver within 60
28 days. The commission may require the petitioner to make
available such additional information as it deems determines
necessary. The petition shall must contain such information as
the commission may by rule prescribe. The petition shall must be
set down for public hearing. The commission shall issue its
order within 12 months after the complete petition is filed. If
there is then outstanding a long-range plan for the utility
pursuant to section 3134, ~~which~~ that includes the agreement or
contract, the utility need not provide advance notice of its
intent to file the petition and the commission shall issue its
order within 9 months after the complete petition is filed.

30 In its order, the commission shall make specific findings with
32 regard to the agreement or contract. If the commission finds
34 that a need for it exists and it is reasonable and consistent
with the public interest, the commission shall issue the
certificate of public convenience and necessity.

36 The issuance of a certificate of public convenience and necessity
38 establishes that, as of the date of issuance, the decision by the
utility to enter into the agreement or contract was prudent.

40 STATEMENT OF FACT

42 The Maine Revised Statutes, Title 35-A, section 3133,
44 subsection 2 currently has a "notice of intent to file"
46 requirement and explicitly permits the Public Utilities
48 Commission, in its discretion, to waive the advance notice
50 requirement. Title 35-A, section 3133-A, subsection 1 has a
similar "notice of intent to file" requirement but provides no
52 explicit authorization for the commission to waive the advance
notice requirement. This bill adds identical language to section
3133-A, subsection 1 that permits the commission to entertain
requests to waive the advance notice requirement in that section.