

MAINE STATE LEGISLATURE

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UTILITIES

Reported by: Senator Cleveland of Androscoggin

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 574, L.D. 1616, Bill, "An Act to Make Changes to the Public Utilities Commission Laws"

Amend the bill by inserting before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 10 MRSA §1499, as enacted by PL 1991, c. 252, §1, is amended to read:

§1499. Consumer notification

Notwithstanding section 1498, a person may not use an automated telephone calling device to dial the telephone number of any telephone utility customer in this State who has notified the telephone utility pursuant to Title 35-A, section 7112 7103 of the customer's request not to receive automated telephone calls. Violation of this section is an unfair trade practice under Title 5, section 207.

Sec. 2. 35-A MRSA §107, sub-§8, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

8. **Dismissal.** After successful completion of a probationary period, the employees occupying the positions of staff attorney, ~~financial~~ and utility analyst, ~~chief utility accountant and utility accountant III~~ may be dismissed, suspended or otherwise disciplined only for cause.

Further amend the bill by striking out all of section 5 and inserting in its place the following:

'Sec. 5. 35-A MRSA §3502, sub-§10, as amended by PL 1989, c. 159, §6, is further amended to read:

10. **Electric utility may challenge petitions.** The A consumer-owned electric utility shall have 10 days from the receipt of notice to notify the commission and the lead petitioner whether it intends to contest any aspect of the validity of the petition petitions, after which it shall lose that right. If the utility intends to challenge the validity of individual signatures on the petitions, it shall identify, in its notice to the commission and lead petitioner, the specific signatures it is challenging and state the grounds for challenging each signature it believes is invalid. When the utility files its notice of intent to challenge the validity of the petitions, the utility shall provide the commission and the lead petitioner with a list of its customers. If the electric utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall set the matter down for hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the electric utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension. For the purposes of this section, "customer" means, in the case of residential accounts, any one adult residing in a household where the utility's electric service is provided, and, in the case of all other accounts where the utility's electric service is provided, a corporate officer, a partner or a proprietor. No more than one person may sign on behalf of an account. No person may sign on behalf of more than one account unless the person is a customer at each account.

A signature on a petition filed pursuant to subsection 8 is valid only if accompanied by the printed name and address of the signer. If a petition filed pursuant to subsection 8 bears a sufficient total number of signatures but an insufficient number of printed names and addresses of the signers, the lead petitioner has 7 days from receipt of notice of the utility's challenge to cure the invalidity. If the utility's only challenge to a petition relates to the absence of printed names or addresses of the signers of the petition and the lead petitioner cures the invalidity as provided in this subsection,

the commission "is not required to hold a hearing under this subsection."

Further amend the bill by inserting after section 5 the following:

'Sec. 6. 35-A MRSA §5111, as enacted by PL 1991, c. 774, §4, is amended to read:

§5111. Repeal; report

1. Repeal. Section 5101-D is repealed on July 15, 1994 1996. Any tariff or certificate issued by the commission under that section terminates on that date, except that any carrier receiving a permit, or an expansion of an existing permit, under section 5101-D who has, prior to July 15, 1994 1996, entered into a single project contract for the unscheduled transportation of freight may complete that contract provided that the contract is completed by November 15, 1994 1996. The termination of any certificate granted under section 5101-D does not affect any other certificate previously issued and held by an operator at the time of the issuance of any certificate pursuant to that section.

2. Report. The commission, together with the Casco Bay Island Transit District and any other holder of a certificate of public convenience and necessity under this chapter authorized to transport unscheduled freight under section 5101-D who wishes to participate, shall prepare a report on whether section 5101-D should be continued. The report must include recommendations regarding the soundness of the policy embodied in that section and whether the provisions should be continued or modified. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over utility matters on or before January 1, 1994 1996.'

Further amend the bill in section 6 in subsection 3 in the 9th line (page 2, line 39 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ must'

Further amend the bill in section 6 in subsection 3 in the 17th line (page 2, line 47 in L.D.) by inserting after the following: "and" the following: 'must'

Further amend the bill in section 6 in subsection 3 in the 24th line (page 3, line 4 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ must'

2 Further amend the bill by striking out all of section 8 and
inserting in its place the following:

4 'Sec. 8. 35-A MRSA §6104, sub-§9, as amended by PL 1989, c.
159, §8, is further amended to read:

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8 9. Water utility may challenge petitions. The A
consumer-owned water utility has 10 days from receipt of notice
10 to notify the commission and the lead petitioner whether it
intends to contest any aspect of the validity of the petitions,
12 after which it shall--lose loses that right. If the utility
intends to challenge the validity of individual signatures on the
14 petitions, it must identify, in its notice to the commission and
lead petitioner, the specific signatures it is challenging and
16 state the grounds for challenging each signature it believes is
invalid. When the utility files its notice of intent to
18 challenge the validity of the petitions, the utility shall
provide the commission and the lead petitioner with a list of its
20 customers. If the water utility notifies the commission in a
timely fashion that it wishes to contest the validity of the
22 petitions, the commission shall schedule a hearing. It shall
hold the hearing and issue its decision on the validity of the
24 petitions within 30 days of notification by the water utility
that it intends to contest the validity of the petitions. If the
26 commission finds the petitions to be invalid, it shall lift its
order of suspension. For the purposes of this section, "customer"
28 means, in the case of residential accounts, any one adult
residing in a household where the utility's service is provided,
and, in the case of all other accounts where the utility's
30 service is provided, a corporate officer, a partner or a
proprietor. No more than one person may sign on behalf of an
32 account. No person may sign on behalf of more than one account
unless the person is a customer at each account.

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36 Signatures on petitions filed pursuant to subsection 7 are valid
only if accompanied by the printed names and addresses of the
38 signers. If a petition filed pursuant to subsection 7 bears a
sufficient total number of signatures but an insufficient number
40 of printed names and addresses of the signers, the lead
petitioner has 7 days from receipt of notice of the utility's
42 challenge to cure the invalidity. If the utility's only
challenge to a petition relates to the absence of printed names
44 or addresses of the signers of the petition and the lead
petitioner cures the invalidity as provided in this subsection,
46 the commission is not required to hold a hearing under this
subsection.'

48 Further amend the bill by inserting after section 8 the
following:

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'Sec. 9. 35-A MRSA §7103, sub-§1, ¶A, as repealed and replaced by PL 1991, c. 654, §3 and affected by §5, is amended to read:

A. A notification procedure for any customer of a telephone utility who does not want to receive automated telephone calls pursuant to Title 10, section 1498 1499; and

Sec. 10. 35-A MRSA §7302, sub-§1, as amended by PL 1993, c. 275, §1, is further amended to read:

1. **Rate reduction.** The commission shall establish a 70% rate reduction for intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls to and from certified deaf, hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. In addition, the 70% rate reduction must apply to all calls using the state telecommunications relay service. Upon request, this discount must be provided to any noncertified user making calls to a certified user, provided the noncertified user informs the local exchange carrier or toll provider of the relevant billed calls made during each billing period. This reduction must also apply to intrastate toll calls made by agencies, certified by the Division of Deafness in the Department of Human Services as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing or speech-impaired persons, certified by the Division of Deafness of the Department of Human Services as eligible to receive a discount. The costs incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill requires water utilities to notify lead petitioners and provide petition forms in expedited rate proceedings. The additional costs of this state mandate are likely to be relatively minor. Pursuant to the mandate preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.'

Further amend the bill by renumbering the sections to read consecutively.

RWS

STATEMENT OF FACT

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This amendment adds a fiscal note and a mandate preamble to the bill. The amendment also redrafts several sections of the bill for purposes of clarity and adds new sections to the bill, which:

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1. Correct certain errors in laws affecting the Public Utilities Commission;

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2. Correct the reference to the titles of several positions at the commission that were changed in the last session of the Legislature;

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3. Extend the sunset on the law relating to the transport of unscheduled freight in Casco Bay from July 15, 1994 to July 15, 1996; and

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4. Add new language specifically allowing customers who are not hearing-impaired who call hearing-impaired persons directly to receive, on request, a 70% discount on the call charges. Currently, those who use the vocal relay system receive the 70% discount.

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This amendment also conforms existing law to current drafting standards.