

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1993

Legislative Document

No. 1616

S.P. 574

In Senate, December 30, 1993

An Act to Make Changes to the Public Utilities Commission Laws.

Submitted by the Public Utilities Commission pursuant to Joint Rule 24.
Received by the Secretary of the Senate on December 30, 1993. Referred to the Committee
on Utilities and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator VOSE of Washington.

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

2
4 **Sec. 1. 35-A MRSA §3502, sub-§3, ¶E**, as enacted by PL 1987, c.
141, Pt. A, §6, is amended to read:

6 E. The availability of assistance from the Public Advocate;
and

8
10 **Sec. 2. 35-A MRSA §3502, sub-§3, ¶F**, as amended by PL 1989, c.
159, §5, is further amended to read:

12 F. The date, time, place and purpose of the hearing; and

14 **Sec. 3. 35-A MRSA §3502, sub-§3, ¶G** is enacted to read:

16 G. The customer's right to petition the commission to
18 investigate the proposed rate increase, the requirement that
20 signatures on petitions filed pursuant to subsection 8 are
22 invalid unless accompanied by the printed names and
24 addresses of the signers and the fact that the utility will,
 upon request, provide customers with petition forms that
 include space for signatures and the printed names and
 addresses of the signers.

26 **Sec. 4. 35-A MRSA §3502, sub-§4**, as enacted by PL 1987, c.
141, Pt. A, §6, is amended to read:

28 4. **Customer rights.** At the commencement of each hearing
30 held pursuant to this section, the consumer-owned electric
32 utility shall inform those present of customer rights as
34 specified in subsection 3 and, that the rate increase may be
36 investigated by the commission in accordance with subsection 8
 and that petitions filed pursuant to subsection 8 must bear the
 signature, printed name and address of the signer. Upon request,
 the utility shall provide customers with petition forms that
 include a place for signatures and the printed names and
 addresses of the signers.

38 **Sec. 5. 35-A MRSA §3502, sub-§10**, as amended by PL 1989, c.
40 159, §6, is further amended to read:

42 10. **Electric utility may challenge petitions.** The electric
44 utility shall have 10 days from the receipt of notice to notify
46 the commission and the lead petitioner whether it intends to
48 contest any aspect of the validity of the petition petitions,
50 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

2 invalid. When the utility files its notice of intent to
4 challenge the validity of the petitions, the utility shall
6 provide the commission and the lead petitioner with a list of its
8 customers. If the electric utility notifies the commission in a
10 timely fashion that it wishes to contest the validity of the
12 petitions, the commission shall set the matter down for hearing.
14 It Unless the lead petitioner cures the invalid signatures as
16 provided below, the commission shall hold the hearing and issue
18 its decision on the validity of the petitions within 30 days of
20 notification by the electric utility that it intends to contest
22 the validity of the petitions. If the commission finds the
24 petitions to be invalid, it shall lift its order of suspension.
26 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 valid signatures, the
lead petitioner has 7 days from receipt of notice of the
utility's challenge to cure the asserted invalidity.

28 **Sec. 6. 35-A MRS §6104, sub-§3, as amended by PL 1989, c.**
30 **159, §7, is further amended to read:**

32 **3. Notice of proposed rate increase and hearing.** The
34 consumer-owned water utility shall, at least 14 days prior to the
36 hearing, publish a notice of the proposed rate increase and the
38 hearing, including the date, time, place and purpose of the
40 hearing, in a newspaper of general circulation in the area
42 encompassed by the consumer-owned water utility and give one
44 notice of the proposed rate increase and the date, time, place
46 and purpose of the hearing to each of its customers. The
48 published and individual notices shall include a statement
50 describing the amount of the increase and the percentage increase
for each customer class, the customer's right to request
information relating to the present and proposed rates, the right
to an open and fair hearing and the right to further hearings
before the commission, and the availability of assistance from
the Public Advocate. The published and individual notices must
inform customers that they can petition the commission to
investigate the proposed rate increase and include a statement
that signatures on petitions filed pursuant to subsection 7 are
invalid unless accompanied by the printed names and addresses of
the signers. The published and individual notices must also

2 inform customers that the utility will, upon request, provide
3 customers with petition forms that include space for signatures
4 and the printed names and addresses of the signers. Copies of
5 the notice shall be sent to the commission and the Public
6 Advocate at least 14 days prior to the hearings.

7 **Sec. 7. 35-A MRSA §6104, sub-§4**, as amended by PL 1987, c.
8 490, Pt. B, §12, is further amended to read:

10 **4. Notice that rate increase may be investigated by**
11 **commission.** At the commencement of each hearing held pursuant to
12 this section, the consumer-owned water utility shall inform those
13 present that the rate increase may be investigated by the
14 commission in accordance with this section and that petitions
15 filed pursuant to subsection 7 must bear the signatures and the
16 printed names and addresses of the signers. Upon request, the
17 utility shall provide customers with petition forms that include
18 space for signatures and the printed names and addresses of the
19 signers.

20 **Sec. 8. 35-A MRSA §6104, sub-§9**, as amended by PL 1989, c.
21 159, §8, is further amended to read:

22 **9. Water utility may challenge petitions.** The water
23 utility has 10 days from receipt of notice to notify the
24 commission and the lead petitioner whether it intends to contest
25 any aspect of the validity of the petitions, after which it shall
26 lose that right. If the utility intends to challenge the
27 validity of individual signatures on the petitions, it must
28 identify, in its notice to the commission and lead petitioner,
29 the specific signatures it is challenging and state the grounds
30 for challenging each signature it believes is invalid. When the
31 utility files its notice of intent to challenge the validity of
32 the petitions, the utility shall provide the commission and the
33 lead petitioner with a list of its customers. If the water
34 utility notifies the commission in a timely fashion that it
35 wishes to contest the validity of the petitions, the commission
36 shall schedule a hearing. Unless the lead petitioner cures
37 the invalid signatures as provided below, the commission shall
38 hold the hearing and issue its decision on the validity of the
39 petitions within 30 days of notification by the water utility
40 that it intends to contest the validity of the petitions. If the
41 commission finds the petitions to be invalid, it shall lift its
42 order of suspension. For the purposes of this section, "customer"
43 means, in the case of residential accounts, any one adult
44 residing in a household where the utility's service is provided,
45 and, in the case of all other accounts where the utility's
46 service is provided, a corporate officer, a partner or a
47 proprietor. No more than one person may sign on behalf of an
48 account. No person may sign on behalf of more than one account
49

2 unless the person is a customer at each account. Signatures on
4 petitions filed pursuant to subsection 7 are valid only if
6 accompanied by the printed names and addresses of the signers.
8 If a petition filed pursuant to subsection 7 bears a sufficient
10 total number of signatures but an insufficient number of valid
12 signatures, the lead petitioner has 7 days from receipt of notice
14 of the utility's challenge to cure the asserted invalidity.

12 STATEMENT OF FACT

14 This bill makes minor substantive and housekeeping changes
16 to the laws governing public utilities.

18 Currently, the Maine Revised Statutes, Title 35-A, section
20 6104 allows a consumer-owned water utility to change its rates on
22 an expedited basis. Title 35-A, section 6104, subsection 7
24 allows the utility's ratepayers to petition the Public Utilities
26 Commission to suspend and investigate the proposed rate change.
28 Petitions filed under this section must be signed by 15% of the
utility's customers, or 1,000 customers, whichever is less. This
bill requires petitions to include the signature, printed name
and address of the signer to allow the commission to check the
validity of the signatures and would, under certain
circumstances, allow the petitioners 7 days to provide the
necessary information that is missing from the original
petition. The purpose of this change is to facilitate the
determination of the validity of the signatures.

30 The bill also requires the utility to notify customers of
32 the new petition requirement and, upon request, to provide the
34 customer with petition forms that include space for the
signature, printed name and address of the signer.

36 These same changes are enacted for petitions that are filed
38 in conjunction with the expedited rate increase sought by a
consumer-owned electric utility pursuant to Title 35-A, section
40 3502.

42
44
46 This document has not yet been reviewed to determine the
48 need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.