

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 666

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H.P. 485

House of Representatives, February 28, 1995

**An Act to Streamline Procedures before the Public Utilities Commission.**

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOYNER of Hollis. (By Request)  
Cosponsored by Senators: CARPENTER of York, HARRIMAN of Cumberland.

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

2  
4       **Sec. 1. 35-A MRSA §1101, sub-§4** is enacted to read:

6       **4. Exempt transactions.** Transactions involving utility  
8 property that do not materially affect the ability of a utility  
10 to perform its duties to the public do not require the commission  
authorization provided for in this section. The commission may  
certify transactions as not requiring authorization, either by  
rule or order.

12       **Sec. 2. 35-A MRSA §1304, sub-§5,** as enacted by PL 1987, c.  
14 141, Pt. A, §6, is amended to read:

16       **5. Commission authorized to act on an expedited basis.** In  
18 proceedings pursuant to ~~section 1302, 1303 or 1321~~ this Title,  
20 after reasonable notice and opportunity to be heard, the  
22 commission may issue a temporary order pending the conclusion of  
24 the formal public hearing. In making the order, the commission  
26 shall consider the likelihood that it would be issued at the  
28 conclusion of the proceeding, the benefit to the public or  
30 affected customers compared to the harm to the utility or other  
32 customers of issuing the order and the public interest.  
34 Notwithstanding any other provisions of law, upon a written  
36 finding that the procedural requirements otherwise required by  
38 law will result in unreasonable harm to a utility, a customer or  
the public, the commission may establish accelerated notice  
periods, schedules and limitations on hearings as may be  
necessary to expedite consideration of the order.

32       **Sec. 3. 35-A MRSA §1304, sub-§6** is enacted to read:

34       **6. Commission authorized to waive public hearing.** The  
36 commission may waive the requirement for a public hearing under  
38 any provision of this Title unless one or more parties request a  
public hearing and the requesting party or parties raise a  
genuine issue of law or fact to be addressed at the hearing.

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

42       A. "Significant agreement or contract" means a contract or  
44 other agreement enforceable as a contract ~~which~~ that binds  
46 the utility to a future course of action with respect to  
supplying, purchasing, dispatching or exchanging generating  
capacity, energy or transmission capacity or any renewal,  
48 amendment or extension of any contract or agreement ~~which~~  
that is for a period of longer than 3 years ~~or more~~ and  
50 involves:

- 2 (1) One Twenty-five thousand kilowatts or more of  
electrical generating capacity, or 10,000,000  
4 250,000,000 kilowatt hours or more of energy per year,  
flowing over a transmission line with a capacity  
6 greater than 100 kilovolts; or
- 8 (2) More than 10% of the generating capacity,  
transmission capacity or energy generation of the  
10 utility, whichever is less.

12 **Sec. 5. 35-A MRSA §3134-A**, as enacted by PL 1987, c. 490,  
Pt. B, §5, is repealed.

14  
16 **STATEMENT OF FACT**

18 The purpose of this bill is to streamline procedures before  
the Public Utilities Commission.

20 1. It provides that commission authorization is not  
22 required for transactions that do not materially affect the  
ability of a utility to perform its duties to the public. The  
24 bill also provides the commission with authority to certify  
certain transactions as not requiring certification.

26 2. It broadens the authorization for the commission to act  
28 on an expedited basis with respect to public hearings on any  
commission proceeding undertaken pursuant to the Maine Revised  
30 Statutes, Title 35-A.

32 3. It authorizes the commission to waive the requirement  
for public hearings otherwise required by law when parties to the  
34 proceeding do not raise issues requiring a hearing and do not  
request a hearing.

36 4. It provides that significant agreements requiring prior  
38 commission authorization are those contracts with a term of more  
than 3 years. It also increases the threshold capacity and  
40 energy limitations for determining significant agreements subject  
to commission jurisdiction.

42 5. It repeals existing law requiring state utilities that  
44 are members of the New England Electric Power Pool Agreement to  
review that agreement at least every 3 years and to submit to the  
46 commission a report of the review undertaken with supporting data  
and additional information.