

# MAINE STATE LEGISLATURE

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R d S.

L.D. 927

DATE: 6/12/95

(Filing No. H-435 )

MINORITY  
UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 676, L.D. 927, Bill, "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission"

Amend the bill by striking out the title and substituting the following:

**'An Act to Ensure Economic Benefits of Nuclear Power Plants'**

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 35-A MRSA §3133-B is enacted to read:**

**§3133-B. Review of energy planning and economics of purchases from nuclear power plants**

**1. Definition.** For the purposes of this section, "nuclear power plant" means a nuclear fission thermal power plant situated in this State.

**2. Quinquennial filings.** Beginning January 1, 1996, each electric utility that purchases or plans to purchase any electric energy or capacity directly from a nuclear power plant shall file with the commission every 5 years, the following:

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 676, L.D. 927

2 A. A copy of any contract, including all amendments, that  
the utility has to purchase electric energy or capacity from  
a nuclear power plant;

4  
6 B. The utility's energy planning projection of the  
operational life, operating characteristics and expected  
annual output of the nuclear power plant;

8  
10 C. The average annual rate that the utility projects that  
the utility will be required to pay to purchase energy or  
capacity from a nuclear power plant during each year of the  
projected operational life of the nuclear power plant; and

14 D. The utility's energy plan for the projected operational  
life of the nuclear power plant and how the purchase of  
electric energy from the nuclear power plant fits into that  
plan. The energy plan must include the utility's annual  
peak-load forecasts, annual energy forecasts and projected  
annual fuel mix.

20 **3. Alterations of projections.** If an electric utility finds  
that any of its projections or assessments made in that utility's  
most recent filing under subsection 1 change, the utility may  
file modifications to its filing. If a utility at any time  
intends to enter into a new contract or to amend a contract to  
purchase energy or capacity from a nuclear power plant or expects  
to pay higher average annual rates than it projected in its most  
recent filing under subsection 1, paragraph C, the utility must  
file:

30 A. As applicable, a copy of the new contract or contract  
amendment or a revised projection of the average annual rate  
the utility expects it will be required to pay for energy or  
capacity purchased from a nuclear power plant during each  
year of the expected operational life of the nuclear power  
plant; and

38 B. Any necessary revision of the utility's most recent  
energy plan filed by the utility under subsection 1,  
paragraph D.

42 **4. Hearing.** The commission shall hold a public hearing on  
each utility's filing under subsection 1. If the commission  
finds it appropriate, the commission may consolidate proceedings  
concerning one or more utilities. Notice of the hearing and  
opportunity to intervene must be provided in accordance with the  
Maine Administrative Procedure Act and the commission's rules of  
practice and procedure. For purposes of supplying the public  
with information, the commission may issue an advisory order

2 summarizing the utility's filing, the testimony and comments  
3 received and any findings of the commission. Findings of the  
4 commission are not precedent in future proceedings of the  
5 commission.'

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

8

**FISCAL NOTE**

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11 The Public Utilities Commission will incur some minor  
12 additional costs to hold hearings and to issue advisory orders  
13 pertaining to utility filings regarding purchases of electric  
14 energy from nuclear power plants. These costs can be absorbed  
15 within the commission's existing budgeted resources.'

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18

**STATEMENT OF FACT**

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21 This amendment is the minority report of the Joint Standing  
22 Committee on Utilities and Energy. The amendment replaces the  
23 bill and changes the title. Under this amendment, electric  
24 utilities must file every 5 years:

24

25 1. A copy of any current contract to purchase electric  
26 energy from a Maine nuclear power plant;

28

27 2. The utility's energy planning projection of the  
operational life of the nuclear power plant;

30

29 3. The average annual rate the utility projects it will be  
31 required to pay during each year of the expected operational life  
32 of the nuclear power plant; and

34

33 4. The utility's energy plan for the expected operational  
35 life of the nuclear power plant and how the purchase of electric  
36 energy from the nuclear power plant fits into that plan.

38

37 An electric utility may file updates to revise its filing if  
39 its projections and estimates change. An electric utility must  
40 file an update if it enters a new contract or amends an existing  
41 contract with the nuclear power plant or if it expects to pay  
42 higher average annual rates for power from the plant than it  
43 projected in its most recent filing.

46

45 The Public Utilities Commission must hold a hearing on  
47 quinquennial utility filings and permit interveners in the  
48 proceedings. For the purposes of providing public information,  
49 the commission may issue an advisory order summarizing the filing  
50 and comments and may make nonbinding findings. The commission

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COMMITTEE AMENDMENT "A" to H.P. 676, L.D. 927

2 is not required to conduct proceedings on filings made between  
the quinquennial filings.

4 This amendment also adds a fiscal note.