

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1268

S.P. 472

In Senate, April 11, 1995

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### An Act Relating to Procedures before the Public Utilities Commission.

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Submitted by the Public Utilities Commission pursuant to Joint Rule 24.  
Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CARPENTER of York.  
Cosponsored by Representative KONTOS of Windham.

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

2  
4       **Sec. 1. 35-A MRSA §3133, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6       **1. Commission approval required for purchases and conversions.** No an electric utility may not purchase any  
8       generating capacity, transmission capacity or energy or carry out  
10       a fuel conversion as defined in section 3131, unless the  
12       commission has issued a certificate of public convenience and  
      necessity approving the purchase or conversion or has waived the approval requirements pursuant to subsection 11.

14       **Sec. 2. 35-A MRSA §3133, sub-§10-A**, as enacted by PL 1993, c. 91, §5, is amended to read:

16       **10-A. Renewal of contracts for purchase or conversion originally subject to commission approval.** ~~This~~ The requirements of this section applies apply to any amendment, extension or  
18       renewal of any contract between the utility and other parties governing the terms of their participation in a purchase or  
20       conversion subject to this section, if the original contract was subject to approval by the commission. ~~The commission may waive the approval requirements of this section with respect to a particular amendment, extension or renewal or a group of amendments, extensions or renewals upon request by the utility. The commission may also waive the 2-month notice required in subsection 2. If the commission does not respond to a request for waiver within 30 days, the request is deemed to have been granted. The commission shall prescribe by rule the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.~~

34       **Sec. 3. 35-A MRSA §3133, sub-§11** is enacted to read:

36       **11. Waiver of approval requirements.** The commission may waive the notice and approval requirements of this section on its own motion or upon request of any party. The commission may prescribe by rule the content of a request for waiver and procedures for the expeditious processing of the request in certain circumstances.

42       **Sec. 4. 35-A MRSA §3133-A, sub-§1**, as amended by PL 1993, c. 119, §1, is further amended to read:

44       **1. Certificate of public convenience and necessity.** Except as provided in subsection 3, no an electric utility may not enter  
46       into any significant agreement or contract, as defined in subsection 2, unless the commission has issued a certificate of  
48

2 public convenience and necessity approving the proposed agreement  
3 or contract or has waived the approval requirements pursuant to  
4 subsection 6. The utility must file a notice with the commission  
5 no less than 2 months in advance of submitting its petition for a  
6 certificate of public convenience and necessity for the proposed  
7 agreement or contract. The commission may waive the requirement  
8 that at least 2 months' advance notice be given. The commission  
9 shall rule on any request for waiver within 60 days. The  
10 commission may require the petitioner to make available such  
11 additional information as it determines necessary. The petition  
12 must contain such information as the commission may by rule  
13 prescribe. The petition must be set down for public hearing.  
14 The commission shall issue its order within 12 months after the  
15 complete petition is filed. If there is then outstanding a  
16 long-range plan for the utility pursuant to section 3134 that  
17 includes the agreement or contract, the utility need not provide  
18 advance notice of its intent to file the petition and the  
19 commission shall issue its order within 9 months after the  
20 complete petition is filed.

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

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

29 **Sec. 5. 35-A MRSA §3133-A, sub-§5-A,** as enacted by PL 1993, c.  
30 91, §7, is amended to read:

31 **5-A. Amendments, extensions and renewals.** This The  
32 requirements of this section applies apply to any amendment,  
33 extension or renewal of any significant agreement or contract  
34 subject to this section, if the original contract was subject to  
35 approval by the commission. ~~The--commission--may--waive--the~~  
36 ~~approval--requirements--of--this--section--with--respect--to--a~~  
37 ~~particular--agreement--or--group--of--agreements--upon--request--by--the~~  
38 ~~utility.---The--commission--may--also--waive--the--2-month--notice~~  
39 ~~requirement--in--subsection--1,--If--the--commission--does--not--respond~~  
40 ~~to--a--request--for--waiver--within--30--days,--the--request--is--deemed--to~~  
41 ~~have--been--granted.---The--commission--shall--prescribe--by--rule--the~~  
42 ~~content--of--a--request--for--waiver--in--certain--circumstances.~~

43 **Sec. 6. 35-A MRSA §3133-A, sub-§6** is enacted to read:

2       6. Waiver of approval requirements. The commission may  
3       waive the notice and approval requirements of this section upon  
4       its own motion or upon the request of any party. The commission  
5       may prescribe by rule the content of a request for waiver and  
6       procedures for expeditious processing of the request in certain  
7       circumstances.

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### STATEMENT OF FACT

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11       The purpose of this bill is to clarify that the Public  
12       Utilities Commission has the discretion to waive all of the  
13       notice and approval requirements under the Maine Revised  
14       Statutes, Title 35-A, sections 3133 and 3133-A. This bill also  
15       makes it clear that the commission, the utility and any other  
16       party may request a waiver under Title 35-A, sections 3133 and  
17       3133-A.