

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1281

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H.P. 905

House of Representatives, April 11, 1995

**An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard.**

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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 "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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

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

2           **Sec. 1. 35-A MRSA §1304, sub-§1**, as enacted by PL 1987, c.  
4 141, Pt. A, §6, is amended to read:

6           **1. Notice to utility and parties.** The commission shall  
8 notify the public utility and, other parties and interested  
10 persons it considers proper of the time and place of the formal  
12 public hearing as provided in Title 5, section 9052.

14           **Sec. 2. 35-A MRSA §1304, sub-§2, ¶A**, as enacted by PL 1987, c.  
16 141, Pt. A, §6, is amended to read:

18           A. The commission may by rule or upon written notice to the  
20 public utility require it to:

22                   (1) Give reasonable notice of the time and place of  
24 the hearing to each subscriber affected or to be  
26 affected by the subject of the hearing; or

28                   (2) File pertinent information as to the rates or  
30 service involved, including schedules of proposed  
32 rates, in the office of the clerk of the municipality  
34 where the subscribers reside.

36           **Sec. 3. 35-A MRSA §1304, sub-§§3 and 4**, as enacted by PL 1987,  
38 c. 141, Pt. A, §6, are amended to read:

40           **3. Subpoenas.** The commission may issue subpoenas to  
42 require the attendance and testimony of witnesses and the  
44 production of evidence relating to any fact at issue in the  
46 hearing. A party to a hearing is entitled to have subpoenas  
48 issued by the commission in the manner described in Title 5,  
section 9060.

**4. Hearings.** A party to a hearing is entitled to be heard  
~~and to have the subpoenas issued by the commission~~ in the manner  
described in Title 5, section 9060 9056.

**Sec. 4. 35-A MRSA §1321**, as enacted by PL 1987, c. 141, Pt.  
A, §6, is amended to read:

**§1321. Orders altered or amended**

          The commission may at any time rescind, alter or amend any  
order it has made including an order fixing any rate or rates,  
tolls, charges or schedules, ~~provided only if~~ it gives the public  
utility and all parties to the original proceeding, to

2 the extent practical, written notice as provided in section 1304  
and after opportunity for those parties to be heard as provided  
4 in section 1304 present evidence or argument, as determined  
6 appropriate by the commission. Certified copies of amended  
orders shall must be served and take effect as provided for  
original orders.

8  
**STATEMENT OF FACT**

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12 This bill clarifies that all parties are entitled to notice  
of public hearings at the Public Utilities Commission, that all  
14 parties are entitled to have subpoenas issued by the commission  
under the Maine Revised Statutes, Title 5, section 9060 and that  
16 parties are entitled to a hearing consistent with Title 5,  
section 9056. This bill clarifies that the utility and all  
18 other parties to a proceeding are entitled to a notice of the  
Public Utilities Commission's intent to alter or amend an order  
issued in that proceeding and that the Public Utilities  
20 Commission may determine the scope of the hearing relating to  
the commission's action.