

MAINE STATE LEGISLATURE

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DATE: April 29, 1997

(Filing No. S- 161)

UTILITIES AND ENERGY

Reported by: Senator Carey

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 173, L.D. 502, Bill, "An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility"

Amend the bill in section 1 in paragraph G by striking out all of last underlined sentence (page 1, lines 15 to 18 in L.D.) and inserting in its place the following: 'If the commission is unable to make the value determinations required by this paragraph within the time limits imposed by paragraph A, the commission may approve the contract or arrangement without making the determinations, except that the commission shall make the determinations within 60 days of approving the contract or arrangement.'

Further amend the bill in section 2 by striking out all of that part designated "**§713.**" (page 1, lines 22 to 43 in L.D.) and inserting in its place the following:

'§713. Unregulated business ventures of utilities

A utility may not charge its ratepayers for costs attributable to unregulated business ventures undertaken by the utility or an affiliated interest. The commission shall allocate, between a utility's shareholders and ratepayers, costs for facilities, services or intangibles, including good will or use of a brand name, that are shared between regulated and unregulated business activities. The commission shall also attempt to ensure that the utility or the affiliated interest does not have an undue advantage in any competitive market as a result of its regulated status or its affiliation with a regulated utility.

2 Complaints by entities competing with a utility or an
4 affiliated interest in an unregulated market, alleging that the
6 utility or affiliated interest has an undue competitive advantage
8 as a result of any relationship with the parent or affiliated
10 regulated utility must be adjudicated by the commission. The
12 commission shall render a decision on any complaint filed under
14 this section within 9 months of the date of the filing. The
16 commission may dismiss without hearing any complaint that it
18 concludes is clearly intended to harass or delay, is frivolous or
20 is clearly without merit.

22 A complaint filed under this section must specify, to the
24 extent possible, the nature and extent of the alleged competitive
26 advantage and the basis for the belief that a competitive
28 advantage exists. The utility shall respond to the complaint
30 within 10 days of receiving notice from the commission of the
32 complaint. Within 10 days of receiving the utility's response,
34 the commission shall determine whether the complaint is clearly
36 intended to harass or delay, is frivolous or is clearly without
38 merit.

40 For the purposes of this section, the term "affiliated
42 interest" has the same meaning as in section 707, subsection 1,
44 paragraph A.'

46 Further amend the bill by inserting at the end before the
48 summary the following:

30 FISCAL NOTE

32 The Public Utilities Commission will incur some minor
34 additional costs to adopt certain rules pertaining to ratepayer
36 assets. These costs can be absorbed within the commission's
38 existing budgeted resources.'

40 SUMMARY

42 This amendment modifies the provisions of the bill dealing
44 with Public Utilities Commission adjudication of complaints by
46 persons competing with a utility or an affiliate of a utility in
48 an unregulated market. This amendment provides that the
50 commission may dismiss without hearing any complaint that, after
summary investigation, it concludes is clearly intended to harass
or delay, is frivolous or is clearly without merit.

This amendment also imposes certain time limits on
commission determinations under the bill.

COMMITTEE AMENDMENT "A" to S.P. 173, L.D. 502

The amendment also adds a fiscal note to the bill.

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COMMITTEE AMENDMENT