

MAINE STATE LEGISLATURE

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L.D. 1925

DATE: February 17, 1998

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UTILITIES AND ENERGY

Reported by:

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STATE OF MAINE SENATE 118TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 690, L.D. 1925, Bill, "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1998"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 5 MRSA §931, sub-§1, ¶J, as repealed and replaced by PL 1987, c. 631, §2, is amended to read:

J. Staff attorney, financial analyst, chief utility accountant, utility accountant III, and assistant administrative director, ~~administrative assistant to the administrative director and assistant to the director of consumer assistance~~ positions at the Public Utilities Commission;

Sec. 2. 35-A MRSA §107, sub-§2, ¶A, as amended by PL 1987, c. 631, §3, is further amended to read:

A. The general counsel, the administrative director, the assistant administrative director, ~~the administrative assistant to the administrative director~~, the director of finance, the director of technical analysis, and the director of consumer assistance ~~and the assistant to the director of consumer assistance shall~~ serve at the pleasure of the commission and their salaries shall must be set by the commission within the ranges established by Title 2, section 6-A.

2 **Sec. 3. 35-A MRSA §107, sub-§2, ¶C**, as amended by PL 1993, c.
118, §2, is further amended to read:

4 C. The salaries of the other subordinate officials and
employees of the commission, other than those of the general
6 counsel, the administrative director, the assistant
administrative director, ~~the administrative assistant to the~~
8 ~~administrative~~ director, the director of finance, the
director of technical analysis, the director of consumer
10 assistance, ~~the assistant to the director of consumer~~
~~assistance~~ and the staff attorney and utility analyst
12 positions, are subject to the Civil Service Law.

14 **Sec. 4. 35-A MRSA §116, sub-§4**, as amended by PL 1993, c. 118,
§4, is further amended to read:

16 **4. Use of funds.** The Public Utilities Commission may use
18 the revenues provided in accordance with this section to fund 69
65 employees and to defray the costs incurred by the commission
20 pursuant to this Title, including administrative expenses,
general regulatory expenses, consulting fees and all other
22 reasonable costs incurred to administer this Title.

24 **Sec. 5. Fiscal year 1997-98 assessment.** Notwithstanding the
Maine Revised Statutes, Title 35-A, section 116, the Public
26 Utilities Commission may assess upon all regulated utilities in
the 1997-98 fiscal year an additional \$635,000, which is the
28 amount the assessment for the 1997-98 fiscal year was reduced by
the Public Utilities Commission as a result of surplus carried
30 forward from the 1995-96 fiscal year.

32 **Sec. 6. One-time exception.** Notwithstanding the Maine Revised
Statutes, Title 35-A, section 116, subsection 5, the Public
34 Utilities Commission may expend in fiscal year 1998-99, for the
purposes specified in Title 35-A, section 116, subsection 4, 100%
36 of any unexpended funds remaining at the end of the 1997-98
fiscal year. Treatment of funds not expended at the end of the
38 1998-99 fiscal year are governed by Title 35-A, section 116,
subsection 5.

40 **Sec. 7. Allocation of Public Utilities Commission Regulatory Fund.**
42 The Public Utilities Commission Regulatory Fund must be allocated
as designated in the following schedule.

44

1997-98

46 **PUBLIC UTILITIES COMMISSION**

48

**Regulatory Fund - Public Utilities
Commission**

2

4	Positions - Legislative Count	(-4,000)
	Personal Services	(\$250,000)
6	All Other	1,254,000

8 Deallocation salary savings from the
 10 elimination of the Administrative Assistant
 to the Administrative Director position, a
 12 Word Process Operator position, the
 Assistant to the Director of Consumer
 14 Assistance position and the Administrative
 Secretary position and savings from 3
 16 unfilled positions and increases funding for
 additional consulting costs related to the
 18 implementation of both federal and state
 legislative requirements involving the
 electric, telecommunications and gas utility
 20 industries.

**PUBLIC UTILITIES COMMISSION
TOTAL**

\$1,004,000'

24

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

28

FISCAL NOTE

30

1997-98

32

APPROPRIATIONS/ALLOCATIONS

34

Other Funds	\$1,004,000
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36

REVENUES

38

Other Funds	\$635,000
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40

This bill includes a net allocation of \$1,004,000 in fiscal
42 year 1997-98 from the Public Utilities Commission Regulatory
Fund. Salary savings of \$250,000, which include the elimination
44 of 4 positions, are used to partially offset additional
consulting costs of \$1,254,000.

46

A portion of these additional allocations, \$369,000, is from
48 the unencumbered balance forward in this fund and requires
legislative approval pursuant to the Maine Revised Statutes,
40 Title 35-A, section 116. The remainder of the allocation will be
50 covered by a one-time increase in the commission's overall

COMMITTEE AMENDMENT "A" to S.P. 690, L.D. 1925

assessment in fiscal year 1997-98 by \$635,000, which will result in a one-time increase of dedicated revenue of that same amount.

This bill also authorizes the Public Utilities Commission in fiscal year 1998-99 to spend on a one-time basis up to 100% of any unexpended balance remaining at the end of fiscal year 1997-98.

SUMMARY

This amendment replaces the bill. This amendment accomplishes the following:

1. Permits the Public Utilities Commission to assess utilities an additional \$635,000 in the 1997-98 fiscal year, which was the amount the commission reduced its assessment as a result of surplus it carried forward from the 1995-96 fiscal year;

2. Allocates the \$635,000 additional assessment and \$369,000, which is surplus from the 1996-97 fiscal year, or a total of \$1,004,000, to fund consulting costs associated with the commission's increased workload;

3. Deallocates \$250,000 from the elimination of 4 positions at the commission and salary savings from 3 vacant positions and reallocates this money to fund consulting costs associated with the commission's increased workload; and

4. Adds a fiscal note to the bill.