

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3-16-98

(Filing No. H-906)

MAJORITY
UTILITIES AND ENERGY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1477, L.D. 2076, Bill, "An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers"

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

'An Act to Require Certain Utilities to Report Transfers of Assets'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the gathering of information about certain transfers of property by electric utilities in a timely manner is needed due to the ongoing restructuring of the electric industry; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRS §1106 is enacted to read:

COMMITTEE AMENDMENT

§1106. Notice of transfers required

1
2
3 1. Notification of transfers. Each investor-owned electric
4 utility shall provide to the commission written notice of the
5 sale, lease or other transfer of any right, title or interest in
6 any property owned in whole or in part by the utility or any
7 affiliate of the utility if the property:

8
9 A. Was sold, leased, exchanged or transferred after January
10 1, 1992;

11 B. Was acquired, maintained, operated, managed or controlled
12 in whole or in part with the support of funds or other
13 resources derived or arising from the operating revenues of
14 the utility for providing service to the public; and

15 C. Has a market value of:

16
17 (1) More than \$50,000, if personal property; or

18
19 (2) More than \$5,000, if real property, including
20 easements and rights-of-way.

21
22
23 The commission shall adopt a schedule and other provisions
24 governing the content and filing of written notices. Nothing in
25 this section limits the authority of the commission under other
26 applicable provisions of this Title to require or compel the
27 production of information.

28
29 **Sec. 2. First notice.** Within 30 days after the effective date
30 of this Act, each investor-owned electric utility shall:

31
32 **1. Provide notice.** Provide notice to the Public Utilities
33 Commission of all sales, leases or other transfers required to be
34 reported pursuant to the Maine Revised Statutes, Title 35-A,
35 section 1106 that occurred between January 1, 1992 and January 1,
36 1998. The notice must include the following information with
37 regard to each property:

38
39 **A.** A description of the property;

40
41 **B.** Identification of the transferor and transferee;

42
43 **C.** The price and, if different, the market value; and

44
45 **D.** The date of the transfer.

46
47 **Emergency clause.** In view of the emergency cited in the
48 preamble, this Act takes effect when approved.'

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

FISCAL NOTE

The Public Utilities Commission will incur some minor additional costs to adopt a schedule pertaining to the requirement that utilities must provide written notices to the commission regarding certain property transfers. These costs can be absorbed within the commission's existing budgeted resources.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Utilities and Energy, replaces the bill. This amendment:

1. Requires investor-owned electric utilities to provide to the Public Utilities Commission written notice of transfers occurring after January 1, 1992 of significant interests in property financed or managed in any manner with ratepayer funds;

2. Requires the first notice of transfers occurring between January 1, 1992 and January 1, 1998 to occur within 30 days of the effective date of the Act;

3. Adds an emergency preamble and emergency clause to the bill; and

4. Adds a fiscal note to the bill.