

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 735

H.P. 528

House of Representatives, January 26, 1999

**An Act Authorizing the Public Utilities Commission to Award Damages
to Customers Damaged by Substandard Utility Service.**

Submitted by the Office of Public Advocate pursuant to Joint Rule 204.
Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative COLWELL of Gardiner.
Cosponsored by Representatives: BULL of Freeport, PERKINS of Penobscot.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

Sec. 1. 35-A MRSA §1308-A is enacted to read:

§1308-A. Power to order refunds of overcharges, actual damages and other restitution

1. Investigation of complaints. This section applies to public utilities as defined in section 102, subsection 13. The commission may investigate complaints from consumers alleging unresolved disputes concerning damages caused by a public utility. Information in the investigative file is confidential unless an adjudicatory hearing is held. The investigative documents may not be disclosed to any person other than the complainant, the public utility and the Public Advocate prior to any such hearing. The commission shall notify the Public Advocate of the investigation and share investigative information with the Public Advocate when requested. The Public Advocate, complainant and the public utility shall hold confidential any investigative information received from the commission prior to a hearing.

2. Alternative dispute resolution. A public utility shall work cooperatively with the commission, the Public Advocate, if the Public Advocate requests, and the complainant to informally resolve complaints prior to a hearing.

3. Adjudicatory hearing. The commission may hold an adjudicatory hearing in conformance with Title 5, chapter 375, subchapter IV if the commission determines after an investigation that any public utility or its representative may have caused monetary damages to one or more consumers. The commission shall notify the public utility, the complainant and the Public Advocate of the results of the investigation. If unable to resolve the complaint informally, the commission shall notify at the adjudicatory hearing the public utility, the consumer and the Public Advocate of the results of the investigation and the amount of the monetary damages, if any, to be awarded to the consumer.

4. Order issued after hearing. After an adjudicatory hearing held in conformance with Title 5, chapter 375, subchapter IV, the commission may issue an order awarding actual damages or other restitution to a consumer. The commission's order is a final order in all respects and is effective when issued, unless the order specifies a later effective date or is stayed pursuant to Title 5, section 11004.

5. Service of order by mail. The commission shall serve the order with a notice of appeal rights on the public utility by regular mail.

2 6. Appeal. The commission's order is appealable to the
Superior Court.

4 7. Remedies not exclusive. The provisions of this section
are in addition to any other investigative or penalty provisions
6 provided by law and in no way abrogate a person's right to bring
a civil action against a public utility.

8
10 8. Cost. The cost of the investigation and hearing are
borne by the State.

12

SUMMARY

14

16 This bill allows the Public Utilities Commission to
18 compensate consumers for damages caused by a utility without
 requiring such customers to file individual actions in a court of
 law.