

# MAINE STATE LEGISLATURE

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MINORITY  
UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 715, L.D. 930, Bill, "An Act Authorizing the Public Utilities Commission to Award Restitution to Customers Damaged by Inferior Utility Service"

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

'An Act Relating to Customer Damages Resulting from Inferior Utility Service'

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

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

§1308-A. Mediation of monetary damage claims

1. Investigation of complaints. The commission may investigate a complaint filed by a customer alleging an unresolved claim of damages resulting from an unreasonable utility practice. The commission may hold a public hearing on the complaint in accordance with section 1303.

2. Confidentiality. Unless the commission holds a hearing on the complaint, information and documents obtained or created by the commission in connection with a complaint filed under this section are confidential and may not be disclosed by the commission to any person other than the complainant, the public

COMMITTEE AMENDMENT

2 utility and the Public Advocate. Except as otherwise provided by  
3 law or by a protective order issued by the commission pursuant to  
4 section 1311-A, information and documents obtained or created by  
5 the commission in connection with a complaint filed under this  
6 section cease to be confidential and are public documents upon  
7 the issuance of notice by the commission of a public hearing on  
8 the complaint.

9  
10 **3. Mediation.** A public utility against which a complaint  
11 described in subsection 1 has been filed shall work cooperatively  
12 with the commission, the complainant and, if requested by the  
13 Public Advocate, the Public Advocate to informally resolve the  
14 complaint prior to the holding of a hearing on the complaint or  
15 the appointment of a mediator pursuant to this subsection. If a  
16 customer of a public utility claims that the customer has  
17 suffered monetary damages not exceeding the maximum amount that  
18 may be awarded in a small claims proceeding pursuant to Title 14,  
19 section 7482 as a result of an unreasonable utility practice, and  
20 if the commission finds after investigation that the utility  
21 practice was unreasonable, the commission shall, at the request  
22 of the customer, designate a mediator to attempt to mediate a  
23 resolution to the customer's claim. The commission shall  
24 designate the mediator in writing. The mediator may be an  
25 employee of the commission. The mediator during mediation may,  
26 if the mediator finds it appropriate, propose for consideration  
27 by the customer and the public utility a monetary settlement to  
28 resolve the claim. The results of the mediation are not binding  
29 on the public utility or the customer. The admissibility in  
30 court of conduct or statements made during mediation, including  
31 offers of settlement, is governed by the Maine Rules of Evidence,  
32 Rule 408(a) for matters subsequently heard by a state court and  
33 Federal Rules of Evidence, Rule 408 for matters subsequently  
34 heard in a federal court. This subsection is repealed October 1,  
35 2003.

36 **Sec. 2. Report.** By January 1, 2003, the Public Utilities  
37 Commission shall provide a report to the joint standing committee  
38 of the Legislature having jurisdiction over utilities matters  
39 evaluating the effectiveness of the mediation program established  
40 under the Maine Revised Statutes, Title 35-A, section 1308-A,  
41 subsection 3 and providing its recommendations on whether the  
42 program should be continued.'

43 Further amend the bill by inserting at the end before the  
44 summary the following:  
45

46 **FISCAL NOTE**

47 The Public Utilities Commission will incur some minor  
48

2 additional costs to investigate complaints regarding damages  
caused by an unreasonable utility practice. The commission will  
4 also incur some minor additional costs to establish a mediation  
program, through September 30, 2003, to assist customers in  
6 resolving such complaints and to submit the required report.  
These costs can be absorbed within the commission's existing  
budgeted resources.

8  
10 This bill may decrease the number of civil suits filed in  
the court system. The Judicial Department may realize some minor  
12 savings from reductions of workload and administrative costs  
associated with the minimal number of cases that will no longer  
14 be filed. Reductions in the collection of filing fees may  
decrease General Fund revenue by minor amounts.'

### SUMMARY

16  
18 This amendment, which is the minority report of the Joint  
20 Standing Committee on Utilities and Energy, replaces the bill and  
changes the title to reflect the content of the amendment. This  
22 amendment authorizes the commission to investigate a complaint  
regarding damages caused by an unreasonable utility practice.  
24 The amendment also establishes a mediation program at the  
commission to assist customers in resolving such complaints. The  
26 mediation program is repealed on October 1, 2003 and the  
commission is directed to provide a report by January 1, 2003  
28 evaluating the program and providing recommendations on whether  
it should be continued. It also adds a fiscal note to the bill.