



120th MAINE LEGISLATURE

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Legislative Document

No. 930

H.P. 715

House of Representatives, February 15, 2001

An Act Authorizing the Public Utilities Commission to Award Restitution to Customers Damaged by Inferior 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.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton. Cosponsored by Senator CARPENTER of York.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 35-A MRSA §1308-A is enacted to read: 4 \$1308-A. Power to order refunds of overcharges, actual damages and other restitution 6 1. Investigation of complaints. The commission may 8 investigate complaints from customers alleging unresolved disputes concerning damages caused by a public utility. 10 Information in the investigative file is confidential unless a 12 public 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 14 commission shall notify the Public Advocate of the investigation 16 and share investigative information with the Public Advocate when requested. The Public Advocate, the complainant and the public 18 utility must hold confidential any investigative information received from the commission prior to a hearing. 20 2. Alternative dispute resolution. Public utilities must 22 work cooperatively with the commission, the Public Advocate, if the Public Advocate so requests, and the complainant to 24 informally resolve complaints prior to a hearing. 26 3. Adjudicatory hearings. The commission may hold an adjudicatory hearing in conformance with Title 5, chapter 375, 28 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 customers. The commission shall 30 notify the public utility, the complainant and the Public 32 Advocate of the results of the investigation. If unable to resolve the complaint informally, the commission shall notify the 34 public utility, the complainant and the Public Advocate of the results of the investigation and the amount of monetary damages, 36 if any, to be awarded to the complainant. 38 4. Order issued after hearing. After a hearing under subsection 3 held in conformance with Title 5, chapter 375, 40 subchapter IV, the commission may issue an order awarding actual damages or other restitution to a complainant as long as the 42 maximum amount of the damages may not exceed the maximum amount available in Small Claims Court. The commission's order after 44 hearing is a final order in all respects and is effective when issued, unless the order specifies a later effective date or is 46 stayed pursuant to Title 5, section 11004. 48 5. Service of order by mail. Upon issuance, the commission shall serve the order under subsection 4 on the public utility by 50 regular mail along with a notice of appeal rights.

6. Appeal. The commission's order under subsection 4 is
2 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.
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10	SUMMARY
12	Currently, the Public Utilities Commission is able to pursue
	exhaustive investigations of customer complaints of poor utility
14	service but is unable to provide the affected customers any
	direct restitution for their damages. This bill authorizes

restitution up to the level possible in Small Claims Court.

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