

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1229

H.P. 915

House of Representatives, February 28, 2001

**An Act to Assist the State's Ski Industry through the Provision of
Special Electric Rate Contracts.**

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative McGLOCKLIN of Embden.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: GOOLEY of Farmington, JODREY of Bethel, JONES of Greenville,
Senators: DAVIS of Piscataquis, WOODCOCK of Franklin.

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

2 **Sec. 1. 35-A MRSA §3195, sub-§6**, as amended by PL 1999, c.
4 398, Pt. A, §71 and affected by §§104 and 105, is further amended
to read:

6 **6. Rate flexibility.** Notwithstanding sections 307 and 703,
8 the commission, in an adjudicatory proceeding, may authorize a
transmission and distribution utility to implement a program
10 under which:

12 A. The utility may change its schedule of rates with limited
notice to the commission; and

14 B. The utility may enter into contracts for the sale of
16 transmission and distribution services and related
management services with limited or no prior express
18 approval by the commission.

20 The commission shall render its decision in any adjudicatory
proceeding held for the purposes of authorizing a utility to
22 implement a program consistent with this subsection within 9
months of the initiation of the proceeding. In the adjudicatory
24 proceeding, the commission shall establish the terms and
conditions under which a program is authorized under this
26 subsection. The authority granted to the commission under this
subsection is in addition to the authority of the commission
28 granted under other provisions of this Title and nothing in this
subsection may be construed to limit the authority of the
30 commission under any other provision of this Title.

32 In the negotiation of special rate contracts, a transmission and
34 distribution utility may not discriminate unreasonably among
special rate customers in the cost assumptions employed to price
36 the customer's alternative source of electricity or energy. A
transmission and distribution utility may use its best judgment
38 to determine the likelihood of the customer's reliance on an
alternative source of electricity or energy and may reflect that
judgment in the terms of the special rate contract.

40 The failure of an existing special rate customer to install or
42 otherwise arrange to rely upon that alternative source of
electricity or energy may not be a basis for the refusal of a
44 transmission and distribution utility to timely renew an existing
special rate contract when the original alternative source of
46 electricity or energy, if it had been installed or relied upon as
originally proposed, would have continued to be available to the
48 customer beyond the term of the existing special rate contract.

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SUMMARY

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This bill requires transmission and distribution utilities to provide fair and reasonable treatment of special rate contract

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customers. The bill prohibits the use of different engineering, equipment, fuel and other cost assumptions for potential special

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rate contract customers who are similarly situated and prohibits unreasonable discrimination for or against particular customers.

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The bill requires renewal of special rate contracts when, if the alternative electricity or energy source originally available to

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the customer had been relied on, it would still be available to the customer following the expiration of the original special

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rate contract.