

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)

RGS

L.D. 2107

DATE: *3/12/02*

(Filing No. H-*894*)

UTILITIES AND ENERGY

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

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 1609, L.D. 2107, "Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a provisionally adopted major substantive rule of the Public Utilities Commission, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is modified as follows.

1. Section 4 is replaced with new language that:

A. Requires that before a line extension in a public way or private way is energized the private line extension contractor or owner of a line extension must obtain one of the following: a determination by an employee designated by the transmission and distribution utility that the line is safe or a determination in writing by a registered professional engineer or a person licensed to certify electric distribution line extension construction by the Office of Licensing and Registration within the Department of Professional and Financial Regulation, or by another state agency designated by law, that the line extension is safe, reliable and constructed in compliance with the standards required by the rule; and

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 1609, L.D. 2107

2 B. Specifies that, upon request of a private line extension
4 contractor or an owner of a line extension, a transmission
6 and distribution utility employee designated by the
transmission and distribution utility shall inspect the line
extension within 5 business days of the request.

8 2. Section 5, subsection B is amended by adding new
10 language providing that, if parties are unable to resolve a
12 dispute within 3 business days, any party to the dispute has the
option to request the Public Utilities Commission to initiate
dispute resolution procedures.

14 3. Section 8, subsection A is amended by adding or
16 modifying language to:

18 A. Ensure consistency with the changes made to section 4 of
the rule described in subsection 1 of this section of this
20 resolve;

22 B. Require a transmission and distribution utility to
inspect privately constructed line extensions;

24 C. Provide that, if a transmission and distribution utility
26 determines that energizing the line extension would
jeopardize the safety of any person or the reliability of
the transmission and distribution utility's distribution
28 system, the transmission and distribution utility may not
energize the line;

30 D. Provide that, if a transmission and distribution utility
32 determines the line extension does not comply with standards
required by the rule or may not provide reliable service to
34 the customers who will be served by the line extension, the
transmission and distribution utility may refuse to energize
36 the line;

38 E. Provide that, if the private line extension contractor
or owner disagrees with the transmission and distribution
40 utility's decision not to energize the line and refuses to
make modifications requested by the transmission and
42 distribution utility, the transmission and distribution
utility shall initiate a dispute resolution process pursuant
44 to the relevant provisions of the rule;

46 F. Provide that when a determination has been made that all
48 the requirements under sections 4 and 8 of the rule for
energizing the line have been satisfied the transmission and
distribution utility shall energize the line within 14
50 business days of that determination or a later date
established by mutual agreement of the parties.

COMMITTEE AMENDMENT

ROS

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

G. Provide that in the event of widespread power outages due to weather or other emergency the time requirements for dispute resolution under sections 4, 5 and 8 of the rule do not apply; and

H. Make the heading of the subsection consistent with these changes.

4. In Section 1, subsection D in the last sentence, the number of years is changed from 10 to 20, and in Section 9, subsection C, paragraph 1, the number of years is changed from 10 to 20.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.'

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

FISCAL NOTE

The implementation of certain rules pertaining to the construction of electric distribution line extensions and the method for reapportioning construction costs will result in minor additional costs to the Public Utilities Commission. These costs can be absorbed within the commission's existing budgeted resources.'

SUMMARY

This amendment authorizes the final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, which are major substantive rules of the Public Utilities Commission that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, provided certain enumerated changes are made to the rule. The amendment also adds a fiscal note to the resolve.