

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 222

H.P. 181

House of Representatives, January 21, 2003

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**An Act Providing for Regulation of the Cable Television Industry by  
the Public Utilities Commission**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GERZOFKY of Brunswick.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: BARSTOW of Gorham, BLANCHETTE of Bangor, LESSARD of Topsham,  
MARLEY of Portland, O'BRIEN of Lewiston, PINEAU of Jay, RINES of Wiscasset, USHER  
of Westbrook.

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

4 **Sec. 1. 35-A MRSA §8301**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

6 **§8301. Public Utilities Commission regulation**

8 Cable television companies, to the extent they offer services like those of telephone utilities subject to regulation by the commission, shall--be are subject to the commission's jurisdiction over rates, charges and practices, as provided in this Title.

14 In accordance with 47 United States Code, Sections 532 and 543, the commission shall regulate basic service tier rates and services provided by any cable system that is not subject to effective competition. The commission by rule shall establish appropriate procedures for conducting the regulation.

20 **Sec. 2. 35-A MRSA §§8303 to 8306** are enacted to read:

22 **§8303. Service, product or rate change; hearing; complaint**

24 **1. Hearing and opportunity to comment.** Prior to increasing a rate or changing a service or product, whether proposed by the cable system operator or by a municipality, a cable system operator shall:

28 A. Notify all affected customers of the proposed increase or change at least 120 days prior to the effective date of the proposed increase or change to allow customers to provide comments;

34 B. Hold a public hearing in accordance with this paragraph and any rules adopted by the commission. The public hearing must be held at a time and location convenient to the customers affected by the proposed increase or change, and notice of the hearing must be sent to all customers affected by the proposed increase or change at least 5 business days prior to the date of the hearing;

42 C. Within 10 days following the public hearing, respond in writing to all affected customers to any complaints, criticisms or proposals raised during the public hearing and explain any changes the operator will make as a result of the complaints, criticisms or proposals; and

48 D. After the hearing but no less than 90 days prior to the effective date of any increase or change, notify all affected customers of the final proposed increase or change.

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2 **§8304. Petition; regulation**

4 **1. Petition and review.** Within 60 days of receiving notice  
6 of a final proposed increase in a rate or change in a product or  
8 service pursuant to section 8303, subsection 1, paragraph D, 10  
10 or more customers affected by the increase or change may file a  
12 petition with the commission to review the change. In response  
14 to the petition, the commission may examine the change or  
16 increase to assess its reasonableness. If the petition is signed  
18 by 25 or more customers, the commission shall review the change.

20 **2. Commission review.** If the commission, in its review of  
22 a final proposed increase in a rate or change in a product or  
24 service finds that the increase or change is unreasonable or  
26 poses an unreasonable hardship on customers, the commission shall  
petition the Federal Communications Commission:

A. To stay the unreasonable increase or change pending  
review by the Federal Communications Commission; and

B. To evaluate the commission's findings and recommendations  
on the matter and to direct the cable system operator and,  
as applicable, the franchising authority to revise the rate  
or change in accordance with the commission's  
recommendations.

28 **§8305. Commission rules**

30 The commission may adopt rules necessary to implement this  
32 chapter. Rules adopted pursuant to this chapter are routine  
34 technical rules as defined in the Title 5, chapter 375,  
subchapter 2-A.

36 **§8306. Cable system assessment; fund; distribution**

38 The Cable Regulation Reimbursement Fund is established as a  
40 nonlapsing fund to provide funds to pay the costs of the  
42 commission and those of municipalities in regulating the rates,  
44 products and services of cable systems. The commission shall  
46 assess cable system operators in an equitable manner to provide  
48 necessary funds for the Cable Regulation Reimbursement Fund. The  
commission shall by January 1st of each year provide an  
accounting of its assessments under this section and the amounts  
spent by the commission and distributed to municipalities. The  
commission by rule shall establish the standards and procedures  
for the disbursement of funds to municipalities under this  
section.

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## SUMMARY

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4       This bill subjects basic tier service rates and services of  
cable systems to regulation by the Public Utilities Commission.  
6       The bill also establishes hearing and complaint procedures for  
rate increases or product or service changes by a cable system  
operator and directs the commission, on petition of 25 or more  
8       customers, to petition the Federal Communications Commission to  
address any increases or changes that the commission finds to be  
10      unreasonable.