

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 306

H.P. 249

House of Representatives, January 28, 2003

**An Act To Ensure Recovery of Extraordinary, Terrorism-related
Security Costs for Public Utilities**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Belmont.
Cosponsored by Representative: GOODWIN of Pembroke.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the World Trade Center and Pentagon terrorist
6 attacks of September 11, 2001 have demonstrated that terrorists
have the will and the ability to attack the United States, its
8 citizens and property; and

10 Whereas, several warnings have been issued to utilities
regarding the potential for a terrorist attack on utility
12 infrastructure; and

14 Whereas, Maine utilities have already initiated security
measures to protect critical infrastructures; and

16 Whereas, additional security measures may be required at any
18 time to respond to additional threats as they arise; and

20 Whereas, these events were not anticipated at the time that
some utilities entered into long-range rate plans; and

22 Whereas, utilities should be encouraged to invest in
24 appropriate security measures through assurances that prudent
expenditures will be reimbursed; and

26 Whereas, the Public Utilities Commission and federal and
28 state security and public safety agencies have required
additional security measures to protect critical infrastructure;
30 and

32 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
34 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
36 safety; now, therefore,

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

40 **Sec. 1. 35-A MRSA §315** is enacted to read:

42 **§315. Recovery of cost of utility security**

44 **1. Recovery of security costs.** A public utility may defer,
46 with carrying costs, all costs for security measures incurred in
48 response to the terrorist attacks of September 11, 2001 and the
continued threats to the security of utility infrastructure. In
determining the rates of a public utility, the commission shall
50 adjust the charges to customers to recover increases and to
credit decreases in security costs.

2 2. Applicability. This section applies to all public
4 utilities, as defined in this Title.

6 **Emergency clause.** In view of the emergency cited in the
8 preamble, this Act takes effect when approved.

10 SUMMARY

12 This bill enables public utilities to collect, by an annual
14 rate adjustment, security-related expenditures made for
heightened security measures necessitated by the terrorist
attacks of September 11, 2001.