

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1042

H.P. 759

House of Representatives, February 26, 2003

### **An Act To Ensure Proper Funding of the Public Utilities Commission**

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Submitted by the Public Utilities Commission pursuant to Joint Rule 204.  
Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLISS of South Portland.  
Cosponsored by Representative: McLAUGHLIN of Cape Elizabeth, Senator: HALL of  
Lincoln.

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

Sec. 1. 35-A MRSA §116, sub-§1, as amended by PL 2001, c. 136, §1, is further amended to read:

1. **Utilities subject to assessments.** Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission is subject to an assessment on its intrastate gross operating revenues to produce no more than \$4,918,000 \$6,558,000 in revenues annually. ~~The commission shall increase the assessment to produce an additional \$318,000 during fiscal year 2001-02 and an additional \$587,000 during fiscal year 2002-03.~~ The commission shall assess transmission and distribution utilities at a rate sufficient to produce ~~\$3,370,000 and \$4,345,400 during fiscal year 2003-04 and \$4,493,400 thereafter.~~ \$1,548,000 \$1,996,600 in fiscal year 2003-04 and \$2,064,600 thereafter. ~~The commission shall increase the assessment of transmission and distribution utilities to produce an additional \$218,000 during fiscal year 2001-02 and an additional \$402,000 during fiscal year 2002-03. The commission shall increase the assessment of all other utilities to produce an additional \$100,000 during fiscal year 2001-02 and an additional \$185,000 during fiscal year 2002-03.~~ The commission shall determine the assessments annually prior to May 1st and assess each utility for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not subject to any assessment.

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

E. The commission may exempt utilities with annual

2 intrastate gross operating revenues under \$50,000 from  
assessments under this section.

4 **Sec. 2. PL 2001, c. 136, §2** is amended to read:

6 **Sec. 2. Use of unexpended funds.** Notwithstanding the Maine  
Revised Statutes, Title 35-A, section 116, subsection 5, the  
8 Public Utilities Commission may expend in fiscal year 2001-02  
2003-04 and fiscal year 2002-03 2004-05, for the purposes  
10 specified in Title 35-A, section 116, subsection 4, 100% of any  
unexpended funds remaining at the end of the prior fiscal year.  
12 Treatment of funds not expended at the end of fiscal year 2002-03  
2004-05 is governed by Title 35-A, section 116, subsection 5.

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### SUMMARY

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The purpose of this bill is to allow the Public Utilities  
Commission to maintain its ongoing responsibilities, including  
20 protecting Maine's consumers in regional and national  
proceedings. This bill increases the maximum funds that the  
22 commission may collect from utilities. This bill also allows the  
Public Utilities Commission to use unexpended funds remaining at  
24 the end of the prior year.