

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 147

H.P. 126

House of Representatives, January 15, 2009

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**An Act To Facilitate the Protection of Electric Utility Consumer  
Interests in Public Utility Commission Cases Involving the  
Construction, Rebuilding or Relocating of Transmission Lines**

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Submitted by the Office of the Public Advocate 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 HINCK of Portland.  
Cosponsored by Senator HOBBS of York and Representatives: BLANCHARD of Old  
Town, DOSTIE of Sabattus, VAN WIE of New Gloucester, WAGNER of Lyman, Senator:  
BLISS of Cumberland.

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

**Sec. 1. 35-A MRSA §3132, sub-§9**, as amended by PL 2007, c. 148, §8, is further amended to read:

**9. Filing fee; waiver of fee.** When a petition is filed under this section, the person or persons involved shall pay to the commission an amount equal to 2/100 of 1% and pay to the Office of the Public Advocate an amount equal to 1/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line provided that in the case of a petition filed under subsection 2, the fee to the commission is 4/100 of 1% and the fee to the Office of the Public Advocate is 2/100 of 1%. The person may, at the time of the filing of notice of its intent to file the petition, or, in the case of lines subject to subsection 2, at the time of the filing of the petition, request the commission, the Office of the Public Advocate or both to waive all or a portion of the filing fee. The commission or the Office of the Public Advocate or both as necessary shall rule on the request for waiver within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the commission and the Office of the Public Advocate for the purposes of this section. Any portion of the filing fee that is received from any person and is not expended by the commission to process the petition for a certificate of public convenience and necessity or by the Office of the Public Advocate to represent the interest of consumers in the proceeding before the commission must be returned to the person.

## SUMMARY

This bill provides the Office of the Public Advocate with authority similar to that of the Public Utilities Commission to receive from the applicant for a certificate of public convenience and necessity a filing fee. While the filing fee for the Public Utilities Commission is equal to either 2/100 of 1% or 4/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line, the filing fee for the Public Advocate would be equal to 1/100 of 1% or 2/100 of 1% of the estimated cost. This mechanism for funding the Public Advocate to represent the interests of Maine ratepayers in transmission certificate of public convenience and necessity cases is needed to avoid having other electric utilities that are not applicants for the certificate subsidize the cost of having the Office of the Public Advocate participate in one of these cases. It allows a fee to be assessed by the Office of the Public Advocate on an applicant for a transmission certificate of public convenience and necessity who is not otherwise subject to an assessment to support the work of the Office of the Public Advocate under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.