

MAINE STATE LEGISLATURE

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Majority

SMC
H. 113

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L.D. 38

Date: 3/21/14

Majority

(Filing No. H-727)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 38, "Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission"

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of Chapter 201: Provider of Last Resort Service Quality, 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 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section 4, Paragraph A to clarify that the benchmarks related to installation appointments not met, average delay days for missed appointments, the network trouble report rate and percentage of network troubles not resolved in 24 hours must be initially established by increasing by 2 standard deviations the 4-quarter rolling average result reported by all Maine incumbent local exchange carriers;

2. The rule must be amended in Section 4, Paragraph C to clarify that actual performance for a service quality metric is considered equal to or better than the benchmark if the rolling average for that metric, based upon the 4 most recent quarterly reports, is greater than or equal to the benchmark;

3. The rule must be amended in Section 4, Paragraph D to change the percentage used as the benchmark for the installation appointments not met, the number of days used as the benchmark for the average delay days for missed appointments, the percentage used as the benchmark for the network trouble report rate and the percentage used as the benchmark for the network troubles not resolved within 24 hours to be in accordance with subsection 1;

COMMITTEE AMENDMENT

H. 13.

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 38

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4. The rule must be amended in Section 7 to clarify that the Public Utilities Commission may impose penalties or require a service provider to provide customer rebates or rate reductions if the commission finds that remedial action is necessary; and

5. The rule must be amended in Section 7, Paragraph A to establish a maximum penalty amount of \$2,000,000 annually for the largest provider of last resort service in the State and a proportion of \$2,000,000 annually for the other service providers based on a ratio of total intrastate revenues.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to final adoption of the rule in accordance with this section.'

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SUMMARY

This amendment is the majority report of the committee. It authorizes final adoption of Chapter 201: Provider of Last Resort Service Quality, 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 2-A, if certain specified changes are made to the rule. The amendment also strikes the emergency preamble and emergency clause.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 38

LR 779(02)

Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission

Fiscal Note for Bill as Amended by Committee Amendment A" (H-727)
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The bill authorizes final adoption of the major substantive rule if certain rule changes are made. One change establishes maximum annual penalty amounts of \$2,000,000 for the largest provider of last resort service in the State and a proportion of \$2,000,000 for other service providers based on a ratio of total intrastate revenues. This increase in maximum penalty amounts could result in more fines going into the PUC Reimbursement Fund.

Any additional costs incurred by the Public Utilities Commission as a result of implementing major substantive rules to (a) establish service quality indicators and standards for service providers of regulated basic local flat-rate dial-tone service, also known as providers of last resort service, and (b) review these metrics submitted by the service providers can be absorbed by the Commission within existing budgeted resources.