

MAINE STATE LEGISLATURE

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8/11/13
R. 10.3

Date: 5/17/2013

L.D. 441

(Filing No. S-94)

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 173, L.D. 441, "Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Water Regulation"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities'

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

'Sec. 1. Regulatory reform plan. Resolved: That the Public Utilities Commission, referred to in this resolve as "the commission," shall develop a plan to reform regulation of consumer-owned water utilities in the State in accordance with the following.

1. The plan must be consistent with the following:

A. Regulatory burdens must be the minimum necessary to protect the public welfare;

B. Regulatory reform may not relieve any provider from complying with environmental obligations under either state or federal law, including but not limited to those relating to the safety of drinking water;

C. Regulatory reform may make distinctions between consumer-owned water utilities based on the utilities' available resources and expertise, as well as on the form of local governance;

D. Regulatory reform must ensure the continued adequacy of consumer protection regulation, including the maintenance of appropriate limitations on disconnection and collection practices, and must ensure that consumers have adequate mechanisms available to them to resolve complaints fairly and promptly; and

E. Regulatory reform must provide a mechanism that ensures that the rates charged by each consumer-owned water utility are just and reasonable, pursuant to the standards of the Maine Revised Statutes, Title 35-A, section 301.

COMMITTEE AMENDMENT

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- 2. In developing the plan, the commission shall:
 - A. Seek input from interested parties representing diverse geographic areas of the State but is not required to conduct an adjudicatory proceeding;
 - B. Ensure that the interests of consumer-owned water utilities and their ratepayers are protected with regard to the provision of, and charges for:
 - (1) Municipal fire protection;
 - (2) Water main extensions; and
 - (3) Consumer-owned water utilities' readiness to serve charges;
 - C. Examine the current regulatory structure in accordance with the requirements in subsection 1 and may not presume existing laws and rules are appropriately designed for the current environment and the needs of consumer-owned water utilities and their ratepayers;
 - D. Define and quantify the implications of the potential outcomes of implementing the plan; and
 - E. Consider stakeholder comments that are not supportive of regulation reform of consumer-owned water utilities and include those viewpoints as part of its report under subsection 3.

3. The commission shall submit its report including the plan to the Joint Standing Committee on Energy, Utilities and Technology no later than January 31, 2014. The report must describe necessary changes to law, rules or procedures and any other necessary actions to implement the plan. To the maximum extent practicable, the commission shall establish target dates for implementation of the elements of the plan no later than 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The commission shall include with the report a draft of any legislation necessary to implement the plan and, consistent with the requirements of the Maine Revised Statutes, Title 5, chapter 375, changes to rules necessary to implement the plan.

The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to reform regulation of consumer-owned water utilities to the Second Regular Session of the 126th Legislature; and be it further

Sec. 2. Action on filings. Resolved: That, consistent with the purposes of this resolve and the requirements in section 1, the commission shall process any filings submitted by consumer-owned water utilities for exemptions under the Maine Revised Statutes, Title 35-A with as much deliberate speed as possible, within the constraints of existing resources.'

SUMMARY

This amendment replaces the resolve and directs the Public Utilities Commission to develop a plan to reform regulation of consumer-owned water utilities. It changes the date for the commission to report to the Joint Standing Committee on Energy, Utilities and Technology from December 31, 2013 to January 31, 2014. It also directs the commission to continue to process any filings submitted by consumer-owned water

COMMITTEE AMENDMENT



1 utilities for exemptions under the laws governing utilities with as much deliberate speed
2 as possible, within the constraints of existing resources.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



126th MAINE LEGISLATURE

LD 441

LR 1745(02)

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Water Regulation

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-94)
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs incurred by the Public Utilities Commission related to developing a plan to reform regulation of consumer-owned water utilities and reporting back to the Legislature can be absorbed within existing budgeted resources.