

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1151

H.P. 814

House of Representatives, March 23, 2017

An Act To Allow Promotional Allowances by Public Utilities

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

A handwritten signature in cursive script, reading "Rt B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative POULIOT of Augusta.
Cosponsored by Senator DION of Cumberland and
Representatives: HARVELL of Farmington, O'CONNOR of Berwick, SANBORN of Portland,
WADSWORTH of Hiram.

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

2 **Sec. 1. 35-A MRSA §309, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is
3 amended to read:

4 **1. Adherence to schedules.** Except as otherwise provided in section 703 and
5 section 703-A, it is unlawful for any public utility to charge, demand, collect or receive,
6 for any service performed by it within the State or for any service in connection with that
7 performance, a greater or lesser compensation than is specified in such printed schedules
8 as may at the time be in force, or to demand, collect or receive any rate, toll or charge not
9 specified in the schedules. The rates, tolls and charges named in the schedule are the
10 lawful rates, tolls and charges until they are changed as provided in this Title.

11 **Sec. 2. 35-A MRSA §703-A** is enacted to read:

12 **§703-A. Promotional allowances**

13 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
14 following terms have the following meanings.

15 A. "Promotional allowance" means any rebate, discount, credit, reduction in rates or
16 other promotion offered or provided by a public utility to customers or potential
17 customers for the purpose of encouraging customers or potential customers to select
18 or use the service or increase usage of the service of that utility, to select, purchase,
19 install or use any appliance or equipment designed to use that utility's service or to
20 use any other particular service of that utility.

21 **2. Promotional allowance allowed.** Notwithstanding section 703, a public utility,
22 without prior notice to or approval from the commission, may offer or provide a
23 promotional allowance.

24 **3. Filing of schedules of rates.** Schedules of rates that provide for promotional
25 allowances take effect when filed with the commission, unless a later effective date is
26 specified.

27 **4. Rate-making treatment.** This section does not limit the commission's authority
28 in any rate case or alternative rate-making proceeding to disallow, in whole or in part, any
29 expense of a public utility that the commission finds to be unjust, unreasonable, excessive
30 or unwarranted. A public utility may not recover from any person other than its
31 shareholders or other owners any expenditures, contributions, expenses or costs incurred
32 by that utility with respect to promotional allowances.

33 **5. Rules.** The commission shall adopt rules to implement this section. Rules
34 adopted pursuant to this subsection are major substantive rules as defined in Title 5,
35 chapter 375, subchapter 2-A.

36 **Sec. 3. Rulemaking.** The Public Utilities Commission shall adopt rules to
37 implement the Maine Revised Statutes, Title 35-A, section 703-A no later than 120 days
38 after the effective date of this Act.

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SUMMARY

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This bill allows public utilities to offer or provide promotional allowances, such as rebates, discounts or similar reductions, to their customers or potential customers. The Public Utilities Commission is directed to adopt rules to implement the provisions of this bill.