

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2132

H.P. 1356

House of Representatives, January 3, 2024

**An Act to Clarify the Right to Appeal Certain Public Utilities
Commission Decisions**

Submitted by the Office of the Public Advocate pursuant to Joint Rule 203.
Reference to the Committee on Energy, Utilities and Technology suggested and ordered
printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.

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

2 **Sec. 1. 35-A MRSA §1303, sub-§3** is enacted to read:

3 **3. Commission investigation of consumer complaints.** After participating in a non-
4 adjudicatory, informal consumer complaint resolution process conducted by the consumer
5 assistance and safety division of the commission, the customer or public utility may petition
6 the commission for a de novo adjudicatory proceeding to investigate the dispute. The
7 commission shall make a final decision on the merits that is subject to Law Court review.

8 **SUMMARY**

9 Current law gives the Public Utilities Commission discretion to deny a customer's or
10 public utility's request that the commission conduct a formal proceeding to review the
11 merits of a customer complaint after the customer and public utility have participated in a
12 non-adjudicatory, informal customer complaint resolution process conducted by the
13 consumer assistance and safety division of the commission. The Maine Supreme Judicial
14 Court in *General Marine Construction Corporation et al. v. Public Utilities Commission*,
15 2022 ME 20, 271 A.3d 1166, held that a customer or public utility is foreclosed from appeal
16 to the Law Court if it disagrees with a non-adjudicatory, informal decision of the consumer
17 assistance and safety division of the commission and the commission declines to hold a
18 formal proceeding to review the merits of the dispute. This bill allows a customer or public
19 utility, after participating in a non-adjudicatory, informal consumer complaint resolution
20 process conducted by the consumer assistance and safety division of the commission, to
21 petition the commission for a de novo adjudicatory proceeding to investigate the dispute
22 and requires the commission to make a final decision on the merits that is subject to Law
23 Court review.