

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1982.

CHAPTER 600

S.P. 817 - L.D. 1921

AN ACT Relating to Fuel Adjustment Clause of Natural Gas Utilities.

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

35 MRSA §132 is enacted to read:

§132. Fuel adjustment clause

1. Fuel cost. Subject to the approval of the commission, each gas company shall include as part of its base rates a reasonable cost for the gas which it supplies to its customers. The cost of gas shall include the cost of the gas purchased by the company for use in the State, pursuant to regulations promulgated by the commission under this section. The amount to be included in a utility's base rates shall be determined at the time of general rate adjustment under section 64 or section 296 and shall be based upon the utility's reasonable costs of gas during the test year used for the rate adjustment.

2. Fuel cost adjustment. Notwithstanding the requirements of section 69, and subject to the conditions of this section, a gas company shall adjust its gas charges to its customers to reflect increases and decreases in the price of gas that occur after a general rate proceeding under section 64 and section 296.

3. Scope of adjustment. Changes in the cost of gas purchased by the gas company for use in the State shall constitute the only items subject to adjustment, pursuant to regulations promulgated by the commission under this section.

4. Cost of gas adjustment rate applied uniformly to customers. The cost of gas adjustment established under this section shall be billed or credited at a single uniform

rate per 100 cubic feet of gas or therms for all customers of the gas company.

5. Calculation and billing of fuel adjustment. Within 120 days following the effective date of this section, the commission shall establish rules for the calculation and billing of cost of gas adjustments. The rules shall include, but not be limited to:

A. The accounting method to be used to determine the cost of gas;

B. The computation period and method of computation of the cost of gas adjustment rate;

C. Definitions and components of gas costs to be included in the cost of gas adjustment;

D. An appropriate method to amortize a utility's unrecovered reasonable gas costs;

E. An appropriate method to credit customers for gas cost overcharges; and

F. Reporting requirements to administer this section.

The commission may, in its discretion, establish a cost of gas adjustment rate for a computation period based on projected gas sales and gas costs for that period, and make appropriate adjustments for overcharges or undercharges in customer bills in subsequent computation periods to account for the difference between the projected gas sales and costs and actual gas sales and reasonable gas costs.

6. Commission approval required. In no event may a cost of gas adjustment charge be billed to customers which has not been approved and ordered into effect by the commission pursuant to this section. Each gas company shall file application for changes in its cost of gas adjustment rate in accordance with regulations promulgated under this section. The commission shall order notice of the application to be published within 7 days of receipt of the application and shall set a time and place for a public hearing which shall be held, unless otherwise ordered by the commission, within 14 days after publication of the notice. The commission shall render its decision on the application within 45 days of the close of the hearing, or within 45 days of receipt of the application, if no hearing is held. No gas company may make application for changes in its cost of gas adjustment rate until a period of 90 days has elapsed from the filing of its last application, unless otherwise ordered by the commission.

7. Reports. The commission may require gas companies to provide such reports and information as it deems necessary to administer this section.

8. Transition. Notwithstanding the provisions of this section, any fuel cost adjustment in effect on the effective date of this section shall remain in effect until such time as a fuel cost adjustment is approved by the Public Utilities Commission pursuant to this section. Any reasonable amount of unrecovered fuel costs outstanding on the date of the implementation of a revised fuel clause under these provisions may be recovered through the revised fuel clause, subject to commission approval.

Effective July 13, 1982.

CHAPTER 601

S.P. 839 - L.D. 1962

AN ACT Relating to the Installation of Utility Poles.

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

Sec. 1. 35 MRSA §2483, sub-§1, ¶A, sub-¶(2), as repealed and replaced by PL 1967, c. 262, §6, is amended to read:

(2) The municipal officers or their designees, when the public way is a city street or town way or a state or state aid highway in the compact areas of municipalities having a population over 5,000;

Sec. 2. 35 MRSA §2483, sub-§14, as amended by PL 1971, c. 593, §22, is repealed and the following enacted in its place:

14. Appeals. Appeals from decisions shall be conducted in the following manner.

A. The licensing authority shall give notice of their decision to the applicant and to any person filing