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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1368, L.D. 1847, “An Act To Prohibit a Public Utility from Terminating or Disconnecting Service to a Public Safety Facility without Advance Notice and Approval”

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, continuous utility services are increasingly essential to the operation of Maine's public safety facilities; and

Whereas, on at least 2 occasions public safety facilities in Maine have been disconnected or nearly disconnected due to billing errors and without advance notice; and

Whereas, the purpose of this legislation is to ensure that public safety facilities receive adequate notice of terminations or disconnections of utility services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 2 and inserting the following:

Sec. 2. 35-A MRSA §719 is enacted to read:

§719. Termination of utility services for public safety facilities for nonpayment of rates, fees or charges for utility service

1. Termination. A public utility may not terminate or disconnect a public safety facility's utility service for nonpayment of rates, fees or charges for utility service unless the public utility has:

A. Provided written notice to the municipal or plantation government using the public safety facility of the public utility's intention to terminate or disconnect the public

COMMITTEE AMENDMENT

1 safety facility's utility service at least 60 days before the termination or disconnection
2 date;

3 B. Obtained from the commission written authorization to terminate or disconnect the
4 public safety facility's utility service; and

5 C. Obtained from the Department of Public Safety written authorization to terminate
6 or disconnect the public safety facility's utility service.

7 **2. Penalties.** Notwithstanding section 1508-A, subsection 1, the commission shall
8 impose an administrative penalty on a public utility that violates this section in accordance
9 with this subsection.

10 A. For violations of this section by a public utility, the commission shall impose an
11 administrative penalty for each violation in an amount between 0.1% and 0.25% of the
12 annual gross revenue that the public utility received from sales in the State. Each day
13 a violation continues constitutes a separate offense. The maximum administrative
14 penalty for any related series of violations under this paragraph may not exceed 5% of
15 the annual gross revenue that the public utility received from sales in the State.

16 B. For a violation in which a public utility was explicitly notified by the commission
17 that it was not in compliance with the requirements of this section and that failure to
18 comply could result in the imposition of administrative penalties, the commission shall
19 impose an additional administrative penalty of an amount between 0.1% and 0.25% of
20 the annual gross revenue for each violation.

21 C. In determining the amount of an administrative penalty under this subsection, the
22 commission shall take into account the considerations in section 1508-A, subsection 2.

23 **3. Rules.** The commission shall adopt or amend rules to implement this section. The
24 commission shall ensure that any process or system changes made by a public utility to
25 comply with this section are cost effective, result in operation and maintenance costs that
26 are prudent and reasonable and do not involve capital investment. Rules adopted pursuant
27 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
28 2-A. In adopting rules pursuant to this subsection, the commission shall consult with the
29 Department of Public Safety and a statewide organization representing municipal interests
30 in the State.'

31 Amend the bill by adding before the summary the following:

32 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
33 takes effect when approved.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
35 number to read consecutively.

36 SUMMARY

37 This amendment adds an emergency preamble and clause and limits the bill's
38 applicability to situations involving nonpayment of public utility rates, fees and charges.
39 The amendment requires the Public Utilities Commission to assess an administrative
40 penalty on a public utility for violations of the provisions. The amendment also requires
41 the commission to adopt or amend rules to ensure that process or system changes
42 undertaken by a public utility to comply with the bill's requirements are cost effective,

COMMITTEE AMENDMENT “ ” to H.P. 1368, L.D. 1847

1 result in operation and maintenance costs that are prudent and reasonable and do not
2 involve capital investment.

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FISCAL NOTE REQUIRED

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(See attached)