



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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CASD MEMO 2022-06

To: All Electric, Gas, Telephone and Water Utilities
From: Derek D. Davidson, Director *Derek D. Davidson*
Consumer Assistance & Safety Division (CASD)
Date: May 11, 2022
Re: L.D. 1847/Public Law 586 – An Act to Prohibit a Public Utility from Terminating or Disconnecting Service to a Public Safety Facility without Advance Notice and Approval.

The purpose of this Memo is to make utilities aware of the addition of section 719, "Termination of utility services for public safety facilities for nonpayment of rates, fees or charges for utility service" to Title 35-A by the second session of the 130th Legislature.

Section 719 prohibits utilities from disconnecting service to a public safety facility for the nonpayment of rates, fees or charges for utility service unless the public utility has provided written notice to the municipal or plantation government using the public safety facility of the public utility's intention to disconnect the public safety facility's utility service at least 60 days before the disconnection date and the public utility has received written authorization to disconnect the public safety facility's utility service from the Commission and from the Department of Public Safety. Section 719 also establishes administrative penalties for violations of the law and requires the Commission to open a rulemaking to implement the new law. See attached copy of P.L. Ch. 586 for full details.

Because L.D. 1847 contained an "emergency clause," it became law when the Governor signed the legislation on April 12, 2022. Thus, Public Law 586 is currently in effect and utilities must follow the new requirements. The Commission anticipates opening rulemakings to amend Chapters 815, 660 and 290 in the near future. Please note that even though these rulemakings have not yet been initiated, utilities must nonetheless follow the requirements of the statute.

If you have any questions regarding this Memo, please feel free to contact me at: derek.d.davidson@maine.gov or by phone at 207-287-1596.

DD/kp
Attachment

APPROVED
APRIL 12, 2022
BY GOVERNOR

CHAPTER
586
PUBLIC LAW

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
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

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,

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

Sec. 1. 35-A MRSA §102, sub-§12-B is enacted to read:

12-B. Public safety facility. "Public safety facility" has the same meaning as in Title 30-A, section 5222, subsection 14-A.

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

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

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

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

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

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

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

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

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

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