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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 756, L.D. 1949, “An Act Regarding Energy Fairness”

Amend the amendment on page 3 by striking out all of lines 7 to 24 and inserting the following:

'Amend the bill in Part B in section 2 in subsection 2 by striking out all of paragraphs E, F and G (page 3, lines 26 to 42 in L.D.) and inserting the following:

'E. Costs associated with travel, lodging and food for officers and members of a public utility's or affiliated interest's board of directors. This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22; and

F. Expenditures for investor relations. This paragraph does not apply to the preparation or filing of documents or communications that are expressly and exclusively required by applicable federal or state law or by order of a regulatory authority, as long as the document or communication is prepared solely to satisfy that legal or regulatory requirement. This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22.'

Amend the amendment on page 4 by striking out all of lines 4 to 27 and inserting the following:

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

'Sec. C-2. 35-A MRSA §301-A is enacted to read:

§301-A. Administrative charge limitation

1. "Administrative charge" defined. "Administrative charge" means a fee or charge for services that is added to the actual cost of materials or supplies or labor performed by or on behalf of a transmission and distribution utility with over 50,000 customers and charged to a transmission and distribution utility customer for work funded directly by that customer through a proposal, estimate, invoice or final accounting for the cost of interconnection, line extensions or other work funded directly by the customer other than charges for the customer's regular electricity service. "Administrative charge" includes,

SENATE AMENDMENT

1 but is not limited to, an administrative service charge, overhead, an indirect overhead cost
2 or a cost adder. "Administrative charge" does not include:

3 A. Expenses for a transmission and distribution utility employee's labor while directly
4 engaged in the work for which a customer is billed if the customer bill states that those
5 expenses are included in the cost of labor; or

6 B. Expenses related to the purchase, storage or delivery of materials or supplies
7 incorporated into the work if the customer bill states that those expenses are included
8 in the cost of materials or supplies.

9 **2. Administrative charge disclosure.** A transmission and distribution utility with
10 over 50,000 customers shall disclose any administrative charges included in a customer bill
11 for work funded directly by that customer. If any line item in a customer bill includes an
12 administrative charge, the customer bill must specifically identify the administrative charge
13 and include a description of the charge. All administrative charges must comply with the
14 requirements of section 301, subsection 2 and any other applicable provisions of this Title.

15 **3. Violations.** If the commission finds that a transmission and distribution utility with
16 over 50,000 customers has violated any provision of this section or improperly assessed an
17 administrative charge, the commission may order the transmission and distribution utility
18 to refund all or part of the administrative charge paid by the customer.

19 **4. Rules.** The commission may adopt rules to implement this section. Rules adopted
20 by the commission pursuant to this subsection are routine technical rules as defined in Title
21 5, chapter 375, subchapter 2-A.'

22 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
23 section number to read consecutively.

24 SUMMARY

25 This amendment amends Committee Amendment "A" to:

26 1. Limit the definition of "administrative charge" to the cost of materials, supplies or
27 labor for work funded directly by a customer of the utility, except when the costs are
28 included in the cost of labor;

29 2. Require the administrative charge to be just and reasonable;

30 3. Allow the Public Utilities Commission to require a transmission and distribution
31 utility to refund all or part of the administrative charge paid by a customer if the utility
32 violates the limitation on administrative charges;

33 4. Remove the exclusion from operating expenses of monthly costs associated with
34 the attendance at, participation in or preparation for appeal of any contested rate case
35 proceeding conducted before the commission;

36 5. Allow instead of require the commission to adopt rules; and

1 6. Eliminate the requirements as proposed in the bill and amended by Committee
2 Amendment "A" that the commission initiate proceedings to investigate administrative
3 charges and report to the Legislature every 5 years.

4 **SPONSORED BY:** _____

5 **(Senator CARNEY, A.)**

6 **COUNTY: Cumberland**