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Date: (Filing No. H- )

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

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

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

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

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

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

**3. Violations.** If the commission finds that a transmission and distribution utility with over 50,000 customers has violated any provision of this section or improperly assessed an

***HOUSE AMENDMENT***

1 administrative charge, the commission may order the transmission and distribution utility  
2 to refund all or part of the administrative charge paid by the customer.

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

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

#### 8 **SUMMARY**

9 This amendment amends Committee Amendment "A" to:

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

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

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

17 4. Allow instead of require the commission to adopt rules; and

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

21 **SPONSORED BY:** \_\_\_\_\_

22 **(Representative WARREN, S.)**

23 **TOWN: Scarborough**