

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Promotional Allowances by Gas Utilities'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 35-A MRSA §4706-C** is enacted to read:

§ 4706-C. Promotional allowances

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Promotional allowance" means any rebate, discount, credit or other promotion offered or provided by a gas utility to customers or potential customers for the purpose of encouraging customers or potential customers to select or use the service or increase usage of the service of that utility; to select, purchase, install or use any appliance or equipment designed to use that utility's service; or to use any other particular service of that utility.

2. Promotional allowance allowed. Notwithstanding sections 302-A and 703, a gas utility, without prior notice or approval from the commission, may offer or provide a promotional allowance.

3. Filing of schedules of rates. Notwithstanding section 307, schedules of rates that provide for promotional allowances take effect when filed with the commission, unless a later effective date is specified in the filing. A copy of the filing must also be provided simultaneously to the Efficiency Maine Trust, established in chapter 97.

4. Rate-making treatment. This section does not limit the commission's authority in any rate case or alternative rate-making proceeding to disallow, in whole or in part, any expense of a gas utility that the commission finds to be unjust, unreasonable, excessive or unwarranted. A gas utility may not recover from any person other than its shareholders or other owners any expenditures, contributions, expenses or costs incurred by that utility with respect to promotional allowances.'

SUMMARY

This amendment replaces the bill. It allows a gas utility to offer a promotional allowance, instead of a public utility as proposed in the bill, and the rate for that promotional allowance takes effect when the schedule of rates is filed with the Public Utilities Commission and provided to the Efficiency Maine Trust, unless a later effective date is specified. A gas utility does not need to provide prior notice or receive approval from the commission in order to offer a promotional allowance.