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# TELECOMMUNICATIONS ASSOCIATION OF MAINE

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February 26, 2021

Senator Mark Lawrence, Senate Chair  
Representative Seth Berry, House Chair  
Members of the Energy, Utilities and Technology Committee  
130<sup>th</sup> Maine Legislature  
100 State House Station  
Augusta, ME 04333

**RE: LD 251, An Act Regarding Public Utility Assessments, Fees and Penalties**

The Telecommunications Association of Maine (TAM) offers the following information in response to questions raised during the February 23, 2021, public hearing on LD 251, "An Act Regarding Public Utility Assessments, Fees and Penalties".

During TAM's testimony, a question was raised with regard to whether TAM had testified on LD 1881 in the 129<sup>th</sup> Legislature, a bill which was voted out of committee in a substantially similar form to the language in LD 251 as drafted. TAM did not file testimony on LD 1881 because the language of LD 1881 as introduced was quite different from the language in LD 251. The text of LD 1881 as drafted, which TAM reviewed when determining whether to offer testimony on the bill at the time, did not include the language regarding filing fees that TAM opposed in LD 251. As drafted, LD 1881 would have directed the Commission to apportion its time between consumer owned and investor owned utilities and to review its fee and penalty structure and return to the Committee with recommended updates. Because TAM had no position on the Commission apportioning its time or engaging in such a review, TAM did not file testimony on LD 1881 in the 129<sup>th</sup> Legislature. As far as TAM is aware, there was no additional public hearing on the new language introduced by the amendment to LD 1881 that was voted out by the Committee, including the filing fee changes that TAM opposes in LD 251.

When TAM presented our testimony in opposition to LD 251, a question was raised by the Committee as to whether there was amended language that TAM could propose to address our concerns with the language in LD 251. TAM has developed an amendment that would address our concerns and a copy is attached to this letter. TAM will be happy to discuss the language at the work session on LD 251, or before the work session if any member of the Committee has questions regarding the language we are proposing.

Sincerely,



Benjamin M. Sanborn, Esq.  
Telecommunications Association of Maine

**Telecommunications Association of Maine**  
Proposed Amendment to LD 251 in the 130<sup>th</sup> Legislature

**Sec. 1.** Section 5 of LD 251 is hereby amended as shown in the *bold italic* language:

**4. Filing fee.** Within 30 days after the application for approval of a reorganization is filed pursuant to subsection 2, the commission may order the applicant to pay a filing fee not to exceed \$50,000, ~~.05% of the estimated total value of the corporation or entity resulting from the proposed reorganization~~ if the commission determines that the application may involve issues ~~which will~~ that would necessitate significant additional costs to the commission, except that, if a reorganization would result in the transfer of ownership and control of a public utility or the parent company of a public utility, the commission shall may order the applicant to pay to the commission a filing fee in an amount equal to not to exceed \$100,000 or .05% of the estimated total value of the corporation or entity resulting from transaction value of the proposed reorganization, whichever is less. The applicant may request the commission to waive all or a portion of the filing fee. The commission shall rule on the request for waiver within 30 days. Notwithstanding any other provision of law, filing fees paid as required in this subsection ~~shall~~ must be segregated, apportioned and expended by the commission for the purposes of processing the application. Any portion of the filing fee that is received from an applicant and is not expended by the commission to process the application ~~shall~~ must be returned to the applicant.

SUMMARY

This amendment retains the existing \$50,000 filing fee cap for reorganizations that do not result in a change of control or ownership of a public utility. For transactions that will result in a change of ownership or control, the amendment places a cap of \$100,000 or .05% of the transaction value of the reorganization, whichever is less. The use of transaction value is based on the suggestion made by the Commission in their testimony on this bill.