



Portland  
Water  
District

From Sebago Lake to Casco Bay

TESTIMONY OF THE PORTLAND WATER DISTRICT AGAINST  
LD 2132 – AN ACT TO CLARIFY CERTAIN PUBLIC UTILITIES COMMISSION DECISIONS

Chair Senator Mark Lawrence, Co-Chair Representative S. Paige Zeigler, and Members of the Committee on Energy, Utilities and Technology, my name is Seth Garrison, and I am the General Manager of the Portland Water District. I provide this testimony against LD 2132.

The Portland Water District (PWD or the “District”) is a utility created by private and special law of the State Legislature in 1908 to provide water to the people of greater Portland. Today, PWD provides drinking water to over 200,000 people in 11 Cumberland County communities, and wastewater treatment services to six of those communities. The affairs of PWD are managed by a Board of Trustees composed of 11 members, all popularly elected by a plurality of the voters from the communities they represent.

From the bill text, it appears that the *General Marine Construction Corporation et al. v. Public Utilities Commission* case was the primary driver for this legislation. This case was unusual and had a lengthy (2018-2021) resolution process at the CASD and Public Utilities Commission – a resolution process that was upheld by the Maine Supreme Court.

PWD believes that the PUC’s Consumer Assistance and Safety Division’s (CASD) present process for resolving billing disputes is fair and represents all parties appropriately. The resolution of thousands of cases over many decades is a testament to the efficacy of the CASD dispute process. The dispute process allows both sides to provide evidence about the billing dispute and allows for a CASD member to thoroughly review the customer’s complaint and the utility’s billing process. An appeal of the CASD decision goes to the Commission, whose review of the CASD decision is to determine if further investigation of the utility’s billing practice is warranted. The Commission can conduct an evidentiary hearing at any time if it believes the record before CASD was insufficient to justify the decision made by CASD.

While the CASD billing dispute process works appropriately, it is not mandatory and is not the exclusive remedy for a customer with a billing dispute. A customer can always go to court, (as General Marine did in the end); that is the appropriate forum for an evidentiary hearing. This legislation would allow an evidentiary hearing at least twice- once at the Commission, and potentially again in court, as it does not provide that the Commission is the sole arbiter of a billing dispute.

If this bill passes, it will add more costs to the dispute resolution process. The PUC will need to increase its staff to handle billing disputes. These costs will get passed on to all utility ratepayers. It also has the potential to increase the volume of cases at the PUC and substantially increase the amount of time to decide consumer disputes, again, at the expense of all other ratepayers.

The CASD process is not “broken” and does not need fixing. The process worked as intended for the General Marine case as it has for countless other cases. Thank you for your consideration.

Seth Garrison  
General Manager