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Testimony of Rep. Sophie Warren in support of
**LD 2132, An Act to Clarify the Right to Appeal Certain Public Utilities Commission
Decisions**

Before the Joint Standing Committee on Energy, Utilities, and Technology

Good afternoon, Senator Lawrence, Representative Ziegler, and respected colleagues of the Joint Standing Committee on Energy, Utilities, and Technology. My name is Rep. Sophie Warren, and I represent House District 124, which includes part of Scarborough, in the Maine House of Representatives.

I am before you today to present the bill LD 2132, An Act to Clarify the Right to Appeal Certain Public Utilities Commission Decisions, on behalf of the Public Advocate, Bill Harwood.

The reason this bill comes before us now is a recent decision by the Maine Supreme Judicial Court, *General Marine Construction Corporation, et. al. v. Public Utilities Commission*, where the Law Court issued a decision ruling that current law did not afford the right to ratepayers involved in a billing dispute to a hearing before the Commission or to have a Commission ruling reviewed by the Law Court.

This bill comes before you to amend these two provisions of law based on this ruling in order to establish these two rights for Maine ratepayers.

The first part of this bill establishes the right of a utility service ratepayer to be entitled to a Commission hearing before a utility is permitted to disconnect service.

The second part of this bill provides that ratepayers have a right to appeal to the Law Court any Commission decision resolving a billing dispute.

I have sponsored this bill on behalf of the Public Advocate Bill Harwood, but I would like to speak about why I support this bill and am grateful to have had the opportunity to bring it forward for your consideration as a Committee.

My support for this bill is based on the notion that utility services are necessities — that electricity, gas, and water are so important to the health and wellbeing of Maine people that we ought to be entitled to certain protections of due process under law before a ratepayer is left without heating, water or light.

District 124: Part of Scarborough

It is my understanding that the Public Advocate will also discuss in detail the cost of implementing this bill as effectively *de minimis*. While ensuring critical protections of due process and balance of powers, ensuring these rights will in real numbers affect less than 1% of the 1,300 cases CASD hears where ratepayers request a hearing and a decision by the Commissioners.

As decided by the Law Court, current law leaves a ratepayer who has requested that the Commission rule, the Commission is within its purview to decline to hear that request without explanation and leave the ratepayer no right to appeal.

I don't believe it a radical notion to say that Mainers deserve explanation if they seek it by the Commission.

As well, the right to appeal is critical in keeping with well-established rules of state government which provides for vital checks and balances, where most decisions of regulatory agencies, like the PUC, are subject to judicial review. It is my understanding that the Office of the Public Advocate will further elaborate on that precedent.

Whether there are avenues around this process ought not be the question. The question is whether the *General Marine* decision has clarified a glaring oversight in our law *as-written* which, with amendment, will afford a more fair and due process for Maine ratepayers — one which recognizes the necessary role of utility services and the compounding inequities which exist under Maine Law now when utility service is shut off without due process.

I would be happy to answer any questions but would respectfully ask you to hold questions for the Public Advocate.