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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 885, L.D. 1251, Bill, “An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market”

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

**Sec. 1. 35-A MRSA §2523** is enacted to read:

**§2523. Street lights; use of poles**

This section governs street lights that are attached to utility poles in the public way.

**1. Ownership and maintenance options.** On or after October 1, 2014, a transmission and distribution utility shall provide the following options to municipalities for street and area lighting provided by light fixtures attached to poles owned by the transmission and distribution utility or on shared-use poles in the electrical space under the contractual management of the transmission and distribution utility located in the public way:

A. The transmission and distribution utility provides all of the components of the street lighting system, including installation on the utility poles and maintenance, and provides electricity delivery to the street lighting system from a power vendor selected by the municipality. The transmission and distribution utility shall apply a monthly charge for these services as approved by the commission that reflects the total cost to provide street lighting equipment for each light and a separate charge for power delivery consistent with subsection 3;

B. The transmission and distribution utility installs all of the components of the street lighting hardware as selected, purchased and owned by the municipality on utility poles owned by the transmission and distribution utility or in the electrical space under contractual management of the transmission and distribution utility on shared-use poles and connects the light to the power source on the pole. The transmission and distribution utility may apply a one-time charge per light fixture for installation as established by the commission.

**COMMITTEE AMENDMENT**

1           Any repairs made by the transmission and distribution utility to the mounting  
2           hardware or the power supply wire connection following installation must be billed at  
3           a rate established by the commission. Maintenance of all components of the light  
4           fixture is the responsibility of the municipality or its contractor. Any person  
5           performing maintenance work on behalf of the municipality pursuant to this provision  
6           must be qualified pursuant to applicable federal or state standards or any standards  
7           established by the commission for such work and must have liability insurance in an  
8           amount and with terms determined by the commission. Light locations, the street  
9           lighting hardware installed and delivery charges are governed by subsections 2 and 3;  
10          and

11          C. The transmission and distribution utility connects to the power lines a light fixture  
12          either owned by or owned and installed by the municipality or its contractor on a pole  
13          owned by the transmission and distribution utility or on a shared-use pole in the  
14          electrical space under the contractual management of the transmission and  
15          distribution utility. Light locations, the street lighting hardware installed and delivery  
16          charges are governed by subsections 2 and 3. Maintenance of the light fixture and  
17          mounting hardware is the responsibility of the municipality or its contractor. Any  
18          person installing or working on municipally owned street lighting equipment  
19          pursuant to this paragraph on behalf of the municipality must be qualified pursuant to  
20          applicable federal and state standards or any standards established by the commission  
21          for such work and must have liability insurance in an amount and with terms  
22          determined by the commission. The transmission and distribution utility may apply a  
23          one-time power connection charge per light fixture as established by the commission.

24          **2. Lighting location and installation.** For municipally owned street lighting  
25          hardware located on poles owned by the transmission and distribution utility or in the  
26          electrical space under the contractual management of the transmission and distribution  
27          utility on shared-use poles in the public way, the location on the pole and the street  
28          lighting hardware installed, as well as any associated charges, are governed by the  
29          following provisions.

30          A. The commission shall establish criteria, based on standard utility industry  
31          practice, for determining possible locations on the utility pole for the street lighting  
32          hardware, determining any changes that may be needed, including, but not limited to,  
33          relocating equipment already on the pole, installing a taller pole or bracing an  
34          existing pole, as well as determining any one-time fees the transmission and  
35          distribution utility may charge the municipality for making the determinations and  
36          undertaking the work necessitated by the determinations. The criteria must also  
37          specify the conditions under which a request from a municipality to locate a light  
38          fixture on a pole may reasonably be denied by the transmission and distribution  
39          utility.

40          B. The commission shall establish basic criteria, consistent with standard utility  
41          industry practice, for municipally owned street lighting hardware installed on utility  
42          poles that address any reasonable safety and compatibility issues with other  
43          equipment on or uses of the pole. The criteria must provide a basis for determining  
44          when no additional assessment work, and related fees pursuant to paragraph A, would  
45          be warranted for a replacement light fixture because the new light fixture places

1 comparable or lower demands on the utility pole and related utility equipment than  
2 the light fixture being replaced.

3 **3. Delivery rates and associated charges.** The commission shall establish through  
4 appropriate proceedings the charges for the transmission and distribution utility to deliver  
5 electricity to the municipal street lighting systems as provided in subsection 1. For  
6 municipal street lighting system options described in subsection 1, paragraphs B and C,  
7 the commission shall determine what, if any, ongoing fees beyond the power-only  
8 delivery charge may be assessed, including a pole attachment fee. In making this  
9 determination, the commission shall weigh, among other factors, the municipal interest to  
10 serve the general public and the location of the poles in municipal rights-of-way.

11 **4. Transfer of ownership.** A transmission and distribution utility shall allow a  
12 municipality to transfer utility-owned street and area lighting for which the municipality  
13 is billed to either form of municipal ownership in subsection 1, paragraphs B and C in a  
14 time frame and under terms established by the commission. The commission shall also  
15 determine a fair and equitable cost for all aspects of the transfer and establish guidelines  
16 to best enable the contiguous ownership of lighting fixtures.'

### SUMMARY

17  
18 This amendment strikes and replaces the provisions of the bill. The amendment  
19 requires electricity transmission and distribution utilities to provide new options for  
20 municipal street lighting programs and provides for how a municipality may be charged  
21 for the utility infrastructure services provided, how the location of street and area lighting  
22 will be provided, at what rates or by what methods the electricity delivery charges may be  
23 assessed and how a municipality may transition from one option to another during the  
24 course of any year.