

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 6 - L.D. 4

Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows:

1. Language is added to clarify in section 4(A)(1) that the infrastructure surcharge may not result in an increase in revenue requirements greater than 3% of current revenue requirements;
2. Language is added to clarify in section 4(A)(3) that the infrastructure surcharge may not result in an increase in revenue requirements greater than 7.5% of current revenue requirements;

3. Section 4(B)(2) is changed to provide that the amount of the utility's revenue requirement attributed to fund a capital reserve account may not exceed the percentages listed in that paragraph; and

4. Language is added to Section 6(A)(1)(b)(i) to include as an option when calculating rate of return for an investor-owned water utility allowing the investor-owned water utility, the Public Utilities Commission's advisory staff and the Office of the Public Advocate to agree in advance of the filing of the infrastructure surcharge request on the current cost of debt and the return on equity and capital structure to be used.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.