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## **An Act To Provide for Equitable Sharing by Service Providers of the Costs of the Public Utilities Commission and the Office of the Public Advocate**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §116, sub-§1**, as amended by PL 2007, c. 478, §1, is further amended to read:

**1. Utilities and communications service providers subject to assessments.** Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission and every communications service provider is subject to an assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for the Public Utilities Commission Regulatory Fund established pursuant to this section. For purposes of this section, "communications service provider" has the same meaning as set forth in section 9202, subsection 4. The budget for the Public Utilities Commission Regulatory Fund is subject to legislative review and approval in accordance with subsection 2. The portion of the total assessment applicable to each category of public utility and communications service provider is based on an accounting by the commission of the portion of the commission's resources devoted to matters related to each category. The commission shall develop a reasonable and practicable method of accounting for resources devoted by the commission to matters related to each category of public utility. Assessments on each public utility and communications service provider within each category must be based on the utility's and communications service provider's gross intrastate operating revenues. The commission shall determine the assessments annually prior to May 1st and assess each utility and communications service provider for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility and communications service provider shall pay the assessment charged to the utility and communications service provider on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

- A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.
- B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates and rates that are exempt from filing requirements pursuant to rules adopted by the commission under section 307-A, except revenues derived from sales for resale.
- C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not subject to any assessment.
- D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities and communications service providers in the current year.

E. The commission may exempt utilities and communications service providers with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

**Sec. 2. 35-A MRSA §116, sub-§3**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**3. Deposit of funds.** All revenues derived from assessments levied against utilities and communications service providers described in this section ~~shall~~**must** be deposited with the Treasurer of State in a separate account to be known as the Public Utilities Commission Regulatory Fund.

**Sec. 3. 35-A MRSA §116, sub-§8**, as amended by PL 2007, c. 539, Pt. KK, §13, is further amended to read:

**8. Public Advocate assessment.** Every utility and communications service provider subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for operating the Office of Public Advocate. The portion of this assessment applicable to each category of public utility and communications service provider is based on an accounting by the Public Advocate of resources devoted to matters related to each category. The Public Advocate shall develop a reasonable and practicable method of accounting for resources devoted by the Public Advocate to matters related to each category of public utility and communications service provider. Assessments on each public utility and communications service provider within each category must be based on the utility's and communications service provider's gross intrastate operating revenues. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may only be used to fulfill the duties specified in chapter 17. The assessments charged to utilities under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall develop a method of accounting for staff time within the Office of Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility regulation and the percentage of time devoted to other duties that may be required by law.

A. The Public Advocate shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1665. The assessments and expenditures provided in this section are subject to legislative approval. The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year. The Public Advocate may also receive other funds as appropriated by the Legislature.

B. The Public Advocate may use the revenues provided in accordance with this section to fund the Public Advocate and 9 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title.

C-1. Funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years.

## SUMMARY

HP1116, LD 1578, item 1, 124th Maine State Legislature  
An Act To Provide for Equitable Sharing by Service Providers of the Costs  
of the Public Utilities Commission and the Office of the Public Advocate

Under current law, the Public Utilities Commission and the Office of Public Advocate assess utilities to fund the legislatively approved budgets for these agencies. This bill directs that the assessment be applied to communications service providers, which will broaden the pool of entities sharing the cost.