

CHAPTER 3

RATES OF PUBLIC UTILITIES

§301. Safe facilities; just and reasonable rates

1. Facilities. Every public utility shall furnish safe, reasonable and adequate facilities and service. [PL 1987, c. 141, Pt. A, §6 (NEW).]

1-A. Minimum service standards and report card for transmission and distribution utilities.

The commission shall adopt rules for utilities with over 50,000 customers in accordance with this subsection governing the evaluation of transmission and distribution utility service, which must take into account the specific characteristics of each utility and its service territory. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The rules must include specific, quantitative metrics pertaining to utility operations and activities relating to each of the following categories:

- (1) Service quality, including but not limited to reliability of service and timeliness of restoring service after outages;
- (2) Customer service, including but not limited to timeliness and accuracy of bills;
- (3) Field services, including but not limited to communication with and responsiveness to municipalities, businesses and individuals; and
- (4) Distributed energy resources interconnection. [PL 2021, c. 702, §1 (NEW).]

B. The commission shall consider the cost impacts and benefits to ratepayers when establishing each service standard and metric pursuant to paragraph A and shall ensure that the performance of each service standard and metric may be measured using reliable and objective methods and information. [PL 2021, c. 702, §1 (NEW).]

C. The commission shall set reporting requirements for each metric, including data specifications and reporting periods, adequate to track progress in areas of performance. [PL 2021, c. 702, §1 (NEW).]

D. The commission shall designate service standards based on thresholds of performance. [PL 2021, c. 702, §1 (NEW).]

E. For each service standard, the commission shall require quarterly filing of quantifiable data sufficient for the commission to calculate and publish a quantitative score for the service standard. [PL 2021, c. 702, §1 (NEW).]

F. Annually, the commission shall evaluate the data provided by a transmission and distribution utility in accordance with paragraph E for the prior calendar year to determine if the standards established by the commission pursuant to this section have been met. [PL 2021, c. 702, §1 (NEW).]

G. The commission shall impose administrative penalties for designated thresholds of poor performance for service standards in accordance with section 1508-A, subsection 1, paragraph E unless the utility demonstrates good cause for its failure to meet the standard. [PL 2021, c. 702, §1 (NEW).]

H. The commission shall publish quarterly reports containing scores for each service standard for each utility. [PL 2021, c. 702, §1 (NEW).]

- I. The commission may audit the data reported by a utility for each standard. [PL 2021, c. 702, §1 (NEW).]

Nothing in this subsection prohibits the commission from establishing service quality standards for transmission and distribution utilities with fewer than 50,000 customers.

[PL 2021, c. 702, §1 (NEW).]

2. Rates. The rate, toll or charge, or any joint rate made, exacted, demanded or collected by any public utility for production, transmission, delivery or furnishing of electricity, gas, heat or water; for communications service; or for transportation of persons or property within this State or for any service rendered or to be rendered in connection with any public utility, shall be just and reasonable.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Unreasonable rates prohibited. Every unjust or unreasonable charge for public utility service is prohibited and declared unlawful.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Determining rates. In determining just and reasonable rates, the commission:

A. Shall provide such revenues to the utility as may be required to perform its public service and to attract necessary capital on just and reasonable terms; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. Shall, to a level within the commission's discretion, consider whether the utility is operating as efficiently as possible and is utilizing sound management practices, including the treatment in rates of executive compensation. [PL 1993, c. 506, §1 (AMD).]

[PL 1993, c. 506, §1 (AMD).]

5. Transmission and distribution utility report required; audits. If the commission has not made a rate determination within the preceding 5 years for a transmission and distribution utility that serves more than 50,000 customers, the utility shall submit a report to the commission that includes a comparison of the utility's actual costs with cost estimates used in the utility's most recent rate case to set rates. Upon a finding of the commission that there was a difference of more than 10% between the transmission and distribution utility's actual costs and estimated costs, the commission may:

A. Require an audit of the transmission and distribution utility in accordance with section 113; or [PL 2021, c. 702, §2 (NEW).]

B. Disallow cost recovery in the transmission and distribution utility's future rate cases. [PL 2021, c. 702, §2 (NEW).]

This subsection takes effect January 15, 2024.

[PL 2021, c. 702, §2 (NEW).]

6. Investor-owned transmission and distribution utility expenditures; comparison. No later than November 1, 2022, the commission shall initiate a proceeding to conduct a detailed comparison of the annual expenditures of each investor-owned transmission and distribution utility in the State with the annual expenditures of other comparable investor-owned transmission and distribution utilities located in the United States. When conducting this analysis, the commission shall identify specific categories in which spending by an investor-owned transmission and distribution utility significantly deviated from those expenditures of comparable investor-owned transmission and distribution utilities. The commission may use the results of this analysis in future rate cases involving an investor-owned transmission and distribution utility. The commission may undertake a new comparison or update an existing one in accordance with this subsection at any time the commission determines is necessary. For purposes of this subsection, a comparable investor-owned transmission and distribution utility is one that provides electricity delivery in a service territory in a northern climate that is primarily wooded and includes urban and rural areas.

[PL 2021, c. 702, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 377 (AMD). PL 1993, c. 506, §1 (AMD). PL 2021, c. 702, §§1-3 (AMD).

§302. Limitations on rates

1. Contributions to political groups or candidates.

[PL 2023, c. 286, §1 (RP).]

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Affiliated interest" has the same meaning as in section 707, subsection 1, paragraph A. [PL 2023, c. 286, §1 (NEW).]
- B. "Consumer-owned transmission and distribution utility" has the same meaning as in section 3201, subsection 6. [PL 2023, c. 286, §1 (NEW).]
- C. "Consumer-owned water utility" has the same meaning as in section 6101, subsection 1-A. [PL 2023, c. 286, §1 (NEW).]
- D. "Grassroots lobbying" has the same meaning as in Title 3, section 312-A, subsection 7-B. [PL 2023, c. 286, §1 (NEW).]
- E. "Lobbying" has the same meaning as in Title 3, section 312-A, subsection 9. [PL 2023, c. 286, §1 (NEW).]
- F. "Public charity" has the same meaning as in Title 5, section 194, subsection 1. [PL 2023, c. 286, §1 (NEW).]
- G. "Trade association" means a group of for-profit corporations collaborating to fund joint advocacy. [PL 2023, c. 286, §1 (NEW).]

[PL 2023, c. 286, §1 (NEW).]

2. Limitations on rates. The following expenses, whether paid directly or indirectly, through reimbursement or otherwise, incurred by a public utility or an affiliated interest may not be included or incorporated in operating expenses to be recovered in rates:

- A. Contributions or gifts to political candidates, political parties, political or legislative committees or any committee or organization working to influence referendum petitions or elections. Nothing in this paragraph prohibits a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22, from undertaking expenditures related to notifying the public of or conducting trustee elections or local referendum elections directly related to or legally required for the operation of a consumer-owned water utility, consumer-owned transmission and distribution utility or the Casco Bay Island Transit District; [PL 2023, c. 596, §1 (AMD).]
- B. Contributions to a trade association, chamber of commerce or public charity, including, but not limited to, a charity managed by the public utility or affiliated interest. This paragraph does not apply to a consumer-owned water utility; [PL 2023, c. 286, §1 (NEW).]
- C. Expenditures for lobbying or grassroots lobbying. This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22; and [PL 2023, c. 596, §2 (AMD).]
- D. Educational expenditures, as defined by the commission by rule under section 302-A, unless approved by the commission as serving a public interest. Educational expenditures include expenditures relating to information delivered to the public or to public utility customers by radio,

television, the Internet, print and other media or through sponsorships, paid endorsements and public relations campaigns. This paragraph does not apply to a consumer-owned transmission and distribution utility or a consumer-owned water utility. [PL 2023, c. 286, §1 (NEW).]
[PL 2023, c. 596, §§1, 2 (AMD).]

3. Political, charitable and educational expenses annual report. A public utility shall file a report annually with the commission containing a written, itemized description of any expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2. The report must also include a written, itemized description of the expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2 that are relevant to the business interests of the public utility paid by a membership organization, as defined by the commission by rule under section 302-A, of which the public utility is a member. For each expense, the report must include the date, the payee, the amount and a description of the purpose of the expense.
[PL 2023, c. 286, §1 (NEW).]

4. Major political activities quarterly report. In addition to the report required under subsection 3, if a public utility or an affiliated interest engages in major political activities, as defined by the commission by rule under section 302-A, the public utility shall file a quarterly report containing a written description of those major political activities and the expenditures associated with those activities. For each expenditure, the report must include the date, the payee, the amount and a description of the purpose of the expenditure.

[PL 2023, c. 286, §1 (NEW).]

5. Public inspection. The public utility shall make available for public inspection all materials filed with the commission in accordance with subsections 3 and 4. The commission shall make available the annual reports filed by public utilities in accordance with this section on its publicly accessible website with notice of the availability of the reports prominently displayed on the website.

[PL 2023, c. 286, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 2023, c. 286, §1 (RPR). PL 2023, c. 596, §§1, 2 (AMD).

§302-A. Rules governing political activities, promotional advertising, charitable contributions, educational expenditures and institutional advertising

The commission shall adopt rules necessary to implement section 302, including, but not limited to, rules concerning promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; contributions to public charities as defined in Title 5, section 194, subsection 1; educational expenditures; or political activities, including major political activities, by a public utility or an affiliated interest as defined in section 707, subsection 1, paragraph A. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 286, §2 (AMD).]

SECTION HISTORY

PL 2005, c. 204, §1 (NEW). PL 2023, c. 286, §2 (AMD).

§303. Valuation of property for fixing rates

In determining just and reasonable rates, tolls and charges, the commission shall fix a reasonable value upon all the property of a public utility and upon an electric plant to the extent paid for by the utility on the premises of any of its customers that is used or required to be used in its service to the public within the State and a fair return on that property. In fixing a reasonable value, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use and the prudent acquisition cost to the utility, less depreciation on each, and any other material and relevant

factors or evidence, but the other factors may not include current value. In making a valuation, the commission may consult reports, records or other information available to it in the office of any state office or board. [PL 2017, c. 73, §1 (AMD).]

This section does not apply to a price cap ILEC as defined in section 7102, subsection 6-A. [PL 2017, c. 73, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 613, §2 (AMD). PL 2017, c. 73, §1 (AMD).

§304. Filing of schedules of rates, terms and conditions

Every public utility shall file with the commission, within a time to be fixed by the commission, schedules which shall be open to public inspection. The schedules shall show all rates, tolls and charges which the utility has established and which are in force at the time for any service performed by it within the State, or for any service in connection with or performed by any public utility controlled or operated by it or in conjunction with it. Every public utility shall file with and as part of its schedules all terms and conditions that in any manner affect the rates charged or to be charged for any service. [PL 1987, c. 141, Pt. A, §6 (NEW).]

Public utility schedules which were formerly designated as rules shall be designated as terms and conditions. All such schedules to be filed with the commission shall be designated as terms and conditions. [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§305. Public inspection of schedules

A copy of as much of the schedules as the commission determines necessary for the use of the public shall be printed in plain type and kept on file in every office of the public utility which is open to the public and where payments are made by the consumers, under such rules as the commission may prescribe. [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§306. Schedule of joint rates

A schedule of joint rates or charges that is or may be in force between 2 or more public utilities shall be printed and filed with the commission and made open to the public in accordance with the provisions of this chapter. [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§307. Changes in schedules; notice; suspension; rate increase limit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Final determination of the public utility's revenue requirement" means a decision by the commission on the merits of a public utility's request after consideration of at least the public utility's direct case in support of its request. [PL 2023, c. 405, Pt. D, §1 (RPR).]

B. "General increase in rates" means a change in a rate, toll or charge of a public utility, the effect of which is to increase the annual operating revenue of the public utility by more than 1%. "General increase in rates" does not include a rate change made for the sole purpose of implementing a gas cost adjustment rate pursuant to section 4703 or a rate change made for the sole purpose of

implementing an energy conservation adjustment rate pursuant to section 3154. [PL 2023, c. 405, Pt. D, §1 (RPR).]
[PL 2023, c. 405, Pt. D, §1 (RPR).]

2. Notice requirements. A public utility may not change a schedule, including a schedule of joint rates, unless the public utility provides notice to the commission 30 days prior to the time the changes are to take effect. The public utility must indicate all proposed changes on the schedule in effect at the time notice is provided. For good cause shown, the commission may allow changes after less than the notice specified in this subsection or modify the requirements of this section and section 308 with respect to publishing, posting and filing of a schedule, either in a particular instance or by rule applicable to a special circumstance or condition.

At the commission's discretion, the commission may require the information relating to changes described in this subsection to be filed in a general increase in rates at the same time as the schedules are filed. The commission may require a public utility whose gross revenues exceed \$5,000,000 annually to notify the commission not more than 2 months in advance of filing a general increase in rates under this section that a filing is planned and to disclose the approximate amount of the increase and the approximate rate of return and include a general statement of the major issues that might be presented and the approximate rate of return the utility would be seeking.

[PL 2023, c. 405, Pt. D, §1 (RPR).]

3. Suspension pending investigation. Pending an investigation and order pursuant to section 310, subsection 1, at any time within the period preceding the effective date of the schedule, the commission may suspend the operation of the schedule or any part of the schedule by filing with the schedule and delivering to the public utility affected a statement of its reasons for the suspension. The suspension may not be for a period longer than 12 months from the effective date of the order of suspension unless:

- A. All parties agree to extend the suspension beyond 12 months; or [PL 2023, c. 405, Pt. d, §1 (RPR).]
- B. The commission determines that the party seeking the extension would be unreasonably disadvantaged because of circumstances beyond that party's control unless the extension were granted, as long as the party prior to the request for extension had prosecuted its case in good faith and with due diligence. [PL 2023, c. 405, Pt. d, §1 (RPR).]

[PL 2023, c. 405, Pt. D, §1 (RPR).]

4. General rate increase case limitation. A public utility may not file a schedule for a general increase in rates pursuant to this section within one year of a prior filing for a general increase in rates pursuant to this section, unless the proceeding initiated by a prior filing was terminated without a final determination of the public utility's revenue requirement or with approval of the commission. The limitation of this subsection does not prevent a public utility, at any time, from notifying the commission in advance, either voluntarily or in accordance with a commission requirement under this section, of plans by the public utility to file a general increase in rates.

Nothing in this subsection may be construed to limit a public utility's right, at any time, to petition pursuant to section 1322 for temporary rate relief.

[PL 2023, c. 405, Pt. D, §1 (RPR).]

5. General rate increase notice requirement. A public utility seeking a general increase in rates shall send a notice of the increase to its customers by either first-class mail or the method by which the customer receives bills from the utility. The commission shall prepare the notice in consultation with the utility. If, after the notice of the general increase in rates is sent, the utility seeks a rate increase greater than what was stated in the notice, the utility shall promptly notify the commission. If the utility demonstrates good cause, the commission may allow the utility to seek an increase greater than what was stated in the notice subject to reasonable conditions established by the commission, including, but

not limited to, requiring the utility to send a new notice to its customers describing the revised proposed increase.

[PL 2023, c. 405, Pt. D, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1995, c. 254, §1 (AMD). PL 1999, c. 398, §A13 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2023, c. 145, §1 (AMD). PL 2023, c. 168, §1 (RPR). PL 2023, c. 405, Pt. D, §1 (RPR).

§307-A. Exemption for certain telephone utilities

(REPEALED)

SECTION HISTORY

PL 1997, c. 276, §1 (NEW). PL 1997, c. 276, §4 (AFF). PL 2001, c. 137, §3 (AMD). PL 2011, c. 623, Pt. C, §1 (RP).

§308. Filing of new schedules

Copies of all new schedules shall be filed in every office of a public utility where payments are made by customers 30 days prior to the time they are to take effect, unless the commission prescribes less time as provided in section 307. [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§309. Adherence to rate schedules; change in form of schedules

1. Adherence to schedules. Except as otherwise provided in section 703, it is unlawful for any public utility to charge, demand, collect or receive, for any service performed by it within the State or for any service in connection with that performance, a greater or lesser compensation than is specified in such printed schedules as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in the schedules. The rates, tolls and charges named in the schedule are the lawful rates, tolls and charges until they are changed as provided in this Title.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

2. Exception. Notwithstanding subsection 1, when a public utility changes its rates, tolls or charges pursuant to any provision of this Title, the commission may for billing purposes, order that the change be applied to some or all service reflected in meter readings on or after the effective date of the change, or to such other period as it determines just and reasonable.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Form of schedules. The commission may prescribe such changes in the form in which the schedules are issued by any public utility as the commission finds to be expedient.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§310. Investigation of proposed changes in rates of public utilities

1. Investigation of proposed rate changes. When the commission receives notice of any change proposed to be made in a schedule of rates filed with the commission under the provisions of law, it may at any time before the effective date of the change, either upon complaint or upon its own motion and after reasonable notice, hold a public hearing and make investigation as to the propriety of the proposed change. The hearing shall be held in accordance with section 1304. At any such hearing involving any change, the burden of proof to show that the change is just and reasonable is upon the public utility. After a hearing and investigation, the commission may make an order with reference to

any new rate, joint rate, rental, toll, classification, charge, term, condition or form of contract or agreement proposed as would be proper in a proceeding initiated upon complaint or upon motion of the commission in any rate investigation. In implementing the order, the commission shall assure rate design stability.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

2. Suspension pending investigation.

[PL 2023, c. 168, §3 (RP).]

3. Exception: Municipal and quasi-municipal water utilities and consumer-owned transmission and distribution utilities. This section and section 307, subsection 3 do not apply to:

A. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that elect to proceed pursuant to the terms of section 6104 or 6104-A, unless by the express terms of section 6104 or 6104-A the provisions of this section are made applicable to those corporations; [PL 2009, c. 237, §1 (AMD).]

A-1. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that file a change in a schedule pursuant to section 307 that changes rates, tolls or charges for service other than the provision of water, only if the cumulative revenue impact of all such changes that become effective within any consecutive 12-month period does not exceed 1% of the utility's total annual revenue; or [PL 2007, c. 127, §1 (NEW).]

B. Consumer-owned transmission and distribution utilities organized in accordance with chapter 35, unless by the express terms of chapter 35 the provisions of this section are made applicable to those districts. [PL 1999, c. 398, Pt. A, §14 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

[RR 2023, c. 2, Pt. A, §54 (COR).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A14 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2007, c. 127, §1 (AMD). PL 2009, c. 237, §1 (AMD). PL 2023, c. 168, §§2-4 (AMD). RR 2023, c. 2, Pt. A, §54 (COR).

§311. Comprehensive classification of service

The commission shall provide for a comprehensive classification of service for each public utility. The classification may take into account the quantity used, the time when used, the purpose for which used and any other reasonable consideration. Each public utility shall conform its schedules of rates, tolls and charges to the classification. [PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§312. Temporary rates during rate proceeding

During any proceeding initiated by a public utility by a filing pursuant to section 307 or 1302, the commission may temporarily approve any undisputed amounts of a requested rate increase or rate decrease. If the parties are unable to agree on an undisputed amount, any party, at any time after the cross-examination of the utility's direct case has been conducted and all parties have filed their direct cases, may request the commission to require the parties to provide a written statement of those issues that are being contested and an estimated dollar value of the extent of the disagreement between the utility and the other party on that issue. The commission, after examining the statements of issues presented, may determine an amount which is undisputed. The commission may include in the undisputed amount the amount put in question by any party other than the utility, if the commission determines that that party has no possibility of ultimately prevailing on that issue. The amounts

temporarily approved shall be filed by the utility as a temporary schedule which shall be effective from the date of approval of the temporary schedule until the issuance of the final order in section 307 proceeding. [PL 1987, c. 141, Pt. A, §6 (NEW).]

The utility shall notify each customer of the rate increase allowed under this section. The notice shall be mailed with the first bill mailed to each customer after the date of approval and shall state the following: [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Amount of increase. The amount of increase allowed under this section; [PL 1987, c. 141, Pt. A, §6 (NEW).]

2. Statement. The fact that that rate increase allowed under this section was undisputed or that although disputed it was approved by the commission, subject to partial or full refund if the commission in its final order approves an amount less than the increase allowed by the temporary rate schedule; [PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Amount of remaining disputed portion. The amount of the remaining disputed portion of the requested rate increase; and [PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Disputed portion will be decided. If available, an estimate of the date when the disputed portion will be decided.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW).

§313. Submetering permitted in campgrounds

A campground owner or operator may submeter electric service to campground sites within the campground in accordance with this section, as long as electric service is not provided to any particular submeter user for a period greater than 6 consecutive months. [PL 1995, c. 129, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Campground" means a recreational camping park where fees are charged for the recreational use of the park and that can accommodate 10 or more temporary living quarters, including but not limited to tents, recreational vehicles, trailers, vans, pickup campers and motor homes. [PL 1995, c. 129, §1 (NEW).]

B. "Submeter user" means any person using a campground site on which a campground owner or operator has installed a submeter. [PL 1995, c. 129, §1 (NEW).]

[PL 1995, c. 129, §1 (NEW).]

2. Charges. A campground owner or operator may charge a submeter user only for kilowatt hours used by that submeter user. The charge that a campground owner or operator may charge a submeter user for electric service may not exceed the kilowatt usage of the submeter user multiplied by the combined rate per kilowatt hour that the campground owner or operator is charged by the transmission and distribution utility and competitive electricity provider.

[PL 1999, c. 398, Pt. A, §15 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Nontaxable event. The collection of charges under this section for submetered electric service is not a sale for the purposes of taxation.

[PL 1995, c. 129, §1 (NEW).]

4. Interpretation; not resale. A submeter user is not a customer of the transmission and distribution utility or competitive electricity provider providing service to the master-metered campground owner or operator. For purposes of this Title, a submeter user is not a customer of the

campground owner or operator. Nothing in this section permits the resale of electricity by a campground owner or operator.

[PL 1999, c. 398, Pt. A, §15 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

SECTION HISTORY

PL 1995, c. 129, §1 (NEW). PL 1999, c. 398, §A15 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

§313-A. Submetering by electric vehicle charging station providers

An electric vehicle charging station provider, as defined in section 3201, subsection 8-B, may install an electrical submeter and may charge a submeter user only for kilowatt hours used. [PL 2015, c. 29, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 29, §1 (NEW).

§314. Private line extensions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Line" means an electric distribution line, including poles and other related structures. [PL 2001, c. 201, §1 (NEW).]

[PL 2001, c. 201, §1 (NEW).]

2. Standards for private lines. The commission shall by rule establish standards for the construction of a line by a person other than a transmission and distribution utility. The rules:

A. Must establish standards for the construction of lines. The commission may establish different standards in different transmission and distribution utility territories. The standards must be the same as the standards that would apply if the transmission and distribution utility in whose territory the line is constructed built the line unless there are compelling public safety reasons for applying different standards. If these standards and any other reasonable conditions established by the commission are met, a transmission and distribution utility may not refuse to connect the line to the utility's system or to deliver energy over the line; [PL 2001, c. 201, §1 (NEW).]

B. Must establish terms and conditions for transferring the ownership of a line to a transmission and distribution utility. The rules may establish a requirement that certain types of lines, lines under certain conditions, or lines in certain locations, such as lines located in the public way, must be transferred to the transmission and distribution utility; and [PL 2001, c. 201, §1 (NEW).]

C. May require that a person that is not a transmission and distribution utility that constructs a line meet minimum qualifications established or approved by the commission. [PL 2001, c. 201, §1 (NEW).]

[PL 2001, c. 201, §1 (NEW).]

3. Apportionment of costs of line extensions. The commission shall adopt rules establishing requirements for apportioning the costs of a single-phase overhead line extension among persons who take service through the line after the construction of the line. The commission may provide for exemptions from the apportionment methodology established by the commission for any transmission and distribution utility that petitions the commission for an exemption and establishes to the satisfaction of the commission that the transmission and distribution utility's apportionment methodology adequately serves the public interest and balances competing interests of customers.

[PL 2001, c. 201, §1 (NEW).]

4. Lines constructed in the public way. Nothing in this section or rules adopted under this section limits the application of section 2305-B to any line constructed in a public way.

[RR 2001, c. 1, §44 (COR).]

5. Submission of rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5 chapter 375, subchapter II-A and must be submitted to the Legislature for review no later than February 1, 2002.

[PL 2001, c. 201, §1 (NEW).]

SECTION HISTORY

RR 2001, c. 1, §44 (COR). PL 2001, c. 201, §1 (NEW).

§315. Transmission and distribution utility line extension construction

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Line" has the same meaning as in section 314, subsection 1, paragraph A. [PL 2011, c. 484, §1 (NEW).]

B. "Make-ready work" means work necessary to connect a line extension to existing utility infrastructure. [PL 2011, c. 484, §1 (NEW).]

[PL 2011, c. 484, §1 (NEW).]

2. Line extension charge. Amounts charged by a transmission and distribution utility serving more than 500,000 retail customers for a line extension are governed by this subsection.

A. Through a proceeding or rulemaking and in accordance with this section and section 314, the commission shall establish the method to be used by a transmission and distribution utility serving more than 500,000 retail customers for line extension pricing. The method may include the amount to be charged per foot for the completion of a line extension. [PL 2011, c. 484, §1 (NEW).]

B. Revenue received by a transmission and distribution utility serving more than 500,000 retail customers from a telephone utility may not be used to offset the total cost of or amount charged to a customer for a line extension. [PL 2011, c. 484, §1 (NEW).]

C. A transmission and distribution utility serving more than 500,000 retail customers shall report annually to the commission, on a date determined by the commission, the total amount charged to customers for line extensions and the total actual costs to the transmission and distribution utility serving more than 500,000 retail customers to complete those line extensions for a prior 12-month period determined by the commission. [PL 2011, c. 484, §1 (NEW).]

D. If a report pursuant to paragraph C demonstrates that charges to customers for line extensions are less than 95% of total actual costs or greater than 105% of total actual costs during the reporting period, the commission, within 30 days of the date of the filing of the report, shall open an investigation to determine the appropriate adjustments to be made to the method used by the transmission and distribution utility pursuant to paragraph A to establish the amount charged to a customer for a line extension so that the total amount charged to customers is no less than 95% and no more than 105% of total actual costs for the line extensions. [PL 2011, c. 484, §1 (NEW).]

[PL 2011, c. 484, §1 (NEW).]

3. Cost recovery. Any cost associated with construction of a line extension that is not recovered by a transmission and distribution utility serving more than 500,000 retail customers through the charges established in accordance with subsection 2 must be borne by the utility and may not be recovered in rates.

[PL 2011, c. 484, §1 (NEW).]

4. Fees for make-ready work. A transmission and distribution utility serving more than 500,000 retail customers may charge a customer taking polyphase service the actual costs of make-ready work associated with that customer's service. A transmission and distribution utility serving more than

500,000 retail customers may not charge a customer taking single-phase service for make-ready work associated with that customer's service. A transmission and distribution utility serving more than 500,000 retail customers may recover costs associated with such single-phase service make-ready work in rates.

[PL 2011, c. 484, §1 (NEW).]

5. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 484, §1 (NEW).]

Nothing in this section may be construed to limit the activities of a transmission and distribution utility serving 500,000 or fewer retail customers. [PL 2011, c. 484, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 484, §1 (NEW).

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