

**§3134. Long-range plan**

**1. Filing by transmission and distribution utilities.** Every transmission and distribution utility in whose service territory total sales of electric energy for purposes other than resale exceeded 300,000,000 kilowatt hours during any calendar year may submit to the commission a long-range plan for the 15-year period subsequent to the date the plan is submitted. This plan shall:

A. Include the utility's annual peak-load forecasts, annual energy forecasts, type and route of major proposed transmission lines and alternatives and an analysis of the cost and financing of the plan, together with such other information as the commission may by rule require; and [PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

B. List and describe all the assumptions used by the utility in formulating the plan required by this section. [PL 1987, c. 141, Pt. A, §6 (NEW).]

[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**2. Hearing and decision.** The commission shall set down for public hearing each long-range plan filed in accordance with subsection 1. Notice of the hearing and opportunity to intervene must be provided in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and the commission's rules of practice and procedure. The commission shall issue a decision approving, disapproving or modifying each plan within one year after the filing of such plan in accordance with this subsection. Each long-range plan as approved or modified by the commission constitutes the plan of the filing utility and, unless altered as the result of judicial review or subsequently modified by commission order, represents the final finding of fact of the matters contained in the plan for the purposes of subsection 3.

[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**3. Purchase of transmission capacity.** If, at the time the commission issues an order granting a certificate of public convenience and necessity to a utility pursuant to section 3133, there is in existence a long-range plan for the utility approved or modified by the commission 2 years or less before the date of the order, the certificate may not be granted unless the purchase conforms to that plan. The findings by the commission, as embodied in its order under subsection 2, to the extent relevant represent the commission's findings of fact of the matters contained in the order in any proceeding pursuant to section 3133 that is decided within 2 years from the date of the order.

[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**4. Plans of consumer-owned transmission and distribution utilities.** The commission may order the filing of a long-range plan, comparable to the plan authorized in this section, by a consumer-owned transmission and distribution utility, as defined in section 3501. The order must allow sufficient time for its preparation. A consumer-owned utility may file a comparable plan on its own initiative. Any plan submitted under this subsection may be filed in concert with other consumer-owned transmission and distribution utilities. A plan is comparable to a plan otherwise authorized in this section if it provides the same or similar data to the fullest extent possible, taking into account the size and resources of the consumer-owned utility.

The plan must be reviewed by the commission in accordance with subsection 2.

[PL 1999, c. 398, Pt. A, §49 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**SECTION HISTORY**

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 378, §2 (AMD). PL 1999, c. 398, §A49 (AMD). PL 1999, c. 398, §§A104,105 (AFF).

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