

§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).

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