

OPEGA Recommendation for Project Direction

Public Utilities Commission

Background

The Maine Public Utilities Commission (PUC) regulates electric, gas, telephone and water utilities to ensure that Maine citizens have access to safe and reliable utility services at rates that are just and reasonable for all ratepayers. A request for an OPEGA review of the PUC was first brought to the Government Oversight Committee (GOC) in October 2011. The legislator-sponsored request stemmed from a 10-person complaint filed with the PUC that resulted in a multi-year PUC case. The review request considered by the GOC described systemic issues regarding PUC's compliance with its statute and rules when processing complaints and handling cases.

This request was discussed at two subsequent GOC meetings in February and March 2012. Some Committee members noted the difficulty they, or their constituents, had experienced in accessing and/or navigating the PUC complaint process. GOC members also raised other issues regarding the PUC including:

- responsiveness to citizen concerns, in particular health concerns;
- ability to adequately address citizens' health and safety concerns;
- ability to fairly enforce orders it issues; and
- impartiality toward the utilities it regulates, especially the state's largest electric utility

On March 9, 2012 the GOC voted to place this topic on OPEGA's work plan and OPEGA began preliminary work in September. We have reviewed the PUC's statute, rules, functions, and procedures for processing complaints. We have also become familiar with the functions of the Office of the Public Advocate and considered a number of unsolicited citizen complaints about the PUC received by OPEGA. Most complaints submitted to the PUC are handled by the Consumer Assistance Division (CAD). These are generally individual complaints regarding matters such as disconnections, service issues, and billing disputes. Complaints about public utility actions or practices affecting multiple persons come to the PUC via a separate 10-person complaint process that is provided for in statute (35-A MRSA §1302). Ten-person complaints are addressed by the appropriate PUC division responsible for the subject utility type. The OPEGA review request, as well as issues discussed by GOC members and those identified in citizen complaints received by OPEGA, related to 10-person complaints.

OPEGA's Recommendation

Based on our preliminary work, OPEGA recommends continuing this review with a focus on the following questions:

- Is the PUC acting in compliance with its statute and rules when handling 10-person complaints filed with the Commission under 35-A MRSA §1302(1)? Is the process accessible to citizens and responsive to their concerns?
- What measures are in place to ensure the PUC acts in an unbiased and impartial manner when regulating public utilities? Are these measures adequate? Is the PUC acting in accordance with these measures?