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**Testimony Neither For nor Against
LD 1962, “An Act to Limit Utility Shut-offs”**
January 25, 2024

Senator Lawrence, Representative Zeigler and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology,

My name is William Harwood, here today as Public Advocate, to testify neither for nor against LD 1962, “An Act to Limit Utility Shut-offs.”

The OPA appreciates the general direction of the proposed amendment and thanks President Jackson for bringing it forward. We should never forget that too often ratepayers facing disconnection of utility service have fallen behind in their utility payments due to financial pressures beyond their control. Ratepayers need to be given every reasonable opportunity to enter into a payment plan before being disconnected.

We support the addition of “affordable” to the purpose of the utility regulatory system. It is crucial to find the right balance between sustaining and improving grid reliability, investing in our future energy needs, and ensuring that ratepayers are able to afford utility service.

In addition, the OPA supports the provision that residential customers enrolled in the Low-Income Assistance Program, Arrearage Management Program or Low-Income Home Energy Assistance Program may not be charged a restoration or reconnection fee or a security deposit in connection with the restoration of service and that the utility must waive any late fees that accrued prior to the termination or disconnection. Ratepayers facing financial difficulties to the point that they qualify for assistance from state or federal programs for energy should not be faced with extra fees that prevent them from becoming financially stable.



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OPA also supports the provision that would prevent shutoffs due to nonpayment in extreme weather seasons to include heat and humidity for the health and safety of Mainers, especially older Mainers and other vulnerable populations. This safety measure will become increasingly important as climate change continues to alter our state's usual weather patterns – prompting additional energy use to compensate for much higher and colder temperatures, leading to higher bills and potential disconnections at times when Mainers need energy the most.

We do have a few technical issues with the proposal. First, there is the fundamental policy question of whether these provisions are better suited to statutory amendment to Title 35-A or to a PUC Rule. Statutes are better suited to big picture principals while rules are usually where we get “down in the weeds” to implement the statutory provisions. Currently the PUC has a rulemaking proceeding open (Docket. No. 2023-00323) to consider amendments to Chapter 815, its rule governing disconnections. So, if the Committee wanted to direct the PUC to amend the rule to implement the provisions of LD 1962, it could do so without enacting LD 1962.

In addition, the OPA is unsure whether \$225 is the right amount of arrearage that must exist before disconnection may proceed. In some cases, an early disconnection notice may motivate the ratepayer to address the issue while the amount of the arrearage is still relatively small and manageable. By waiting too long, the amount may grow to be beyond the ratepayer's ability to catch up.

Finally, the issue of requiring an in-person visit before disconnection raises possible unintended consequences. Specifically, it will be expensive to require utilities to make an in person visit in every case; the likelihood of catching the ratepayer at home is uncertain; some ratepayers do not want bill collectors coming on to their property; and there is added risk of a confrontation leading to an altercation.



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Thank you for your time, attention, and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 1962 and will be available for the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

William S. Harwood
Public Advocate