

Mr. Ryan Hansen
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

VIA FERC SERVICE

Reference: Docket Number: P-2333-094

May 15, 2023

Dear Mr. Hansen,

The following written comment is submitted for the record by the Town of Rumford, Maine with regards to the Final License Application and proposed Environmental Measures by Rumford Falls Hydro for the Rumford Falls Hydroelectric Project.

Comments on Environmental Measures & Associated Studies

The Town notes with pleasure the extensive study process undertaken by all parties concerned and appreciates the efforts made by Rumford Falls Hydro (RFH) to diligently complete the requested Recreation, Whitewater, and Aesthetic Flow Studies submitted by the Town, ordered by the Commission, supervised by Brookfield (RFH) and undertaken by project engineers HDR. As noted in our verbal comments to the Commission at the post-study hearing in Rumford we believe the Town requested studies as conducted were complete, consistent with all applicable methodologies, and produced results that are sufficient to support the Commission decision making process.

The Town is very grateful for the Commission's support and regard for our community.

The Town provides the following comments to Attachment D, License Application Exhibit E – Section 4.2.4 “Proposed Environmental Measures”:

1. The Town supports continued operation in run-of-river mode as proposed in all respects.
2. The Town supports the minimum flows in all areas as proposed.
3. The Town supports whitewater boating flows at 1,200 cfs and requests 10 weekend days (total), June through August to be determined in consultation with the Town and American Whitewater. We believe the exact days should be

determined with as much advance planning as possible in order to maximize the opportunity presented.

4. The Town supports the proposal for the applicant to build and maintain access and/or steps from behind the Rumford Public Library. We presume these steps would begin at the lower parking lot and continue through to a mutually agreeable and practical termination point below the Memorial Bridge which permits public access to the ledges for recreation opportunities in the lower bypass reach.
5. The Town supports the proposed public information approach for advance notice of flow conditions.
6. The Town supports the proposed aesthetic flows in the Upper Dam bypass reach and requests 9 weekend days (total), June through August and 1 holiday (4th of July, Independence Day).
7. The Town supports the proposed public information and floodlighting scheme at 6,000 cfs but requests that the timing of the lighting be modified to begin at evening civil twilight and to remain illuminated until 12am.
8. The Town supports the proposed reopening plan for the West Viewing Area. The Town supports the installation of black safety fencing along the perimeter as described. The Town strongly discourages the use of barbed wire on safety fencing around public areas. However, should barbed wire be deemed absolutely necessary for safety purposes the Town requests that barbed wire (if any) would also be black.
9. The Town supports the proposed installation of security fencing below the West Viewing Area deck and also below the line of sight from the West Viewing Area deck. The Town requests that all components of the security fence also be black.
10. The Town supports the proposed installation of the project/history kiosk, two picnic tables, and one bench. The Town specifically requests that the project history kiosk shall mention the original design and park features, the former power company grove as an old recreation feature, and the project history between the Rumford Falls Light and Water Company, the Rumford Falls Power Company along with the statutory history related to Hugh Chisholm.
11. The Town supports dedicated walking access between the West Viewing Area and J. Eugene Boivin Park but requests the creation of a new walking path per the information provided below.
12. The Town supports the proposed access schedule of dawn to dusk. Given the expected changes to climate over the period of the license the Town proposes that the yearly access schedule for both J. Eugene Boivin Park and the West Viewing Area be modified to April 1st to November 15th.

13. The Town supports the use of the alternate trail segment of the Rumford Falls Trail constructed by RFH in 2021.
14. The Town supports the proposed improvements to use a firmer trail bed and to add wood crib steps at the Rumford Falls Trail.
15. The Town supports the proposed addition of a removable bollard or swing gate for access control purposes at the Rumford Falls Trail.
16. The Town supports the proposed addition of a bench and kiosk at the falls overlook and requests inclusion of the same historical information described in the request for the West Viewing Area.
17. The Town supports the proposal to add signage at both entrances and requests that the trail map include the hiking trail and also note the ATV and snowmobile trails in order to help better guide visitors and avoid confusion among multiple pathways.
18. The Town requests that RFH obtain and install roadside signage using Maine DOT's Official Business Directional Signage program (OBDS) for the "Rumford Falls Trail" and "Scenic Falls Overlook". Such signage to be added along US-2 and ME-108 at existing OBDS sign posts that are a minimum of 0.2 miles from the points of entry. Total signage would be six (6). Two above Falls Hill, two below Falls Hill and two on the ME-108 approach into Rumford.
19. The Town supports the intent of RFH to obtain an easement for the license term for the middle segment of the alternate trail alignment.
20. The Town supports the intent of RFH to provide access year-round, dawn to dusk, with snow removal or snow management limited to the locations as described.
21. The Town supports the development of a recreation management plan and requests to be consulted as part of the process for finalizing the proposed Recreation Management Plan.
22. The Town supports the development of a historic properties management plan and an operations compliance management plan.

In the Town's letters of January 17, 2020 and April 21, 2020 we noted that other issues, smaller questions, or concerns may arise over the course of the relicensing period. At this point in time the only new discovery as a result of the Recreation Study has been the potential for consideration of a walking trail between Boivin Park and the West Viewing Area. This discovery was made independently and simultaneously by both the Town and local resident Brie Weisman. The Town has discussed this discovery extensively with RFH and will endeavor to continue this dialogue throughout the remainder of the

relicensing process. There are two remnant grades present between Boivin Park and the West Viewing Area which potentially could support walking trail access between the two points. Both of these remnant grades are within the project boundaries and on land owned by RFH. The lower most remnant grade appears to be a former County Road from the horse drawn coach era,¹ the upper most remnant grade appears to be a former utility corridor that was used by Rumford Light and Water Company (later known as Rumford Light Company) for high voltage distribution lines to the Rumford Falls area. The former utility corridor appears to have moved to an embankment of rock fill excavated ca. 1916 when the project underwent a major expansion of its intake system above the Rumford Falls along with the construction of a completely new power station.² There is a block granite retaining wall in between the upper and lower grades which appears to be associated with the 1915/1916 expansion project. It appears intact, and in generally good condition without signs of failure or other movement potentially associated with poor soil or hydrology conditions that would threaten its stability.³ This retaining wall is potentially a key piece of supporting infrastructure to any walking trail extension between Boivin Park and the West Viewing Area. The retaining wall would also represent critical secondary supporting infrastructure to the sub-grade of US-2 which passes nearby along Falls Hill. Given that this secondary supporting grade is likely to be maintained indefinitely there seems to be a very good case for opening pedestrian access that would permit a significant recreational enhancement to the project using either the upper or lower grade.

The Town feels the case for consideration of this additional feature is especially strong given other discoveries of historical changes to the project which add weight to the sense that over the period of operation by the Rumford Falls Power Company (RFPC) there was an incremental regression in the project recreation features. Some of these features were impaired at the time of the construction of the 1916 Upper Station. These included the “Power Company Grove” which once was located along the banks of the Androscoggin River but removed in order to allow the construction of a water intake structure that substantially increased power output to the project. The discovery of a complete photo album documenting site conditions prior to the removal of the “Power Company Grove” along with at least one photo showing apparent recreational use for walking and enjoyment of scenery strongly lend to the sense that over time the original design of the project was allowed to regress in a manner that all but eliminated public access to project lands and features of the original design.⁴

The Town acknowledges and respects that many aspects of the original design⁵ cannot be practically replicated, renewed or restored. It is therefore our considered opinion that in instances where existing site conditions reasonably permit that efforts can be undertaken to provide improved recreational access and to shape new features which allow for public enjoyment of the project facilities in manner that is compatible with continued energy

¹ Rumford Historical Society, Panoramic photographs of west shoreline of reflecting pool, ca. 1892

² Rumford Historical Society, Photo Albums of the Rumford Falls Power Company, 1916-1919

³ See photos provided in public comments by Brie Weisman to RFH as part of the Recreation Study

⁴ Photo collections of the Rumford Historical Society

⁵ Rumford Historical Society, Rumford Falls Power Company, Map of Rumford Falls, ca. 1894

generation. To date the best example of these efforts has been the ongoing dialogue with RFH on the Rumford Falls Trail and the alternate trail segment. This cooperative dialogue has resulted in actions taken that have restored the Rumford Falls Trail to operation prior to the completion of the licensing process and also added a new overlook which is a greatly appreciated new amenity for the Rumford Falls Trail. The Town strongly supports continued production of hydroelectric power at the Rumford Falls Hydro facilities and appreciates the contribution these facilities make to the common good with clean renewable power and consistent tax revenues.

The Town intends to participate in the water quality certification process to be undertaken by the Maine Department of Environmental Protection in the next step of the Integrated Licensing Process. At present the Town is otherwise satisfied with the remainder of the applicants proposed environmental measures and the underlying study data and methodologies which were used to arrive at their conclusions. We have participated extensively in a stakeholder dialogue with other state agencies and advocacy organizations and have been transparent about our position in this regard. The Town notes its disagreement with other agencies or stakeholders who are requesting additional studies for environmental measures or otherwise challenging the study methodologies.

The Town will continue to engage in dialogue with all stakeholders and to transparently present our position and points of view with regards to water quality certification and environmental measures.

In light of extensive efforts now ongoing or proposed as part of the environmental measures made by the applicant to improve conditions at the project the Town strongly supports the applicants standing as a highly qualified operator and encourages the Commission to move forward to the next step of the Integrated Licensing Process. The Town also notes at this stage its full support for issuance of a license to the applicant and likewise anticipates such support for the issuance of a license subject to discussions on the Town's requested modifications to proposed environmental measures above and discussion of the Town's requested post-license studies on energy development below.

Comments on Project History & Energy Development

As part of our efforts to better understand the project history the Town conducted extensive research in the archives of the Rumford Historical Society, the Maine Historical Society, the Fogler Library Special Collections at the University of Maine, the records of the Maine Public Utilities Commission and other records at the Maine State Archives, the Yale University Library, and the Law and Legislative Reference Library of the Maine State Legislature.

After a review of the totality of the historical record it is the Town's considered view that the record on hand in the Commission's docket of the project history is incomplete, that the Rumford Falls hydroelectric project in its present state is somewhat underdeveloped and that there are remnant economic deficits resulting from this underdevelopment of the project which persist to this day. The Town's own understanding of the project history was up to this date incomplete and therefore the information below is provided in support of the applicant and the Commission's knowledge. The Town believes that the project history is highly relevant to the present project operations and that the provision of a complete narrative is essential to supporting the Commission's judgment and the applicant's own knowledge along with the general common good. The Town therefore requests as appropriate the incorporation of details as deemed relevant into the official project history whether in the applicant's license or by inclusion in a Commission order as appropriate. The Town is particularly concerned that over many years the former operators of the project, the Rumford Falls Power Company, engaged in a pattern of regulatory evasion which although common to other similar companies at the time was somewhat more extensive in the scope of impact to the local region due to the isolated nature of Rumford's power supply and distribution.

The Town provides the following information:

1. On February 21, 1887 the Sixty-Third Maine Legislature passed a Private and Special Law (Chapter 124)⁶ which read in parts as follows:

“Hugh J. Chisholm and Charles D. Brown or their heirs and such persons or corporations as may be associated with them, or to whom they may grant, assign or lease or otherwise dispose of the right and properties herein authorized, may erect and maintain at a point or points above and below the Great Falls at Rumford on the Androscoggin river and conveniently near the same, dams, piers, booms and side booms”

This Act was approved approximately five years after Chisholm's famous visit to the Falls in the winter of 1882. The Town believes based on information following that this legislation constituted the cornerstone of the dam rights which

⁶ Maine State Legislature, Law and Legislative Digital Library, Laws of Maine 1820 – [present]

were eventually used to support hydroelectric power production.

2. On October 6, 1890 the Rumford Falls Power Company was organized.⁷ Their Certificate of Organization was recorded with the State of Maine dated a few days prior on September 27, 1890 (Records of Corporations – Volume 16, Page 361)⁸. The corporation was organized for the following purposes:

“To carry on the business of manufacturing by water, steam, electrical or other power at or near Rumford Falls, in the State of Maine, constructing dams, booms, piers, mill sites, canals, and other appliances and improvements incidental to the use of the water at said Falls, laying out village and town improvements in the neighborhood of said Rumford Falls in connection with the foregoing and as incident thereto, erecting mills, houses, and other buildings, and hiring or leasing mills, houses, or other buildings and power developed by water steam, electricity, or other motor; supplying the locality at and about Rumford Falls with light and water and the development of water power at said Rumford Falls.”⁹

3. On December 2, 1890 Hugh J. Chisholm and Charles D. Brown conveyed by deed¹⁰ to the Rumford Falls Power Company all of the aforementioned rights along with a substantial quantity of land holdings on both sides of the Androscoggin River along with deeded flowage rights and those granted by law at that time due to ownership of both shorelines. This deed recorded January 6, 1891 at the Oxford County Registry of Deeds makes the following reference to the previously described Private and Special Law of 1887 and the flowage rights:

“All the franchises, privileges and other rights which said Hugh J. Chisholm and Charles D. Brown had by virtue of an Act entitled, “An Act concerning boomage rights, at Rumford”, approved February 21, 1887. Also all the rights of said Hugh J. Chisholm and Charles D. Brown, by virtue of or under and Statute or deed, to any boomage, flowage, water, water power or other riparian shore or aquatic rights in or adjoining any part of the Androscoggin River or Swift River in the Towns of Mexico, Peru, or Rumford.”

⁷ Maine State Archives, Records of the Public Utilities Commission, Docket U-19-111, Copy of Certificate of Organization, Rumford Falls Power Company

⁸ Maine State Archives, Records of the Public Utilities Commission, Docket U-19-111, Petition of the Rumford Falls Power Company, March 1, 1915

⁹ Both the certificate of organization and the Rumford Falls Power Company filing agree exactly to the letter on the purposes of the corporation as organized.

¹⁰ Oxford County Registry of Deeds, Book 224, Pages 287-292

4. On July 18, 1892 the Rumford Falls Light and Water Company was organized by George Bisbee, Waldo Pettengill, Daniel Emery, Hugh Chisholm and Fred Richards. Their Articles of Agreement, signed July 1, 1892¹¹ provided for the following purposes of the company:

“In accordance with the provisions of the Statutes of the State of Maine [...] for the purpose of organizing a corporation to carry on the business of manufacturing transmitting, using and applying electricity and gas for the production of light, heat and power, including the distribution, sale and lease of gas and the electrical current therefor, in Rumford, County of Oxford and State of Maine, and Towns adjoining thereto and elsewhere; buying, selling, leasing and otherwise dealing in and operating machinery apparatus and devices for generating, distributing, utilizing and supplying electricity and gas for the production of light, heat and power; acquiring, holding, owning and disposing of letters patent and rights thereunder relating to such machines, apparatus and devices and to processes and methods of generating, utilizing and applying electricity and gas for the foregoing purposes: the storing [storing], distributing, delivering, buying, selling, and leasing water for domestic, fire and other purposes in and about said Rumford and Towns adjoining thereto or elsewhere: the acquisition holding, owning, disposing of, all such property, both real and personal, as may be necessary convenient or propose for accomplishing such objects or any of them, including the erection buying, selling, leasing and operating water power, buildings, plants, engines, lines, mains, pipes, reservoirs, stand-pipes, and doing and transacting any other business that may be incidental to or connected therewith.”

5. On September 29, 1892 the Rumford Falls Power Company conveyed by deed¹² to the Rumford Falls Light and Water Company a piece of land at the Falls, “being the lot on which the old grist and saw mills stood” along with a lot containing “two springs” that was subject to a County Road easement¹³, along with certain rights to lay water pipes and operate a water wheel. For the sake of the public record the following passage regarding electricity of provided in full:

¹¹ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, “Articles of Agreement” dated July 1, 1892

¹² Oxford County Registry of Deeds, Book 235, Pages 100-103

¹³ The County Road easement was likely part of the public right of way described earlier as the lower grade along the Reflecting Pool which is proposed as a new hiking trail between the West Viewing Area and J. Eugene Boivin Park.

“Also the right to lay and maintain a pipe or pipes from the first parcel above described to the upper dam and the right at any and all times to take and use for power purposes by means of said pipe or pipes water from said upper dam to an amount not exceeding five hundred gross horse power to be paid for as used at the rate of eight dollars per gross horse power per annum said payment to be made quarterly, the same to be appurtenant to said first described parcel and to be used only for the generation of power in the development of electricity and distribution of water in accordance with the Charter of said Grantee.

Also the sole and exclusive right to erect, place[,] operate and maintain forever in any and all public streets and highways which already have been or may hereafter be laid out by the Grantor in and around Rumford Falls, all poles, wires, pipes, or other appliances necessary or suitable to transmit and furnish for public and private use at said Rumford Falls and other places, light either by gas, electricity or other approved method, and to use the said poles, wires, pipes, and other appliances for such purpose and for the purpose of transmitting and furnishing power not however exceeding one thousand (1000) horse power such power not to be used in any way for the transportation of freight or passengers.

This conveyance is made subject to the right of the Grantor to lay, maintain, and use pipes that may be required in the development of the Grantors property for the purposes of conveying water or transmitting power across the premises hereby conveyed and with the right from time to time to change the location of said pipes but not so as to interfere with or obstruct the business of the Grantee or do any unnecessary injury to the Grantee’s property. This conveyance is also made subject to all right of flowage and boomage, all of which rights are reserved to Grantor.”

6. On February 8, 1893 the Sixty-Sixth Maine Legislature passed a Private and Special Law (Chapter 365)¹⁴ chartering the Rumford Falls Light and Water Company which granted the RFL&W eminent domain rights:

“Said corporation is hereby authorized for the purposes of its organization, to take and hold, by purchase or otherwise any lands or real estate necessary therefor, and may enter upon or excavate through any lands when necessary for

¹⁴ Maine State Legislature, Law and Legislative Digital Library, Laws of Maine 1820 – [present]

said purposes in the towns of Mexico and Peru in the county of Oxford, or either of them.”¹⁵

The charter also granted the following rights:

“to erect and lay down in and through the streets and highways in the towns of Rumford, Mexico, and Peru, in the county of Oxford, and to take up, replace and repair any poles, pipes, aqueducts and fixtures which may necessary or proper for the purposes of their organization,”

“to make contract with other corporations, individuals, towns and school districts for the purposes of supplying water, light and power as contemplated by the purposes of its organization, and said towns of Rumford, Mexico and Peru, or either of them, by their or its selectmen, and any of said corporations by its duly authorized officers, is and are hereby authorized to enter into contracts with said company for the supply of water, light and power as said town or towns and other corporations may agree upon, which, when made, shall be legal and binding upon all parties thereto.”

In this legislation it was quite clear that the Legislature of Maine chartered and established a public utility company as the term would later be used in the following years.

7. The very next day on February 9, 1893 the Sixty-Sixth Maine Legislature passed a Private and Special Law (Chapter 376)¹⁶ which “ratified, confirmed and declared to be legal and valid” the organization of the Rumford Falls Power Company and then empowered it to “acquire, hold and dispose of shares of capital stock and mortgage bonds of other corporations.”
8. On June 19, 1893 the Town was first lighted by electricity (125 Hz) which was produced by a General Electric unit at the Rumford Falls Light and Water Company station on the Upper Falls.¹⁷ It appears that none of the Mill facilities used power generated by the RFL&W at the time.¹⁸

¹⁵ This provision omitted Rumford, an apparent inadvertent oversight which was corrected by the Seventieth Maine Legislature upon the passage of a Private and Special Law (Chapter 243) on February 8, 1901 which amended the charter of the Rumford Light and Water Company to include “towns of [Rumford], Mexico and Peru”, and then expanded the water rights of the company to “take water from any stream, pond or river in said towns, or any one of them.”

¹⁶ Maine State Legislature, Law and Legislative Digital Library, Laws of Maine 1820 – [present]

¹⁷ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, “Development of Rumford Falls”, unsigned chronology dated March 19, 1904

¹⁸ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, “Plan of Rumford Falls Maine”, dated July 1891, showing notations of first

9. In 1903 The Rumford Falls Power Company began generation of hydro-electric power (40 Hz) in facilities co-located with the Rumford Falls Light and Water Company. This original plant was described by B. L. Ruff in a 1951 history as being “3 phase, 2300 volt, 40 cycle”.¹⁹
10. In September 1905 the RFL&W converted its 125 Hz operation to 40 Hz and in so doing decommissioned its generating facilities and began to receive power from the Rumford Falls Power Company facility.²⁰
11. On January 27, 1906 the Rumford Falls Light and Water Company conveyed by deed²¹ to the Rumford Falls Power Company the land the Power Company had previously granted it at the Falls for a generating station, the spring site, and a variety of other rights. The RFL&W also conveyed the following:

“Meaning and intending to convey all the right, title and interest of said Rumford Falls Light and Water Company in and to all the land, with the building and machinery thereon, and in and to a portion of the rights, privileges and appurtenances conveyed to the said Rumford Falls Light and Water Company by its deed of September 29, 1892 recorded in said Registry in Book 235, pages 100 to 103 inclusive, but subject however, to the reservations and exceptions in said deed mentioned.”

The Town notes that at this critical juncture the Rumford Falls Power Company had absorbed the generating assets of a corporation that was at least nominally separate in most respects with the exception of common ownership by Hugh Chisholm. The Town believes that it is highly significant to the project history that at a certain point in time a so-called “private utility” namely the Rumford Falls Power Company did in fact absorb the rights and generating assets of a chartered public utility namely the Rumford Falls Light and Water Company. As it so happens this occurred prior to the passage of the Maine Public Utilities Act in 1913²² and the Federal Power Act in 1921. Thus this acquisition did not come under the purview or regulatory reviews of the Maine Public Utilities Commission or the Federal Power Commission neither agency had yet been created.

incandescent circuits and streetlights. Railroad facilities received streetlights but no Mill facilities were served by streetlights or incandescent circuits by RFL&W.

¹⁹ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, “History of Rumford Light Company – 40 to 60 Cycle Frequency Change”, March 1, 1951

²⁰ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, “History of Rumford Light Company – 40 to 60 Cycle Frequency Change”, March 1, 1951

²¹ Oxford County Registry of Deeds, Book 314, Pages 4-5

²² Maine State Legislature, Law and Legislative Digital Library, Laws of Maine 1820 – [present], 1913 Public Laws, Chapter 129

That history notwithstanding the Public Utilities Commission did open a docket, #U-19-111, on March 30, 1915 in order to determine the potential applicability of the Maine Public Utilities Act to the Rumford Falls Power Company. In response to the inquiry of the Public Utilities Commission made previously on January 5, 1915 the Rumford Falls Power Company stated the following in part:

“3rd: That in the year 1909 it constructed a plant for the purpose of producing, generating, transmitting and delivering electricity, with a capacity of about 9000 kilowatts of electricity.”

“5th: That it never has nor now does nor has it any present intention in the future to own, control, operate or manage said plant in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat, or power for public use.”

“6th: That the said Rumford Falls Power Company does not own, control, operate, or manage any “water works” within the meaning of said term as used in Chapter 129 of the Public Laws of 1913, nor own, control or manage any electric plant within the meaning of said term as used in said Chapter, and therefore is not subject to the provisions of the same.”²³

The Town calls the Commissions attention to the chronology as presented by the Rumford Falls Power Company and takes note of the significant and substantial differences between the Power Company’s presentation of the facts in 1915 and the documented historical record as presented above. It is a matter of absolute and uncontestable fact that the Rumford Falls Power Company did in fact acquire the generation machinery and water rights of a public utility in 1906 and thereafter provided power to the same public utility itself. Furthermore the actions of the public utility were subject to common ownership and control of the Rumford Falls Power Company.

The Rumford Falls Power Company’s omission of the foregoing historical record appears to have been done in service of their stated intention to be exempt from the jurisdiction of the Maine Public Utilities Commission.²⁴ It is the Town’s sense that in so presenting their case to the Public Utilities Commission, their petition of which was granted through multiple material misrepresentations, misstatements of fact, or intentional omissions that the Rumford Falls Power Company did in fact gain and acquire certain regulatory advantages which permitted their continued existence under a lighter regulatory regime and which allowed them to operate the Rumford Falls hydroelectric project in manner

²³ Maine State Archives, Records of the Public Utilities Commission, Docket U-19-111, Petition of the Rumford Falls Power Company, dated March, 1, 1915

²⁴ Maine State Archives, Records of the Public Utilities Commission, Docket U-19-111, Petition of the Rumford Falls Power Company, dated March, 1, 1915

that was far more advantageous to pulp and paper industries with which they were under common ownership.

This advantage allowed the Rumford Falls Power Company to exploit the power resources in a manner that had negative economic consequences for the region and in so doing over a period of decades blocked competing economic growth and energy consumption from occurring which otherwise would have supported the diversification of the local economy.

It is the Town's considered opinion that if the Maine Public Utilities Commission had the correct facts at hand in 1915 that the docket disposition would have been entirely different. Furthermore that a finding in 1915 that the Rumford Falls Power Company was indeed a public utility would have opened up the operations of the public utilities in Rumford to far greater scrutiny and potentially led to a much earlier changeover from the problematic 40 Hz power system to the consumer friendly 60 Hz system.

Writing in June 1939 C.T. Maynard, an electrical engineer in the dual employ of both the Rumford Falls Power Company and the Rumford Light Company observed on a Power Company memo:

“If we continue our 40 cycles it is not impossible that the Public Utilities Commission may force a costly rate reduction as a penalty for serving a kind of electric energy that does not meet the customers demands and is not standard.”²⁵

At this point the combined staff of the two companies had been discussing this change for at least 10 years. The staff had previously noted in 1938 that the Rumford Light Company was as best they could tell the last utility in the nation providing consumers with 40 cycle power. The changeover to “standard” power would not occur for another 10 years until 1949.

During the post-war economic boom of the 1950s Rumford Light Company found itself short of power and unable to serve new commercial consumers. One of the most significant examples of this shortage occurred during a major drought on the Androscoggin River in 1947 and 1948. The shortage and its attendant effects on profits became the subject of a federal tax case, *Oxford Paper Company v. Commissioner of Internal Revenue*. The Tax Court of the United States made the following key findings of fact:

“At all times material, Oxford's principal source of electric power was the Rumford Falls Power Company, a wholly owned subsidiary of Oxford, which owned and operated

²⁵ Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, Reports of the Electric Engineer for the Rumford Falls Power Company and the Engineer for the Rumford Light Company, C. T. Maynard, 1938-1943.

hydroelectric generating facilities on the Androscoggin River in the vicinity of Oxford's mill at Rumford. The Power Company owned no other means of generating electric power and was wholly dependent on the flow of water in the Androscoggin River for its water supply. Oxford was the Power Company's principal customer; and it used, to the extent it needed, all available power remaining after the relatively small demands of the Rumford Falls Light Company, which serviced Rumford, and the demands of the Power Company itself had been met. No other electrical power producers served the Rumford area."²⁶

Although this specific case was related to severe drought conditions in 1947 and 1948 the findings of fact by court also discussed at length the measures which Oxford Paper had to employ in order to prevent a system blackout at the Rumford Falls Power Company, and therefore to the Rumford Light Company as well. Oxford Paper was dependent on plentiful and substantial hydroelectric power which severely challenged other industrial and commercial expansion beyond the smallest of businesses. Through its wholly owned subsidiary, Rumford Falls Power Company, Oxford Paper was therefore able to influence the development of the hydroelectric facilities, the new loads which the local public utility, Rumford Light Company, would accept and therefore the economic development of the general area.

It was in this post-war period that permanent and lasting damage was done to the local economy which in some senses likely persists to this day.

It appears likely that had Rumford Light Company been able to serve more industrial customers that the forest products sector in the Rumford area would have grown substantially larger than it did at that time.²⁷ Furthermore, the economic benefits accrued, capital created through residential and commercial development, along with the enhancement of public facilities associated with higher levels of economic activity also never occurred. The damage from the power shortage of the late 1940s and early 1950s is not seen in what was lost but in what was never created. Given the high levels of growth during that period, the abundance of workforce and fiber supply it appears likely that growth and development lost would represent at a minimum a substantial premium over and above all growth that occurred during that period. This figure is very difficult to quantify but is suspected to be in the range of 5%-25% of total growth. In Rumford this would have meant between 497 and 2,488 more residents in the 1950 census. It is also likely that the lack of available power impeded intra-sector economic diversification

²⁶ Reports of the Tax Court of the United States, Volume 33, *Oxford Paper Company v. Commissioner of Internal Revenue*, Docket No. 63464, February 24, 1960, Pages 950-951

²⁷ This assertion is based on correspondence from Diamond Match Company which was requesting additional power for plant expansion in Peru. Maine Historical Society, Brown Library, Files of the Central Maine Power Company, Rumford Falls Light and Water Company, Correspondence of Diamond Match Company

within the forest products industry, thus making Rumford more dependent on the pulp and paper industry sub-sector and less economically resilient over time.

The timing of the late 1940s power shortage in Rumford was especially bad due to the echo effects associated with the incredible period of growth in industry during the late 1940s and the early 1950s. Much of this growth represented a substantial, significant, and permanent recovery from the Great Depression. It is notable that today Rumford's peak population was in 1930 at 10,340. A figure which was not surpassed even at the height of the baby boom in 1960 when the population peaked at 10,005. Rumford is one of the few Towns in the area where the local population in 1960 did not surpass the local population in 1930.

The availability of abundant 60 Hz power appears to have been one of the only constraining growth factors at that time and therefore is assessed to be exceptionally significant to local economic conditions at that time. Unfortunately although 60 Hz power finally arrived in abundance with the sale of Rumford Light Company to Central Maine Power and the attendant completion ca. 1961 of an interconnection to CMP's grid the remaining period of potential growth would be book ended by the energy crisis in 1973. The days of cheap plentiful energy came to a close and with it the abundance of opportunity by conventional means of central generation and distribution of electricity were forever curtailed.

This project history is highly relevant to the present application for a license at the project today because of the confluence of the licensing period with contemporaneous events in our nation's energy development policy. The passage of the Inflation Reduction Act and the Commission's publication of Order #2222 have set the stage for a dramatic period of innovation and change in the production, storage, transmission, and distribution of electricity in the United States.

In light of the multi-decade license term the Town considers it important for the project, the applicant, and the local economy to be able to readily avail themselves of the opportunities that the Inflation Reduction Act will offer in the coming years. The Town also notes that this change occurred contemporaneously with the initiation of the Integrated Licensing Process (ILP) and therefore could not be contained in the subject matter of the Town's pre-application questionnaires that were provided to the applicant. The Town believes it would be an enormous loss of opportunity if there were to be no consideration or study of the potential for the implementation of a distributed storage opportunity along with the potential for private non-project agreements for supplemental attached solar generation.²⁸

It is therefore the Town's considered opinion that the Rumford Falls Hydro project in its current state is substantially underdeveloped as an energy generator but that recent policy changes offer once in a century opportunity for change, progress, and much needed

²⁸ An affiliated company of the applicant, Luminace – a subsidiary of Brookfield Renewable, currently installs and operates behind the meter storage and generation opportunities for commercial and industrial customers.

growth. The Town also observes that this situation is through no fault whatsoever of the current operator and applicant, Brookfield Renewable d/b/a Rumford Falls Hydro LLC.

Given extensive advancements in generation opportunities and new policies supporting decentralized energy generation the Town believes that the Commission has a role to play in the furtherance of additional energy development at the Rumford Falls project.

16 USC § 797 states in part:

The Commission is authorized and empowered— (e) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam”

16 USC § 803 states in part:

All licenses issued under this subchapter shall be on the following conditions: (a)Modification of plans; factors considered to secure adaptability of project; recommendations for proposed terms and conditions
(1)

That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreational and other purposes referred to in section 797(e) of this title [1] if necessary in order to

secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

In consideration of the documented history of underdevelopment of the hydropower resource at Rumford Falls, recent advancements in technology, transmission, and distribution of electric power, reflecting the mandate to the Commission for “a comprehensive plan for improving or developing” and in light of the Commission’s jurisdiction and powers as enumerated above the Town therefore proposes as follows:

1. That the Commission shall direct the licensee to complete a feasibility study of potential improvements to the Rumford Falls project. This study is to be undertaken in consultation with the Town after the new license becomes effective and will be completed within two years of the effective date of the new license. This study will consider improvements to hydro power generating facilities within the existing power station footprint(s) with special attention paid to the potential for restoration of generation facilities to parts of the station which may have had it removed previously.
2. That the Commission will direct the proposed study (1.) to consider improvements to the facility which include the addition of “other project works” that use an aggregated distributed resources or “virtual power plant” mode of generation and energy storage that would support maximizing power generation and storage potential at the present transmission interconnection point(s) of the Rumford Falls Hydro project. The virtual power plant will also be studied for its potential interaction with the local utility network and the means by which it could support local utility needs for distribution power. The virtual power plant would be used to store excess energy generated by the present facilities, and to store excess energy present in the distribution and transmission system at the present interconnection points at an input level commensurate with the total output level of the aggregate project generation.
3. That the Commission shall license the applicant for the creation of “other project works” which shall include the installation, of distributed energy storage resources, at any connected utility service address in the territory of the former service area of the Rumford Light Company which includes at a minimum the Towns of Rumford, Mexico, Roxbury, Byron, Peru, Dixfield and

Canton²⁹. All of the associated equipment of the “other project works” shall be domiciled for property value purposes in Rumford at the physical address of the Rumford Falls hydro-electric station.³⁰

4. That the Commission shall order that the associated “other project works” shall have the same rights and privileges to interconnected transmission capacity presently allocated to the Rumford Falls Hydro project at its present locations of transmission interconnection. That in the event the present hydro power works are unable to provide power up to the maximum interconnected output limits that the “other project works” shall be able to provide power output equal to the generation deficit of maximum interconnected power and the existing hydro power project. However, that the “other project works” shall be installed and operated in a manner that is cooperative to the present distribution system as defined by the local utility operator, the Maine Public Utilities Commission and any other regulatory authority or independent system operator otherwise having jurisdiction in such matters.
5. That the Commission shall direct the licensee to complete a conceptual report of hydro power station improvements or expansion that could be undertaken at the Canal and Lower Station in the event of a closure or abandonment of the Rumford Mill. This report will specifically collect and report information on the total hydraulic capacity of the Canal, potential reuse of existing canal outlets, the feasibility of the creation of a new Lower Station or the expansion of a Lower Station. This report shall be conceptual, brief in nature, and provide only the minimum technical data necessary to assess the power production potential of the existing Canal given its hydraulic capacity should demand for paper-making water from the Rumford Mill be removed, and the flowage rights to all available water were available to the licensee.

The Town believes that this additional development of the hydropower resource is appropriate to the Commission’s mandate for power development and specifically “the improvement of water-power development” because the “other project works” will serve store power generated at the project and will ensure the most complete utilization of

²⁹ These towns (Dixfield only in part) were added to the service areas of the Rumford Light Company by subsequent Private and Special Laws. Roxbury and Byron in 1909 (Chapter 232), Canton and Dixfield (in part) in 1913 (Chapter 99).


³⁰ No change to the existing hydro power station footprint is contemplated or intended as part of this request.

available transmission capacity, “across, along, from, or in, any of the streams or other bodies of water over which Congress has jurisdiction”. The Town specifically proposes that these “other project works” should be considered an “improvement of water-power development” “along” a “stream or body of water over which Congress has jurisdiction”. The Town believes that as long as these “other project works” include residential and small commercial customers from the outset, it will address the historical shortcomings of the development to date. The “other project works” would all be in Towns that are “along” the watershed of the Androscoggin River. Rumford, Roxbury, Byron, Peru, Mexico, Dixfield, and Canton, are either above or below the general area of the Rumford Falls.

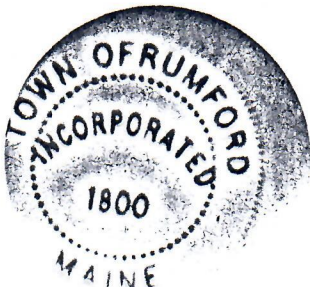
The Town presumes that any modifications to the project, to include the installation of “other project works” will only be done only on the basis of economic feasibility. Nothing in this filing should be construed by any party to indicate that the Town desires or requests that the applicant undertake power development which is uneconomic or unfeasible.

To this end and on behalf of the People of the Town of Rumford we respectfully submit these comments and appreciate the Commission’s continued regard for our community.

Most Respectfully,


Stacy Carter
Town Manager


George O'Keefe
Economic Development Director



ATTACHMENTS

Attachment A – Private and Special Laws of Maine – 1887 (Chapter 124)
“An Act concerning boomage rights at Rumford.”
Approved February 21, 1887

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

Chapter 124.

An Act concerning boomage rights at Rumford.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Hugh J. Chisholm and Charles D. Brown or their heirs and such persons or corporations as may be associated with them, or to whom they may grant, assign or lease or otherwise dispose of the rights and properties herein authorized, may erect and maintain at a point or points above and below the Great Falls at Rumford on the Androscoggin river and conveniently near the same, dams, piers, booms and side booms with all the incidents thereof for booming and holding logs, spars or other lumber ; but the works shall be so constructed as to provide for prompt and convenient passage of logs, spars and other lumber which may come within the same without unreasonable or unnecessary delay either in commencing or effecting such passage. And the owners or occupiers of such piers and booms shall provide upon said booms a sufficient number of men to pass said logs and lumber by said works, using reasonable diligence to do so ; and should they neglect and refuse so to do, the owners of such logs and lumber may supply the necessary help to accomplish that object at the reasonable charge and expense of said boom and pier owners, and controlling the same for the time being.

SECT. 2. The persons or corporation controlling, for the time being, said piers and booms, shall boom and hold all logs, spars and other lumber which may come within said booms, whenever the owners of said logs, spars and other lumber shall so request in writing, and said persons or corporation, holding or controlling said booms, as aforesaid, may thereupon demand, collect and receive a reasonable toll for each and every thousand feet so boomed and held for each season or part of season, during which the same shall be so boomed or held, and shall have a lien therefor on said logs, spars and other lumber, to continue and to be enforced, as provided by the revised statutes, chapter ninety-one, sections thirty-eight and thirty-nine, relative to the enforcement of liens of persons cutting, hauling, rafting or driving lumber, and other statutes appertaining thereto and amendatory thereof ; provided, however, that said boom and pier owners or operators shall be held only

H. J. Chisholm, et al. authorized to erect booms, etc., at Rumford.

Purposes.

Shall provide for prompt passage of logs.

Corporation shall boom all logs when requested by owners.

—may receive reasonable toll.

Lien for payment of toll.

CHAP. 125

to ordinary care in the construction of said works, and reasonable diligence in so holding and keeping such logs, spars and other lumber.

Authorized to take lands.

SECT. 3. The parties named in the first section of this act, their associates, successors, assignees or lessees, may take such lands as may be necessary for the erection and maintenance of said dams, booms and piers, and for connecting the same with the shores, and may, with their agents and teams, pass and repass over said shores, to and from them, over the lands of other persons, for the purposes aforesaid, and for managing said booms and dams, making compensation therefor, as is provided in the case of damages for lands taken in laying out highways.

—damages, how ascertained.

Approved February 21, 1887.

Chapter 125.

An Act relating to Ponds Sheer Boom Company

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Charter amended.

SECT. 1. The act entitled "An Act to incorporate Ponds Sheer Boom Company," approved March eleven, eighteen hundred and eighty, and an act amendatory thereof, approved February twenty-three, eighteen hundred and eighty-five, are hereby amended as follows : All powers and rights given by said acts, shall and may be had, held and enjoyed by the said Ponds Sheer Boom Company, their successors and assigns, entirely independent of and without any reference to any legislation had or to be had, in the province of New Brunswick.

All rights under charter shall be independent of any legislation in Province of N. B.

Sec. 2, repealed.

SECT. 2. The second section of the second hercinbefore mentioned act, is hereby repealed, and in lieu thereof, it is enacted as follows :

Tolls established.

'SECT. 2. The tolls mentioned in the acts aforesaid, are and shall be hereby changed in manner following, namely ; on all unrafted logs, timber and lumber that may come into the Aroostook river from the Presque Isle stream and the boundary line between the state of Maine and the province of New Brunswick, the said tolls shall be seven cents per thousand superficial feet, board measure, from said Presque Isle stream and point or place to said boundary line, and on all logs, timber

**Attachment B – Copy of Certificate of Organization,
Rumford Falls Power Company
September 27, 1890**

RUMFORD FALLS POWER COMPANY.

Certificate of Organization, September 27, 1890.

Purposes:--

To carry on the business of manufacturing by water, steam, electrical or other power at or near Rumford Falls, in the State of Maine, constructing dams, booms, piers, mill sites, canals, and other appliances and improvements incidental to the use of the water at said Falls, laying out village and town improvements in the neighborhood of said Rumford Falls in connection with the foregoing, and as incident thereto, erecting mills, houses, and other buildings, and hiring or leasing mills, houses, or other buildings and power developed by water, steam, electricity, or other motor; supplying the locality at and about Rumford Falls with light and water and the development of the water power at said Rumford Falls.

**Attachment C – Oxford County Registry of Deeds, Book 224, Pages 287-292
December 2, 1890**

Deed.

Know all Men by these Presents;
 That we Hugh J. Chisholm of Portland, County of
 Cumberland and State of Maine and Charles
 D. Brown of Boston, County of Suffolk, Common-
 wealth of Massachusetts, formerly of said Portland,
 in consideration of One Dollar, paid by the Run-
 ford Falls Power Company, a corporation created
 by and existing under the Laws of the State of
 Maine, the receipt whereof we do hereby acknowl-
 edge, do hereby give, grant, bargain, sell and
 convey unto the said Runford Falls Power Com-
 pany its successors and assigns forever.

All those certain parcels of land with the build-
 ings thereon situated on each side of the Andros-
 coggin River, in the Towns of Runford, Mexico and
 Peru in the County of Oxford and State of Maine,
 bounded and described as follows; Beginning
 at a point at the mouth of Swift River in the
 thread of said river; thence up said Swift River
 by the thread thereof to a point opposite a copper
 pin set in a stone post on the westerly bank of
 said Swift River at the northeasterly corner of the
 farm formerly owned and occupied by Dana
 S. Kimball; thence westerly through said
 copper pin and by the northerly line of said
 Kimball farm to a copper pin set in a stone post
 at the corner of Fred A. Porter's land; thence same
 course and by land of Eliza Porter to a copper pin
 set in a stone post at the northwesterly corner
 of the farm formerly owned and occupied by
 Daniel G. Frost; thence southerly by said Eliza
 Porter's land and land of Walds Pettengill and
 by the westerly line of said Frost land to a copper
 pin set in a stone post on the southerly line of
 land formerly the Nathan Knapp farm; said
 southerly line being the southerly line of Lot
 number One (1) in the second Division of lots
 north of the Androsoggin River in said Town of
 Runford; thence westerly by said southerly line
 of Lot number One (1) to a copper pin set in a
 stone post at the northwesterly corner of said
 Lot number One (1); thence southerly by the
 westerly line of said Lot number One (1) to a
 copper pin set in a stone buried in the ground

at the Southwesterly corner of Lot number One (1); thence Easterly by the Southerly line of said Lot number One (1), to an iron pin set in a large rock at the North Westerly corner of a lot of land conveyed to Sarah C. Pettingill by Chaplin Virgin and others by deed dated June 15, 1883, and recorded in Oxford County Registry of Deeds, Eastern District, Book 204, Page 145; thence Southerly in a direct line by the Westerly line of the lot so conveyed by said Chaplin Virgin and others to a hemlock tree spotted and marked P; thence South fifty (50) and three fourths ($\frac{3}{4}$) degrees East four (4) rods eighteen (18) links by the Southerly line of the lot so conveyed by said Chaplin Virgin and others, to a white ash tree spotted and marked P; thence South thirty-two (32) degrees East twenty five (25) rods eighteen (18) links by the Southerly line of the lot so conveyed by said Chaplin Virgin and others; to the Androscoggin River at a copper pin set in a stone post on the bank six (6) rods down the river from an elm tree spotted and marked P, standing on the North bank of a creek; thence down said Androscoggin River by the thread of the stream to the point begun at.

Also the Island in said Androscoggin River at the mouth of said Swift River formerly a part of the David S. Kimball farm, being the same premises conveyed to Hugh J. Chisholm and Charles D. Brown by the following deeds, namely: Deed from Waldo Pettingill and another dated April 26, 1883, and recorded in said Registry, Book 211, page 96; Deed from Sarah C. Pettingill dated December 1, 1883, and recorded in said Registry, Book 211, page 100; Deed from Waldo Pettingill, dated August 1, 1890, and recorded in said Registry, Book 216, page 422; Deed from Waldo Pettingill and another dated November 30, 1885, recorded in said Registry, Book 211, page 104; Deed from Waldo Pettingill and another dated April 17, 1883, and recorded in said Registry, Book 211, page 95; Deed from Sarah C. Pettingill, dated December 1, 1883, and recorded in said Registry, Book 211, page 101; Deed from Waldo Pettingill dated December 1, 1883.

and recorded in said Registry Book 211. page 98; Deed from Benjamin F. Reed to Hugh J. Chisholm dated May 6. 1884 and recorded in said Registry Book 208. page 45; Deed from Benjamin F. Reed to Hugh J. Chisholm dated May 6. 1884 and recorded in said Registry Book 205. page 163.

Also another parcel beginning at a point in the thread of the Androscoggin River where the easterly line of the Town of Rumford intersects the thread of said river; thence up said river by the thread thereof to a point opposite the South-Westly corner of the farm conveyed by William Irish to Thomas Irish by deed dated March 25. 1864. and recorded in said Registry Book 159. page 123; thence through said corner and by the Southerly line of said farm as described in said deed to said Easterly line of the Town of Rumford; thence Southerly by said Easterly line of the Town of Rumford, said line being the Easterly line of the Brown and Morse tract, so called, to the South-Westly corner of land conveyed by Benjamin F. Walton to Sarah C. Pettingill by deed dated November 17. 1883. and recorded in said Registry Book 204. page 434. and which Benjamin F. Walton let is included in this conveyance; thence Easterly by the Southerly line of said last described land to the Town road leading to Augustus F. Wings house; thence Southerly by the Town road to the Southerly line of the two (2) acres of land described as excepted by Benjamin F. Walton in his deed aforesaid; thence Easterly by the Southerly line of said two (2) acre parcel to the Androscoggin River; thence up said river by the thread thereof to the point begun at; Being the same premises conveyed to said Chisholm and Brown by the following deeds. viz: Deed from Sarah C. Pettingill dated December 1. 1888. and recorded in said Registry Book 211. page 99. Deed from Walds Pettingill dated April 10. 1884 and recorded in said Registry Book 211. page 97. Deed from Sarah C. Pettingill dated December 1. 1883, and recorded in said Registry Book 211. page 102; Deed from Charles A. Morse dated May 14. 1883. recorded

in said Registry Book 203. page 467; Deed from Lewis H. Reed. dated August 27. 1890. and recorded in said Registry Book 224. page 157; Deed from Margaret G. Soule and others. acknowledged December 16-1889. and recorded in said Registry Book 224. page 421; Deed from James H. Hammond. dated February 3. 1890. and recorded in said Registry Book 216. page 421; Deed from Sarah H. Staples and others. dated December 13. 1889. and recorded in said Registry Book 224. page 139; Deed from Elmer Brown and others. dated December 23. 1889. and recorded in said Registry Book 216. page 420; Deed from Sarah C. Pettingill. dated October 13. 1890. and recorded in said Registry October 17. 1890. Book

— Page —

Also all rights whatever conveyed by Waldo Pettingill and Sarah C. Pettingill to said Chisholm and Brown by deed dated November 30. A.D. 1885. and recorded in said Registry Book 213. page 72. subject to the restrictions therein contained. the descriptive portion of said deed being as follows; "All our right. title and interest in and to the following described rights of florage and boorage on the banks and in the Andros-coggin River in the Town of Rufford. as conveyed to us by the following deeds. to wit: Fannin A. Elliott to Sarah C. Pettingill. dated Aug. 15th 1884 and recorded in Book 203. page 129; Charles F. Wheeler to Sarah C. Pettingill. dated Aug. 15th 1884. and recorded in Book 203. page 130; Charles B. Abbott etals. to same. dated Aug. 16th 1884. recorded Book 203. page 131; Wallace Clark to same. dated Aug. 16th 1884. recorded Book 203. page 132; Abbott Virgin to same. dated Aug. 15th 1884. recorded Book 203. page 133; Joseph W. Simpson to same. dated June 11th 1884. recorded. Book 203. page 134; Henry Abbott to same. dated June 7th 1884. recorded Book 203. page 135; Emily A. Simpson to same. dated June 11th 1884. recorded Book 203. page 138; James K. Welch etals. to same. dated Aug. 28th 1884. recorded Book 203. page 139; A. J. Knight to same. dated Aug. 28th 1884. recorded Book 203. page 140; Wilson Thomas to same

dated Aug. 27th 1884, recorded Book 203. page 143; P. W. Abbott to same dated Aug. 27th 1884, recorded Book 203. page 141; Inhabitants of Rumford to same dated Dec. 13th 1884, recorded Book 203. page 230; R. D. Nymann to same dated Mar. 18th 1885 recorded Book 203. page 281; Elisha D. Fuller to same dated Mar. 18th 1885, recorded Book 203. page 282; Edward F. Elliott to same dated Mar. 28th 1885, recorded Book 203 page 283; Cotton Elliott to same dated Mar. 20th 1885, recorded Book 203 page 284; R. L. Thurston to same dated Mar. 26th 1885, recorded Book 203. page 285; G. T. Thurston to same dated Mar. 20th 1885, recorded Book 203. page 286; Frank M. Thurston to same dated Mar. 20th 1885, recorded Book 203 page 287; John N. Irish et al. to same dated Mar. 18th 1885, recorded Book 203 page 301; Virgil G. Fuller to same dated Mar. 18th 1885, recorded Book 203. page 302; Daniel Farnum to same dated May 11th 1885, recorded Book 203. page 346; Francis P. Putnam to same dated June 16th 1885, recorded Book 203. page 366;

And this conveyance is to be governed by the several restrictions mentioned in the above deeds. Also to the further restriction, that the top of the dam to be erected at the head of the Falls shall not be raised above a point three feet lower than the top of the iron pin in the ledge of rocks referred to in all of the above flowage deeds.

all the franchises, privileges and other rights which said Hugh J. Chisholm and Charles D. Brown had by virtue of an Act entitled "An Act concerning boorage rights at Rumford," approved February 21, 1887.

Also all the rights of said Hugh J. Chisholm and Charles D. Brown, by virtue of, or under any statute or deed, to any boorage, flowage, water, water power, or other riparian, shore, or aquatic rights, in or adjoining any part of the Androscoggin River or Swift River, in the Towns of Mexico, Peru, or Rumford.

Also all lands in the Towns of Rumford or Peru, which said Hugh J. Chisholm and

For Copy of Plan See Plan Book "A" Page 14.

Charles D. Brown owned jointly or as tenants in common on the fifteenth day of August 1890.

The premises are subject to all public rights of way through the same.

Reference is had to a plan of the property hereby conveyed, signed by Edward A. Buss, under date of December 1. 1890. and recorded, or to be recorded in the Oxford County Registry of Deeds, Eastern District, although said plan is not to control this deed.

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Rumford Falls Power Company, its successors and assigns to its and their use and behoof forever.

And we do covenant with the said Rumford Falls Power Company, its successors and assigns that we and our heirs shall and will warrant and defend the same to the said Rumford Falls Power Company, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under us, and against none other.

In Witness whereof, the said Hugh J. Chisholm and Charles D. Brown, and Henrietta M. Chisholm and Abba F. Brown, wives of the said Hugh J. Chisholm and Charles D. Brown, in testimony of their relinquishment of their rights of dower in the above described premises, have hereunto set their hands and seals this twenty eighth day of November in the year of our Lord one thousand eight hundred and ninety.

Signed, sealed and Delivered			
in presence of			
A. C. Denison	to C. D. B.	Charles D. Brown.	Seal
Daniel Brooks	to H. J. C.	Hugh J. Chisholm.	Seal
E. L. Stanwood Jr.	to H. M. C.	Henrietta M. Chisholm.	Seal
Chas. Alva Brown.	to A. F. B.	Abba F. Brown.	Seal

State of Maine.
 County of Cumberland, ss. Dec. 2nd A.D. 1890.
 Personally appeared the above named Hugh J. Chisholm and acknowledged the above instrument to be his free act and deed.
 Before me, Daniel Brooks, Justice of the Peace for said County.

**Attachment D – Articles of Agreement,
Rumford Falls Light and Water Company
July 1, 1892**

ARTICLES OF AGREEMENT.

In accordance with the provisions of the Statutes of the State of Maine, relative to organizing business corporations, the undersigned, whose residences are set against their respective names, hereby associate themselves together by these written articles of agreement for the purpose of organizing a corporation to carry on the business of manufacturing, transmitting, using and applying electricity and gas for the production of light, heat and power, including the distribution, sale and lease of gas and the electrical current therefor, in Rumford, County of Oxford and State of Maine, and Towns adjoining thereto and elsewhere; buying, selling, leasing and otherwise dealing in and operating machinery, apparatus and devices for generating, distributing, utilizing and supplying electricity and gas for the production of light, heat and power; acquiring, holding, owning and disposing of letters patent and rights thereunder relating to such machines, apparatus and devices and to processes and methods of generating, utilizing and applying electricity and gas for the foregoing purposes: the stroing, distributing, delivering, buying, selling and leasing water for domestic, fire and other purposes in and about said Rumford and Towns adjoining thereto or elsewhere: the acquisition, holding, owning, disposing of, all such property, both real and personal, as may be necessary, convenient or proper for accomplishing such objects or any of them, including the erection, buying, selling, leasing and operating water power, buildings, plants, engines, lines, mains, pipes, reservoirs, stand-pipes, and doing and transacting any other business that may be incidental to or connected therewith.

MINUTES COMPANY
MEETING MINUTES, ETC., 1892-1911

And for the purposes aforesaid, said corporation may acquire and own, in payment for property or services, or by original subscription, and manage, sell and dispose of in like manner as individuals may do, shares in the capital stock and bonds of companies carrying on a business like that which said company shall be empowered to transact under these articles of association.

Said Corporation shall be located at Rumford, County of Oxford and State of Maine.

Dated July 1st, A. D. 1892.

(Signed) Hugh J. Chisholm, Portland, Maine

" Daniel F. Emery, Jr., "

" Waldo Pettengill, Rumford, Maine.

" George D. Bisbee, Buckfield, Maine

in writing.

NOTICE OF FIRST MEETING.

To Hugh J. Chisholm, Waldo Pettengill and George D. Bisbee, being, with the undersigned, all the associates who have signed the foregoing agreement of association as a corporation, dated July 1, A. D. 1892, which agreement is made a part of this notice.

I, Daniel F. Emery, Jr., being one of the signers of said agreement, hereby give you and each of you notice that the first meeting of said associates will be held at the office of Symonds, Snow & Cook, at Portland, County of Cumberland and State of Maine, on Monday, the eighteenth day of July, A. D. ¹⁸⁹² at two o'clock in the

afternoon, according to the provisions of the Statutes of the State of Maine relative to organizing business corporations, for the purpose of organizing into a corporation, adopting a corporate name, defining the purposes of the corporation, fixing the amount of the capital stock, dividing it into shares, electing a president, not less than three directors, a clerk, treasurer and any other necessary officers and adopting a code of by-laws.

Dated at Portland this First day of July, A. D. 1892.

(Signed) Daniel F. Emery, jr.

ACKNOWLEDGMENT OF NOTICE.

We, the undersigned, being all the signers of the foregoing agreement for organizing into a corporation, dated July 1, A. D. 1892, severally acknowledge that we have received the above notice in writing.

July 1st, 1892.

(Signed) Hugh J. Chisholm.

" Daniel F. Emery, Jr.

" Waldo Pettengill.

" George D. Bisbee.

**Attachment E – Oxford County Registry of Deeds, Book 235, Pages 100-103
September 29, 1892**

Deed.

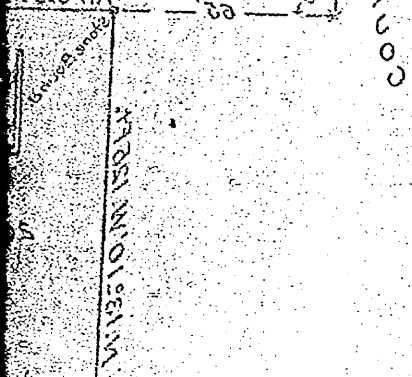
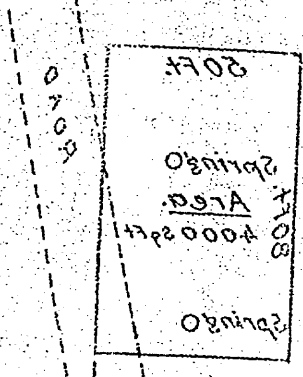
Know all men by these Presents that the Rumpfords Falls Power Company, a corporation created by the laws of the State of Maine, in consideration of One dollar and other valuable considerations to it paid by the Rumpfords Falls Light and Water Company a corporation created by the laws of the State of Maine the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto said Rumpfords Falls Light and Water Company, its successors and assigns forever,

All that certain tract, piece or parcel of land situated in Rumpfords, County of Oxford and State of Maine, on the westerly side of the Androscoggin River near Rumpfords Falls being the lot on which the old grist and saw mills stood, and bounded and described as follows: to wit: Commencing at low water mark of said river: thence over a copper bolt in the ledge and south seventy-six (76) degrees and fifty (50) minutes west, two hundred and fifteen (215) feet, more or less, to a copper bolt in a stone bound: thence at right angles to the right one hundred and twenty five (125) feet to a copper bolt in a stone bound: thence at right angles to the right one hundred and sixteen (116) feet, more or less, to low water mark: thence along the river at low water mark to the point of beginning, and containing twenty thousand and seven hundred (20,700) square feet, more or less.

Also a certain other piece or parcel of land situated in said Rumpfords, containing two springs and lying North westerly from the above described tract, being rectangular, fifty (50) by eighty (80) feet and sides parallel to the above described tract, bounded and described as follows: to wit: Commencing at a point in the County Road leading from East Rumpfords to Mexico, sixty-five (65) feet westerly and forty (40) feet northerly from the North west corner of the above described tract; thence south seventy six (76) degrees fifty (50) minutes west fifty (50) feet to a point; thence at right angles to the right eighty feet to a point; thence at right angles to the right fifty (50) feet to a point; thence at right angles to the right eighty (80) feet to the point begun at, and containing four thousand (4,000) square feet. Subject, never the less, to any easement now belonging to the public to use said County road as a public highway, to continue until said road, or such portion thereof, as crosses said land, is legally closed and

RUMFORD FALLS
POWER

SEP 21 1895



vacated, and all public rights therein finally terminated.

The above described parcels are shown upon the plan attached hereto bearing date September fifth 1892.

Also the right to enlarge and improve by blasting or otherwise the natural canal, (below the upper dam) that now conveys water to the first parcel above described.

Also the right to take and use water by way of the old flume, at any and all times when water runs over the upper dam, to be used to operate the wheel or wheels of the grantee located on the first parcel above described, the same to be free of charge.

Also the exclusive right at any and all times to take water from the upper dam, as called, at a point, and in the manner designated by the Engineer of the Grantor, for all domestic, fire, and municipal purposes required for the use of the present or future settlement at Rumpford Falls, and the exclusive right forever to lay, maintain, and use in any and all streets and ways which already have been or may hereafter be laid out by the Grantor, and in any and all public streets and highways which are now, or hereafter may be laid out by others, so far as Grantor may legally convey the same, in and around Rumpford Falls, suitable pipes and other appliances to take, store, convey, and distribute a sufficient supply of water for the foregoing purposes.

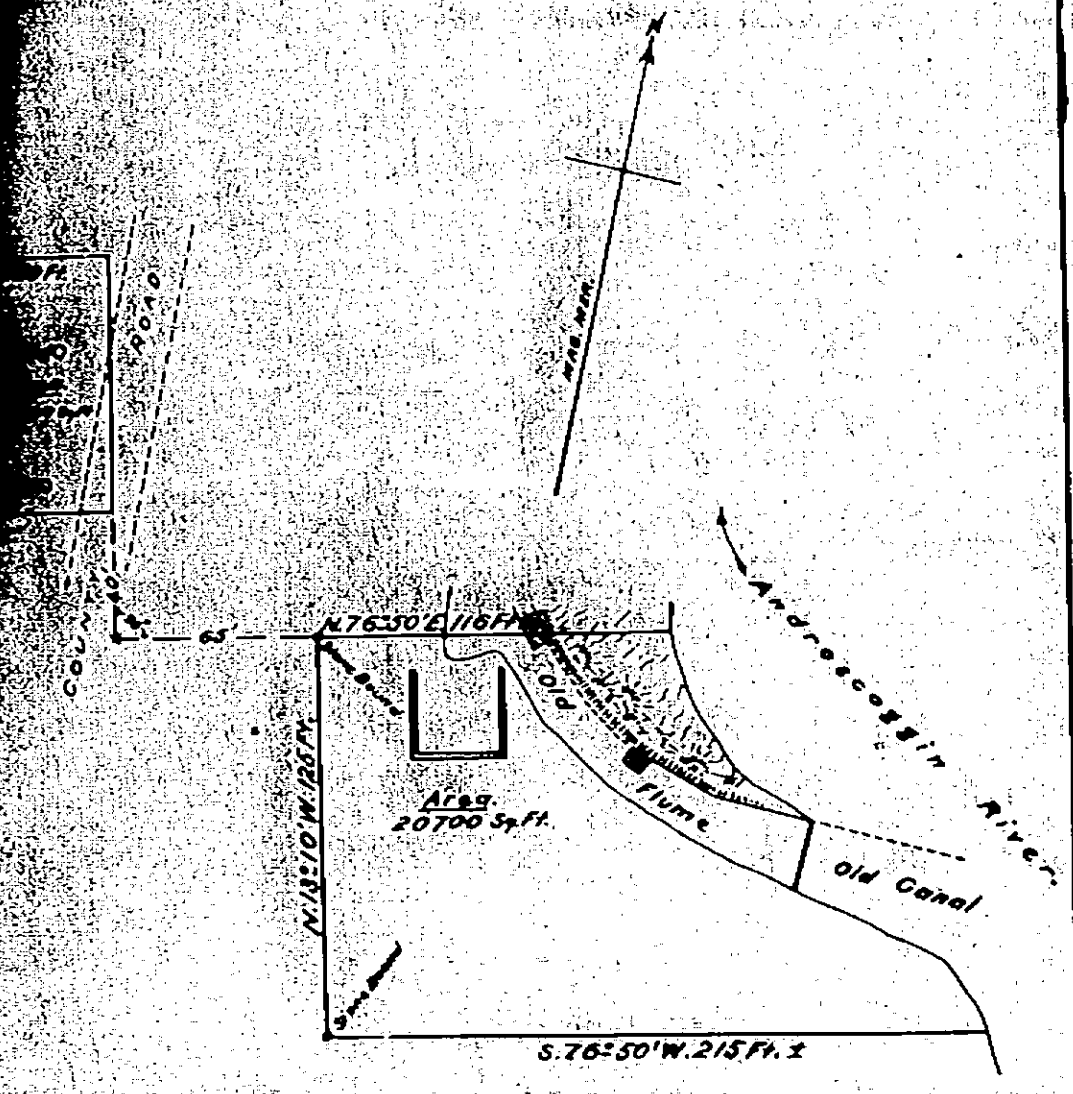
Also the right to lay and maintain a pipe or pipes from the first parcel above described to the upper dam, and the right at any and all times to take and use for power purposes by means of said pipe or pipes water from said upper dam to an amount not exceeding five hundred gross horse power to be paid for its use at the rate of eight dollars per gross horse power per annum, said payment to be made quarterly, the same to be appurtenant to said first described parcel and to be used, for the generation of power in the development of electricity and distribution of water in accordance with the Charter of said grantee.

Also the sole and exclusive right to erect, place, operate and maintain forever, in any and all

PLAT OF
RIMFORD FALLS LIGHT AND WATER CO.
POWER SITE.

TRA 5TH 1892.

SCALE 60 FT. TO 1 IN.



Handwritten notes in the left margin, including the number '100' and some illegible characters.

public streets and highways which already have been or may hereafter be laid out by the Grantor in and around Rumpford Falls, all poles, wires, pipes or other appliances necessary or suitable to transmit and furnish for public and private use at said Rumpford Falls and other places, light either by gas, electricity or other approved method, and to use the said poles, wires, pipes, and other appliances for such purpose ^{and} for the purpose of transmitting and furnishing power, not however exceeding one thousand (1000) horse power, such power not to be used in any way for the transportation of freight or passengers.

This conveyance is made subject to the right of the Grantor to lay, maintain and use pipes that may be required in the development of the Grantor's property for the purpose of conveying water or transmitting power across the premises hereby conveyed, and with the right from time to time to change the location of said pipes but not so as to interfere with or obstruct the business of the grantee or do any unnecessary injury to the Grantee's property.

This conveyance is also made subject to all rights of flottage and boorage, all of which rights are reserved to Grantor.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Grantee, its successors and assigns to their use and behoof forever. And the said Grantor does covenant with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises; that they are free of all incumbrances except as aforesaid; that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns, shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons, except as aforesaid.

In witness whereof the said Rumpford Falls Power Company by Hugh J. Chisholm, its Treasurer, hereunto duly authorized, has set its hand and caused its corporate seal to be hereto affixed this Twenty ninth day of September A.D. 1892.

In presence of
C. L. Stanwood Jr.

Rumpford Falls Power Co. Seal.
by Hugh J. Chisholm, Treasurer.

State of Maine

Sept. 29. 1892.

Cumberland ss.

Personally appeared the above named Hugh J. Whisholen Treasurer, and acknowledged the above instrument to be his free act and deed, and the free act and deed of said Rumford Falls Power Company.

Before me. Edwin L. Starnwood Jr.
Justice of the Peace.

Rec'd. Oct. 18th 1892. at 10^o AM. and recorded from the original by

John F. Stone Esq R & S

Guardian's Deed.

Know all men by these Presents that I Hepzibah C. Mason of Bethel, in the County of Oxford, State of Maine, Guardian of Herman Mason, and Sadie C. Mason minors, children and heirs at law of William W. Mason late of said Bethel, deceased, having on the third Tuesday of September A.D. 1892. obtained License from the Honorable George A. Wilson, Judge of Probate within and for the County of Oxford, and State of Maine, to sell and convey at private sale, in exchange for other real estate, the real estate hereinafter described, of the said Herman Mason and Sadie C. Mason, for the sum of twenty seven hundred and fifty dollars, the same being an advantageous offer therefor, and having agreeably to the order and decree of said Court given due notice upon the petition for license to make such sale, and exchange, and having given the bond, and taken the oath required by law, by virtue of the power and authority with which I am, as aforesaid, vested, and in consideration of the aforesaid sum of twenty seven hundred and fifty dollars to me, paid by Charles P. Bartlett, in exchange for an absolute deed of other real estate, the receipt whereof I do hereby acknowledge, have given, granted and sold, and by these Presents do give, grant, sell and convey to the said Charles P. Bartlett, his heirs and assigns forever, the following described real estate, viz: one undivided half part of all the poplar trees, wood and timber standing and being upon lots and parcels

Attachment F – Private and Special Laws of Maine – 1893 (Chapter 365)
**“An Act authorizing the Rumford Falls Light and Water Company to issue
mortgage bonds, and extend its plant.”**
Approved February 8, 1893

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

CHAP. 365

therefor, bonds in such sums and to such an amount, and on such time, as it may from time to time determine.

SECT. 5. This act shall take effect when approved.

Approved February 8, 1893.

Chapter 365.

An Act authorizing the Rumford Falls Light and Water Company to issue mortgage bonds, and extend its plant.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Organization of
the Rumford
Falls Light and
Water Company,
ratified.

SECT. 1. The Rumford Falls Light and Water Company, a corporation duly organized and existing under the laws of the state of Maine, which organization is hereby ratified, confirmed, and declared to be legal and valid, is hereby authorized and empowered to issue its bonds, secured by mortgage of its property and franchises or any part thereof, from time to time and in such amounts as it may deem necessary, provided that the aggregate of such issues shall not exceed two hundred thousand dollars.

—authorized to
issue bonds and
mortgage
property.

May take land.

SECT. 2. Said corporation is hereby authorized for the purposes of its organization, to take and hold, by purchase or otherwise any lands or real estate necessary therefor, and may enter upon or excavate through any lands when necessary for said purposes in the towns of Mexico and Peru in the county of Oxford, or either of them.

Liability for
damages, and
how ascertained
in case of dis-
agreement.

SECT. 3. Said corporation shall be held liable to pay all damages that shall be sustained by any person or corporation by the taking of any land or other property, or by flowage, or by entering upon or excavating through any land for the purpose of erecting poles or laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid and said corporation cannot mutually agree upon the sum to be paid therefor, either party may cause the damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages, by the laying out of railroads.

SECT. 4. Said corporation is hereby authorized to erect and lay down in and through the streets and highways in the towns of Rumford, Mexico and Peru, in the county of Oxford, and to take up, replace and repair any poles, pipes, aqueducts and fixtures which may be necessary or proper for the purposes of their organization, under such reasonable restrictions as may be imposed by the selectmen of said towns, or either of them, and said corporation shall be responsible for all damages to persons and property occasioned by the use of such streets and highways and shall further be liable to pay to said town or towns all sums recovered against said town or towns for damages for obstructions caused by said corporation, and for all expenses, including reasonable counsel fees, incurred in defending such suits with interest on the same.

Authorized to erect, etc., poles, pipes and aqueducts.

—liable for damages caused by use of streets.

SECT. 5. Said corporation is hereby authorized to make contracts with other corporations, individuals, towns and school districts for the purposes of supplying water, light and power as contemplated by the purposes of its organization, and said towns of Rumford, Mexico and Peru, or either of them, by their or its selectmen, and any of said corporations by its duly authorized officers, is and are hereby authorized to enter into contracts with said company for the supply of water, light and power as said town or towns and other corporations may agree upon, which, when made, shall be legal and binding upon all parties thereto.

Authorized to supply water, light and power.

SECT. 6. Said corporation shall have power to cross any water course or river, or public or private sewer, when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby. Whenever said corporation shall erect any pole or poles, or lay down any pipe or pipes in any street or streets, or make any alterations or repairs in any street or highway, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements removed by it to be replaced in proper condition.

May cross any river or sewer.

—shall not unnecessarily obstruct public travel.

SECT. 7. This act shall take effect when approved.

Attachment G – Private and Special Laws of Maine – 1893 (Chapter 376)
“An Act authorizing the Rumford Falls Power Company to hold stock and bonds of
other corporations.”
Approved February 9, 1893

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

Chapter 376.

An Act authorizing the Rumford Falls Power Company to hold stock and bonds of other corporations.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. The Rumford Falls Power Company, a corporation duly organized and existing under the laws of the state of Maine, which organization is hereby ratified, confirmed and declared to be legal and valid, is hereby authorized and empowered to acquire, hold and dispose of shares of capital stock and mortgage bonds of other corporations.

Organization of Rumford Falls Power Company, ratified.

—may hold stock, etc., of other corporations.

SECT. 2. This act shall take effect when approved.

Approved February 9, 1893.

Chapter 377.

An Act authorizing the Rumford Falls Paper Company to hold stock and bonds of other corporations.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. The Rumford Falls Paper Company, a corporation duly organized and existing under the laws of the state of Maine, which organization is hereby ratified, confirmed and declared to be legal and valid, is hereby authorized and empowered to acquire, hold and dispose of shares of capital stock and mortgage bonds of other corporations.

Organization of Rumford Falls Paper Company, ratified.

—may hold stock, etc., of other corporations.

SECT. 2. This act shall take effect when approved.

Approved February 9, 1893.

**Attachment H – Oxford County Registry of Deeds, Book 314, Pages 4-5
January 27, 1906**

Rec'd Oct 29th, 1909, at 4h 10m P. M. and recorded from the original by

J. Hastings Dean REGISTER
Geo. Carrie Hall Clerk

DEED

KNOW ALL MEN BY THESE PRESENTS, That the RUMFORD FALLS LIGHT AND WATER COMPANY, a corporation established by law and having a place of business at Rumford, in the County of Oxford and State of Maine, in consideration of one dollar and other valuable consideration paid by the RUMFORD FALLS POWER COMPANY, a corporation established by law and having a place of business at said Rumford, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Rumford Falls Power Company, its successors and assigns forever, all the right title and interest of said Rumford Falls Light and Water Company in and to all that certain tract, piece or parcel of land situated in Rumford, County of Oxford and State of Maine, on the westerly side of the Androscoggin River near Rumford Falls, being the lot on which the old Grist and Saw Mills stood and bounded and described as follows, to wit:-

Commencing at low water mark of said river, thence over a copper bolt in the ledge and south seventy-six (76) degrees and fifty (50) minutes west, two hundred and fifteen (215) feet, more or less, to a copper bolt in a stone bound; thence at right angles to the right one hundred and twenty-five (125) feet to a copper bolt in a stone bound; thence at right angles to the right one hundred and sixteen (116) feet, more or less, to low water mark; thence along the river at low water mark to the point of beginning, and containing twenty thousand and seven hundred (20,700) square feet, more or less.

Also all the right, title and interest of said Rumford Falls Light and Water Company in and to a certain other piece or parcel of land situated in said Rumford containing two springs and lying northwesterly from the above described tract, being rectangular, fifty (50) by eighty (80) feet and sides parallel to the above described tract, bounded and described as follows, to wit: Commencing at a point in the old County road leading from East Rumford to Mexico, (which road has since been discontinued) sixty-five (65) feet westerly and forty (40) feet northerly from the northwest corner of the above described tract; thence south seventy-six (76) degrees, fifty (50) minutes west, fifty (50) feet to a point; thence at right angles to the right eighty (80) feet to a point; thence at right angles to the right fifty (50) feet to a point; thence at right angles to the right eighty (80) feet to the point begun at, and containing four thousand (4000) square feet; together with all the buildings and machinery on either or both of the above described parcels of land.

The above described parcels are shown upon a plan attached to the deed of the Rumford Falls Power Company to the Rumford Falls Light and Water Company, dated September 29, 1892, and recorded in the Oxford County Registry of Deeds in Book 235, pages 100 to 103 inclusive, said plan bearing date September 5, 1892.

Also in and to the right which the grantor hereof has to enlarge and improve by blasting or otherwise the natural canal (below the upper dam) that on the twenty-ninth day of September, A. D. 1892 conveyed water to the first parcel above described.

Also in and to the right, which the grantor hereof has, to take and use water by way of the old flume, at any and all times when water runs over the upper dam, to operate the wheel or wheels of the grantor hereof located on the first parcel above described.

Also in and to the exclusive right, which the grantor hereof has, to take at any and all times, water from the upper dam, so called, at a point and in the manner designated by the engineer of the Rumford Falls Power Company for all domestic, fire and municipal purposes required for the use of the present or future settlement at Rumford Falls aforesaid.

Also in and to the right which the grantor hereof has, to lay and maintain a pipe or pipes from the first parcel above described to the upper dam and the right, at any and all times, to take and use for power purposes, by means of said pipe or pipes, water from said upper dam to an amount not exceeding five hundred gross horse power, the same being appurtenant to said first described parcel; said water to be used, however, only for the generation of power in the development of electricity and distribution of water, in accordance with the charter of the said Rumford Falls Light and Water Company.

Meaning and intending hereby to convey all the right, title and interest of said Rumford Falls Light and Water Company in and to all the land, with

the buildings and machinery thereon, and in and to a portion of the rights, privileges and appurtenances conveyed to the said Rumford Falls Light and Water Company by the Rumford Falls Power Company by its deed of September 29, 1892, recorded in said Registry in Book 235, pages 100 to 103 inclusive, but subject however, to the reservations and exceptions in said deed mentioned.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said Rumford Falls Power Company, its successors and assigns forever.

IN WITNESS WHEREOF, the said Rumford Falls Light and Water Company has caused these presents to be executed in its behalf by George D. Bisbee, its President and Waldo Pettengill, its Treasurer, and its corporate seal affixed this twenty-seventh day of January in the year of our Lord one thousand nine hundred and six.

Signed, Sealed and Delivered

in presence of
Josiah H. Drummond
Josiah H. Drummond

RUMFORD FALLS LIGHT AND WATER COMPANY

By
George D. Bisbee President
Waldo Pettengill Treasurer
SEAL

STATE OF MAINE

Cumberland County ss

January 27th, 1906.

Personally appeared the above named George D. Bisbee and Waldo Pettengill, President and Treasurer of the Rumford Falls Light and Water Company, and in their said capacity acknowledged the above instrument to be the free act and deed of said corporation.

Before me,
Josiah H. Drummond
Justice of the Peace.

Rec'd Oct 30th, 1909, at 8h, A.M. and recorded from the original by

Wheatings Register
Wm. Harris Clerk

MORTGAGE DEED

KNOW ALL MEN BY THESE PRESENTS, That I, Frederick A. Furbish of in the County of Oxford and State of Maine in consideration of the sum of Forty-five Hundred dollars paid by the Mechanic Falls Loan and Building Association, a duly organized corporation having its principal place of business at Mechanic Falls, Maine, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said Mechanic Falls Loan and Building Association, its successors and assigns forever, the following described real estate, situated in Rumford Falls Village in the town of Rumford and County of Oxford with the buildings thereon and described as follows, viz:- Lot numbered ten hundred and fifty-four 1054 on the westerly side of Congress Street, and being all and the same lot of land conveyed to James S. Morse by Frank P. Atwood and Preston S. Lowe by their Warranty Deed dated August 14th, A. D. 1893, recorded in Oxford County Registry of Deeds, Book 235, Page 74 to which deed reference is hereby made for a more particular description of the premises hereby conveyed, being also the same lot or parcel of land conveyed to Milford N. Sanders by Joseph F. Chute by his Warranty Deed dated Oct 9th A. D. 1900, and recorded in Oxford County Registry of Deeds, Book 266, Page 14. The building on said lot is numbered twenty-five (25). Said lot above described is subject to all conditions, exceptions and restrictions contained in the original deed from the Rumford Falls Power Company when the lot herein conveyed was conveyed by said Rumford Falls Power Co., being a part of the premises conveyed to Wm. C. Day by Jas S. Morse by deed dated May 18 A. D. 1895 and recorded in Oxford Registry of Deeds Book 242, Page 255.

The said premises being the same conveyed to me by Milford N. Sanders by Warranty deed dated Oct 11, 1909 to be recorded in the Registry of Deeds, Book , Page , to which deed and record reference may be had for a more particular description of the premises hereby conveyed.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Mechanic Falls Loan and Building Association, its successors and assigns, to their use and behoof forever, And I do covenant with the said Mechanic Falls Loan and Building Association, its successors and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said Mechanic Falls Loan and Buildings Association; to hold as aforesaid; and that I and my heirs shall and will Warrant and Defend the same to the said Mechanic Falls Loan and Building Association, its successors and assigns, forever, against the lawful claims and demands of

323
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273
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MAR 17 1912
This document recorded in Book 323, Page 272

Attachment I – 1913 Public Law (Chapter 129)
**“An Act to Create a Public Utilities Commission, Prescribe its Powers and Duties,
and Provide for the Regulation and Control of Public Utilities.”**
[The Maine Public Utilities Act]
Approved March 27, 1913

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

**The following law
(P.L. 1913, ch. 129)
survived a people's veto,
September 14, 1914.**

Question:

"Those in favor of the control of the public utilities of the State of Maine, in the manner provided by [the act] will place a cross X in the square marked 'Yes.'"

Yes: 67,635

No: 37,008

son of such interest being conditioned upon the happening of a contingency or dependent upon the exercise of a discretion or subject to a power of appointment or otherwise, the attorney general may effect such settlement of the tax as he shall deem for the best interests of the state and payment of the sum so agreed upon shall be full satisfaction of such tax,' so that said section as amended shall read as follows:

'Section 70. Whenever property shall descend by devise, descent, bequest or grant to a person for life or for a term of years and the remainder to another, except to or for the use of any educational, charitable, religious or benevolent institution in this state, the value of the prior estate shall be determined by the Actuaries' Combined Experience Tables at four per cent compound interest and a tax imposed at the rate prescribed in the preceding section for the class to which the devisee, legatee or grantee of such estate belongs and a tax shall be imposed at the same time upon the remaining value of such property at the rate prescribed in said section for the class to which the devisee, legatee or grantee of such remainder belongs, subject to the exemptions provided in the preceding section.

In every case in which it is impossible to compute the present value of any interest, by reason of such interest being conditioned upon the happening of a contingency or dependent upon the exercise of a discretion or subject to a power of appointment or otherwise, the attorney general may effect such settlement of the tax as he shall deem for the best interest of the state and payment of the sum so agreed upon shall be a full satisfaction of such tax.'

Section 2. The provisions of this act shall apply to all cases in which the tax remains unpaid at the date of the enactment hereof.

Approved March 26, 1913.

Chapter 129.

An Act to Create a Public Utilities Commission, Prescribe its Powers and Duties, and Provide for the Regulation and Control of Public Utilities.

Be it enacted by the People of the State of Maine, as follows:

PUBLIC UTILITIES COMMISSION ESTABLISHED.

Section 1. The governor with the advice and consent of the council shall appoint three commissioners, one of whom he shall designate as chairman, which said commissioners shall

Whenver remainder of any property is bequeathed to a collateral heir, a stranger to the blood, it shall be taxed.

—value of prior estate, how determined.

When impossible to compute present value of interest

—the attorney general may decide.

Cases to which this act shall apply.

Appoint-ment of commis-sioners.

CHAP. 129

be jointly known as the Public Utilities Commission. Said commission shall adopt and have a seal and be provided with an office at the State House in which its records shall be kept. Under the direction of the governor and council said commission may expend such sums of money as may be necessary for the purchase of books, maps, stationery, office furniture and supplies, for procuring statistics and information and for defraying expenses incidental to the discharge of its duties. A statement of such expenses shall accompany its annual report. Said commission shall appoint a clerk and an assistant clerk. The clerk shall keep a full and minute record of the proceedings of the commission which shall be open to public inspection at all times. The assistant clerk shall assist the clerk in the performance of his duties, and in the absence of the clerk shall have the same powers as the clerk.

—office at state house.

—equipment.

—report of expenses.

—clerk and assistant clerk, duties of.

Members of commission and employes shall not be connected with any public utility.

—commissioner shall hold no other office.

—exception.

—commissioner may be removed for violation of this section.

Salaries and expenditures.

No member or employee of said commission shall have any official or professional connection or relation with or hold any stock or securities in any public utility as herein defined, operating within the State of Maine, nor shall he render any professional service against any such public utility, nor shall he be a member of a firm which shall render any such service. No commissioner shall hold any other office of profit or trust under the government of the United States or of this state except the office of justice of the peace or notary public, nor shall he serve on or under any committee of any political party. Any wilful violation of the provisions of this act by any commissioner shall constitute sufficient cause for his removal by the governor with the advice and consent of the council.

Section 2. The annual salary of each member of said commission shall be, for the chairman five thousand dollars, and for each other member four thousand five hundred dollars; the salary of the clerk shall be twenty-five hundred dollars, and the salary of the assistant clerk shall be fifteen hundred dollars; and the commissioners, their clerks and all employees shall receive actual expenses when travelling on official business. The chairman of the commission first appointed shall hold office for seven years, and the other members thereof shall hold office for five years and three years respectively; and the terms of the two latter shall be designated by the governor when making the appointments. Each member thereafter appointed shall hold office for seven years. Any vacancy occurring in said commission shall be filled in the same manner as by original appointment, but such appointment shall be only for the unex-

—term of office.

—vacancies how filled.

pired portion of the term in which such vacancy occurs.

CHAP. 129

Section 3. The commission shall have the right to employ such expert, professional, or other assistance as is necessary in making investigations or in otherwise carrying out the provisions of this act, and may make all necessary rules and regulations.

Commission may employ expert assistance.

Section 4. The commission shall have authority to inquire into the management of the business of all public utilities, and shall keep itself informed as to the manner and method in which each is conducted; and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

Investigations by commission.

Section 5. The commission or any commissioner or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility in relation to its business and affairs and to take copies thereof. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection. Such person or persons so employed shall not directly or indirectly divulge any information so derived to any one except to the commission or under direction of the commission. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars and by imprisonment for not more than one year.

Commission shall have right to inspect books, etc.

—agents shall produce authority to inspect.

—shall not divulge information.

—penalty.

Section 6. Every public utility shall furnish the commission with all information necessary to carry into effect the provisions of this act; and in case it is unable to furnish such information it shall give a good and sufficient reason for such failure, and the reason for such failure shall be verified by an officer, owner or agent of such public utility and returned to the commission at its office within the time fixed by the commission.

Utilities shall furnish information.

Section 7. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the supreme judicial court, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility and within its control in any office or place within or outside the state, or verified copies thereof instead, if the commission shall so order, so that an examination thereof may be made by the commission or under its direction. Any public utility or any officer, agent or attorney thereof failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the

Commission may serve order for production of books, etc.

—penalty for failure to obey order.

CHAP. 129

state treasury a sum not less than fifty dollars nor more than five hundred dollars to be recovered by the state in an action on the case, which may be instituted by the commission in the name of the state.

Commission shall inquire into violations of law, by public utilities.

Section 8. The commission shall inquire into any neglect or violation of the laws of the state by any public utility doing business therein, or by the officers, agents or employees thereof or by any person operating the plant of any public utility; and shall have the power and it shall be its duty to enforce the provisions of this act and all other laws relating to public utilities and to report all violations thereof to the attorney general. Upon the request of the commission it shall be the duty of the attorney general or of the county attorney of the proper county to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this act and of all other laws of this state relating to public utilities and to the punishment of all violations thereof. Any forfeiture or penalty herein provided shall be recovered and suit therefor be brought in the name of the state in the supreme judicial court in the county where the main office of the public utility is located or in Kennebec county. Complaint for the recovery of any such forfeiture may be made by the commission or any member thereof, and when so made the action so commenced shall be prosecuted by the attorney general. The commission shall have authority to employ counsel in any proceeding, investigation or trial.

—attorney general and county attorneys shall aid commission.

—suit to recover penalties.

—complaint, by whom made.

DEFINITIONS.

Commission.

Section 9. The term "commission" when used in this act, means the Public Utilities Commission.

Commissioner.

The term "commissioner" when used in this act, means one of the members of the commission.

Corporation.

The term "corporation" when used in this act, includes municipal and quasi-municipal corporations.

Person.

The term "person" when used in this act, includes an individual, a co-partnership and a voluntary association.

Transportation of persons.

The term "transportation of persons" when used in this act, includes every service in connection with or incidental to the safety, comfort and convenience of the person transported and the receipt, carriage and delivery for such person and his baggage.

Transportation of property.

The term "transportation of property" when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt,

delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express or telegraph companies. CHAP. 129

The term "street railroad" when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property. Street rail-
road.

The term "street railroad company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state. Street rail-
road com-
pany.

The term "railroad" when used in this act, includes every commercial, interurban and other railway other than a street railroad and each and every branch and extension thereof by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property. Railroad.

The term "railroad company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state. Railroad
company.

The term "express company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or over any stage line or auto stage line within the state when such freight, merchandise or other property is regularly prepaid to its destination. Express
company.

The term "common carrier" when used in this act, includes every railroad company, street railroad company, express company, dispatch, sleeping car, dining car, drawing room car, freight, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or per- Common
carrier.

CHAP. 129 son, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.

Gas plant. The term "gas plant" when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas for light, heat or power.

Gas company. The term "gas company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

Electric plant. The term "electric plant" when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, for public use and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power for public use.

Electrical company. The term "electrical company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

Telephone line. The term "telephone line" when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication

is had with or without the use of transmission wires.

The term "telephone company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state.

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Telephone
company.

The term "telegraph line" when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

Telegraph
line.

The term "telegraph company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state.

Telegraph
company.

The term "water works" when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for municipal and domestic use.

Water
works.

The term "water company" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water works for compensation within this state.

Water com-
pany.

The term "vessel" when used in this act, includes every steamboat which is owned, controlled, operated or managed for public use, in the transportation of persons or property for compensation within this state.

Vessel.

The term "wharfinger" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state.

Wharfing-
er.

The term "warehouseman" when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which prop-

Warehouse-
man.

CHAP. 129 erty is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

Public utility.

The term "public utility" when used in this act, includes every common carrier, gas company, electrical company, telephone company, telegraph company, water company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to the provisions of this act.

RATES AND ACCOUNTING.

Public utility shall furnish safe and reasonable facilities.

Section 10. Every public utility is required to furnish safe, reasonable and adequate facilities. The rate, toll or charge, or any joint rate made, exacted, demanded or collected by any public utility for the conveyance or transportation of persons or property between points within this state, or for any heat, light, water or power produced, transmitted, delivered or furnished, or for any telephone or telegraph message conveyed, or for any service rendered or to be rendered in connection with any public utility, shall be reasonable and just, taking into due consideration the fair value of all its property with a fair return thereon, its rights and plant as a going concern, business risk and depreciation. Every unjust or unreasonable charge for such service is hereby prohibited and declared unlawful.

—charges shall be reasonable and just.

Commission to prescribe uniform system of accounts.

Section 11. Every public utility shall keep and render to the commission in the manner and form prescribed by the commission, uniform accounts of all business transacted. In formulating a system of accounting for any class of public utilities the commission shall consider any system of accounting established by any federal law, commission or department, and any system authorized by the national association of such utilities.

Utility may be required to render account of subsidiary business.

Section 12. Every public utility engaged directly or indirectly in any other subsidiary business shall, if ordered by the commission, keep and render separately to the commission in like manner and form, the accounts of all such business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers and records of such other business.

Commission shall prescribe forms of all books, records, etc.

Section 13. The commission shall prescribe the forms of all books, accounts, papers and records required to be kept, and every public utility is required to keep and render its books,

accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers and records; provided that the requirements of this section shall not apply to a public utility having no property located within this state other than such as is employed therein while in transit, but every such public utility shall appoint an agent residing in this state upon whom all notices, processes of the commission or other papers relating to the provisions of this act may be served, and shall file a copy of such appointment with the clerk of the commission.

—this section not to apply to utility out of this state.

—exception.

Section 14. The commission shall cause to be prepared suitable blanks for carrying out the purposes of this act, and shall when necessary, furnish such blanks to each public utility.

Commission shall prepare blanks.

Section 15. No public utility shall keep any other books, accounts, papers or records of its business transacted than those prescribed or approved by the commission, provided, however, that nothing contained in this act shall require any public utility engaged in interstate commerce, to do, or not to do, anything contrary to the requirements of any federal law, relating thereto.

Other systems prohibited.

Section 16. The accounts of all public utilities shall be closed annually on the thirtieth day of June, and a balance sheet of that date promptly taken therefrom. On or before the first day of September following, such balance sheet together with such other information as the commission shall prescribe, verified by an officer or owner of the public utility, shall be filed with the commission.

Accounts, when closed.

Section 17. The commission shall provide for the examination and audit of all accounts and all items shall be allocated to the accounts in the manner prescribed by the commission.

Audit of accounts.

Section 18. The agents, accountants or examiners employed by the commission shall have authority within or outside the state under the direction of the commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by any public utility.

Authority of agents to inspect records of public utilities.

Section 19. 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, showing all rates, tolls and charges which it 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 therewith or performed by any public utility controlled or operated by it or in conjunction therewith. The rates, tolls and charges shown on the schedules first to be filed shall not exceed the rates, tolls and charges which

Public utility shall file schedule of rates.

—rates not to exceed those of January 1, 1913.

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were in force on January first, nineteen hundred and thirteen, except that the rates, tolls and charges of utilities under the jurisdiction of the Interstate Commerce Commission, shown on the schedules first to be filed, shall be the rates, tolls and charges in force when this Act goes into full effect.

Section 20. Every public utility shall file with and as a part of such schedules all rules and regulations that in any manner affect the rates charged or to be charged for any service.

Utilities shall file rate rules, etc.

Section 21. A copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station or office of said public utility where payments are made by the consumers or users, open to the public under such rules and regulations as may be prescribed by the commission.

Schedules of joint rates.

Section 22. Where a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission and so much thereof as the commission shall deem for the use of the public shall be filed in every such station or office as provided in section twenty-one of this act.

Notice of change of rates required.

Section 23. No change shall hereafter be made in any schedule including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect.

New schedules to be printed and open to the public.

Section 24. Copies of all new schedules shall be filed as hereinbefore provided in every station and office of such public utility where payments are made by customers or users ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

No unreasonable preference of rebate.

Section 25. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation, except as otherwise provided in section thirty-two of this act for any service performed by it within the state or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedules. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this act. The commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

Section 26. The commission shall provide for a comprehensive classification of service for each public utility and such 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 is required to conform its schedules of rates, tolls and charges to such classification.

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Comprehensive classification of service.

REGULATION AND CONTROL.

Section 27. Section one of chapter fifty-five of the Revised Statutes is hereby amended so as to read as follows:

'Section 1. Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity or both for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns within the state, or for either or any of such purposes, may be organized under the provisions of sections five to ten inclusive of chapter forty-seven, but no corporation so organized, person or association shall have authority, without the consent of said public utilities commission to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service.'

Section 1 of chapter 55, R. S., amended.

No organization of new corporation without consent of commission in any place occupied by old corporation or person.

Section 28. No such consent and no license, permit or franchise shall be granted to any person, association or corporation to operate, manage or control any public utility of the kind named in section twenty-seven in any city or town where there is in operation a public utility engaged in similar service or authorized therefor until said commission has made a declaration after a public hearing of all parties interested that public convenience and necessity require such second public utility.

Consent to be had only after hearing.

Section 29. No such consent to operate, manage or control any public utility shall be hereafter granted to a corporation unless such corporation is duly organized under the laws of the state of Maine or authorized by such laws to do business in this state.

Consent only given to corporation organized under laws of Maine.

Section 30. It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by such public utility in consideration of the furnishing by such person, firm or corporation of any part of the facilities incident thereto; provided that nothing herein shall be construed as prohibiting any public utility from renting any

Utilities must not give special privileges.

—proviso.

CHAP. 129 facilities incident to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone or telegraph messages and paying a reasonable rental therefor, or as requiring any public utility to furnish any part of such appliances which are situated in or upon the premises of any customer or user, except telephone station equipments upon the subscribers' premises, and unless otherwise ordered by the commission, meters and appliances for the measurement of any product or service; and provided further that nothing herein shall affect scheduled classifications of telephone service wherein separate charges are made for facilities and for service or scheduled classifications of rural telephone service wherein a portion of the facilities are regularly furnished by the user of the service.

Penalty for unreasonable preference.

Section 31. If any public utility make or give any undue or unreasonable preference or advantage to any particular person, firm or corporation or any undue or unreasonable prejudice or disadvantage in any respect whatever, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful.

Unlawful to receive or solicit rebates. —exceptions.

Section 32. It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, discount or discrimination in respect to any service rendered or to be rendered by any public utility, or for any service in connection therewith whereby any such service shall in any manner, or by any device whatsoever, be rendered free or at a rate less than named in the schedules in force as provided herein or whereby any service or advantage is received other than is herein specified; provided that this act shall not prohibit such free or reduced rate transportation by common carriers as is defined and provided for in the Acts of Congress entitled "An Act to regulate commerce" and acts amendatory thereof; nor shall it be construed to prohibit any public utility from granting service at reduced rates for charitable and benevolent purposes, provided the same be approved by the commission, nor shall it be unlawful for any public utility to make special rates to its employees or in cases of emergency service, nor shall the furnishing by any public utility of any product or service at the rates and upon the terms and conditions provided for in any contract in existence January first, nineteen hundred thirteen, be construed as constituting a discrimination, or undue or unreasonable preference, or advantage within the meaning specified; provided however that when any such contract or contracts are or become terminable by notice by such utility the com-

—exception.

mission shall have power in its discretion to direct by order that such contract or contracts shall be terminated by such utility as and when directed by such order. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than one thousand dollars for each offense.

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—penalty.

INVESTIGATION OF ACCIDENTS.

Section 33. In the event of an accident resulting in the loss of human life occurring upon the premises of any public utility, or directly or indirectly arising from or connected with its maintenance or operation, the commission shall cause an investigation thereof to be made forthwith, and in the event of any such accident resulting in personal injury or damage to property the commission may make such investigation if in its judgment the public interest requires it, which investigation shall be held in the locality of the accident, unless for the greater convenience of those concerned it shall order such investigation to be held at some other place; such investigation may adjourn from place to place as may be found necessary and convenient. The commission shall seasonably notify the public utility of the time and place of the investigation, and such public utility may then be heard; and the commission shall have power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable. Every public utility is hereby required to file with the commission under such rules and regulations as the commission may prescribe, reports of accidents so occurring, in the manner and form designated by the commission; provided, however, that in case of accidents resulting in loss of human life, such report shall be made immediately by telephone or telegraph followed by a detailed written report; provided that neither the order nor recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to. Section sixty-five of chapter fifty-two of the revised statutes is hereby repealed.

Commission shall investigate accidents.

—accidents shall be reported to commission.

—accidents resulting in death shall be reported by telegraph or by telephone.

—section 65 of chapter 52, R. S., repealed.

PHYSICAL VALUATION.

Section 34. Said commission shall have power and it shall be its duty to fix a reasonable value upon all the property of any public utility used or required to be used in its service to the public within the state whenever it deems a valuation there-

Commission to ascertain valuation of property.

CHAP. 129 of to be necessary for the fixing of fair and reasonable rates, tolls and charges; and in making such valuation they may avail themselves of any reports, records or other information available to them in the office of any state officer or board.

APPROVAL OF STOCKS, BONDS AND NOTES.

Issue must be authorized by the commission.

—investigation by commission.

Section 35. Any public utility now organized and existing, and doing business in the state or hereafter incorporated under and by virtue of the laws of the State of Maine may issue stocks, bonds, notes or other evidences of indebtedness payable at periods of not more than twelve months after the date thereof, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for such other purposes as may be authorized by law; provided and not otherwise, that upon written application, setting forth such information as the commission may require, there shall have been secured from the commission an order authorizing such issue and the amount thereof and stating that in the opinion of the commission the sum of the capital to be secured by the issue of said stocks, bonds, notes or other evidences of indebtedness is required in good faith for purposes enumerated in this section; but the provisions of this act shall not apply to any stocks or bonds or other evidences of indebtedness heretofore lawfully authorized and issued; provided, however, that the commission may at the request of any public utility approve the issue of any stocks or bonds heretofore authorized but not issued. For the purpose of enabling the commission to determine whether it shall issue such an order, the commission shall make such inquiries for investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. No order of the commission authorizing the issue of any stocks, bonds, notes, or other evidences of indebtedness shall limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification schedule, or joint rate as provided in this act; provided, however, that no public utility shall be required to apply to the commission for authority to issue stocks, bonds, notes or other evidences of indebtedness for the acquisition of property, for the purposes of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance

—proviso.

nance of its service outside the state, and this proviso shall apply also to the following section. CHAP. 129

Section 36. No public utility shall issue any stocks, bonds, notes or other evidences of indebtedness unless payable within one year from date thereof, for money, property or services in payment for the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the order of the commission as herein provided; and no indebtedness shall in whole or in part, directly or indirectly, be refunded by any issue of stocks or bonds or by any other evidence of indebtedness running for more than twelve months, without the consent of the commission.

Conditions under which public utility may issue stocks, etc.

Section 37. No public utility shall declare any stock, bond or scrip dividend or divide the proceeds of the sale of its own or any stock, bond or scrip among stockholders without the consent of the commission.

Utility shall get consent to declare dividend.

CONTROL OF LEASES, CONSOLIDATIONS, ETC.

Section 38. No public utility shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its property, franchises or permits or any part thereof with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit or to waive any forfeiture. Nothing in this section contained shall be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not necessary or useful in the performance of its duties to the public, as to any purchaser of such property in good faith for value. Nothing in this section shall apply to property, franchises, permits or rights of any utility owned and operated exclusively

Utility shall not sell lease or mortgage without order of commission.

—unauthorized sale void.

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—utility cannot acquire stock of others without consent.

outside this state. No public utility shall hereafter purchase or acquire, take or hold any part of the capital stock of any other public utility organized or existing under or by virtue of the laws of this state without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect; and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility.

PHYSICAL CONNECTIONS.

Commission may order physical connection with other utilities.

Section 39. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone companies or two or more telegraph companies whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections, for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone companies have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and enforced in the future. If such telephone or telegraph companies do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

—may order joint use, etc.

Commission may order use of one utility of equipment of another.

Section 40. Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility af-

fected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment, or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users, of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

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PROCEDURE.

Section 41. Upon written complaint made against any public utility by ten persons, firms, corporations or associations aggrieved, that any of the rates, tolls, charges or schedules or any joint rate or rates of any public utility are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act of said public utility is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission, being satisfied that the petitioners are responsible and that a hearing is expedient, shall proceed with or without notice, to make an investigation thereof. But no order affecting said rates, tolls, charges, schedules, regulations, measurements, practices or acts complained of shall be entered by the commission without a formal public hearing.

Complaint.

Section 42. The commission immediately upon the filing of such complaint shall notify in writing the public utility complained of that a complaint has been made, and of the nature thereof; and if at the expiration of ten days therefrom such public utility shall not have removed the cause of complaint to the satisfaction of the commission, said commission shall proceed to set a time and place for a hearing as hereinafter provided.

Notice to utility filing complaint.

Section 43. The commission shall give the public utility and the complainants at least ten days' notice of the time and place when and where such formal public hearing will be held. Both

Notice to utility of formal public hearing.

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the public utility and the complainants shall be entitled to be heard and have process to enforce the attendance of witnesses as in civil actions in the supreme judicial court.

Commission to revise rates and render decision.

Section 44. If upon such formal public hearing the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of the provisions of this act, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just or reasonable. If upon such public hearing it shall be found that any regulation, measurement, practice, act or service complained of as unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any of the provisions of this act or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have power to establish and substitute therefor such other regulations, measurements, practice, service or acts, and to make such order respecting and such changes in such regulations, measurements, practice, service and acts as shall be just and reasonable.

Utility to charge rates and schedules as ordered.

Section 45. Every public utility to which such order applies shall make such changes in its schedules on file as may be necessary to make the same conform to said order; and no change thereafter shall be made by any public utility in any such rates, tolls or charges or in any joint rate or rates without the approval of the commission. Copies of all orders of the commission, certified by the clerk, shall be delivered to the public utility affected thereby and the same shall take effect within such time thereafter as the commission shall prescribe.

—copies of orders to be furnished to utility.

Commission may investigate on its own motion.

Section 46. Whenever the commission believes that any rate or charge is unjust or unreasonable or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion, summarily investigate the same with or without notice. If after making such summary investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal public hearing being ordered as to matters so investigated, it shall furnish such public utility interested a written statement giving notice of the matter under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a formal public hearing as hereinbefore provided.

—ten days notice to utility.

Notice of formal public hearing.

Section 47. Notice of the time and place of such hearing shall be given to the public utility and to such interested persons as the commission shall deem proper as provided in section

forty-three of this act; and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative thereto; and like orders may be made in reference thereto as if such investigation had been made on complaint.

Utility may make complaint.

Section 48. Any public utility may make complaint as to any matter affecting its own product, service or charges with like effect as though made by any ten persons, firms, corporations or associations.

Section 49. Each of the commissioners for the purposes mentioned in this act shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents and testimony, to punish by fine and imprisonment for contempt and to issue all processes necessary to the performance of the duties of the commission.

Each commissioner may administer oaths, etc.

Section 50. Each witness who shall appear before the commission by its order, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the supreme judicial court, which shall be audited and paid by the state in the same manner as other state expenses are audited and paid upon the presentation of proper vouchers approved by the commission.

Witnesses and fees.

Section 51. The commission or any party may, in any formal public hearing, use the deposition of witnesses residing within or outside the state; such depositions to be taken in the manner prescribed by law for taking depositions in civil actions in the supreme judicial court.

Depositions.

Section 52. A full and complete record shall be kept of all proceedings had before the commission and of any investigation or formal public hearing and all testimony shall be taken by a stenographer to be appointed by the commission.

Record to be kept.

Section 53. Questions of law may be raised by alleging exceptions to the ruling of the commission on an agreed statement of facts, or on facts found by the commission, and such exceptions shall be allowed by the chairman of the commission and certified by the clerk thereof to the chief justice of the supreme judicial court with the arguments of counsel, if any have been received by him, within sixty days after such exceptions have been allowed. The party raising such questions shall, within thirty days thereafter deliver a copy of his argument to the opposing counsel, who shall within twenty days after receiving the same furnish a copy of his answer to the counsel for the moving party, who shall in turn make reply thereto with-

Appeal. Questions of law. Exceptions.

CHAP. 129 in ten days thereafter, and deliver said arguments to the clerk of the commission to be forwarded with the exceptions to the chief justice. And such questions of law shall be considered and decided by the law court as soon as may be; or if the parties so agree of record, such questions shall be certified to the next term of the law court to be entered on the docket thereof and argued and determined according to the rules of procedure in said court. The result in either case shall be certified by the clerk of the law court to the clerk of the commission; the prevailing party to recover costs.

Appeal or exceptions do not stay law.

Section 54. While questions of law are pending on exceptions to a ruling of the commission, as provided in section fifty-three, no injunction shall issue suspending or staying any order of the commission and said exceptions shall not excuse any person or corporation from complying with and obeying any order or decision, or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may order and direct.

Commission may alter or amend orders.

Section 55. The commission may at any time upon notice to the public utility and after opportunity to be heard as provided in section forty-three, rescind, alter or amend any order fixing any rate or rates, tolls, charges or schedules or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Burden of proof.

Section 56. In all trials, actions and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to the commission or seeking to set aside any determination, requirement, direction or order of said commission complained of as unreasonable, unjust or unlawful as the case may be. And in all original proceedings before said commission where an increase in rates, tolls, charges or schedules or joint rate or rates is complained of, the burden of proof shall be upon the public utility to show that such increase is just and reasonable.

Practice and rules of evidence.

Section 57. In all actions and proceedings arising under this act all processes shall be served and the practice and rules of evidence shall be the same as in civil actions in the supreme judicial court except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes may execute any process issued under the provisions of this

—service of process.

act and shall receive such compensation therefor as may be prescribed by law for similar service. CHAP. 129

Section 58. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based on or growing out of the provisions of this act on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or to subject him to a penalty or forfeiture; and no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for perjury.

Witness not excused from testifying.

Section 59. Upon application of any person and upon payment therefor as the commission may by rule provide, the commission shall furnish certified copies under the seal of the commission of any order made by it, which shall be evidence of the facts stated therein.

Certified copies of orders.

Section 60. Whenever the commission shall deem it necessary in order to prevent injury to the business of any public utility or to the interest of the people, or in case of any emergency which the commission may adjudge to exist, it shall have power, temporarily, to alter, amend or, with the consent of the public utility concerned, suspend any existing rates, schedules or orders relating to or affecting any public utility. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

Commission may suspend, alter or amend orders.

PENALTIES.

Section 61. Every public utility, corporation or person failing to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the commission or of any commissioner shall be in contempt of the commission and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this act, but shall be cumulative and in addition to such other remedy or remedies.

Contempt, how punished.

Section 62. If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this act pro-

Utility liable in civil action.

CHAPTER 129 prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable in damages to the person, association or corporation injured thereby; provided that any recovery as in this section provided, shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

Failure or refusal to obey orders, penalty.

—refusal to allow investigation, penalty.

Section 63. Any officer, agent or employee of any public utility who shall wilfully fail or refuse to fill out and return any blanks required by this act, or shall wilfully fail or refuse to answer any question therein propounded, or shall knowingly or wilfully give a false answer to any such question, or shall wilfully evade the answer to any question where the fact inquired of is within his knowledge, or who shall upon proper demand, wilfully fail or refuse to exhibit to the commission or to any commissioner or to any person authorized to examine the same, any book, paper, account, record or memorandum of such public utility which is in his possession or under his control, or who shall wilfully fail properly to use and keep his system of accounting or any part thereof as prescribed by the commission or who shall wilfully refuse to do any act or thing in connection with such system of accounting when and as directed by the commission, shall upon conviction thereof be punished by a fine not exceeding one thousand dollars for each offense. And a penalty of not more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility or any owner or general officer thereof.

Punishment when no penalty has been provided.

Section 64. If any public utility shall wilfully violate any provision of this act or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the state treasury not more than one thousand dollars for each offense to be recovered in an action on the case in the name of the state. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

Each day's violation of order, a distinct offense.

Section 65. Every day during which any public utility or any officer, agent or employee thereof shall wilfully fail to observe or comply with any order of the commission or to per-

form any order of the commission or to perform any duty enjoined by this act shall constitute a separate and distinct offense.

CHAP. 129

Section 66. Any director or officer of any public utility who shall directly or indirectly issue or cause to be issued any stocks, bonds, notes or other evidences of indebtedness contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any other purpose than that specified in the order of the commission, as herein provided, shall, upon conviction thereof, be imprisoned in the state prison for not less than one year nor more than ten years.

Penalty for misappropriation of proceeds of sale of stocks, etc.

Section 67. Any officer, owner or agent of any public utility who shall knowingly or wilfully make any false statement to secure the issue of any stock, bond or other evidence of indebtedness, or who shall by false statement knowingly or wilfully made procure of the commission the making of the order herein provided, or issue with knowledge of such fraud, negotiate or cause to be negotiated any such stock, bond, note or other evidence of indebtedness in violation of this act, shall, upon conviction thereof, be fined not less than five hundred dollars or be imprisoned in the state prison for not less than one year nor more than ten years or both.

False statement.

Section 68. A substantial compliance with the requirements of this act shall be sufficient to give effect to all rules, orders, acts and regulations of the commission and they shall not be declared inoperative, illegal or void for any omission of a technical or immaterial nature in respect thereto. This act shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any law of this state.

Substantial compliance with this act sufficient.

—this act no waiver of action.

Section 69. No public utility shall apply to the legislature to grant it any right, privilege or immunity which the public utility commission has power to grant to said utility until said utility shall first have exhausted its rights in that behalf before said commission, and in making such application to the legislature said utility shall make a statement in writing, which shall accompany the proposed legislation, that it has applied to said commission for the right, privilege or immunity requested and that said commission has denied its application.

Utility to first apply to commission for rights.

—what application to legislature shall contain.

Section 70. This act shall take effect on the first day of July, nineteen hundred and thirteen, or as soon thereafter as the constitution allows, so far as to authorize the appointment of the members of the commission, the clerk and the assistant clerk and to authorize the commissioners to qualify, organize, formulate rules, procure supplies, clerical and other assistants

When this act shall take effect.

CHAP. 130 and data necessary for the commission immediately to enter upon the performance of its duties. All other provisions of this act shall take effect on the first day of September, nineteen hundred and thirteen. The appointment of the members of the commission before said first day of September shall not be construed as an abolishment of the present board of railroad commissioners or of the state water storage commission and their duties shall not in any manner be abridged until this act is in full force.

REPEALS.

Board of R. R. com'rs and office of R. R. com'rs abolished.

—pending proceedings transferred to public utilities commission.

—commission shall have maps, etc., of R. R. com'rs.

Inconsistent acts repealed.

Section 71. The office of railroad commissioner and the boards created and known as railroad commissioners and state water storage commission are hereby abolished and the tenure of office of all officers and clerks connected with said boards is hereby terminated. All powers now vested in said boards together with all the duties and privileges now imposed or conferred upon said boards by and under existing laws are hereby imposed and conferred upon the Public Utilities Commission. All proceedings pending before the railroad commissioners or before the state water storage commission at the time this act takes effect shall be transferred to the docket of the Public Utilities Commission and be reheard or decided by it as justice may require. All existing decisions, orders and decrees of the railroad commissioners in force when this act takes effect shall continue until modified or reversed by the Public Utilities Commission. Said commission shall have custody and control of all records, maps and papers pertaining to the offices of the railroad commissioners and the state water storage commission.

Section 72. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 27, 1913.

Chapter 130.

An Act to Establish a State Highway Commission and to Provide for an Issue of State Highway Bonds.

Be it enacted by the People of the State of Maine, as follows:

Objects of this act.

Section 1. The objects of this act are to establish a state highway commission; to provide for an interlocking system of state highways; to furnish state aid for important county and town highways; to provide for the continuous maintenance of all highways to the improvement of which the state has con-

**Attachment J – Petition of the Rumford Falls Power Company to
Maine Public Utilities Commission
March 1, 1915**

U-19-111

TO THE PUBLIC UTILITIES COMMISSION:

The RUMFORD FALLS POWER COMPANY, a corporation organized under the laws of Maine and located at Rumford in the County of Oxford in said State, respectfully represents:

1st: That it was organized as a corporation on the sixth day of October, A. D. 1890 under the general laws of said State of Maine for the purpose of carrying on the business of manufacturing by water, steam, electrical or other power at or near Rumford Falls in the State of Maine, constructing dams, booms, piers, mill sites, canals and other appliances and improvements incidental to the use of the water at said Falls, laying out village and town improvements in the neighborhood of said Rumford Falls in connection with the foregoing, and as incident thereto, erecting mills, houses, and other buildings, and hiring or leasing mills, houses or other buildings and power developed by water, steam, electricity or other motor, supplying the locality at and about Rumford Falls, with light and water, and the development of the water power at said Rumford Falls.

2nd: That it acquired in the year 1890 large tracts of land lying on both sides of the Androscoggin River at or near said Rumford Falls and constructed over said lands two certain canals, known as the Middle Canal and the Low Canal, and certain dams and other structures and appliances necessary to the maintenance and operation of said Canals; that since the construction of said canals, structures and appliances it has maintained and operated the same with water taken from said Androscoggin River solely for the purpose of supplying water power to certain mills and factories located in said Rumford Falls; that all of the water power which the said water so taken from said Androscoggin River was capable of producing by the maintenance and operation of said canals, dams, structures and appliances has been sold to and is now owned, under perpetual contracts, by the owners of said mills and factories,

with the exception of a certain portion of the same in the Low Canal, which said portion one of the owners of said mills and factories has, under a certain contract, agreed to purchase under a perpetual contract in the future; that it never has and does not now own, control, operate or manage the said canals or either of them or said dams or other structures or appliances, or any other canals, dams, structures or appliances of any character whatsoever in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage apportionment or measurement of water for municipal and domestic use.

3rd: That in the year 1909 it constructed a plant for the purpose of producing, generating, transmitting and delivering electricity, with a capacity of about 9000 kilowatts of electricity.

4th: That since the construction of said plant it has maintained and operated the same and has sold, under long term contracts, none of which have yet expired, about 5550 kilowatts of said electricity, to wit:

To the Oxford Paper Company, a corporation engaged in the business of manufacturing paper at said Rumford Falls, 4000 kilowatts of said electricity, the same delivered upon the switchboard of the said Oxford Paper Company at its mills in said Rumford Falls and to be used by said Oxford Paper Company for its own purposes in carrying on its said business.

To the Continental Paper Bag Company, a corporation engaged in the business of manufacturing paper bags at said Rumford Falls, 375 kilowatts of said electricity, the same delivered upon the switchboard of the said Rumford Falls Power Company at its said plant in said Rumford Falls and to be used by said Continental Paper Bag Company for its own purposes in carrying on its said business.

To the Rumford Falls Light and Water Company, a corpora-

tion engaged in the business of supplying electricity for lighting purposes in the town of Rumford, 750 kilowatts of said electricity, the same delivered on the switchboard of said Rumford Falls Power Company at its said plant in said Rumford Falls, and to be used by said Rumford Falls Light and Water Company for its own purposes in carrying on its said business.

To the Maine Coated Paper Company, a corporation engaged in the business of manufacturing coated paper at said Rumford Falls, 300 kilowatts of said electricity, the same delivered upon the switchboard of the said Maine Coated Paper Company at its said mill in said Rumford Falls and to be used by said Maine Coated Paper Company for its own purposes in carrying on its said business

That it also sells to the Fort Hill Chemical Company, a corporation engaged in the business of manufacturing chemicals at said Rumford Falls, 130 kilowatts of said electricity, the same delivered upon the switchboard of the said Rumford Falls Power Company at its said plant, and to be used by the said Fort Hill Chemical Company for the purposes of carrying on its said business; but the aforesaid sale to the said Fort Hill Chemical Company is not evidenced by any written contract, the same being sold and delivered under a verbal contract terminable at the will of either party.

That the balance of said electricity which said plant is capable of generating and producing is neither sold nor used by said Rumford Falls Power Company.

5th: That it never has nor now does nor has it any present intention in the future to own, control, operate or manage said plant in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power for public use.

6th: That the said Rumford Falls Power Company does not own, control, operate or manage any "water works" within the

meaning of said term as used in Chapter 129 of the Public Laws of 1913, nor own, control, operate or manage any electric plant within the meaning of said term as used in said Chapter, and therefore is not subject to the provisions of the same.

7th: That on the fifth day of January, A. D. 1915, this Honorable Commission, relying upon the provisions of said Chapter 129 of said Public Laws of 1913, made a request upon said Rumford Falls Power Company to furnish to it certain information relative to the business of said Company, which said request said Company has never complied with for the reason that, as heretofore alleged, it never has been and is not now subject to the provisions of said Chapter.

Wherefore, it respectfully prays that this Commission will order that said RUMFORD FALLS POWER COMPANY is not subject to the provisions of said Chapter 129 of said Public Laws of 1913; and that said request so made by it need not be complied with by said Rumford Falls Power Company.

Dated this 1st day of March, A. D. 1915.

Rumford Falls Power Co
H. J. Christensen
Pres.

OFFICE OF
PUBLIC UTILITIES COMMISSION.

MAR 31 1915

DOCKET NUMBER W 19 M.

**Attachment K – Decision of Maine Public Utilities Commission
March 30, 1915**

STATE OF MAINE.

PUBLIC UTILITIES COMMISSION.

In the matter of communication from Rumford Falls Power Company representing that it is not a Public Utility within the provisions of Chapter 129 of the Public Laws of 1913, and protesting against being called upon to make reports thereunder.

The Commission has carefully considered the statement of the Rumford Falls Power Company, hereto attached, in which it is claimed that said Company is not engaged in the generation, distribution or sale of electricity "for public use". It appears from said statement that the operations of said Company, so far as the generation and distribution of electricity is concerned, are confined to its distribution for the purpose of creating power for manufacturing enterprises. Having in mind the decision of the Supreme Judicial Court of this State in *Brown v. Gerald*, 100 Me. 351, and holding the petitioners entirely responsible for the accuracy and completeness of its statement of facts, the Rumford Falls Power Company will not be required to report to this Commission until the conditions of its operation now existing and as stated in its said communication are changed, or until otherwise ordered by the Commission.

Given under the hand and seal of the Public Utilities Commission, dated this thirtieth day of March 1915.

Benjamin J. Thomas
Mr. B. A. Austin
Chas. W. Muller

Public
Utilities
Commission
of Maine.

