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Chairman Lawrence, Chairman Berry and Members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate (“OPA”) testifies in opposition to LD 1558 “An Act To Change the Definition of “Gas Utility” in the Laws Governing Public Utilities”.

The OPA was asked to propose this legislation and after more careful review we have some concerns and we urge an Ought Not to Pass.

As written this could potentially also apply to the gas marketers who sell gas over the interstate pipelines and gas utility distribution networks directly to large customers in Maine, such as Sprague, DTE, Repsol, etc. and we feel the intent needs to be made more clear.

Title 35-A is not really a good fit for propane dealers. It is unclear as to what terms such as “firm sales customers” and “uninterrupted service” would mean in the context of a commodity delivered by truck. More changes made to the relevant statutes than just amending the definition of a gas utility would be more beneficial.

If this were to gain approval every propane dealer in the state would presumably need one or more cost of gas adjustment proceedings each year, as well as a distribution rate plan involving a full rate case proceeding. At this point we do not think the Commission would have the capacity to process them.

The OPA would like to thank Senator Lawrence, Senator Woodsome and Representative Rykerson for their sponsorship but again we strongly urge an Ought Not to Pass vote.

Respectfully submitted,



Barry J. Hobbins
Public Advocate