

FILING OF STIPULATIONS WITH THE MAINE PUBLIC UTILITIES COMMISSION

I. Timing of Stipulations

Parties negotiating a stipulation in adjudicatory proceedings should recognize that the stipulation will not likely be deliberated until two to three weeks after it is filed. Stipulations in more complex cases, or where all parties are not joining, may require a hearing and thus are likely to be deliberated three to four weeks after filing, depending on the availability of hearing dates.

Parties who believe a stipulation needs to be approved in less than three weeks should include information in the cover letter accompanying the stipulation explaining its emergency nature. This would include why, and how, the utility and/or ratepayers would be harmed if the stipulation is not approved by the desired date. The parties should also explain why filing earlier was not possible. If justified, the Commission will attempt to accommodate such requests.

II. Information Accompanying All Stipulations

To facilitate the review process for all stipulations, stipulations should be accompanied by a cover letter containing the following information:

1. the names of the parties joining in the stipulation, those opposing and those neither for nor against;
2. a description of the process leading to the stipulation (e.g., number of negotiating sessions, who was involved, etc.) since one of the criteria the Commission considers when approving a stipulation is “whether the process leading to stipulation was fair to all parties”; and
3. whether the parties have agreed to allow the Commission staff to make a recommendation to the Commissioners concerning the stipulation without a hearing examiner’s report (thereby agreeing to waive 5 M.R.S.A. § 9062 and Chapter 110 § 752).

The stipulation should also be accompanied by a memorandum or other written filing that describes:

1. the major provisions agreed upon;
2. why the provisions are in the public interest; and

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3. the statutory authority for the Commission to adopt the stipulation provisions and a description of any departures from Commission precedent contained in the stipulation.