

**65-407 PUBLIC UTILITIES COMMISSION****Chapter 616: SPECIFIC EXEMPTIONS FROM REGULATORY REQUIREMENTS FOR CONSUMER-OWNED WATER UTILITIES**

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**SUMMARY:** This Rule sets forth certain exemptions that are applicable to consumer-owned water utilities.

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**§ 1 APPLICABILITY**

This Chapter sets forth certain exemptions that are applicable to consumer-owned water utilities. Nothing in this Chapter shall be deemed to authorize an exemption from the statutory right of any 10 persons to bring complaints regarding utility service to the Commission pursuant to 35-A M.R.S. § 1302.

**§ 2 DEFINITIONS**

- A. “Consumer owned water utility” or “utility” has the same meaning as “consumer-owned water utility in 35-A M.R.S. § 6101(1-A).

**§ 3. EXEMPTIONS**

A. **Customer Notifications Pursuant to 35-A M.R.S. §§ 6104 & 6104-A**

A consumer-owned water utility is exempt from the newspaper notification requirements for public hearings pursuant to 35-A M.R.S. §§ 6104(3) and 6104-A(5) provided that a utility provides notice of the public hearing by regular mail to all customers in addition to utilizing at least two of the following notification methods at least 14 days prior to the public hearing:

1. **Email.** Email notice must be made individually to each customer. Email notice may be included in electronic customer bills;
2. **Conspicuous posting.** The utility may post notice in a town office or other conspicuous place within the utility’s service area;
3. **Website.** If the utility has a website, the utility may post notice on its website;
4. **Social media.** If the utility has social media accounts, it may post notice on those social media accounts; or
5. **Other.** Any other method reasonably calculated to provide broad notice to the utility’s customers.

The utility must provide notice individually to each customer and the mailing must be postmarked at least 14 days before the public hearing. Utilities may include notice in mailed customer bills. Utilities must file copies of the notice in the Commission’s Case

Management System at least 14 days before the date of the public hearing. All notices, whether by mail or other method, must contain the same information.

In addition, utilities must file verification of the email, conspicuous posting, website, social media, or other notifications in the Commission's Case Management System at least 14 days before the date of the public hearing. Verification may be screenshots, photographs, or other media sufficient to show compliance with this section.

#### § 4. WAIVER

To the extent permitted by law, where good cause appears, the Commission, the Commission's Administrative Director, the Director of Telephone and Water Utility Industries, or a Presiding Officer assigned to a proceeding related to this Chapter may permit deviation or waiver from this Chapter. The Commission, the Commission's Administrative Director, the Director of Telephone and Water Utility Industries, or a Presiding Officer assigned to a proceeding related to this Chapter may grant a request for a substantive deviation or waiver upon a finding of good cause or that compliance would be unduly burdensome, and that the deviation or waiver is not inconsistent with the purposes of this Chapter Title 35-A of the Maine Revised Statutes.

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BASIS STATEMENT: The factual and policy basis for this Chapter is set forth in the Commission's Order Amending Rule and Statement of Factual and Policy Basis, Docket No. 2022-00243, issued on November 22, 2022. Copies of the Order have been filed with this Chapter at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

STATUTORY AUTHORITY: 35-A M.R.S. § 6114

EFFECTIVE DATE: This Chapter was approved as to form and legality by the Attorney General on 12/20/22. It was filed with the Secretary of State on 12/21/22 and became effective on 12/26/22.