



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Philip L. Bartlett, II
CHAIRMAN

Randall D. Davis
Patrick Scully
COMMISSIONERS

Harry Lanphear
ADMINISTRATIVE DIRECTOR

September 23, 2021

To: Interested Persons

Re: Maine Public Utilities Commission Proposed Remote Participation Policy

This letter provides notice of the Maine Public Utilities Commission's (Commission) initiation of a public comment period, pursuant to P.L. 2021, Ch. 290, regarding proposed revisions to the Commission's Policy on Remote Participation.

Background. Maine's Freedom of Access Act (FOAA or Act) ensures accountability of the government to citizens by requiring public access to meetings of public bodies. First adopted in 1973 and codified in Title 1, Ch. 13 of the Maine Revised Statutes, Maine's Freedom of Access Act declares that "deliberations be conducted openly."¹ LD 32, enacted as [P.L. 2021, Ch. 290](#), amends that Act to explicitly prohibit public proceedings from being conducted by text-only means such as email, text messages or chat functions, and to lay out the conditions under which members of a public body may legally participate by remote methods.

Proposed Policy. The Commission has always deliberated publicly and for many years has provided a means for the public to watch its deliberations in real time. To address the requirements of this new law, the Commission proposes the policy attached to this letter with the FOAA's transparency interests and requirements in mind.

Deadline for Comments and to Request Hearing. We invite comments on any issues with the proposed policy that we should consider. Comments must be submitted by sending an email to maine.puc@maine.gov by October 29, 2021. A hearing will be held on November 2, 2021, at the Commission's offices in Hallowell, Maine at 11:00 a.m. Those who wish to participate in this hearing by phone may call (207) 209-4724, Conference ID

¹ 1 M.R.S.A. § 401.

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768528139#, or include that request in their written comments. Any individual wishing to appear in person must notify the Commission at least 24 hours in advance so that we can be sure to accommodate any interested individuals while adhering to COVID-19 safety protocols. If a hearing is not requested, the Commission's website will be updated to reflect that the hearing is cancelled.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Bartlett II', written in a cursive style.

Philip L. Bartlett II, Chairman

On behalf of the Chairman

Randall D. Davis, Commissioner
Patrick Scully, Commissioner
Maine Public Utilities Commission

cc: Parties to PUC Rulemakings, Regulated Utilities, Users of Commission Case Management System

Policy for Participation of Commissioners in Deliberations Remotely by Electronic or Other Similar Means

The purpose of this policy is to establish the conditions under which Commissioners may participate in deliberations via remote means. The Commission strives to have all three Commissioners attend deliberations in person at the offices of the Commission (or at a different location as applicable). However, one or more Commissioners may participate in deliberations remotely if the following requirements have been met:

1. Notice of the event has been provided pursuant to 1 M.R.S. §§ 403-B and 406 and 35-A M.R.S. § 108-A.
2. In-person attendance of a commissioner is impracticable. Circumstances in which physical presence for one or more members of the Commission is not practicable may include (but is not necessarily limited to):
 - a. The existence of an emergency or urgent issue that requires the public body to meet by remote methods;
 - b. Illness, other physical condition, quarantine, temporary absence from the State, or other unforeseen circumstance that causes a member of the body to face significant difficulties appearing in person at the location of the event;
 - c. Weather conditions that may impede or slow travel; and
 - d. The existence of a viral pandemic.
3. The Commission's electronic audio/video system is operating in a manner that allows all Commissioners to see, hear and speak to each other (and other participants as applicable) during the proceeding. If bandwidth or other technical issues occur making video impracticable, Commissioners may use telephonic means to hear and speak to each other (and other participants as applicable).
4. The Commission's electronic audio/video system is operating in a manner that allows persons attending the event remotely or at the location provided in the notice of deliberations referenced in #1 above to hear all Commissioners participating in the proceeding.
5. Any Commissioner participating in deliberations remotely will have documents or materials necessary to make informed decisions on all items under consideration.