

January 14, 2015

MAINE PUBLIC UTILITIES COMMISSION
Amendments to the Uniform Information
Disclosure and Informational Filing
Requirements (Chapter 306)

ORDER ADOPTING RULE
AND STATEMENT OF FACTUAL
POLICY BASIS

VANNOY, Chairman; LITTELL, Commissioner

I. SUMMARY

In this Order, we adopt an amended rule that adds certain provisions of the Commission's Uniform Information Disclosure and Informational Filing rule (Chapter 306) to the Commission's Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity (Chapter 305). Specifically, in this rulemaking, we remove section 2(D) containing the requirement for the contents of the competitive electricity provider (CEP) terms of service document and section 3 containing CEP informational filing requirements. These sections are being incorporated into Chapter 305 by way of the *Notice of Rulemaking*, Docket No. 2014-00214 (July 24, 2014).

II. BACKGROUND

On April 9, 2013, the Commission initiated an Inquiry into existing rules and practices related to residential and small commercial customer standard offer and competitive electricity provider services, as well as the possible need to address customer protection issues in light of the increase in competitive activity for residential and small commercial customers. *Inquiry Into Residential and Small Commercial Customer Standard Offer Service And Customer Protection*, Docket No. 2013-00200 (April 9, 2013). On November 12, 2013, the Commission issued its conclusions on the issues raised in the Inquiry, *Inquiry Conclusions*, Docket No. 2013-00200 (Nov. 12 2013), stating that it would open a rulemaking to consider a variety of amendments to the Chapter 305.

As part of the Chapter 305 rulemaking, the Commission considered and is making certain changes to its customer protection and CEP filing requirements. The addition of requirements for the contents of the CEP terms of service document and

informational filings to Chapter 305 is consistent with the already existing contents of that rule and will result in Chapter 306 containing only the disclosure label requirement.¹

A Notice of Rulemaking was issued in this docket on July 24, 2014, simultaneous to the Notice of Rulemaking issued with regard to Chapter 305. Although a public hearing was held on September 3, 2014 with respect to Chapter 305, no public hearing was requested and none was held with regard to the proposed changes to Chapter 306. The Commission received written comments in this docket from CMP and Emera Maine (Emera). We address those comments below.

III. PROPOSED AMENDMENTS

A. Terms of Service Document (Section 2(D))

Chapter 305 contains the requirement that CEPs develop and provide to their residential and small commercial customers a terms of service document stating the contractual obligations of the CEP and customer. However, the required contents of the terms of service are contained in Chapter 306, Section 2(D)). For simplicity and ease of reference, we proposed to move the provision governing the contents of the terms of service document to Chapter 305.

B. Informational Filings (Section 3)

For similar reasons, we proposed to eliminate the CEP informational filing requirements in Chapter 306 and include such provisions as part of the overall requirements on CEP licensing, reporting and customers protections contained in Chapter 305.

C. Comments

The comments filed by CMP and Emera did not focus on either of the proposed amendments, but rather generally expressed support for transferring these provisions from Chapter 306 to Chapter 305. For the reasons stated in this Order and in the comments received, we adopt the rule as proposed.

Accordingly, we

ORDER

1. That the attached amended Chapter 306, Uniform Information Disclosure, is hereby approved;

¹ Accordingly, the amended rule changes the Chapter Title to reference only disclosure requirements.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.