

June 7, 2019

MAINE PUBLIC UTILITIES COMMISSION  
Electric Transmission and Distribution  
Utility Service Standards Rulemaking  
(Chapter 320)

ORDER ADOPTING  
FINAL RULE AND  
STATEMENT OF FACTUAL  
AND POLICY BASIS

WILLIAMSON and DAVIS, Commissioners

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Through this Order, the Commission adopts final rules regarding electric transmission and distribution (T&D) utility service (Chapter 320) as directed by the Legislature pursuant to An Act To Restore Confidence in Utility Billing Systems, P.L. 2017, Ch. 448 (codified at 35-A MRSA §3104-A).

During its 2018 session, the Legislature enacted "An Act To Restore Confidence in Utility Billing Systems (Act)." Section 2 of the Act states that the Commission shall amend or adopt rules governing the testing of the metering and billing systems of T&D utilities to ensure accuracy regarding the measurement of electricity usage and the determination of customer bills. The Act specifies that these rules must include:

- A. The frequency of testing of the metering and billing systems;
- B. The method by which the transmission and distribution utility shall conduct testing of its metering and billing system; and
- C. The statistical analysis to be used as part of the testing procedures.

The Act further states that the Commission may adopt alternative testing procedures based on different metering or billing system technologies, such as for analog meters and digital meters.

In addition, the Act states that in adopting these rules, the Commission shall consider and may require periodic, independent audits of the metering and billing systems. If the Commission requires such audits, the Act requires that, at a minimum, the rules contain the following provisions:

- A. The method by which the commission will choose an independent auditor;
- B. The allocation of costs of a periodic metering and billing systems audit; and
- C. The statistical analysis to be used in an audit.

Finally, the Act specifies that the adopted rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

On October 29, 2018, the Commission issued a Notice of Rulemaking (NOR) and a proposed rule containing utility service standards. Consistent with rulemaking procedures, the Commission held a public hearing on November 30, 2018 and received written comments on the proposed rule. On December 18, 2018, the Commission issued an Order that provisionally adopted the rule. As required for major substantive rulemakings, the Commission submitted the provisionally-adopted rule to the Legislature for review.

On April 30, 2019, the Legislature enacted Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission. Resolve 2019, ch. 19. The Resolve authorizes the final adoption of Chapter 320 if several provisions are added and certain clarifications are made. These are as follow:

The rule must be amended in Section 3(D) to require utilities to keep all records for 10 years, rather than 6 years; and

The rule must be amended in Sections 5(C)(1) and 5(C)(2) to require that each investor-owned transmission and distribution utility maintain and report System Average Interruption Duration Index (SAIDI), in addition to Consumer Average Interruption Duration Index (CAIDI) and System Average Interruption Frequency Index, and amended in

The Resolve specifies that the Commission is not required to hold hearings or undertake further proceedings prior to final adoption of the rule.

The Commission has added to the rule the provisions and clarifications specified in the Resolve.

Accordingly, the Commission

#### O R D E R S

1. That the attached rule, Chapter 320, Electric Transmission and Distribution Utility Service Standards is, hereby, finally adopted;
2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State;
3. That the Administrative Director shall notify the following of this finally adopted rule:
  - a. All transmission and distribution utilities in the State

- b. All persons who have commented in this rulemaking proceeding, Docket No. 2018-00311; and
- c. All persons who have filed with the Commission with the past year a request for notice of rulemakings.

Dated at Hallowell, Maine, this 7<sup>th</sup> day of June, 2019.

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear

Harry Lanphear  
Administrative Director

COMMISSIONERS VOTING FOR: Williamson  
Davis

## 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.