

Annual List of Rulemaking Activity
Rules Adopted January 1, 2018 to December 31, 2018
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 111, 301, 711, 7903, 8302; PL 2017 ch. 199
Chapter number/title: **Ch. 880**, Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure
Filing number: **2018-012**
Effective date: 1/24/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission (Commission) amends Ch. 880 of the Commission's rules regarding attachments to joint use utility poles.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2017-00247, issued on January 12, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

No fiscal impact.

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Agency name: Public Utilities Commission
Umbrella-Unit: 65-407
Statutory authority: 35-A MRS §§ 104, 111, 7104-B
Chapter number/title: Ch. 285, Maine Telecommunications Education Access Fund
Filing number: 2018-028
Effective date: 7/1/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Pursuant to 35-A MRS §7104-B and Sections 1 and 3 of PL 2017 ch. 244, "An Act to Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries," the Public Utilities Commission amends, effective July 1, 2018, Ch. 285, *Maine Telecommunications Education Access Fund*, to conform the rule to current Maine law.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2017-00283, issued on February 8, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

Minimal fiscal impact.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 101, 111, 7104, 7104-B; PL 2011 ch. 600, *and* PL 2017 ch. 244
Chapter number/title: **Ch. 284**, Prepaid Wireless Fee
Filing number: **2018-035**
Effective date: 3/10/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Pursuant to 35-A MRS §§ 7104-B (2-A) and 7104-C, and Section 2 of PL 2017 ch. 244 "An Act to Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries," the Maine Public Utilities Commission adopts amendments to Ch. 284, *Prepaid Wireless Fee*, to conform Ch. 284 to current Maine law.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2017-00302, issued on February 23, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

Minimal fiscal impact.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111; Resolve 2007 ch. 183
Chapter number/title: **Ch. 324**, Small Generator Interconnection Procedures
Filing number: **2018-049**
Effective date: 4/8/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to the Commission's *Small Generator Interconnection Procedures* rule (Ch. 324). The amendments include changes based on comments received in a prior, though uncompleted, Ch. 324 rulemaking (Docket 2016-00268).

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2017-00296, issued on March 23, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

Minimal fiscal impact.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 5101-D. 5101-E
Chapter number/title: **Ch. 520**, Tour, Charter and Water Taxi Services, and
Unscheduled Freight Services in Casco Bay
Filing number: **2018-063**
Effective date: 4/25/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to Ch. 520, the rule that governs unscheduled tour, charter, water taxi, and unscheduled freight services in Casco Bay. The revised rule amends the definition of charter service to address certain circumstances under which waivers have been granted for the provision of charter service, and promotes efficiency in the submission and review of applications through the Commission's electronic case management system (CMS).

Basis statement:

The factual and policy basis for this chapter is set forth in the Commission's Order Adopting Rule, Docket No. 2017-00327 Issued on April 5, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 3204(11); Resolves 2017 ch. 49
Chapter number/title: **Ch. 308** (*New*), Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators
Filing number: **2018-094**
Effective date: 7/4/2018
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission finally adopts rules and standards of conduct to implement recently enacted legislation that permits an investor-owned transmission and distribution (T&D) utility to have generation affiliates subject to statutory restrictions and Commission-adopted standards of conduct.

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Provisional Rule and Statement of Factual and Policy Basis, Docket No. 2017-00262, issued on January 5, 2018, and Order Adopting Final Rule and Statement of Factual and Policy Basis, Docket No. 2017-00262, issued on May 24, 2018. Copies of this Statement and Order have been filed with this rule 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 04330-0018.

Fiscal impact of rule:

Minimal fiscal impact.

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Agency name: **Public Utilities Commission**
Umbrella-Unit: **65-407**
Statutory authority: 35-A MRS §§ 104, 111, 3203
Chapter number/title: **Ch. 305**, Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity
Filing number: **2018-211**
Effective date: 9/30/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts amendments to the Commission's Ch. 305, which governs licensing requirements, annual reporting, enforcement, and consumer protection provisions for competitive electricity providers (CEPs). The adopted rule conforms Ch. 305 to recent legislative changes regarding CEPs and transparency in the electricity supply market. Based on the Commission's experience in implementing the rule, the adopted rule also provides additional customer protection standards with regard to small commercial customers and improves consumer protection standards regarding the marketing practices of CEPs.

Basis statement:

The factual and policy basis for this Chapter is set forth in the Commission's Order Adopting Rule, Docket No. 2018-00056 Issued on September 13, 2018. Copies of the Statement and Order have been filed with this rule 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.

Fiscal impact of rule:

No fiscal impact.

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Agency name: Public Utilities Commission
Umbrella-Unit: 65-407
Statutory authority: 35-A MRS §§ 104, 111, 7104
Chapter number/title: Ch. 288, Maine Universal Service Fund
Filing number: 2018-272
Effective date: 12/24/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Commission amends the rule to make it compatible with the provisions of the current telecommunications regulation statutes, and because the changes will provide stability to the amounts contributed to the Fund and will integrate the collection of the MUSF with that of the Maine Telecommunications Education Access Fund (MTEAF), which itself was amended in Docket No. 2017-00283 to adopt a new contribution methodology, as required by statute.

Basis statement:

The factual and policy basis for this chapter is set forth in the Commission's Order Amending Rule and Factual and Policy Basis, Docket No. 2018-00200, issued on December 10, 2018; Order Adopting Amendments to Rules, Docket No. 2011-00069, issued on August 2, 2011; Order Adopting Amendments to Rules and Statement of Factual and Policy Basis, Docket No. 2002-00687, issued on March 17, 2003; and Order adopting Rule, Docket No. 2001-00230, issued on July 18, 2001.

Fiscal impact of rule:

Minimal.

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Agency name: Public Utilities Commission, **Emergency Services Communications Bureau**
Umbrella-Unit: **65-625**
Statutory authority: 25 MRS §2927 sub-§3-D; PL 2017 ch. 428
Chapter number/title: **Ch. 4**, Requirements for the Dispatch Center Consolidation Grant Program (*New*)
Filing number: **2018-276**
Effective date: 1/1/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Public Utilities Commission adopts a new rule to implement recently enacted legislation (PL 2017 ch. 428) that authorizes a grant program to assist dispatch centers consolidate into Public Safety Answering Points (PSAPs).

Basis statement:

The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 2018-00307, issued on December 13, 2018. Copies of the Order and Statement have been filed with this rule 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.

Fiscal impact of rule:

No fiscal impact.