

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - MAINE

General Marine Construction Corporation v. Public Utilities Commission

Supreme Judicial Court of Maine - March 31, 2022 - A.3d - 2022 WL 964164 - 2022 ME 20

Water utility customer sought review of Public Utilities Commission's (PUC) order declining to open a formal investigation into a water billing dispute after the Consumer Assistance and Safety Division (CASD) of PUC conducted a summary investigation of customer's complaint.

The Supreme Judicial Court held that:

- CASD process for resolving utility billing disputes is a voluntary, informal dispute resolution alternative to formal civil litigation, and
- PUC's declining to open formal investigation was not a final decision of PUC from which an appeal could be taken.

Process for resolving utility billing disputes, in which Consumer Assistance and Safety Division (CASD) of Public Utilities Commission (PUC) conducts a summary investigation of a customer's complaint after the customer first makes a direct attempt to settle dispute with utility, is a voluntary, informal dispute resolution alternative to formal civil litigation, and is not an adjudicatory, binding decision of PUC requiring due process akin to a formal court proceeding.

Public Utilities Commission's (PUC) order declining to open a formal investigation into a water billing dispute between water utility and its customer following informal investigation of customer's complaint by Consumer Assistance and Safety Division (CASD) of PUC was not a final decision of PUC from which an appeal could be taken; PUC's action was a decision not to proceed to a formal adjudicatory action.