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PUBLIC UTILITIES - MAINE

Deane v. Central Maine Power Company

Supreme Judicial Court of Maine - September 17, 2024 - A.3d - 2024 WL 4206506 - 2024 ME 72

Consumers brought action against electric utility, alleging fraudulent and negligent misrepresentation, statutory violations, and intentional infliction of emotional distress (IIED) arising from consumers' receipt of allegedly misleading disconnection notices from utility in winter for being behind on their electric bills.

The Business and Consumer Court dismissed in part for failure to state a claim, after which the Business and Consumer Court granted summary judgment to utility on IIED claim. Consumers appealed.

The Supreme Judicial Court held that:

- Consumers failed to sufficiently allege pecuniary harm to support claims of misrepresentation;
- Statute governing utility liability for civil damages did not confer a private right of action on consumers;
- Consumers did not suffer severe emotional distress, as element of IIED claim, based on objective symptomatology; and
- As matter of first impression, utility's conduct was not so extreme and outrageous that conduct alone would satisfy IIED element of severe emotional distress.

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