



STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

Paul R. LePage  
GOVERNOR

May 13, 2014

The Honorable David Littell  
Commissioner  
Maine Public Utilities Commission  
18 State House Station  
Augusta, ME 04333-0018

Dear Commissioner Littell,

I am in receipt of a letter dated May 6, 2014, from the Public Utilities Commission Administrative Director announcing that there is not a quorum present on Docket No. 2012-00487. This letter was anticipated as Commissioner Vannoy and subsequently Commissioner Welch had previously recused themselves from the case.

As you know the lack of a quorum at the Commission ultimately led to enactment of legislation to address this situation. Per the legislation, if there is not a quorum present the Governor nominates retired judges to serve temporarily in a pending case to achieve a quorum. On April 22, 2014, I nominated three retired judges to serve as alternative commissioners. I have my full confidence in all of these judges to provide integrity to consider the pending case.

In addition, the letter indicates that you have also decided to recuse yourself from the case. In the memo filed outlining the decision, you reference the recently enacted legislation and state:

“With that mechanism in place, I think it the better part of prudence to recuse myself as well due to my former work with Pierce Atwood. Nothing in my former recusal memo has changed other than the availability of an avenue to have alternates decide the case without an issue of appearing to participate in a case where such participation may not be appropriate.”

However, the legislation did not alter the standard of recusal. This is well established under Title 35-A of the Maine Revised Statutes and under the Maine bar rules governing attorneys. By applying the standard you outlined in your memo, as Commissioner you would be unable to participate in cases ranging from telecommunications to wind development. I am concerned by the interpretation that this legislation is an “avenue” to have alternates decide cases when a Commissioner decides that there should be a new recusal standard imposed.



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Recusal standards should be consistent. Inconsistently applying a standard of recusal over the long term will only erode public confidence in the Commission. I would request that you either reconsider your decision to recuse yourself from the case or apply this standard of recusal for all matters before the Commission.

Sincerely,

A handwritten signature in black ink that reads "Paul R. LePage". The signature is written in a cursive style with a prominent "P" and "L".

Paul R. LePage

Governor