

MEP MANAGEMENT SERVICES, INC.

v.

PUBLIC UTILITIES COMMISSION

Argued September 9, 2003
Decided September 16, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Disappointed bidder MEP Management Services, Inc., appeals from a decision of the Public Utilities Commission declining to overturn a contract award to L.K. Goldfarb Associates for an interim small business energy conservation program. *See An Act to Strengthen Energy Conservation*, P.L. 2001, ch. 624(7). Contrary to MEP's contentions, neither the PUC's bidding procedures nor the award of the contract to Goldfarb was arbitrary and capricious, an abuse of discretion, fundamentally unfair, or otherwise unlawful. *See Pine Tree Legal Assistance, Inc. v. Dep't of Human Servs.*, 655 A.2d 1260, 1264 (Me. 1995).

The entry is:

Decision affirmed.

Attorneys for plaintiff:

A. Robert Reusch, Esq. (orally)
Claudia D. Raessler, Esq.
John P. Giffune, Esq.
Merritt T. C. Ireland, Esq.
Verrill & Dana, LLP
One Portland Square
Portland, ME 04112-0586

Attorney for defendant:

Mitchell M. Tannebaum, Esq. (orally)
Deputy General Counsel
Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018