

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1554

H. P. 1259

House of Representatives, April 2, 1975

On Motion of Mr. Kelleher of Bangor referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. LaPointe of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Proceedings before the Public Utilities Commission.

Be it enacted by the People of the State of Maine, as follows:

35 MRSA § 314 is enacted to read:

§ 314. Fees and expenses of intervenors

In any proceeding pending before it, the commencement of such proceeding, upon the granting of any petition for leave to intervene therein, or at any time thereafter, the commission may upon motion of any party or upon its own motion determine that one or more complainants or intervenors, and the issues represented by such complainant or intervenor, represent a significant and cognizable element of the public interest, that an effective presentation by such complainant or intervenor would materially assist the commission in the resolution of one or more issues raised by the proceeding, and that such complainant or intervenor lacks financial resources necessary effectively to represent said element of the public interest in the proceeding. Upon such determination, the commission may authorize such complainant or intervenor to incur expenses in such reasonable amount as may be allowed by the commission for the presentation of its position before the commission, and the commission may order that such expenses shall be reimbursed by such public utility or utilities as may be the subject matter of and party to such proceeding as said commission may determine.

At such time as the commission may fix following the presentation of such complainant or intervenor and if the commission shall determine that such complainant or intervenor has in fact effectively represented a cognizable and significant segment of the public interest and has materially assisted the commission in determination of some or all of the issues raised by the pro-

ceeding, the commission may further order that one or more utilities that are the subject matter of and parties to the proceeding reimburse to said complainant or intervenor its reasonable attorney's fees in such amounts as shall be approved by the commission. Any fees or expenses reimbursed by any utility pursuant to the foregoing provisions shall be amortized and recovered by said utility in the same manner as other fees and expenses incurred by it with respect to said proceeding.

STATEMENT OF FACT

The purpose of this bill is to authorize the Public Utilities Commission to require public utilities to pay or reimburse reasonable expenses of public interest intervenors in public utility proceedings. At the present time public utility ratepayers are paying to have the commission told only why their rates should be increased. This Act would authorize the commission, under very limited circumstances, to have reasonable fees and expenses of intervening parties effectively representing significant segments of the public interest also paid by the utility ratepayers so that the commission can get a more balanced presentation in the public interest.

This provision should help insure that the Public Utilities Commission hears both sides in rate cases and other proceedings involving utilities so that it can better safeguard the interests of the Maine consumers and the public.