

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 944, L.D. 1312, Bill, "An Act to Allow Intervenor Funding in Public Utilities Proceedings"

Amend the bill in that part designated "~~§1310.~~" by striking out all of subsection 1 (page 1, lines 8 to 26 in L.D.) and inserting in its place the following:

'1. Intervenor funding. Intervenor funding may be provided as follows.

A. In any commission proceeding in which standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., are implemented, the commission may order the utility to compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that:

(1) The position of the intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission staff;

(2) The intervenor substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in the commission proceeding; and

(3) Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor.

B. In any proceeding in which the commission does not implement standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., the commission may compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the

1        commission finds that requirements of paragraph A,  
2        subparagraphs (1) to (3), are satisfied. Compensation may  
3        be provided from the commission's regulatory fund and filing  
4        fees subject to the commission's determination of the  
5        availability of the funds.'

7        Further amend the bill in that part designated "~~§1310.~~" by  
8        striking out all of subsection 3 (page 1, lines 33 to 37 in L.D.)  
9        and inserting in its place the following:

11       '3. Rules. The commission may, after notice and hearing,  
12       adopt rules as are necessary for the implementation of this  
13       section.'

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### STATEMENT OF FACT

19        In this amendment the Maine Revised Statutes, Title 35-A,  
20        section 1310, subsection 1, paragraph A restates existing law and  
21        continues the existing Public Utilities Commission procedure for  
22        intervenor funding in cases in which the United States Public  
23        Utilities Regulatory Policies Act of 1978 standards are  
24        implemented. Section 1310, subsection 1, paragraph B is new and  
25        permits the commission to award intervenor funding in all other  
26        commission proceedings from the commission's regulatory fund and  
27        filing fees.

29        The amendment also removes the definition of reasonable  
30        attorney's fees and replaces it with a provision to allow the  
31        commission to establish rules for implementing intervenor funding.

Reported by the Committee on Utilities  
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House  
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