

# MAINE STATE LEGISLATURE

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Date 5/22/23

(Filing No H- 187)

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to HP 246, L D 395, "An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor Funding"

Amend the bill by striking out the title and substituting the following

'An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor and Participant Funding'

Amend the bill in section 3 in subparagraph (6) in the first line (page 1, line 12 in L D ) by inserting after the following "intervenor" the following 'and participant'

Amend the bill by striking out all of section 4 and inserting the following

'Sec. 4. 35-A MRS §1310-A, as enacted by PL 2021, c 736, §2, is amended to read

§1310-A. Intervenor and participant funding

1. Qualification for funding. Consistent with rules adopted by the commission pursuant to subsection 3, the commission may order or provide funding in accordance with subsection 2 to an intervenor in an adjudicatory proceeding or a participant in a nonadjudicatory commission proceeding upon a finding that

A The position of the intervenor or participant is not adequately represented by the Office of the Public Advocate or commission staff,

B The intervenor or participant is likely to substantially contribute to the proceeding and to assist in the resolution of the issues raised in the proceeding, and

C Participation in the proceeding by the intervenor or participant would impose a significant financial hardship on the intervenor or participant

2. Funding sources. If the commission finds pursuant to subsection 1 that an intervenor or participant in a commission proceeding qualifies for funding, the commission may, except as provided in subsection 2-A and consistent with rules adopted by the commission pursuant to subsection 3

COMMITTEE AMENDMENT

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A Order a utility involved in the commission proceeding to compensate the intervenor or participant Compensation provided by a utility under this paragraph may be recovered in rates, or

B Provide compensation to the intervenor or participant from the Public Utilities Commission Regulatory Fund established pursuant to section 116, administrative penalties and filing fees, subject to the commission's determination that funds are available for that purpose

**2-A. Water utility exception.** If the commission finds, pursuant to subsection 1, that an intervenor or participant in a commission proceeding involving a water utility qualifies for funding, the commission may, consistent with rules adopted by the commission, provide compensation to the intervenor or participant only from administrative penalties within the Public Utilities Commission Reimbursement Fund in accordance with section 117, subsection 3, paragraph B, subparagraph (6).

**3. Rules.** The commission shall adopt rules to implement this section Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A

A Rules adopted by the commission pursuant to this subsection must include, but are not limited to

(1) The process by which the commission will determine whether an intervenor or participant qualifies for funding,

(2) Identification of which expenses incurred by an intervenor or participant may qualify for funding, which types of proceedings intervenor or participant funding will be available for and the point in an eligible proceeding at which an intervenor or participant qualifying for funding will be provided with the funding,

(3) The process by which the commission will ensure that funding provided to an intervenor or participant is used properly and the process by which funding provided to an intervenor or participant that is not entirely used by the intervenor or participant may be recovered by the commission, and

(4) The methods by which the commission will ensure that the public is notified about the availability of intervenor and participant funding under this section

B Rules adopted by the commission pursuant to this subsection may include, but are not limited to

(1) Establishment of a cap on the amount of funding that a qualified intervenor or participant may be provided in a commission proceeding,

(2) Establishment of a process by which the commission will give priority under this section to qualified intervenors or participants representing environmental justice populations If the commission establishes such a process by rule, the commission, in consultation with the Department of Environmental Protection, shall include in that rule a definition for "environmental justice populations" that is consistent with any definition for that term adopted by the department in a department rule, and

(3) Any other provisions the commission determines necessary for the implementation of this section '

# COMMITTEE AMENDMENT

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

This amendment amends the bill to allow participants in Public Utilities Commission nonadjudicatory proceedings to receive funding in accordance with the Maine Revised Statutes, Title 35-A, section 1310-A, which provides funding for intervenors in commission proceedings. It limits funding for an intervenor or participant in a commission proceeding involving a water utility to only administrative penalties deposited in the Public Utilities Commission Reimbursement Fund.

**FISCAL NOTE REQUIRED**

(See attached)



# 131st MAINE LEGISLATURE

LD 395

LR 456(02)

**An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor Funding**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-187)**  
**Committee: Energy, Utilities and Technology**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission (PUC) to allow certain participants in non-adjudicatory proceedings to receive funding and limiting funding for an intervenor or participant in a commission proceeding involving a water utility to only administrative penalties are expected to be minor and can be absorbed within existing budgeted resources.