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Date 5 22 23

LD 395

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(Filing No H- 187)

3	ENERGY, UTILITIES AND TECHNOLOGY
4	Reproduced and distributed under the direction of the Clerk of the House
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	131ST LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT " $A$ " to HP 246, LD 395, "An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor Funding"
11	Amend the bill by striking out the title and substituting the following
12 13	'An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor and Participant Funding'
14 15	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'
16	Amend the bill by striking out all of section 4 and inserting the following
17 18	'Sec. 4. 35-A MRSA §1310-A, as enacted by PL 2021, c 736, §2, 1s amended to read
1 <b>9</b>	§1310-A. Intervenor and participant funding
20 21 22 23	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
24 25	A The position of the intervenor <u>or participant</u> is not adequately represented by the Office of the Public Advocate or commission staff,
26 27	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
28 29	C Participation in the proceeding by the intervenor or participant would impose a significant financial hardship on the intervenor or participant
30 31 32 33	<b>2. Funding sources.</b> If the commission finds pursuant to subsection 1 that an intervenor <u>or participant</u> in a commission proceeding qualifies for funding, the commission may, <u>except as provided in subsection 2-A and</u> consistent with rules adopted by the commission pursuant to subsection 3

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# **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 <u>or participant</u> from the Public Utilities Commission Regulatory Fund established pursuant to section 116<u>, administrative</u> <u>penalties</u> 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

- 17 A Rules adopted by the commission pursuant to this subsection must include, but are18 not limited to
- 19 (1) The process by which the commission will determine whether an intervenor or
   20 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
- 29 (4) The methods by which the commission will ensure that the public is notified
  30 about the availability of intervenor <u>and participant</u> funding under this section
- 31B Rules adopted by the commission pursuant to this subsection may include, but are32not limited to
- 33 (1) Establishment of a cap on the amount of funding that a qualified intervenor or
   34 participant may be provided in a commission proceeding,

35 (2) Establishment of a process by which the commission will give priority under 36 this section to qualified intervenors <u>or participants</u> representing environmental 37 justice populations If the commission establishes such a process by rule, the 38 commission, in consultation with the Department of Environmental Protection, 39 shall include in that rule a definition for "environmental justice populations" that 40 is consistent with any definition for that term adopted by the department in a 41 department rule, and

42 (3) Any other provisions the commission determines necessary for the 43 implementation of this section '

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# **COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT " A " to H P 246, L D 395

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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

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#### FISCAL NOTE REQUIRED

(See attached)

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## **COMMITTEE AMENDMENT**

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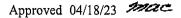
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## **131st MAINE LEGISLATURE**

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

## **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 ex\_\_\_\_\_\_ budgeted resources.