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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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

COMMITTEE AMENDMENT “ ” to H.P. 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**

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

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

8 **2-A. Water utility exception.** If the commission finds, pursuant to subsection 1, that  
9 an intervenor or participant in a commission proceeding involving a water utility qualifies  
10 for funding, the commission may, consistent with rules adopted by the commission, provide  
11 compensation to the intervenor or participant only from administrative penalties within the  
12 Public Utilities Commission Reimbursement Fund in accordance with section 117,  
13 subsection 3, paragraph B, subparagraph (6).

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

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

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

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

25 (3) The process by which the commission will ensure that funding provided to an  
26 intervenor or participant is used properly and the process by which funding  
27 provided to an intervenor or participant that is not entirely used by the intervenor  
28 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 and participant funding under this section.

31 B. Rules adopted by the commission pursuant to this subsection may include, but are  
32 not 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 or participants 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.'

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

3 **SUMMARY**

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

10 **FISCAL NOTE REQUIRED**

11 **(See attached)**