

**Testimony before the Committee on Energy, Utilities and Technology  
in opposition to L.D. 1405, *An Act to Amend Laws Governing the Public Utilities Commission  
Concerning Participant Funding***

**April 16, 2025**

Senator Lawrence, Representative Sachs, and members of the Committee on Energy, Utilities and Technology, my name is Emily K. Green, and I am the Director of Clean Mobility at the Conservation Law Foundation (CLF). I appreciate this opportunity to submit testimony opposed to L.D. 1405, *An Act to Amend Laws Governing the Public Utilities Commission Concerning Participant Funding*.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental and energy challenges threatening the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that works to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources; are good for Maine's economy and environment; and equitably address the climate crisis.

*CLF Supports the Public Utilities Commission's Intervenor Funding Program to Expand Access to Commission Proceedings*

The Public Utilities Commission's (Commission) intervenor funding program is critical for elevating under-represented voices in Commission decision-making. The Commission regularly issues determinations impacting all Mainers, and the significance of its role is increasing as it helps shape the state's climate and economic future.

Despite the far-reach and import of Commission decision-making, these processes remain a black box for many Mainers —the procedures are often complicated, and the subject matter is technical, requiring specific expertise. To rectify this, over the past few sessions, the Legislature has endeavored to revive and expand the Commission's intervenor funding program: expanding applicability, suggesting the Commission consider prioritization of environmental justice populations, and permitting additional funding streams, among other positive changes.<sup>1</sup> The program aims to expand access to Commission proceedings by reducing monetary barriers to participation. CLF supports the program because underrepresented and underserved Mainers must have a seat at the table to help distribute energy burdens and benefits more equitably.

CLF opposes the proposed sponsor amendment to L.D. 1405 (April 15, 2025) because it is inconsistent with the purpose of making the Commission process more accessible to Maine

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<sup>1</sup> See P.L. 2021, ch. 736; see also PL 2023, c. 143.

citizens. Limiting funding to individuals and precluding groups from applying would also likely increase the burden on Commission staff in determining individual eligibility (we note that “personal capacity,” “business capacity,” and “professional capacity” are all undefined terms subject to interpretation). If the concern underlying this legislation is that organizations that do not need funding can take advantage of the opportunity for a free lunch, there are more tailored ways to address that concern, for instance by tightening up the financial eligibility requirements.

Rather than L.D. 1405’s blunt distinction between personal individuals and any sort of organization, CLF and other groups proposed in the Commission’s inquiry into intervenor funding that:

[a]ny public interest or non-profit organization, group of individuals, or individual that is not adequately represented by the OPA or Commission staff, is likely to substantively contribute to the proceeding, and can demonstrate “significant financial hardship” should be eligible for intervenor compensation. We would also recommend allowing certain local governments like municipalities, counties and tribal governments that are not representing public utilities and that otherwise meet the statutory criteria to qualify.

*Maine Public Utilities Commission, Inquiry into Intervenor Funding Rule (Chapter 840), No. 2022-180, Joint Comments of Union of Concerned Scientists, Conservation Law Foundation, Natural Resources Council of Maine, and Acadia Center (July 22, 2022) at 6.*

The newly expanded intervenor funding program has not been adequately tested as yet. If Legislators have concerns about the scope, eligibility, or other provisions of the existing program, we urge the Committee to take a more tailored approach to amending specific provisions. CLF urges the Committee to vote ought not to pass on L.D. 1405 as amended.