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April 16, 2025

Committee on Energy, Utilities, and Technology  
c/o Office of Fiscal and Program Review  
5 State House Station  
Augusta, ME 04333

**RE: Testimony in Opposition to LD 1405, An Act to Amend Laws Governing the Public Utilities Commission  
Concerning Participant Funding**

Dear Senator Lawrence, Representative Sachs, and other members of the Committee,

My name is Steve Clemmer, Director of Energy Research in the Union of Concerned Scientists (UCS) Climate and Energy Program. UCS is the nation's leading science based non-profit organization with more than a half a million supporters, including more than 2,500 in Maine. I offer this testimony on behalf of UCS in opposition to LD 1405.

Only allowing individuals acting in a personal capacity rather than in a business or professional capacity to qualify for funding would discourage and significantly limit participation of more diverse voices in PUC proceedings, and place an undue burden on applicants.

In 2021, I testified in support of LD 1682, which required the PUC to consider climate and equity impacts in their decision making. In 2022, I testified in support of LD 2018, which implemented recommendations regarding the incorporation of equity considerations in regulatory decision making, including prioritizing intervenor funding to environmental justice and disadvantaged communities to participate in PUC proceedings. In 2023, I testified in support of LD 395, which was proposed by the PUC to clarify that intervenor funding is available to participants in all PUC proceedings and to expand funding sources to include money collected from administrative penalties. In addition, I participated in the Maine Public Utilities Commission (PUC) docket to amend the intervenor and participant funding rule, submitting joint comments with environmental, community-based, and youth groups.<sup>1</sup>

All of these bills were passed into law and reflected in the final amended rule issued by PUC in 2024.<sup>2</sup> The laws and the PUC's final rule clearly reflect a goal of encouraging greater participation from more diverse voices and disadvantaged communities in PUC proceedings that could have important economic, environmental, and public health impacts on those communities. LD 1405 would clearly undermine this goal by significantly limiting participation to only individuals acting in their personal capacity.

The OPA also highlighted several benefits for encouraging greater participation from more diverse voices in PUC proceedings in supporting LD 2018 in 2022:

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<sup>1</sup> For example, see Joint Comments of Conservation Law Foundation, Union of Concerned Scientists, and Natural Resources Council of Maine. Maine Public Utilities Commission, Amendments to Intervenor and Participant Funding Rule (Chapter 840), Docket No. 2022-00299, November 2, 2022.

<sup>2</sup> Maine Public Utilities Commission. Order Amending Rule and Statement of Factual and Policy Analysis. Amendments to Intervenor and Participant Funding Rule (Chapter 840), Docket No. 2022-00299, May 29, 2024.

*[to make] PUC proceedings more accessible to those with limited resources...encourage greater government accountability and participatory democracy...improve the quality and effectiveness of intervenor's participation...[and] broaden the diversity of viewpoints reflected in the administrative records of any case.*<sup>3</sup>

To our knowledge, no other state has eligibility criteria that is this stringent or limiting as proposed in LD 1405. As of December 2021, at least 16 states had adopted intervenor compensation programs, according to a report prepared for the National Association of Regulatory Utility Commissioners (NARUC).<sup>4</sup> While the eligibility criteria varies across these states, none of those states limit participation to individuals acting in their personal capacity rather than in a business or professional capacity.<sup>5</sup> In contrast, many states allow utility customers, non-profit organizations, local governments, and other interests that can demonstrate financial hardship to participate, while explicitly excluding for-profit businesses. The other three criteria the Maine PUC uses to determine qualification for funding are also common in many states.

Enhanced participation and contribution of more diverse perspectives will result in better decisions, improving services for all. We also believe that more robust processes and upfront opportunities for engagement may lead to greater public support and buy-in to the results, thereby obviating or reducing the need for subsequent challenges to agency decisions and reducing regulatory risk. LD 1405 would undermine these outcomes by significantly limiting participation in PUC proceedings.

Thank you for the opportunity to testify in opposition to LD 1405.

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<sup>3</sup> Joint Reply Comments of Union of Concerned Scientists, Conservation Law Foundation, Acadia Center, and Natural Resources Council of Maine. Maine Public Utilities Commission, Notice of Inquiry into Intervenor Funding Rule (Chapter 840), Docket No. 2022-00180, August 19, 2022.

<sup>4</sup> FTI Consulting, Inc. 2021. *State Approaches to Intervenor Compensation*. Prepared for the National Association of Regulatory Utility Commissioners, online at: <https://pubs.naruc.org/pub/B0D6B1D8-1866-DAAC-99FB-0923FA35ED1E>.

<sup>5</sup> For more detail, see Table 1 Features of Authorized State Intervenor Compensation Programs on pp. 7-9 of the NARUC report.