

**Testimony before the Committee on Energy, Utilities and Technology
in support of LD 1949, *An Act Regarding Energy Fairness***

May 15, 2025

Senator Lawrence, Representative Sachs and members of the Committee on Energy, Utilities and Technology, my name is Phelps Turner, and I am a Senior Attorney and the Director of Clean Grid at the Conservation Law Foundation (CLF). I appreciate this opportunity to testify in support in support of LD 1949, *An Act Regarding Energy Fairness*. My testimony will focus on the environmental justice provisions of the bill.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental challenges that threaten 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 has worked 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 address the climate crisis in a manner that recognizes the fierce urgency of that crisis, as well as the need to do so in a just and inclusive way.

LD 1949 builds upon the foundation laid by the Legislature concerning the incorporation of equity considerations into decision making by state agencies.

Four years ago, the Legislature recognized the importance of incorporating new considerations into decision making by state agencies when it enacted Public Law 2021, Chapter 279, requiring the Governor's Office of Policy Innovation and the Future (GOPIF) to develop and submit a report, including recommendations on methods for incorporating equity considerations into decision making at the Maine Department of Environmental Protection (Department), the Maine Public Utilities Commission (Commission) and other state agencies.¹ The report was submitted to the Legislature on February 25, 2022.² As the report indicated, GOPIF and the state agencies pursued the consideration of equity within the context of environmental justice.³

Today, the Commission makes some of the most important decisions about energy regulation in Maine. By law, it is required to regulate public utilities in accordance with Title 35-A, the basic purpose of which is to establish a regulatory system that ensures safe, reasonable and adequate utility service, that minimizes the cost of energy, that ensures the rates of utilities are just and

¹ *An Act to Require Consideration of Climate Impacts by the Public Utilities Commission and To Incorporate Equity Considerations in Decision Making by State Agencies*, <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1251&item=3&snum=130>.

² GOPIF, "Report on Equity Considerations in Decision Making," February 25, 2022, <https://www.maine.gov/tools/whatsnew/attach.php?id=6869935&an=1>.

³ *Id.* at 5.

reasonable, and that reduces greenhouse gas emissions to meet the emissions reduction levels set forth in Title 38, Section 576-A.⁴

To augment these existing protections that the Legislature has established under Title 35-A, LD 1949 **amends the utility regulation framework to require the Commission, in executing its duties, powers and regulatory functions, to consider and incorporate defined environmental justice principles.** Those principles include: the meaningful involvement of environmental justice populations with respect to the development, implementation and enforcement of environmental and climate laws, regulations and policies; and the equitable distribution of energy, health, economic and environmental benefits and burdens.

LD 1949 benefits Maine’s low-income communities and other communities by establishing more complete and lasting decision-making at the Commission.

Every day, the Commission makes decisions that impact Maine’s communities. As it reported to GOPIF in 2022, there are several areas the Commission regulates in which it could consider equity and environmental justice. The following is an excerpt from the report:

“In 2022, the Commission will develop a plan which further investigates opportunities for implementation of the below areas, as well as identifies additional regulatory areas for consideration.

- “Electric Transmission Infrastructure: With respect to new transmission lines, utilities are required by law to file for a Certificate of Public Convenience and Necessity (CPCN). The Commission does consider certain environmental aspects as required by law in our review of these projects, but the primary environmental impact evaluation and review is conducted by the DEP. In order for the Commission to incorporate consideration of such impacts on low income/disadvantaged populations or geographic areas as well as environmental justice communities, statutory changes may be needed giving the Commission the authority to engage in these additional considerations.
- “Utility Rate Cases: The Commission looks carefully at utilities costs to ensure that any proposed rate increase is based on prudent costs such that rates remain reasonable for all customers. The Commission also reviews and evaluates rate design impacts related to both residential and business customers to ensure rate structures are cost based and that costs are fairly allocated among customer classes. Specific, equity and environmental justice considerations could be considered in rate design and the Commission will consider the best approach in its ongoing evaluation. In addition, the Commission received a grant from the Department of Energy and is working with the Lawrence Berkley Lab on this topic as well. In order for the Commission to incorporate

⁴ See 35-A M.R.S. §§ 101, 103, 103-A.

consideration of impacts on low income/ disadvantaged populations or geographic areas as well as environmental justice communities, statutory changes may be needed giving the Commission the authority to engage in these additional considerations.”⁵

These are just two of the several areas within its jurisdiction where the Commission can and should consider and incorporate defined environmental justice principles.

LD 1949 provides the Commission with definitions of environmental justice, environmental justice populations and environmental justice principles. Under these definitions, the majority of Mainers qualifying as environmental justice populations will be low-income populations. In CPCN proceedings, rate cases and other Commission proceedings, these **low-income populations and other environmental justice populations will be guaranteed meaningful involvement with respect to the development, implementation and enforcement of environmental and climate laws, regulations and policies, and the equitable distribution of energy, economic, and environmental benefits and burdens.**

LD 1949 puts Maine on a similar path as other states, including Vermont and Massachusetts,⁶ which have recognized the importance of procedural and substantive reforms to address longstanding inequities faced by environmental justice populations, including in energy-related matters.

This bill marks a significant step forward in enhancing decision making at the Commission. Thank you for the opportunity to testify in support of LD 1949.

⁵ *Id.* at 20 (emphases added).

⁶ See <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT154/ACT154%20As%20Enacted.pdf> and <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>.