



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

Steven D. Foster

56 Silvers Mills Rd.
Dexter, ME 04930

Residence: (207) 924-4409

Steven.Foster@legislature.maine.gov

April 16, 2025

Committee on Energy, Utilities, and Technology

Senator Lawrence, Representative Sachs, fellow members of the Committee on Energy, Utilities, and Technology, I'm Steve Foster, Representative for House District 32, serving Charleston, Dexter, Exeter, Garland, Stetson, and a part of Bradford, here to present LD1405, "An Act to Amend Laws Governing the Public Utilities Commission Concerning Participant Funding".

On March 2, 2023, LD395, "An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor and Participant Funding," was submitted by the PUC in the 131st Legislature with the goal of modifying statute to provide funding for a participant in a non-adjudicatory commission proceeding in addition to an intervenor in an adjudicatory proceeding and to identify a source of that funding. This bill was passed out of committee with a unanimous OTP as amended on May 22nd, after two work sessions with much discussion.

As some of us may remember, the bill was described as providing an opportunity for citizens to take part in PUC proceedings, who previously could not afford to do so. It would help an attendee pay for travel, meals, or other needs, such as child care, so that the average ratepayer could represent themselves alongside the usual participants representing large companies or organizations. In his testimony in support, Public Advocate Harwood stated, "the facilitation of meaningful participation by underrepresented stakeholders can broaden the diversity of viewpoints reflected in the administrative records of any case".

A concern I and some others expressed was that this funding might become available to a large non-profit or other organization, which hadn't the need prior to the changes LD395 would make. This topic provoked quite a bit of discussion, with Mr. Harwood commenting that it might, should such an organization show they lacked the funds in their budget to participate at that time.

There was also concern about what adding the term, participant, might mean in regard to added expense. Many questions and discussions covered topics such as amount of compensation, types of expenses, source of the funding, effects on water utilities, COU's vs. IOU's, etc.

Although the possibility that larger organizations might qualify for funding was discussed, the overall message was that individuals who had a reason for appearing at a proceeding that couldn't be represented by the OPA or other participants could be afforded the opportunity at minimal expense. In the words of the PUC Chair, the purpose of the funding in the first place, "is to enable customers who historically have not had a seat at the table, those who traditionally have not been represented in proceedings before the Public Utilities Commission to be able to access funds to be able to come to the table and participate".

As the first proponent for LD395 at the public hearing, in answer to a question concerning large groups or non-profits that might seek funding, the Public Advocate said, "we're all going to be watching intently, I assume some members of this committee are going to be watching intently, the first request for intervenor funding goes in, it's going to be given a lot of attention".

That brings us to LD1405. The first funding request, which was granted by the PUC, occurred last June by Seth Berry representing the non-profit Our Power as an intervenor in case #2024-00117. The Our Power funding request for \$84,857 was capped at \$80,000 after consideration by the PUC. It appears the actual amount awarded is confidential as I was unable to find it in the case public record.

I think most of us are aware of the hundreds of thousands of dollars Our Power has raised and spent over the last few years for various campaigns. Although I'm sure the PUC fully considered the conditions that had to be met before granting this intervenor status and the request for compensation, I do not believe this outcome was the intent, discussed at length, of LD395.

Therefore, I submit to you LD1405 as amended, after discussions with our analyst and a representative of the PUC. Rather than a straight repeal of LD395, this language is meant to keep what we hoped to provide for those not normally able to sit at the PUC table, while removing those who can afford to do so or are represented by others already there.

I hope you feel as I do and can support this bill. I'll answer any question you may have, but will leave it to others to explain the language you see before you.

Thank you.
Respectfully submitted,
Steve Foster
State Representative