



Natural Resources Council of Maine

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Testimony in Opposition to LD 1405, An Act to Amend Laws Governing the Public Utilities Commission Concerning Participant and Intervenor Funding

**To the Joint Committee on Energy, Utilities and Technology
by Rebecca Schultz, Senior Advocate for Climate and Clean Energy
April 16, 2025**

Senator Lawrence, Representative Sachs, members of the Energy, Utilities and Technology Committee, my name is Rebecca Schultz, and I am a Senior Advocate for Climate and Clean Energy with the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonpartisan environmental advocacy organization with nearly 20,000 members and supporters statewide, on whose behalf I am testifying today in opposition to the Sponsor's Amendment to LD 1405, distributed on April 15, 2025.

It is not hyperbole to say that this bill would restrict eligibility for Maine's intervenor funding program so severely that the program would never be used.

As the program currently stands, the barriers to entry—among them the layers of regulatory procedure, rules, parlance, and the Case Management System—are so high that an individual person who isn't steeped in legal and regulatory training simply will not be able to clear the hurdles.

Restricting participation to individuals acting only in a personal capacity, who are not affiliated with any professional or business organization, which is what the sponsor's amendment would do, would raise the bar even higher, putting it completely out of reach. Were this bill to become law, for example, a person seeking to be part of the important and impactful conversations that take place at the Public Utilities Commission (PUC) through this program would now have to submit their personal tax returns to be scrutinized by utility attorneys.

The program was amended by the Legislature in 2022 and again in 2023 to specify sources of funding. It then went through a lengthy and engaged rulemaking process at the Public Utilities Commission, which only concluded with the issuance of final rules in 2024. Thoughtful consideration was given to issues of eligibility to ensure that the program would not be abused.

The purpose of the program is to expand participation in matters before the Public Utilities Commission, to attract a diversity of viewpoints, and expand access to information—because

ultimately, **public participation in public processes encourages government accountability and results in better outcomes for the public.**

Since this recent round of modifications to the intervenor funding program, just one applicant has come before the PUC. NRCM was an intervenor in that case and witnessed first-hand the high barriers this program imposes on a participant, who must be able to spend significant time and financial resources up front before learning whether their application for reimbursement will be approved, and even after approval, can only participate in the face of a high risk of uncertainty about what costs ultimately will or will not be covered.

If we want this program to function effectively to support better decision-making at the PUC, we should be seeking ways to reduce barriers to participation, not erecting new ones.

We urge the Committee to vote **Ought Not to Pass on LD 1405.**

Thank you for your consideration of these comments. I would be happy to answer any questions the Committee has.