

§1702. Duties

The duties and responsibilities of the Public Advocate are to represent the using and consuming public in matters within the jurisdiction of the commission, including, but not limited, to the following: [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Review and recommendations. The Public Advocate may review, investigate and make appropriate recommendations to the commission with respect to:

- A. The reasonableness of rates charged or proposed to be charged by any public utility; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- B. The reasonableness and adequacy of the service furnished or proposed to be furnished by any public utility or competitive electricity provider; [PL 2021, c. 659, §13 (AMD).]
- C. Any proposal by a public utility to reduce or abandon service to the public; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- D. The issuance of certificates of public convenience and necessity. Recommendations may include alternative analyses and plans as necessary; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- E. Terms and conditions of public utilities; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- F. Mergers and consolidations of public utilities; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- G. Contracts of public utilities with affiliates or subsidiaries; and [PL 1987, c. 141, Pt. A, §6 (NEW).]
- H. Securities, regulations and transactions of public utilities. [PL 1987, c. 141, Pt. A, §6 (NEW).]

[PL 2021, c. 659, §13 (AMD).]

2. Intervention. The Public Advocate may intervene in any proceeding before the commission related to the activities under subsection 1, when determined necessary by the Public Advocate. [PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Petition to initiate proceedings. The Public Advocate may petition the commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates or service of any public utility or competitive electricity provider when determined necessary by the Public Advocate. [PL 2021, c. 659, §14 (AMD).]

4. Public complaints. The Public Advocate may investigate complaints affecting the using and consuming public generally, or particular groups, of consumers and, where appropriate, make recommendations to the commission with respect to these complaints. [PL 1987, c. 141, Pt. A, §6 (NEW).]

5. Intervention on behalf of public. The Public Advocate may, on behalf of the using and consuming public, or any particular group of consumers, petition to initiate, or intervene and appear in, any proceedings before the commission, appeals from orders of the commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive electricity provider doing business in this State. [PL 2021, c. 659, §15 (AMD).]

6. Annual report. The Public Advocate shall prepare and submit an annual report of activities of the Public Advocate to the Governor and to the joint standing committee of the Legislature having jurisdiction over public utilities matters by September 1st of each year, with copies available to all legislators on request.

- A. Beginning in 2022, the annual report must include, for each category of public utility listed in section 116, subsection 1, an accounting of:

(1) The portion of the Public Advocate's resources devoted to matters related to investor-owned utilities and the portion of resources devoted to matters related to consumer-owned utilities; and

(2) The Public Advocate's expenses per dollar of intrastate gross operating revenue for investor-owned utilities and for consumer-owned utilities. [PL 2021, c. 318, §8 (NEW).]
[PL 2021, c. 318, §8 (AMD).]

7. Assist customers of consumer-owned transmission and distribution utilities. The Public Advocate shall assist customers of consumer-owned transmission and distribution utilities in reviewing proposed rate increases and preparing questions and testimony for public hearings and, on request of a customer and when determined necessary by the Public Advocate, intervene in the proceedings conducted in accordance with chapter 35.

[PL 1999, c. 398, Pt. A, §27 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

8. Represent interests of retail customers on regional bodies. The Public Advocate, when the Public Advocate determines it necessary, may serve as a voting member of any regional body whose decisions directly affect the prices or quality of utility services in the State, as long as that service is limited to a seat that is designated for the representation of consumer interests. Service as a voting member of a regional body in accordance with this subsection does not create or constitute a conflict of interest pursuant to section 1709.

[PL 2001, c. 27, §1 (NEW).]

9. Other advocacy forums. The Public Advocate, consistent with the priorities established in section 1702-A and the requirements of this chapter, may represent and promote the interests of the using and consuming public:

A. In appropriate proceedings of the Legislature; and [PL 2011, c. 79, §2 (NEW).]

B. In regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission. [PL 2011, c. 79, §2 (NEW).]

[PL 2011, c. 79, §2 (NEW).]

10. Independent representation of the interests of the using and consuming public. The Public Advocate, when taking a position on any matter in any proceeding or forum pursuant to the Public Advocate's authority under this chapter, shall exercise independent judgment to ensure the position:

A. Is consistent with the priorities established in section 1702-A and the requirements of this chapter; and [PL 2011, c. 79, §2 (NEW).]

B. Promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing. [PL 2011, c. 79, §2 (NEW).]

[PL 2011, c. 79, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1989, c. 660 (AMD). PL 1999, c. 398, §§A24-27 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2001, c. 27, §1 (AMD). PL 2011, c. 79, §§1, 2 (AMD). PL 2019, c. 71, §1 (AMD). PL 2019, c. 164, §1 (AMD). PL 2021, c. 318, §8 (AMD). PL 2021, c. 659, §§13-15 (AMD).

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