

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 246 - L.D. 395

**An Act to Expand Funding Sources Within the Public Utilities Commission  
for Intervenor and Participant Funding**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 35-A MRSA §117, sub-§3, ¶B**, as amended by PL 2011, c. 27, §2, is further amended by amending subparagraph (4) to read:

(4) To supplement the telecommunications education access fund established pursuant to section 7104-B; ~~or~~

**Sec. 2. 35-A MRSA §117, sub-§3, ¶B**, as amended by PL 2011, c. 27, §2, is further amended by amending subparagraph (5) to read:

(5) To supplement any other program or fund that the commission determines would benefit customers affected or potentially affected by the violation; ~~or~~

**Sec. 3. 35-A MRSA §117, sub-§3, ¶B**, as amended by PL 2011, c. 27, §2, is further amended by enacting a new subparagraph (6) to read:

(6) To supplement available funding sources for intervenor and participant funding pursuant to section 1310-A, subsection 2.

**Sec. 4. 35-A MRSA §1310-A**, as enacted by PL 2021, c. 736, §2, is amended to read:

**§1310-A. Intervenor and participant funding**

**1. Qualification for funding.** Consistent with rules adopted by the commission pursuant to subsection 3, the commission may order or provide funding in accordance with subsection 2 to an intervenor in an adjudicatory proceeding or a participant in a nonadjudicatory commission proceeding upon a finding that:

A. The position of the intervenor or participant is not adequately represented by the Office of the Public Advocate or commission staff;

B. The intervenor or participant is likely to substantially contribute to the proceeding and to assist in the resolution of the issues raised in the proceeding; and

C. Participation in the proceeding by the intervenor or participant would impose a significant financial hardship on the intervenor or participant.

**2. Funding sources.** If the commission finds pursuant to subsection 1 that an intervenor or participant in a commission proceeding qualifies for funding, the commission may, except as provided in subsection 2-A and consistent with rules adopted by the commission pursuant to subsection 3:

A. Order a utility involved in the commission proceeding to compensate the intervenor or participant. Compensation provided by a utility under this paragraph may be recovered in rates; or

B. Provide compensation to the intervenor or participant from the Public Utilities Commission Regulatory Fund established pursuant to section 116, administrative penalties and filing fees, subject to the commission's determination that funds are available for that purpose.

**2-A. Water utility exception.** If the commission finds, pursuant to subsection 1, that an intervenor or participant in a commission proceeding involving a water utility qualifies for funding, the commission may, consistent with rules adopted by the commission, provide compensation to the intervenor or participant only from administrative penalties within the Public Utilities Commission Reimbursement Fund in accordance with section 117, subsection 3, paragraph B, subparagraph (6).

**3. Rules.** The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. Rules adopted by the commission pursuant to this subsection must include, but are not limited to:

(1) The process by which the commission will determine whether an intervenor or participant qualifies for funding;

(2) Identification of which expenses incurred by an intervenor or participant may qualify for funding, which types of proceedings intervenor or participant funding will be available for and the point in an eligible proceeding at which an intervenor or participant qualifying for funding will be provided with the funding;

(3) The process by which the commission will ensure that funding provided to an intervenor or participant is used properly and the process by which funding provided to an intervenor or participant that is not entirely used by the intervenor or participant may be recovered by the commission; and

(4) The methods by which the commission will ensure that the public is notified about the availability of intervenor and participant funding under this section.

B. Rules adopted by the commission pursuant to this subsection may include, but are not limited to:

(1) Establishment of a cap on the amount of funding that a qualified intervenor or participant may be provided in a commission proceeding;

(2) Establishment of a process by which the commission will give priority under this section to qualified intervenors or participants representing environmental

justice populations. If the commission establishes such a process by rule, the commission, in consultation with the Department of Environmental Protection, shall include in that rule a definition for "environmental justice populations" that is consistent with any definition for that term adopted by the department in a department rule; and

(3) Any other provisions the commission determines necessary for the implementation of this section.