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**Testimony In Support of
LD 395, “An Act to Expand Funding Sources Within the Public Utilities Commission
for Intervenor Funding”**

March 2, 2023

Senator Lawrence, Representative Zeigler and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology,

My name is William Harwood and I am the Public Advocate, here today to testify in support of LD 395, “An Act to Expand Funding Sources Within the Public Utilities Commission for Intervenor Funding.”

The purpose of intervenor funding is to support advocacy and input from individuals and entities that cannot participate in Commission proceedings for financial reasons. In 1980, the Public Utilities Commission (PUC) adopted the original version of its intervenor funding rule which entitled customers to be compensated for some of the costs of participating in certain kinds of PUC proceedings. The rule was amended several times (in 1996 and 2013) to make small modifications to the eligibility criteria.

But in 2022, the Legislature enacted “An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making.” The Act, codified in Title 35-A Section 1310-A, explicitly permitted the use of filing fees and the Commission’s Regulatory Fund as sources to compensate PUC case participants. LD 395 would amend Title 35-A M.R.S. Section 1310-A(2)(B) to add “administrative penalties” to that list of sources. It would also add “intervenor funding” to the list of ways in which the Commission may use funds collected to cover administrative penalties in Title 35-A Section 117(3)(B).

The OPA supports LD 395. Public participation encourages government accountability and participatory democracy. Intervenor funding can support both access to PUC proceedings, and quality and effectiveness of the intervenors’ participation. Also, the



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facilitation of meaningful participation by underrepresented stakeholders can broaden the diversity of viewpoints reflected in the administrative records of any case.

Thank you for your time, attention, and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 395 and will be available for the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "William S. Harwood".

William S. Harwood
Public Advocate