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PUBLIC ADVOCATE

**Testimony in Opposition to
LD 1405, “An Act to Amend Laws Governing the Public Utilities Commission
Concerning Participant Funding”**

April 16, 2025

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

My name is Heather Sanborn, here today as Public Advocate, to testify in opposition to LD 1405, “An Act to Amend Laws Governing the Public Utilities Commission Concerning Participant 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 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.

In 2022, the legislature enacted 35-A M.R.S. Section 1310-A, explicitly permitting the use of filing fees and the commission’s regulatory fund as sources to compensate PUC case participants. In 2023, the legislature enacted a further expansion of intervenor funding to add administrative penalty funds to the available funding sources and to clarify that such funding could also be made available to permit participation in non-adjudicatory proceedings. The OPA strongly supported these legislative policy decisions. We see no reason to walk those changes back or narrow the type of intervenors the PUC could find eligible for funding.

Public participation encourages government accountability and participatory democracy. Intervenor funding is one way of facilitating public participation in often opaque and arcane PUC proceedings where utilities and others are often represented by a cadre of high-priced lawyers. Intervenor funding can support meaningful access to PUC proceedings and can improve the quality and effectiveness of the intervenors’ participation. Also, the facilitation of meaningful participation by underrepresented stakeholders can broaden the diversity of viewpoints reflected in the administrative records of any case.

Since the expansion of intervenor funding authority in 2023, there has not been a flood of requests for such funding. Accordingly, we do not see what problem this bill before you today is trying to solve.

I welcome your questions and would be pleased to provide additional information for the work session.

Respectfully submitted,

Heather Sanborn
Public Advocate