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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

Introduced By: Senators Acosta, Mack, Euer, and Bell

Date Introduced: February 26, 2025

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 39-1 of the General Laws entitled "Public Utilities Commission" is  
2 hereby amended by adding thereto the following section:

3           **39-1-64. Public utility commission and energy facility siting board intervenor support**  
4 **program.**

5           (a) Definitions. As used in this part, unless the context requires otherwise:

6           (1) "Commission" means the public utilities commission.

7           (2) "Compensation" means payment for all or part, as determined by the commission, of  
8 reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of  
9 preparation for and participation in a proceeding, and includes the fees and costs of obtaining an  
10 award under this section and of obtaining judicial review, if any.

11           (3) "Energy facility siting board" or "siting board" means the energy facilities siting board  
12 as established by chapter 98 of title 42.

13           (4) "Expert witness fees" means recorded or billed costs incurred by an intervenor for an  
14 expert witness.

15           (5) "Eligible local government entity" means a city, county, governmental bodies, federally  
16 recognized tribe, state-acknowledged tribe or state-recognized tribe or city and county that is not a  
17 publicly owned public utility that intervenes or participates in a commission proceeding.

18           (6) "Interests of residential customers" means and includes, but is not limited to,  
19 considerations of utility service; the reduction of greenhouse gas emissions from the utility sector;

1 public health; energy efficiency; weatherization; electrification; environmental justice; efficient  
2 and cost-effective measures, programs and services; and clean energy technologies.

3 (7) "Intervenor" means a person or organization that has been admitted as an intervenor or  
4 participant in a commission proceeding.

5 (8) "Intervenor compensation special fund" means the intervenor compensation special  
6 fund established in this section.

7 (9) "Notice of intent to claim intervenor compensation" means a standardized document  
8 available on the commission website.

9 (10) "Other reasonable costs" means reasonable out-of-pocket expenses, directly incurred  
10 by an intervenor, that are directly related to the contentions or recommendations made by the  
11 customer that resulted in a substantial contribution.

12 (11) "Party" means any interested party, respondent public utility, or commission staff in a  
13 hearing or proceeding.

14 (12) "Proceeding" means an application, complaint, or investigation; rulemaking;  
15 alternative dispute resolution procedures in lieu of formal proceedings as may be sponsored or  
16 endorsed by the commission; or other formal proceeding before the commission.

17 (13) "Significant financial hardship" means either that the customer cannot afford, without  
18 undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness  
19 fees, and other reasonable costs of participation, or that, in the case of a group or organization, the  
20 economic interest of the individual members of the group or organization is small in comparison to  
21 the costs of effective participation in the proceeding.

22 (14) "Siting permit" means the major energy facility siting permit established pursuant to  
23 this section and the rules and regulations promulgated by the commission.

24 (15) "Substantial contribution" means that, in the judgment of the commission, the  
25 intervenor has substantially assisted the commission and supplied a perspective that is valued based  
26 on criteria for grant approval.

27 (b) Intervenor support program established.

28 (1) There is established an intervenor support program to provide compensation for  
29 reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to an  
30 intervenor who makes a substantial contribution to a proceeding resulting in a decision favorable  
31 to the interest of utility consumers. Ten percent (10%) of the approved potential grant may go to  
32 non-legal or non-administrative fees, if needed. The commission shall undertake a detailed review  
33 of the reasonableness of the actual claimed costs when it reviews an intervenor compensation claim.

34 (2) The provisions of this subsection shall apply to all formal proceedings of the

1 commission involving electric, gas, water, and telephone utilities, and of the energy facility siting  
2 board, and shall be administered in a manner that encourages the effective and efficient  
3 participation of all groups that have a stake in the public utility regulation process.

4 (3) The process for finding eligibility for intervenor compensation shall be streamlined,  
5 and based upon such criteria as an intervenor's issues, budget, and costs.

6 (4) Intervenors may be compensated for making a substantial contribution to proceedings  
7 of the commission, as determined by the commission beforehand in their grant approval process,  
8 after reviewing the notices of intent intervenors submit.

9 (5) Intervenor compensation grants shall be awarded to eligible intervenors in a timely  
10 manner, within thirty (30) days of the notice of the intent to participate.

11 (6) This section may be administered in a manner that avoids unproductive or unnecessary  
12 participation that duplicates the participation of similar interests otherwise adequately represented  
13 or participation that is not necessary for a fair determination of the proceeding.

14 (7) The commission shall develop:

15 (i) Accessible, multi-lingual and easily comprehensible web-based educational materials,  
16 including forms and templates, to educate prospective grantees and the public on the intervenor  
17 support grant program; and

18 (ii) A robust virtual and in-person outreach program to educate prospective grantees and  
19 the public about the intervenor support grant program.

20 (8) The commission may award reasonable advocate's fees, reasonable expert witness fees,  
21 and other reasonable costs of preparation for and participation in a hearing or proceeding to any  
22 customer who satisfies both of the following requirements:

23 (i) The customer's presentation makes a substantial contribution to the adoption, in whole  
24 or in part, of the commission's order or decision, and

25 (ii) Participation or intervention without an award of fees or costs imposes a significant  
26 financial hardship.

27 (9) In determining whether to approve a grant to an applicant, the commission may  
28 consider:

29 (i) Evidence of the applicant's experience and commitment to advancing the interests of  
30 residential utility consumers.

31 (ii) The anticipated effect of the proposal contained in the application on residential utility  
32 consumers, including the immediate and long-term impacts of the proposal.

33 (iii) The uniqueness or innovativeness of an applicant's position or point of view as it relates  
34 to advocating for residential utility consumers.

1           (iv) Qualification as an intervenor generally, in accordance with intervention rules as set  
2 forth in 815-RICR-00-00-1.17.

3           (10) The commission shall adopt a policy to allow reasonable advocate’s fees, reasonable  
4 expert witness fees, and other reasonable costs of preparation for and participation in a hearing or  
5 proceeding to an eligible local government entity that satisfies all of the following requirements:

6           (i) The entity’s presentation makes a substantial contribution to the adoption, in whole or  
7 in part, of the commission’s order or decision.

8           (ii) Participation or intervention without an award of fees or costs imposes a significant  
9 financial hardship.

10           (iii) The subject of the hearing or proceeding is the result of a triggering event, as  
11 determined by the commission, that significantly impacted the residents of the local government  
12 entity.

13           (11) A municipality that qualifies for the distressed community relief fund, as provided for  
14 in § 45-13-12, that is a prospective grantee for a proceeding pertaining to a major energy facility  
15 within its boundaries shall not be required to meet the criteria pursuant to this section to receive a  
16 grant award.

17           (12) The commission shall submit an annual report to the legislature and to the ratepayers  
18 advisory board, as established in § 39-1-37.1. Such report shall include a description of all activities  
19 of the fund, including, but not limited to:

20           (i) Amounts credited to the fund, amounts expended from the fund, and any unexpended  
21 balance;

22           (ii) A summary of the intervenor support grant fund application process;

23           (iii) The number of grant applications received, the number and amount of awards granted,  
24 and the number of grant applications rejected;

25           (iv) The number of intervenors who participated in proceedings with and without support  
26 from the fund;

27           (v) An itemization of costs incurred by and payments made to grantees;

28           (vi) An evaluation of the impact and contribution of grantees in commission and board  
29 proceedings;

30           (vii) A summary of education and outreach activities conducted by the commission related  
31 to the intervenor support grant program; and

32           (viii) Any recommended changes to the program.

33           (c) Intervenor compensation program - Awarding of compensation.

34           (1) An intervenor who intends to seek an award for compensation under this subsection

1 shall, at the earliest reasonable time, file a notice of intent to claim intervenor compensation with  
2 the commission. The intervenor shall include within the filing a statement of the nature and extent  
3 of the intervenor's planned participation including their potential substantial contribution, an  
4 itemized estimate of the compensation that the customer expects to request, including anticipated  
5 expert witness fees and other reasonable costs, and a statement explaining the intervenor's  
6 significant financial hardship.

7 (2) Intervenors shall receive a grant after submitting a notice of intent to participate, if  
8 approved by the commission based on eligibility standards. Intervenor compensation shall be  
9 awarded to eligible intervenors by the commission no later than thirty (30) days after the  
10 intervenors' original notice of intent is submitted. Intervenors shall describe in their notice of intent  
11 to participate, the substantial contribution they intend to contribute to the proceeding. This process  
12 would be separate from the required standard motion to intervene in a docket. If approved under  
13 consideration from factors in subsection (b) of this section as well as given standing as an  
14 intervenor, the approved funds shall be granted before the proceeding as a guarantee.

15 (i) Grantees shall not receive funds as approved if they withdraw from the proceeding.

16 (ii) The commission shall make disbursements pursuant to a grant in advance of an  
17 applicant's proposed actions as set forth in the application if necessary to enable the applicant to  
18 initiate, continue, or complete the proposed actions.

19 (iii) If upon completion of the proceeding and submittal of the grantee's report to the  
20 commission, the grantee's budget exceeds the actual spending, such excess funds shall be returned  
21 to the intervenor compensation special fund.

22 (3) The commission shall encourage grant making to nonprofits representing  
23 environmental justice communities and communities with the highest energy burdens.

24 (4) Any computer model that is the basis for any intervenor compensation shall be available  
25 to, and subject to verification by, the commission and parties to the hearing or proceedings to the  
26 extent necessary for cross-examination or rebuttal.

27 (5) The computation of a compensation award shall take into consideration the market rates  
28 paid to persons of comparable training and experience who offer similar services. The  
29 compensation awarded shall not, in any case, exceed the comparable market rate for services paid  
30 by the commission or the public utility, whichever is greater, to persons of comparable training and  
31 experience who are offering similar services.

32 (6) The commission may audit the records and books of the intervenor to the extent  
33 necessary, and may contract the services of a third party, to verify the basis for the award.

34 (7) The commission may deny any award to any intervenor who attempts to delay or

1 obstruct the orderly and timely fulfillment of the commission's responsibilities.

2 (8) The commission may require public utilities to pay into the intervenor compensation  
3 special fund.

4 (9) The award shall be paid out of the intervenor compensation special fund.

5 (10) Participation by a customer that materially supplements, complements, or contributes  
6 to the presentation of another party, including the commission staff, shall be fully eligible for  
7 compensation if the participation makes a substantial contribution to a commission order or  
8 decision, and if this participation was approved beforehand for the grant.

9 (11) Within thirty (30) days after the completion of a proceeding, each grantee shall submit  
10 to the commission a report that:

11 (i) Identifies the use of the funds during the proceeding;

12 (ii) The substantial contribution provided by its participation; and

13 (iii) A demonstration that its participation and the use of the funding did not cause a delay  
14 in the proceeding. Upon this submittal, any adjustments to the difference between the original grant  
15 given and the actual spending that occurred will be made.

16 (12) Any grants awarded pursuant to this section shall be used only in proceedings before  
17 the commission or the siting board, and not for any judicial appeal of such agencies' final decisions.

18 (d) Intervenor compensation special fund.

19 (1) There is established the intervenor compensation special fund within the commission,  
20 into which shall be deposited any funds so designated by the commission, and from which awards  
21 for intervenor compensation under this section may be paid.

22 (2) The fund shall consist of the following sources:

23 (i) Sums the general assembly may appropriate;

24 (ii) Monies received from federal or state entities, including bond funds or court awards;

25 (iii) Fees levied by the commission or siting board;

26 (iv) Monies received from any private donor for the intervenor compensation special fund;

27 (v) Any interest earned on monies in the fund; and

28 (vi) Annual assessment on electric and gas distribution companies.

29 (3) An annual assessment on electric and gas distribution companies shall occur:

30 (i) If the total funds available would result in the special fund having a balance below a  
31 reasonable annual budget as set by the commission;

32 (ii) If the general assembly appropriates funds, the utility shall be assessed up to an equal  
33 amount as the appropriation, in order that the fund shall be capped at one hundred fifty percent  
34 (150%) of a reasonable annual budget as set by the commission.

1           (4) Such an assessment shall be proposed prior to April 1 of each year, and go into effect  
2 on April 1 of each year, or other such date as approved by the commission.

3           (5) A grant awarded pursuant to this section shall not exceed fifty thousand dollars  
4 (\$50,000) per proceeding for any single awardee. The commission shall, at the commission's sole  
5 discretion, determine the amount of financial support being granted, considering the demonstrated  
6 needs of the intervenor and the complexity of the proceeding. The commission may, at the  
7 commission's sole discretion:

8           (i) Upon the petition of a prospective grantee, award a grant exceeding fifty thousand  
9 dollars (\$50,000) only upon a demonstration of good cause, including the complexity of the  
10 proceeding in which the grantee is intervening; and

11           (ii) Upon the petition of a prospective grantee, provide grant funding in addition to the  
12 funding initially requested under subsection (c) of this section upon a showing that new, novel or  
13 complex issues have arisen in the proceeding since the time the grant application was submitted  
14 pursuant to subsection (c) of this section.

15           (6) The commission may consider the potential for intervenors to share costs through  
16 collaborative efforts with other parties to a proceeding as part of determining the amount of funding  
17 awarded to any prospective grantee and such intervenors may be expected to reduce duplicative  
18 costs to the extent possible in instances where the position or positions of multiple intervenors  
19 align.

20           (7) The aggregate grant funding for any individual proceeding shall not exceed one hundred  
21 thousand dollars (\$100,000). Where the aggregate amount of funding being requested exceeds one  
22 hundred thousand dollars (\$100,000), funding shall be allocated to prospective grantees based on  
23 their relative financial hardship. The commission may, upon a determination of good cause, provide  
24 funding exceeding one hundred thousand dollars (\$100,000) for any individual commission or  
25 board proceeding.

26           SECTION 2. This act shall take effect On September 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

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1           This act would establish an intervenor support program to provide compensation for  
2 reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to an  
3 intervenor who makes a substantial contribution to a proceeding resulting in a decision favorable  
4 to the interest of utility consumers. The act would also establish an intervenor compensation special  
5 fund within the public utilities commission, forwarding grants to intervenors.

6           This act would take effect on September 1, 2025.

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