

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION
-- THE EQUITABLE PARTICIPATION IN UTILITY REGULATION ACT

Introduced By: Senators Acosta, Euer, Valverde, DiMario, Urso, Kallman, Vargas, Bell,
Zurier, and Britto

Date Introduced: February 27, 2026

Referred To: Senate Judiciary

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. Intervenor compensation program.**

4 (a) Terms used in this section shall be construed as follows, unless another meaning is
5 expressed or is clearly apparent from the language or context:

6 (1) "Compensation" means payment for all or part, of legal fees, expert witness fees, and
7 other reasonable costs of preparation for and participation in a proceeding and includes the fees and
8 costs of obtaining an award under this section and of obtaining judicial review, if any.

9 (2) "Expert witness fees" means recorded or billed costs incurred by an intervenor for an
10 expert witness.

11 (3) "Intervenor compensation special fund" means the intervenor compensation special
12 fund established in this section.

13 (4) "Other reasonable costs" means reasonable out-of-pocket expenses, directly incurred
14 by an intervenor, that are directly related to the contentions or recommendations made by the
15 customer.

16 (5) "Significant financial hardship" means that the intervenor cannot afford, without undue
17 hardship, to pay the costs of effective participation, including legal fees, expert witness fees, and
18 other reasonable costs of participation.

1 **(b) There is established an intervenor compensation program to provide compensation in**
2 **the form of a grant for legal fees, expert witness fees, and other reasonable costs to an intervenor**
3 **in commission proceedings.**

4 **(c) There is created an account to be known as the "intervenor compensation special fund"**
5 **within the public utilities commission in the general fund, hereinafter referred to as the "account,"**
6 **for the purpose of providing funding to qualified intervenors who have a significant financial**
7 **hardship consistent with the provisions of this section.**

8 **(d) Grants shall be in the amount of fifty thousand dollars (\$50,000), with the amount being**
9 **adjusted every five (5) years consistent with the consumer price index. The grant may be used to**
10 **cover legal fees, expert witness fees, and other reasonable expenses. Ten percent (10%) of the**
11 **approved grant may go to non-legal or non-expert witness fees. Any grant awarded pursuant to this**
12 **section shall be used only in proceedings before the commission and shall be ineligible for use for**
13 **any judicial appeal of any board final decision.**

14 **(e) The general assembly shall annually appropriate to the account the amounts that may**
15 **be required to bring the balance of the account to the sum of three hundred thousand dollars**
16 **(\$300,000), with the sum being adjusted every five (5) years consistent with the consumer price**
17 **index; provided, however, that if at June 30 in any year the balance in the account shall be in excess**
18 **of three hundred thousand dollars (\$300,000), the amount in excess shall be transferred to the**
19 **general fund of the state. The controller is authorized and directed to draw their orders upon the**
20 **general treasurer for the payment from the account of the sums as may be required from time to**
21 **time upon receipt by the controller of properly authenticated vouchers approved by the chairperson**
22 **of the commission. The commission may appropriate up to ten percent (10%) of the account balance**
23 **to hire a consultant to assist with the administration of the program.**

24 **(f) The provisions of this section shall only apply to proceedings involving electric**
25 **distribution companies serving over one hundred thousand (100,000) customers, electric**
26 **transmission companies, gas distribution companies, and energy efficiency programs.**

27 **(g) In furtherance of the purposes of this section, the commission shall:**

28 **(1) If funds are appropriated by the general assembly, develop accessible, multi-lingual**
29 **and easily comprehensible web-based educational materials, including forms and templates, to**
30 **educate prospective grantees and the public on the intervenor support grant program.**

31 **(2) If funds are appropriated by the general assembly, provide a virtual and in-person**
32 **outreach program to educate prospective grantees and the public about the intervenor compensation**
33 **grant program.**

34 **(3) Award a grant to offset legal fees, expert witness fees, and other reasonable costs of**

1 preparation for and participation in a hearing or proceeding to any party who satisfies the following
2 requirements:

3 (i) The party satisfies the standard for intervention in the proceeding;

4 (ii) The party is:

5 (A) An individual person or an individual person on behalf of an unorganized group of
6 individual persons; or

7 (B) An organization organized under the provisions of Internal Revenue Code § 501(c)3.

8 (iii) Intervention without an award of fees or costs imposes a significant financial hardship.

9 (4) Submit an annual report to the governor and general assembly that accounts for all
10 revenues and expenses of the program.

11 (5) If the commission finds that an intervenor qualifies for grant funding and the account
12 contains insufficient funds, the commission may order a utility serving more than one hundred
13 thousand (100,000) customers involved in the proceeding to pay up to one hundred thousand dollars
14 (\$100,000) into the account to meet the commission's grant obligations. Any such ordered payment
15 may be recovered in rates.

16 (h) Grants issued to intervenors shall be awarded in a manner consistent with the following
17 requirements:

18 (1) Intervenors shall provide notice in their intervention request to the commission that
19 they are seeking funding from the intervenor compensation special fund and provide any such
20 documentation as may be required by the commission to qualify for receiving a grant.

21 (2) The commission shall review the notice and additional documentation for completeness
22 and shall notify the applicant within ten (10) days of any deficiencies.

23 (3) The request for funding shall not be a contestable issue by other non-governmental
24 parties.

25 (4) Requests for funding shall be approved or denied within thirty (30) days from a
26 complete application being provided to the commission.

27 (5) The commission shall issue a written determination of approval.

28 (6) Grants awarded from the fund shall be paid out from the account no later than thirty
29 (30) days after approval.

30 (7) For any proceeding that includes a statutory requirement for a commission action in a
31 specific period of time, the commission may, at its discretion or upon motion of a party, provide an
32 alternative timeline to meet the purposes of this section.

33 (i) Grantees shall abide by the following requirements as conditions for receipt of funds:

34 (1) Grantees shall not withdraw from the proceeding.

1 (2) Grantees shall provide a report, no later than thirty (30) days from issuance of a written
2 order, that details the expenditure of grant funds.

3 (3) Grantees shall use funds solely for proceedings before the commission, meaning funds
4 may not be used for any appeal of final commission decisions.

5 (4) Grantees shall use funds solely for the purposes set out in its application to the
6 commission.

7 (j) A breach of the conditions described in subsection (i) of this section may be enforced
8 by a commission's order to repay the funds awarded following notice and opportunity to contest
9 the order by the grantee. Any entity subject to an order issued pursuant to subsection (j) of this
10 section shall not be considered for future funding from the intervenor compensation fund until the
11 commission order is satisfied.

12 (k) If upon completion of the proceeding and submittal of the grantee's report to the
13 commission, the grantee's grant award exceeds the actual spending, such excess funds shall be
14 returned to the intervenor special compensation fund.

15 SECTION 2. Section 42-98-17 of the General Laws in Chapter 42-98 entitled "Energy
16 Facility Siting Act" is hereby amended to read as follows:

17 **42-98-17. Appropriation — Fees — Grants.**

18 (a) There is created an account to be known as the "energy facility siting account", an
19 account within the public utilities commission in the general fund, hereinafter referred to as the
20 "account", for the purpose of providing the financial means for the board to purchase materials and
21 to employ on a contract or other basis legal counsel, official stenographers, engineers, accountants,
22 administration of the intervenor compensation fund, and expert witnesses and for other necessary
23 expenses of the board in investigations and hearings on applications for licensure under this chapter.
24 The general assembly shall annually appropriate to the account the amounts as may be required to
25 bring the balance of the account to the sum of ~~one hundred thousand dollars (\$100,000)~~ three
26 hundred thousand dollars (\$300,000); provided, however, that if at June 30 in any year the balance
27 in the account shall be in excess of ~~one hundred thousand dollars (\$100,000)~~ three hundred
28 thousand dollars (\$300,000), the amount of the excess shall be transferred to the general account
29 of the state. The controller is authorized and directed to draw his or her orders upon the general
30 treasurer for the payment from the account of the sums as may be required from time to time upon
31 receipt by the controller of proper vouchers approved by the chairperson of the board or the
32 secretary.

33 (b) The board shall be authorized to establish reasonable fees for investigations,
34 applications, and hearings. The board shall be authorized to add on a reasonable charge on top of

1 [existing fees for applicants to provide adequate funding to the intervenor compensation program as](#)
2 [described in subsection \(a\) of this section.](#) Applicants shall pay those fees in full prior to the hearing
3 process commencing unless the board agrees to an alternative payment schedule. All fees collected
4 by the board shall be deposited with the general treasurer and appropriated to the board. The state
5 controller is authorized and directed to draw his or her orders upon the general treasurer for payment
6 of any sum or sums as may be necessary from time to time and upon receipt by him or her of
7 authenticated vouchers presented by the coordinator of the board.

8 (c) All moneys collected by the chairperson or the secretary pursuant to this section shall
9 be paid by the chairperson or the secretary monthly to the general treasurer to be added to the
10 energy facility siting account.

11 (d) Failure of the applicant to pay expenses lawfully assessed by the board shall constitute
12 grounds for suspension of licensing proceedings or revocation of any license granted, until the
13 applicant has paid the expenses.

14 (e) The board shall be empowered to draw upon this account and to distribute monies from
15 the fees to and bodies of state and local government participating in licensing actions or acting as
16 the board's agents for the purposes of insuring compliance with license provisions and for
17 employing staff or consultants and for carrying out the provisions of this chapter.

18 (f) The board shall be authorized to receive any grants made for the purpose of planning
19 for or regulating the siting of energy facilities and to disburse and administer the grants under the
20 terms of the grants.

21 SECTION 3. Chapter 42-98 of the General Laws entitled "Energy Facility Siting Act" is
22 hereby amended by adding thereto the following section:

23 **42-98-17.1. Intervenor compensation program.**

24 [\(a\) Terms used in this section shall be construed as follows, unless another meaning is](#)
25 [expressed or is clearly apparent from the language or context:](#)

26 [\(1\) "Compensation" means payment for all or part, of reasonable advocate's fees,](#)
27 [reasonable expert witness fees, and other reasonable costs of preparation for and participation in a](#)
28 [proceeding, and includes the fees and costs of obtaining an award under this section and of](#)
29 [obtaining judicial review, if any.](#)

30 [\(2\) "Expert witness fees" means recorded or billed costs incurred by an intervenor for an](#)
31 [expert witness.](#)

32 [\(3\) "Intervenor compensation special fund" means the intervenor compensation special](#)
33 [fund established in this section.](#)

34 [\(4\) "Other reasonable costs" means reasonable out-of-pocket expenses, directly incurred](#)

1 by an intervenor, that are directly related to the contentions or recommendations made by the
2 customer.

3 (5) "Significant financial hardship" means that the customer cannot afford, without undue
4 hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees,
5 and other reasonable costs of participation.

6 (b) There is established an intervenor compensation program to provide compensation in
7 the form of a grant for legal fees, expert witness fees, and other reasonable costs to an intervenor
8 in board proceedings.

9 (c) Funding for the program shall be as provided in subsection (d) of this section.

10 (d) Grants shall be in the amount of fifty thousand dollars (\$50,000), with the amount being
11 adjusted every five (5) years consistent with the consumer price index. The grant may be used to
12 cover legal fees, expert witness fees, and other reasonable expenses. Ten percent (10%) of the
13 approved grant may go to non-legal or non-expert witness fees. Any grant awarded pursuant to this
14 section shall be used only in proceedings before the board and shall be ineligible for use for any
15 judicial appeal of any board final decision.

16 (e) In furtherance of the purposes of this section, the board shall:

17 (1) If funds are appropriated by the general assembly, develop accessible, multi-lingual
18 and easily comprehensible web-based educational materials, including forms and templates, to
19 educate prospective grantees and the public on the intervenor support grant program.

20 (2) If funds are appropriated by the general assembly, provide a virtual and in-person
21 outreach program to educate prospective grantees and the public about the intervenor compensation
22 grant program.

23 (3) Award a grant to offset legal fees, expert witness fees, and other reasonable costs of
24 preparation for and participation in a hearing or proceeding to any party who satisfies of the
25 following requirements:

26 (i) The party satisfies the standard for intervention in the proceeding;

27 (ii) The party is:

28 (A) An individual or an individual on behalf of an unorganized group of individuals; or

29 (B) An organization organized under the provisions of Internal Revenue Code § 501(c)3.

30 (iii) Intervention without an award of fees or costs imposes a significant financial hardship.

31 (4) Submit an annual report to the governor and general assembly that accounts for all
32 revenues and expenses of the program.

33 (f) Grants issued to intervenors shall be awarded in a manner consistent with the following
34 requirements:

1 (1) Intervenors shall provide notice in its intervention request to the board that it is seeking
2 funding from the intervenor compensation special fund and provide any such documentation as
3 may be required by the board to qualify for receiving a grant.

4 (2) The commission shall review such notice and additional documentation for
5 completeness and shall notify the applicant within ten (10) days of any deficiencies.

6 (3) The request for funding shall not be a contestable issue by non-governmental parties.

7 (4) Requests for funding shall be approved or denied within thirty (30) days from a
8 complete application being provided to the board.

9 (5) The board shall issue a written determination of approval.

10 (6) Grants awarded under this section shall be paid out from the account no later than thirty
11 (30) days after approval

12 (g) Grantees shall abide by the following requirements as conditions for receipt of funds:

13 (1) Grantees shall not withdraw from the proceeding.

14 (2) Grantees shall provide a report, no later than thirty (30) days from issuance of a written
15 order, that details the expenditure of grant funds.

16 (3) Grantees shall use funds solely for proceedings before the commission, meaning funds
17 may not be used for any appeal of final commission decisions.

18 (h) A breach of the conditions described in subsection (i) of this section may be enforced
19 by board order to repay the funds awarded following notice and opportunity to contest the order by
20 the grantee. Any entity subject to an order issued pursuant to subsection (j) of this section shall not
21 be considered for future funding from the intervenor compensation fund until the commission order
22 is satisfied.

23 (i) If upon completion of the proceeding and submittal of the grantee's report to the
24 commission, the grantee's grant award exceeds the actual spending, such excess funds shall be
25 returned to the intervenor special compensation fund.

26 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION
-- THE EQUITABLE PARTICIPATION IN UTILITY REGULATION ACT

1 This act would create an intervenor compensation program to provide compensation in the
2 form of grants for legal fees, expert witness fees, and other reasonable costs to an intervenor in
3 both, energy siting board and public utilities commission proceedings.

4 This act would take effect upon passage.

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