



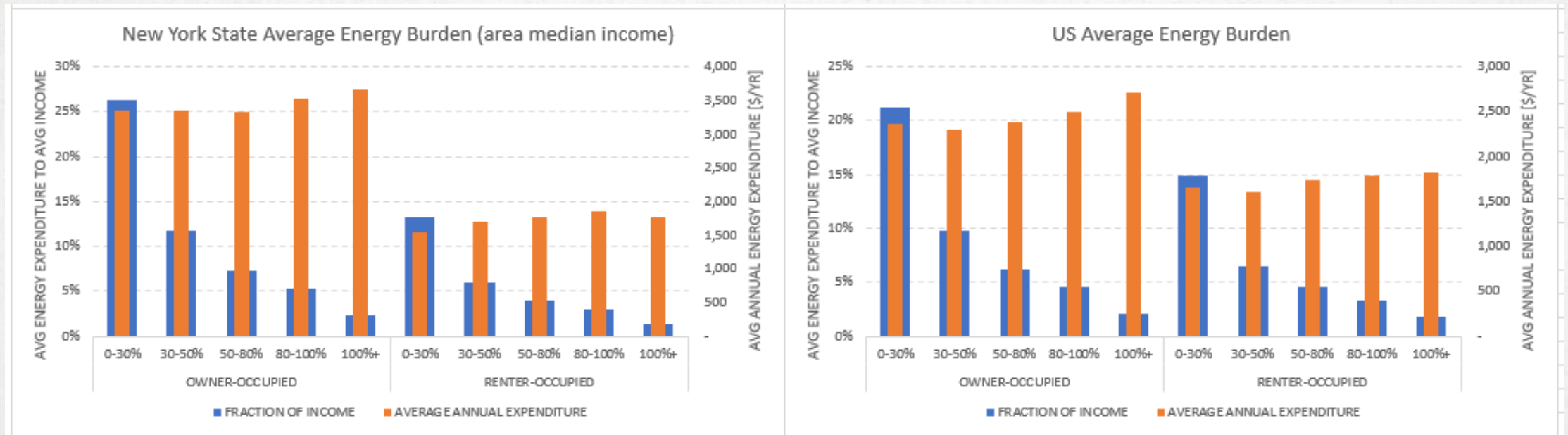
# NYSERDA 2018 LOW-INCOME FORUM ON ENERGY

## *ENERGY AFFORDABILITY: A NATIONAL PERSPECTIVE*

MAY 23, 2018

TYSON SLOCUM, ENERGY PROGRAM DIRECTOR, PUBLIC CITIZEN • [TSLOCUM@CITIZEN.ORG](mailto:TSLOCUM@CITIZEN.ORG) • TWITTER @TYSONSLOCUM

# LOW INCOME NEW YORKERS SPEND MORE AS % OF THEIR INCOME ON ENERGY BURDEN



# Most Americans don't have enough savings to cover a \$1K emergency

TAYLOR TEPPER [@TAYLORTEPPER](#) JANUARY 18, 2018 in [SAVINGS](#)

Stephen Nelson awoke to disaster.

When he heard a dripping sound from the second-floor bedroom in his southern California condo at 4 a.m. last June, he thought the sink was leaking. Unfortunately, his water heater had ruptured, causing water to cascade down the ceiling, ruining pretty much everything in the room.



JEWEL SAMAD/Getty Images

“For a second, I wished I could crawl back in bed,” says Nelson, 26, who ended up paying \$2,000 in out-of-pocket costs, with homeowners insurance covering the rest.

Millions of Americans can relate. More than one-third of households, 34 percent, endured a major unexpected expense over the past year, according to Bankrate’s latest Financial Security Index survey, with only 39 percent saying they would cover a \$1,000 blow with savings.

## High-Yield Savings Calculator

Your Savings: \$15,0



Monthly Contribution: \$2



Savings in 15 Years



## PURA to investigate spike in Eversource service shutoffs

BY JOE COOPER

4/27/2018



CONTRIBUTED PHOTO

An Eversource crew.

The Public Utilities Regulatory Authority (PURA) said it has launched an investigation into service shutoffs by Eversource, after U.S. Sen. Chris Murphy raised concerns about a recent spike in nonpayment disconnections by the state's largest energy provider.

As previously reported, the number of service disconnections made by Eversource Energy has nearly doubled in the last few years from 28,851 disconnections in 2015 to 52,298 in 2017. The significant increase -- largely a result from customers not paying their bills, according to Eversource -- caused **Murphy to ask the state's utility regulatory agency to investigate** the service cuts and "scrutinize" Eversource's outreach to low-income customers.

In a letter to Murphy, PURA Chairwoman Kate S. Dykes said her office will investigate Eversource's

uncollectible accounts. PURA opened a docket for the proceeding on Thursday.

Dykes said she shares Murphy's concerns about the increase in service disconnections, which came despite relatively low wholesale electricity rates and Eversource's programs for assisting limited-income customers.

Obviously, Federal financial assistance for utility bills and weatherization are critical for millions of families—but such programs are not only insufficient, but continually at risk for elimination and defunding



2018 Second Release of LIHEAP Block Grant Funds to States and Territories under the Consolidated Appropriations Act, 2018 (P.L. 115-141)

STATE	INITIAL RELEASE (Oct 20, 2017)	INITIAL TRIBAL SET-ASIDES RELEASE (Oct 20, 2017)	INITIAL GROSS COMBINED RELEASE (Oct 20, 2017)	SECOND RELEASE (Apr 23, 2018)	SECOND TRIBAL SET-ASIDES RELEASE (Apr 23, 2018) <sup>1</sup>	SECOND GROSS COMBINED RELEASE (Apr 23, 2018)	TOTAL NET RELEASE TO DATE THRU 2ND RELEASE	TOTAL GROSS RELEASE TO DATE THRU 2ND RELEASE (INCLUDING TRIBAL AWARDS)
Alabama	\$40,162,330	\$240,601	\$40,402,931	\$11,084,560	\$66,404	\$11,150,964	\$51,246,890	\$51,553,895
Alaska	\$9,102,327	\$6,523,482	\$15,625,809	\$1,850,151	\$1,303,244	\$3,153,395	\$10,952,478	\$18,779,204
Arizona	\$18,650,537	\$888,801	\$19,539,338	\$8,049,029	\$383,581	\$8,432,610	\$26,699,566	\$27,971,948
Arkansas	\$25,954,762		\$25,954,762	\$5,179,331		\$5,179,331	\$31,134,093	\$31,134,093
California	\$159,233,518	\$630,375	\$159,863,893	\$31,864,577	\$126,145	\$31,990,722	\$191,098,095	\$191,854,615
Colorado	\$44,237,895		\$44,237,895	\$8,936,779		\$8,936,779	\$53,174,674	\$53,174,674
Connecticut	\$67,254,496	\$617	\$67,255,113	\$13,483,242		\$13,483,242	\$80,737,738	\$80,738,355
Delaware	\$11,383,338		\$11,383,338	\$2,270,119		\$2,270,119	\$13,653,457	\$13,653,457
District of Columbia	\$9,276,701		\$9,276,701	\$1,872,103		\$1,872,103	\$11,148,804	\$11,148,804
Florida	\$63,919,474	\$10,028	\$63,929,502	\$27,585,784	\$4,327	\$27,590,111	\$91,505,258	\$91,519,613
Georgia	\$50,546,074		\$50,546,074	\$21,814,214		\$21,814,214	\$72,360,288	\$72,360,288
Hawaii	\$4,171,577		\$4,171,577	\$832,900		\$832,900	\$5,004,477	\$5,004,477
Idaho	\$16,994,087	\$866,695	\$17,860,782	\$3,429,526	\$174,904	\$3,604,430	\$20,423,613	\$21,465,212
Illinois	\$149,459,585		\$149,459,585	\$21,548,374		\$21,548,374	\$171,007,959	\$171,007,959
Indiana	\$67,665,104	\$5,998	\$67,671,102	\$9,755,832	\$666	\$9,756,498	\$77,420,936	\$77,427,600
Iowa	\$47,959,417		\$47,959,417	\$6,914,561		\$6,914,561	\$54,873,978	\$54,873,978
Kansas	\$30,139,358	\$40,500	\$30,179,858	\$6,032,504	\$4,500	\$6,037,004	\$36,171,862	\$36,216,862
Kentucky	\$44,628,378		\$44,628,378	\$8,943,306		\$8,943,306	\$53,571,684	\$53,571,684
Louisiana	\$40,132,668		\$40,132,668	\$7,987,352		\$7,987,352	\$48,120,020	\$48,120,020
Maine	\$33,704,052	\$1,278,617	\$34,982,669	\$5,088,964	\$193,057	\$5,282,021	\$38,793,016	\$40,264,690
Maryland	\$68,106,945		\$68,106,945	\$13,572,861		\$13,572,861	\$81,679,806	\$81,679,806
Massachusetts	\$122,837,841	\$98,349	\$122,936,190	\$24,767,137	\$19,830	\$24,786,967	\$147,604,978	\$147,723,157
Michigan	\$140,943,187	\$955,590	\$141,898,777	\$20,335,397	\$122,894	\$20,458,291	\$161,278,584	\$162,357,068
Minnesota	\$102,230,040		\$102,230,040	\$14,739,042		\$14,739,042	\$116,969,082	\$116,969,082
Mississippi	\$27,109,886	\$55,392	\$27,165,278	\$5,417,728	\$11,070	\$5,428,798	\$32,527,614	\$32,594,076
Missouri	\$67,449,878		\$67,449,878	\$13,602,554		\$13,602,554	\$81,052,432	\$81,052,432
Montana	\$17,287,454	\$3,662,109	\$20,949,563	\$3,488,727	\$739,039	\$4,227,766	\$20,776,181	\$25,177,329
Nebraska	\$26,220,343	\$16,200	\$26,236,543	\$5,292,915	\$1,800	\$5,294,715	\$31,513,258	\$31,531,258
Nevada	\$9,177,046		\$9,177,046	\$3,960,546		\$3,960,546	\$13,137,592	\$13,137,592
New Hampshire	\$23,297,291		\$23,297,291	\$4,697,140		\$4,697,140	\$27,994,431	\$27,994,431
New Jersey	\$105,990,808		\$105,990,808	\$21,419,431		\$21,419,431	\$127,410,239	\$127,410,239
New Mexico	\$15,620,862	\$853,287	\$16,474,149	\$3,132,643	\$171,119	\$3,303,762	\$18,753,505	\$19,777,911
New York	\$327,237,817	\$177,605	\$327,415,422	\$47,179,607	\$25,607	\$47,205,214	\$374,417,424	\$374,620,636



National Energy Assistance Directors' Association

## **Press Release**

February 12, 2018

Contact: Mark Wolfe, 202-320-9046

### **Statement in Response to the Administration's FY 2019 Budget Proposal to Eliminate the Low Income Home Energy Assistance Program**

The National Energy Assistance Directors' Association (NEADA), representing the state LIHEAP directors strongly opposes the Administration's proposal to eliminate funding for the Low Income Home Energy Assistance Program (LIHEAP).

Mark Wolfe, Executive Director of NEADA, stated that, "this is the second year in a row now that the Administration has proposed to zero out funding for LIHEAP. If the Administration had succeeded in its objective in eliminating funding last year, the 6.1 million poor families receiving LIHEAP would have literally been left out in the cold this winter, with many having to choose between paying for food or their energy bill. There is absolutely no evidence to support the Administration's position that *LIHEAP is no longer a necessity.*"

# **Weatherization Assistance Program**

Estimated FY2017 State Allocations @ Appropriation of:

\$223,641,325

State	FY 2017 Program Allocation	FY 2017 T&TA Allocation	FY 2017 Total Allocation
Alabama	\$2,001,957	\$412,558	\$2,414,515
Alaska	\$1,420,672	\$307,286	\$1,727,958
Arizona	\$1,035,535	\$232,537	\$1,268,072
Arkansas	\$1,634,256	\$345,967	\$1,980,223
California	\$5,219,899	\$995,333	\$6,215,232
Colorado	\$4,570,469	\$877,720	\$5,448,189
Connecticut	\$2,157,737	\$440,770	\$2,598,507
Delaware	\$469,478	\$135,023	\$604,501
District of Columbia	\$491,792	\$139,064	\$630,856
Florida	\$1,650,592	\$348,925	\$1,999,517
Georgia	\$2,498,770	\$502,531	\$3,001,301
Hawaii	\$140,335	\$75,415	\$215,750
Idaho	\$1,629,400	\$345,087	\$1,974,487
Illinois	\$11,194,074	\$2,077,266	\$13,271,340
Indiana	\$5,522,666	\$1,050,164	\$6,572,830
Iowa	\$4,082,535	\$789,354	\$4,871,889
Kansas	\$2,077,037	\$426,155	\$2,503,192
Kentucky	\$3,784,900	\$735,452	\$4,520,352
Louisiana	\$1,164,366	\$260,869	\$1,425,235
Maine	\$2,553,361	\$512,418	\$3,065,779
Maryland	\$2,223,918	\$452,755	\$2,676,673
Massachusetts	\$5,401,178	\$1,028,163	\$6,429,341
Michigan	\$12,897,077	\$2,385,683	\$15,282,760
Minnesota	\$8,186,892	\$1,532,660	\$9,719,552
Mississippi	\$1,302,843	\$285,947	\$1,588,790
Missouri	\$4,957,217	\$947,760	\$5,904,977
Montana	\$2,064,147	\$423,821	\$2,487,968
Nebraska	\$2,060,888	\$423,230	\$2,484,118
Nevada	\$738,256	\$183,699	\$921,955
New Hampshire	\$1,247,697	\$275,960	\$1,523,657
New Jersey	\$4,276,478	\$824,477	\$5,100,955
New Mexico	\$1,419,656	\$325,895	\$1,745,551
<b>New York</b>	<b>\$16,848,651</b>	<b>\$3,101,319</b>	<b>\$19,949,970</b>
North Carolina	\$3,475,888	\$679,489	\$4,155,377

On Wednesday, May 16, the House Appropriations Committee sent the FY 2019 Appropriations Bill containing Department of Energy funding to the full House with \$251 million for Weatherization Assistance, the same as in the current year. This is a resounding rejection of the Administration's budget which terminates the program. According to NCAF, senate appropriators are likely to provide similar sums when they begin working on their version of the bill the week of May 21. The House Bill slashes over \$300 million from other energy efficiency and renewable energy programs; further shifts can be expected before the two chambers agree on final 2019 spending.



# LOW INCOME CONSUMERS DO NOT HAVE A SEAT AT THE TABLE AT NYISO OR FERC

In restructured (or “deregulated”) states like New York, wholesale market prices make up the vast majority of the eventual monthly utility bill households pay. Given continued uncertainty about program funding for LIHEAP and WAP, it is clear that a focus on the actions in federal-jurisdictional wholesale markets—such as NYISO—is needed to comprehensively protect low-income households.

- Billions of dollars are at stake from reforms ranging from Carbon Pricing, Integrating Public Policy, Installed Capacity (ICAP) Markets and Energy Market proposals

# MEANINGFUL STAKEHOLDER PARTICIPATION REQUIRES TIME AND MONEY

“...incumbents hold significant power in RTO stakeholder governance processes as compared to new entrants. Incumbent influence stems from their resource advantage, their history and connection with RTO staff and from sector-participation rules that are often defined to only include those who have assets in the market (particularly the transmission owner and generation sectors). Further, incumbents are generally large organizations that have the resources to participate effectively. Continual participation in RTO governance has created an opportunity for incumbents to develop and benefit from relationships with RTO staff. This adds to the resource and knowledge advantages and is further exacerbated by the voluntary nature of RTOs, as incumbent transmission owners can threaten to leave.”

—*How the RTO Stakeholder Process Affects Market Efficiency*, R St Institute

# NEEDED ISO REFORMS TO PROTECT CONSUMERS

- Intervenor compensation to assist with public interest participation.
- Adjust weighted sector voting ratios to more realistically reflect true stakeholder involvement in energy markets.
- Subject NYISO to state open meeting and Freedom of Information laws.
- Allocate ISO financial resources to stakeholders to fund studies, analyses, etc. to balance ISO-funded studies.
- ISO Board of Directors should be directly accountable to the public interest within the RTO geographic footprint.
- Disallow ISO management & board from bypassing stakeholders for FERC tariff and other market design proposals under FPA Section 205.
- Limit excessive NYISO executive pay.



## **INTERVENOR FUNDING: A SOLUTION FOR LOW-INCOME ADVOCATES TO PARTICIPATE IN FEDERAL, ISO AND STATE UTILITY COMMISSION PROCEEDINGS**

- Advocates for low-income consumers often lack needed staff, funding and expertise to participate.
- Eight states feature laws that allow public interest advocates to be financially reimbursed for some costs associated with intervening before state utility regulators—a model we can use for NYISO.
  - Outside of California, most existing state intervenor funding programs are limited and inadequate.
  - Using California as a successful model, initiate intervenor programs in your state.

# CALIFORNIA IS THE ~~GOLD~~ BITCOIN STANDARD OF INTERVENOR FUNDING

- California Public Utilities Code [§ 1801-1807](#)
  - Advocates can seek to recover legal, expert witness and any other reasonable costs associated with intervening.
  - Fees are awarded if the advocate's "participation makes a substantial contribution to a commission order or decision"
    - *Substantial contribution* is defined as: "substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation."
  - Intervenor contribution determinations are made by the internal and independent Administrative Law Judges within the Public Utility Commission.

# THE UTILITY REFORM NETWORK IN CALIFORNIA RECEIVED MORE THAN \$5.3 MILLION—OR 84% OF TOTAL REVENUES—FROM INTERVENOR COMP IN 2016

efile GRAPHIC print - DO NOT PROCESS | As Filed Data - | DLN: 93493023011288

**Form 990**  
Department of the Treasury  
Internal Revenue Service

**Return of Organization Exempt From Income Tax**  
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)  
Do not enter social security numbers on this form as it may be made public  
Information about Form 990 and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990)

OMB No 1545-0047  
**2016**  
Open to Public Inspection

**A For the 2016 calendar year, or tax year beginning 07-01-2016, and ending 06-30-2017**

**3** Check if applicable:  
☐ Address change  
☐ Name change  
☐ Initial return  
☐ Final  
☒ Return/terminated  
☐ Amended return  
☐ Application pending

**C** Name of organization  
THE UTILITY REFORM NETWORK TURN

**D** Employer identification number  
23-7351081

Doing business as

**E** Telephone number  
(415) 929-8876

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
268 BUSH STREET 3933

City or town, state or province, country, and ZIP or foreign postal code  
SAN FRANCISCO, CA 94104

**G** Gross receipts \$ 6,351,260

**F** Name and address of principal officer

**H(a)** Is this a group return for subordinates? ☐ Yes ☒ No  
**H(b)** Are all subordinates included? ☐ Yes ☒ No  
If "No," attach a list (see instructions)  
**H(c)** Group exemption number ▶

**I** Tax-exempt status ☒ 501(c)(3) ☐ 501(c) ( ) (insert no ) ☐ 4947(a)(1) or ☐ 527

**J** Website: ▶ <http://www.turn.org>

**K** Form of organization ☒ Corporation ☐ Trust ☐ Association ☐ Other ▶

**L** Year of formation 1973 **M** State of legal domicile CA

**Part I Summary**

**1** Briefly describe the organization's mission or most significant activities  
TURN IS A STATEWIDE CONSUMER ORGANIZATION REPRESENTING UTILITY RATEPAYERS IN REGULATORY, LEGISLATIVE AND JUDICIAL PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) AND OTHER FORUMS. THE ORGANIZATION ALSO PERFORMS A WIDE RANGE OF CONSUMER SERVICES INCLUDING ASSISTANCE WITH COMPLAINTS, OUTREACH TO SENIOR AND LOW-INCOME GROUPS AND EDUCATIONAL INFORMATION, COMMUNITY TRAINING AND RESEARCH AND ACTS AS A LIAISON BETWEEN RATEPAYERS AND UTILITY REGULATORS

**2** Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets

**3** Number of voting members of the governing body (Part VI, line 1a) . . . . . **3** 8

**4** Number of independent voting members of the governing body (Part VI, line 1b) . . . . . **4** 8

**5** Total number of individuals employed in calendar year 2016 (Part V, line 2a) . . . . . **5** 20

**6** Total number of volunteers (estimate if necessary) . . . . . **6**

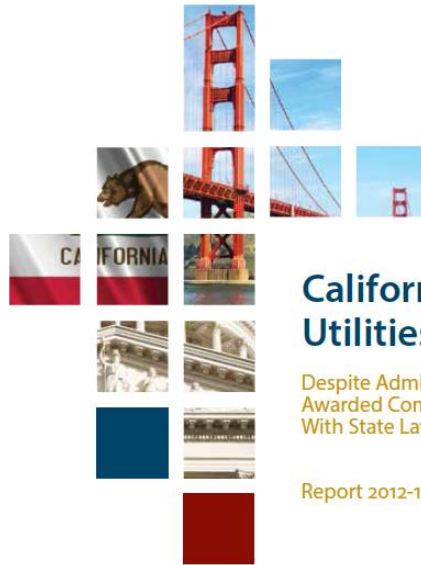
**7a** Total unrelated business revenue from Part VIII, column (C), line 12 . . . . . **7a** 0

**b** Net unrelated business taxable income from Form 990-T, line 34 . . . . . **7b**

**Revenue**

	Prior Year	Current Year
<b>8</b> Contributions and grants (Part VIII, line 1h) . . . . .	969,762	992,536
<b>9</b> Program service revenue (Part VIII, line 2g) . . . . .	4,164,576	5,335,918
<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d) . . . . .	6,691	22,806
<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) . . . . .		0
<b>12</b> Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) . . . . .	5,141,029	6,351,260





## California Public Utilities Commission

Despite Administrative Weaknesses, It Has Generally  
Awarded Compensation to Intervenors in Accordance  
With State Law

Report 2012-118

This report concludes that despite administrative weaknesses, the commission has generally awarded compensation to intervenors—individuals and groups that represent the interests of utility ratepayers—in accordance with state law. We found that the commission has a process in place to ensure that intervenors meet the necessary statutory requirements before it awards compensation for work conducted during regulatory proceedings. In addition, the commission has a robust process for determining whether the costs and expenses intervenors claim are reasonable, as state law requires. However, we determined that the commission only issued 6 percent of its intervenor compensation decisions during 2008 through 2012 within the 75-day deadline required by state law. The commission has also not issued guidance to its staff or utilities on how to calculate interest appropriately for intervenor claim decisions issued after the 75-day deadline. The lack of formal guidance has led the commission to employ a flawed interest computation methodology, resulting in miscalculations and, ultimately, overpayments of interest on awards. Of the \$42,000 in interest that the commission paid for the 10 largest interest payments we reviewed, we estimate that it overpaid \$40,000.

**THE CALIFORNIA STATE AUDITOR DETERMINED  
THE ONLY ADMINISTRATIVE WEAKNESS WAS  
THAT, BECAUSE INTERVENORS WEREN'T BEING  
COMPENSATED FAST ENOUGH, THEY WERE  
BEING OVERPAID IN LATE INTEREST PAYMENT  
FEES**

**THE STATE INTERVENOR FUNDING PROGRAM IS A HUGE SUCCESS**

# COLORADO REVISED STATUTES § 40-6.5-105

TITLE 40. UTILITIES  
PUBLIC UTILITIES  
ARTICLE 6.5. OFFICE OF CONSUMER COUNSEL

C.R.S. 40-6.5-105 (2016)

40-6.5-105. Intervenor other than the office of consumer counsel

(1) If the office of consumer counsel intervenes and there are other intervenors in proceedings before the commission, the determination of said commission with regard to the payment of expenses of intervenors, other than the office of consumer counsel, and the amounts thereof shall be based on the following considerations:

- (a) Any reimbursements may be awarded only for expenses related to issues not substantially addressed by the office of consumer counsel;
  - (b) The testimony and participation of other intervenors must have addressed issues of concern to the general body of users or consumers concerning, directly or indirectly, rates or charges;
  - (c) The testimony and participation of other intervenors must have materially assisted the commission in rendering its decision;
  - (d) The expenses of other intervenors must be reasonable in amount;
  - (e) The testimony and participation of other intervenors must be of significant quality;
  - (f) The participation of other intervenors must be active during the proceeding and not merely an appearance for purposes of establishing legal standing; and
  - (g) The payment of expenses of other intervenors who are in direct competition with a public utility involved in proceedings before the commission is prohibited.
- (2) The commission shall promptly report the award of any intervenors' expenses to the executive director of the department of regulatory agencies.



# IDAHO INTERVENOR COMPENSATION

## TITLE 61 PUBLIC UTILITY REGULATION

### CHAPTER 6 PROCEDURE BEFORE COMMISSION AND IN COURTS

61-617A. AWARD OF COSTS OF INTERVENTION. (1) It is hereby declared the policy of this state to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings.

(2) The commission may order any regulated electric, gas, water or telephone utility with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000) to pay all or a portion of the costs of one (1) or more parties for legal fees, witness fees, and reproduction costs, not to exceed a total for all intervening parties combined of forty thousand dollars (\$40,000) in any proceeding before the commission. The determination of the commission with regard to the payment of these expenses shall be based on the following considerations:

- (a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the commission; and
- (b) A finding that the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor; and
- (c) The recommendation made by the intervenor differed materially from the testimony and exhibits of the commission staff; and
- (d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

(3) Expenses awarded to qualifying intervenors shall be an allowable business expense in the pending rate case or, if the proceeding is not a rate case, in the utility's next rate case. Expenses awarded shall be chargeable to the class of customers represented by the qualifying intervenors.





# MAINE INTERVENOR COMPENSATION

◀ §1309

Title 35-A: PUBLIC UTILITIES  
Part 1: PUBLIC UTILITIES COMMISSION  
Chapter 13: PROCEDURE

§1311 ▶

## §1310. Funding of intervenors by the commission

**1. Intervenor funding.** Intervenor funding may be provided as follows.

A. In any commission proceeding in which standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., are implemented, the commission may order the utility to compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that:

- (1) The position of the intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission staff;
- (2) The intervenor substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in the commission proceeding, except that, if no commission advocacy staff is appointed to a proceeding, the intervenor must be likely to contribute substantially to the conduct of the commission proceeding and to assist in the resolution of the issues raised in the proceeding; and
- (3) Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor. [1997, c. 691, §4 (AMD); 1997, c. 691, §10 (AFF).]

B. In any proceeding in which the commission does not implement standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., the commission may compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that requirements of paragraph A, subparagraphs (1) to (3), are satisfied. Compensation may be provided from the commission's regulatory fund and filing fees subject to the commission's determination of the availability of the funds. [1989, c. 281, (NEW).]

[ 1997, c. 691, §4 (AMD); 1997, c. 691, §10 (AFF) .]

**2. Determination of eligibility.** A determination that an intervenor is eligible for an award of compensation pending the outcome of the proceeding shall be made by the commission at the earliest practicable time in the commission proceeding.



## MICHIGAN STATUTE § 460.6L-M

- Establishes a Utility Consumer Participation Board with members appointed by the Governor. The Board oversees a *Utility Consumer Representation Fund*, which can disburse reimbursement payments to public interest intervenors.



# MINNESOTA STATUTE § 216B.16(10)

**Subd. 10. Intervenor compensation.** (a) A nonprofit organization or an individual granted formal intervenor status by the commission is eligible to receive compensation.

(b) The commission may order a utility to compensate all or part of an eligible intervenor's reasonable costs of participation in a general rate case that comes before the commission when the commission finds that the intervenor has materially assisted the commission's deliberation and when a lack of compensation would present financial hardship to the intervenor. Compensation may not exceed \$50,000 for a single intervenor in any proceeding. For the purpose of this subdivision, "materially assisted" means that the intervenor's participation and presentation was useful and seriously considered, or otherwise substantially contributed to the commission's deliberations in the proceeding.

(c) In determining whether an intervenor has materially assisted the commission's deliberation, the commission must consider, among other factors, whether:

- (1) the intervenor represented an interest that would not otherwise have been adequately represented;
- (2) the evidence or arguments presented or the positions taken by the intervenor were an important factor in producing a fair decision;
- (3) the intervenor's position promoted a public purpose or policy;
- (4) the evidence presented, arguments made, issues raised, or positions taken by the intervenor would not have been a part of the record without the intervenor's participation; and
- (5) the administrative law judge or the commission adopted, in whole or in part, a position advocated by the intervenor.

(d) In determining whether the absence of compensation would present financial hardship to the intervenor, the commission must consider:

- (1) whether the costs presented in the intervenor's claim reflect reasonable fees for attorneys and expert witnesses and other reasonable costs; and
- (2) the ratio between the costs of intervention and the intervenor's unrestricted funds.



# NEW HAMPSHIRE STATUTE § 365:38-A

## TITLE XXXIV PUBLIC UTILITIES

### CHAPTER 365 COMPLAINTS TO, AND PROCEEDINGS BEFORE, THE COMMISSION

#### Reparations, Fees and Costs

##### Section 365:38-a

**365:38-a Proceeding Costs.** – The commission may allow recovery of costs associated with utility proceedings before the commission, provided that recovery of costs for utilities and other parties shall be just and reasonable and in the public interest. For purposes of this section, other parties shall be defined as retail customers that are subject to the rates of the utility and who demonstrate financial hardship; other parties shall not include New Hampshire municipalities. Recovery by other parties shall be deemed to be in the public interest when, in any commission proceeding, the other party substantially contributes to the adoption by the commission, in whole or in part, of a position advocated by the other party in that proceeding, or in a judicial review of that proceeding. Another party shall not recover more than \$10,000 from any utility for any single proceeding. The commission may allow recovery of less than \$10,000 depending upon the scope of the proceeding. The utility shall pay the other party an award of costs if such award is granted by the commission in accordance with the procedures and requirements of the commission and the award is subsequently approved by the governor and council. The utility shall not be liable for any award of costs except in accordance with the procedures and requirements of the commission. If the commission proceeding involves more than one utility, the liability of each utility for the award shall be determined by dividing the amount of the award among the utilities in a manner approved by the commission. If an award of costs is granted in a proceeding involving a change in a utility's rates, the entire amount of the award shall be recovered by the utility in that proceeding. If an award of costs is granted in a proceeding other than one involving a change in a utility's rates, the entire amount of the award shall be immediately recovered by the utility through measures approved on a timely basis by the commission.



# WISCONSIN STATUTE § 196.31

## 196.31 Intervenor financing.

- (1) In any proceeding before the commission, the commission shall compensate any participant in the proceeding who is not a public utility, for some or all of the reasonable costs of participation in the proceeding if the commission finds that:
  - (a) The participation is necessary to provide for the record an adequate presentation of a significant position in which the participant has a substantial interest, and that an adequate presentation would not occur without a grant of compensation; or
  - (b) The participation has provided a significant contribution to the record and has caused a significant financial hardship to the participant.
- (1m) The commission shall compensate any consumer group or consumer representative for all reasonable costs of participating in a hearing under s. 196.198.
- (2) Compensation granted under this section shall be paid from the appropriation under s. 20.155 (1) (j) and shall be assessed under s. 196.85 (1), except that, if the commission finds that the participation for which compensation is granted relates more to a general issue of utility regulation rather than to an issue arising from a single proceeding, the cost of the compensation may be assessed under s. 196.85 (2). Any payment by a public utility for compensation under this section assessed under s. 196.85 (1) or (2) shall be credited to the appropriation under s. 20.155 (1) (j).
- (2m) From the appropriation under s. 20.155 (1) (j), the commission may make grants that, in the aggregate, do not exceed an annual total of \$300,000 to one or more nonstock, nonprofit corporations that are described under section 501 (c) (3) of the Internal Revenue Code, and that have a history of advocating at the commission on behalf of ratepayers of this state, for the purpose of offsetting the general expenses of the corporations, including salary, benefit, rent, and utility expenses. The commission may impose conditions on grants made under this subsection and may revoke a grant if the commission finds that such a condition is not being met.



# **FEDERAL ENERGY REGULATORY COMMISSION DOCKET NO. RM16-9 WOULD CREATE INTERVENOR FUNDING FOR THE PUBLIC INTEREST**

## **UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**

### **Petition To Initiate A Rulemaking To Establish The Office Of Public Participation As Established By Congress And To Fund Its Work**

Pursuant to Rule 207 of the Commission's Rules of Practice and Procedure<sup>1</sup>, the undersigned organizations hereby petition FERC to implement 16 USC § 825q-1 by initiating a rulemaking to carry out the instructions from Congress to establish the Office of Public Participation and fund its work.

In 1978 Congress initiated sweeping changes to the Federal Power Act when it passed Public Law 95-617, the "Public Utility Regulatory Policies Act of 1978" (PURPA). Title II ("Certain Federal Energy Regulatory Commission and Department of Energy Authorities"), Section 212 ("Public participation before Federal Energy Regulatory Commission") of PURPA ordered the creation of an Office of Public Participation at FERC. The full text follows:



# CALIFORNIA ISO INTERVENOR FUNDING PROPOSAL

SENATE BILL

No. 520

Introduced by Senator Mitchell

February 16, 2017

An act to add Part 1.5 (commencing with Section 2600) to Division 1 of the Public Utilities Code, relating to electricity.

## LEGISLATIVE COUNSEL'S DIGEST

SB 520, as introduced, Mitchell. Electricity: intervenor funding.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities. Existing law requires the PUC to award reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of preparation for and participation in a hearing or proceeding of the PUC involving an electrical, gas, water, or telephone corporation to a customer who complies with specified procedures when the customer's presentation makes a substantial contribution to the adoption, in whole or in part, of the PUC's order or decision and where participation or intervention without an award of fees or costs imposes a significant financial hardship.

This bill would establish a mechanism to provide compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of participation in processes of the Independent System Operator (ISO), proceedings of the Federal Energy Regulatory Commission (FERC) that effect California's environment and consumers, and certain proceedings at the State Energy Resources Conservation and Development Commission (Energy Commission). The bill would require an organization intending to seek compensation to submit an annual notice of intent and eligibility to the Energy Commission containing specified information. The Energy Commission would be required to timely issue a finding as to whether the organization is an eligible group, as defined, that may file for

**SUBJECT NYISO TO OPEN MEETING LAWS; BOARD REFORM (INCLUDE MEMBERS REPRESENTING RESIDENTIAL, SMALL BUSINESS AND AGRICULTURAL CONSUMERS); FUND AN END-USE CONSUMER SECTOR CONSULTANT TO PROVIDE TECHNICAL ASSISTANCE TO END-USERS**

**STATE OF NEW YORK**

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1185

2013-2014 Regular Sessions

**IN SENATE**

(Prefiled)

January 9, 2013

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to providing oversight and monitoring the operations of an independent system operator

# NYISO CONSUMER LIAISON & CONSUMER ADVISORY COUNCIL ARE HELPFUL, BUT MORE IS NEEDED TO ENSURE LOW-INCOME ADVOCATES HAVE A SEAT AT THE TABLE



For Market Participants

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Search

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Planning For The Future

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Markets & Operations

Market Data

Market & Operational Data [+]

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Distributed Energy Resources (DER)

Ancillary Services

Interregional Data

## Consumer Advisory Council

The NYISO Consumer Advisory Council was established by the NYISO Board of Directors in January 2011 to provide a forum for the exchange of information between the NYISO and electricity consumers, with a focus on information sharing, outreach and education.

The Council studied the activities being undertaken by the NYISO and its strategic planning process to provide the NYISO with its vision and recommendations as to how the NYISO can best serve New York's electricity consumers. In November 2013, the Council provided its Final Report and recommendations to the NYISO Board of Directors.

## Consumer Interest Liaison

The NYISO established the Consumer Interest Liaison as a key point of contact for consumer interests. It is responsible for developing procedures and programs to promote mutual understanding of how developments in our competitive wholesale markets provide value to end-use customers. The Consumer Liaison coordinates the NYISO's consumer-related initiatives by analyzing market developments and preparing consumer-focused reports. The Consumer Liaison also serves as point person for the activities of the NYISO's Consumer Advisory Council, created by the NYISO Board of Directors to provide a forum for the exchange of information between the NYISO and electricity consumers, with a focus on information sharing, outreach and education.



## NYISO Voting: Generation, Energy Traders & Transmission Dominate

