



Advancing the Clean Energy Future

22 Parsonage Street • Box 155
Providence, RI 02903
401.276.0600 • acadiacenter.org

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House Corporations Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

Acadia Center Testimony in Support of House Bill 7890, Intervenor Compensation

Dear Chair Solomon and Members of the House Corporations Committee:

Acadia Center appreciates the opportunity to provide testimony in **support of House Bill 7890, the Equitable Participation in Utility Regulation Act**. Acadia Center is a non-profit research and advocacy organization committed to advancing the clean energy future in the Northeast. Acadia Center's work is characterized by reliable information, comprehensive advocacy, and collaborative, innovative problem-solving.

House Bill 7890 would **establish an intervenor compensation program in Rhode Island**. The program allows qualifying intervenors in **utility and siting board proceedings** to receive financial compensation for participation – helping ensure that **diverse perspectives** are considered by decision makers. Intervenor compensation is a top priority for Acadia Center this session.

What is intervenor compensation?

Intervenor compensation is a program that provides funding for **under-resourced and, frequently, under-represented groups** to take part in utility and siting board proceedings.

In Rhode Island, the Public Utilities Commission (PUC) is tasked with regulating monopoly utilities such as Rhode Island Energy. This regulation takes place through regulatory proceedings, in which important decisions related to how these monopolies operate are made. These proceedings decide the **rates on ratepayers' energy bills**, levels of infrastructure spending, the rate of return (profit) the utility receives, and more. The Energy Facility Siting Board (EFSB) controls the **siting of major energy facilities** in the state through a similar regulatory process. Despite the importance of these decisions, regulatory proceedings are rarely visible or accessible to the public.

In these regulatory proceedings, an 'intervenor' is a person or organization with an interest in the outcome of the case that has been allowed to formally participate in front of the PUC or EFSB. Formal participation can involve filing written testimony and evidence, conducting discovery, and cross-examining experts, and it typically means paying to hire an attorney and expert witnesses.

While intervention allows stakeholders to participate in regulatory proceedings, it is shaped by **significant power imbalance**. **Utilities have the resources, attorneys, data, and institutional knowledge to dominate the narrative and outcome of proceedings**. Those resources for the utility to intervene, and to advance their own financial interests, can be paid for with ratepayer money. **Investor-owned utilities earn their profits on capital expenditures**, which includes infrastructure projects like substations, poles and wires. There is little incentive to prioritize operational or lower-cost capital alternatives. This creates a **misalignment in incentives**, where investor-owned utilities are motivated by profits to pursue expensive capital projects that ultimately drive up costs for ratepayers.

While the Division of Public Utilities and Carriers and the PUC do important work to represent ratepayers and vet utility proposals, they do not always represent the specific interests of those who may be **most impacted by proposals**, such as low-income ratepayers, environmental justice communities, and under resourced municipalities. While these types of groups have much to gain from formal intervention, there is a **high barrier to entry**; they would need the capacity and funding to meaningfully participate in the regulatory process, including paying for lawyers, scrutinizing the information the utility provides, submitting testimony, and participating in evidentiary hearings. Intervenor compensation is a critical means to **ensure parity** in utility and siting board proceedings.

Intervenor compensation would provide **grant funding** to pay for lawyers, expert witnesses, and other reasonable costs related to the intervention process. Compensation would be provided to qualifying intervenors that have a stake in a proceeding but cannot otherwise afford to participate. An intervenor compensation program aims to **introduce new voices into the regulatory process** and provide financial support to those who need assistance most. It is an important step towards **fuller representation of impacted individuals or organizations within a traditionally uneven power dynamic**.

How has intervenor compensation worked in other places, and what is its impact?

Historically, intervention and the compensation of intervenors have allowed groups to push back on excessive utility spending, encourage utilities to provide alternatives to large capital buildouts, seek bill credits for low-income ratepayers¹, and pursue other cost savings for ratepayers..

Nationwide, there are more than 15 intervenor support programs currently active, including in Connecticut, Maine, New Hampshire² and now Massachusetts with its newly created program (and office of public engagement). California's intervenor compensation program – commonly seen as the flagship program nationwide – found through an audit that every \$1 invested in their intervenor compensation program saw \$10 in return on investment for ratepayer savings.³

Thank you for the opportunity to present this testimony on this important issue. If you have any questions or concerns, please do not hesitate to reach out.

Sincerely,

Anastasiya Poplavska
Senior Policy Advocate
Apoplavska@acadiacenter.org
408-759-2087

Emily Koo
Senior Policy Advocate and Rhode Island Program Director
ekoo@acadiacenter.org
401- 276-0600 x402

¹ Rhode Island Public Utilities Commission. *Docket No. 24-31-EL - Rhode Island Energy - Last Resort Service Winter Rates for Effect October 1, 2024*. <https://ripuc.ri.gov/Docket-24-31-EL>

² Statute (with some limitations): [Section 365:38-a Proceeding Costs](#).

³ California State Auditor. *Audit report concerning the intervenor compensation program administered by the California Public Utilities Commission*. <https://information.auditor.ca.gov/pdfs/reports/2012-118.pdf>. July 2013.