

October 13, 2023

PUBLIC UTILITIES COMMISSION
Request for Proposals for Renewable
Energy Generation and Transmission
Projects Pursuant to the Northern Maine
Renewable Energy Development Program

PROCEDURAL ORDER ON
LATE FILED PETITION TO
INTERVENE

The Legislature, through the enactment of 35-A M.R.S. § 3210-I, established the Maine Renewable Energy Development Program and required the Commission to issue a request for proposals for: (1) the development and construction of a 345-kilovolt double circuit “generation connection line,” or a transmission line or lines of greater capacity, to connect renewable energy resources located in northern Maine with the electric grid operated by ISO-NE; and (2) the development and construction of renewable energy generation projects designed to connect to and transmit power across the transmission line or lines procured. For both the winning transmission bidder and the winning generation bidder, the Commission is directed to approve a contract with one or more of Maine’s transmission and distribution utilities (T&D Utilities). 35-A M.R.S. §§ 3210-I(2)(E), 3(E).

The Commission, on November 1, 2022, issued an Order Approving Term Sheets selecting LS Power Grid Maine (LS Power) and Longroad Development Company, LLC (Longroad)¹, as the transmission and generation bidders, respectively, and approved the term sheets these bidders had submitted as the bases for contracts with the T&D utilities. This approval was subject, however, to the Commission determining how much of the LS Power and Longroad projects Maine ratepayers should fund, the answer to which depended in large part on whether Massachusetts would commit to funding a portion of both projects in return for a share of the energy generated by the Longroad project.

On February 3, 2023, the Commission issued an Order Regarding Massachusetts Determination, which found that Maine ratepayers funding 60 percent of the LS Power and Longroad projects would be in the public interest, with Massachusetts funding the remaining 40 percent. Consequently, the Commission ordered Staff to begin negotiations with LS Power, Longroad, the T&D utilities, Massachusetts utilities, and relevant Massachusetts governmental authorities for agreements that would allow the LS Power and Longroad projects to proceed to development and operation. Those negotiations have not been completed.

¹ Specifically, the Commission selected Longroad’s King Pine Wind Generation Project in Aroostook and Penobscot Counties.

Preserve Rural Maine (PRM), on October 8, 2023, filed a late petition to intervene in this proceeding, representing that it is a new non-profit established to protect the rights, environment, and culture of rural Mainers in response to increasing land requirements for energy projects. PRM notes that it is concerned with: (1) the use of eminent domain to accommodate the LS Power transmission project; (2) the impact of that transmission project on food security, farms, real estate values, and tourism; (3) what PRM describes as a failure to demonstrate the economic value of both the LS Power and Longroad projects to ratepayers; and (4) what PRM sees as the questionable value of those projects in meeting climate goals.

Intervention is a mechanism for allowing participation in adjudicatory proceedings before the Commission, as outlined in section 8 of Chapter 110 of the Commission's rules, governing practice and procedure before the Commission. As described above, however, rather than being adjudicatory in nature, this proceeding is a legislatively mandated procurement process, in which the parties are currently involved in confidential negotiations in an effort to develop agreements designed to implement the Maine Renewable Energy Development Program. As a result, this is not a proceeding for which intervention is available. *See Maine State Library Annual Proposal of Department of Education and the Maine State Library Filed Pursuant to Chapter 285 (Year 2020-2011)*, Docket No. 2009-00210, Procedural Order (Oct. 1, 2009) ("The Public Advocate filed a Petition to Intervene in this proceeding on September 29, 2009. This is not an adjudicatory proceeding so intervention is not appropriate.")

This does not mean, however, that PRM will not have an opportunity to raise its concerns about the Maine Renewable Energy Development Program. As was made clear in the request for proposals seeking bids for the transmission and generation projects, any successful bidder for a transmission project must obtain regulatory approvals for its project, including a certificate of public convenience and necessity (CPCN) pursuant to 35-A M.R.S. § 3132.² Commission proceedings to review a petition for a CPCN are adjudicatory and interested parties may request intervention. *See, e.g., Central Maine Power Company Request for Approval of CPCN for the New England Clean Energy Connect Consisting of the Construction of a 1,200 MW HVDC Transmission Line from the Québec-Maine Border to Lewiston (NECEC) and Related Network Upgrades*, Docket 2017-00232, Notice of Proceeding and Opportunity to Intervene (Oct. 3, 2017). Further, in determining whether there is a public need for a proposed transmission line, the Commission must take into account, at a minimum: "economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings and nontransmission alternatives to construction of the

² The RFP for this procurement, which the Commission issued on November 29, 2021, can be found in the public side of this docket as CMS item number 2. Section 5.2.2 of the RFP required a transmission bidder to provide detailed information regarding how it would obtain certain required permitting and regulatory approvals, including a CPCN.

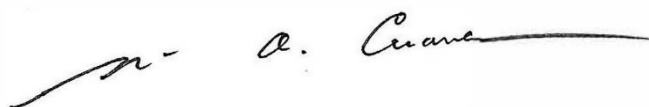
transmission line, including energy conservation, distributed generation or load management.” 35-A M.R.S. § 3132(6).

Dated at Hallowell, Maine, this 13th day of October, 2023

BY ORDER OF THE PRESIDING OFFICERS



Elizabeth J. Wyman



Robert A. Creamer