

**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

June 30, 2023

Docket No. 2021-00369

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

**VERSANT RESPONSE TO
COMMISSION ORDER No. 3**

Versant Power (“Versant”) hereby responds to Order No. 3 of the Commission’s February 3, 2023 Order (the “Order”) directing Maine’s Transmission and Distribution Utilities (“T&D Utilities”) to “submit final versions of the contracts that are consistent with the terms set forth in the Term Sheets ... to the Commission for approval prior to execution by the parties on or before June 30, 2023.” For the reasons set forth below, Versant is unable to provide draft contracts as contemplated by the Order.

Procedural Background

In 2021, the Legislature enacted an Act to Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine. In furtherance of the Act, the Commission conducted a competitive solicitation to procure a transmission line and renewable energy resources as described in the statute. On November 1, 2022, the Commission issued an Order conditionally approving a Term Sheet with LS Power for the development and construction of the transmission line and a Term Sheet with Longroad Energy for the King Pine Wind Generation Project.

On February 3, 2023, the Commission issued an order giving final approval to the Term Sheets and directing the Commission Staff to “work with the owners/ developers of the resources whose Term Sheets have been selected, and with all other parties in Maine or Massachusetts, including but not limited to Central Maine Power and Versant Power.” Order at 7,

Docket No. 2021-00369 (February 3, 2023). Paragraph 3 of the Ordering language directs the T&D Utilities to submit final versions of the Power Purchase Agreement and Transmission Services Agreement based on the Term Sheets for Commission approval by June 30, 2023. *Id.*

Status Update from Versant Power

In response to iterative inquiries and correspondence with Commission Staff, Versant has been instructed by the Commission that it is not to actively participate in the contract negotiations at this time, though Versant has remained able and willing to contribute to the process and expects to substantially participate at some point in the near future. Notwithstanding the lack of a formal negotiating role, on May 2, 2023, Versant filed a submission in this Docket outlining general contractual terms it would hope to see in the contracts. Versant based these recommendations on contracts for similarly sized projects that have been approved in other jurisdictions and provided them in the interest of protecting its customers from risks associated with these new contracts.

On May 9, 2023, Versant submitted a Request for Relief from Submission Requirement, asking the Commission to waive Order No. 3 in its February 3, 2023, because the T&D Utilities had neither been part of the negotiation process nor had access to the latest drafts contracts. The Commission has not yet responded to Versant's Request for Relief.

In the absence of a waiver, Versant responds to Order No. 3 by restating its position that the T&D Utilities are unable to provide the Commission with final versions of the contracts at this time because the T&D Utilities have not been involved in the drafting process despite offers and inquiries with Commission staff, and do not possess any draft or final versions of the contracts. Accordingly, Versant respectfully requests that the Commission either waive the submission requirement or accept this filing in satisfaction of the submission requirement contained in the Commission's February 3, 2023 Order No. 3.

Dated: June 30, 2023

Respectfully submitted,

Versant Power

By its attorneys,



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