

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2024-00099

May 10, 2024

PUBLIC UTILITIES COMMISSION
Request for Information for Renewable
Energy Generation and Transmission
Projects Pursuant to the Northern Maine
Renewable Energy Development Program
(P.L. 2023 c. 660)

REQUEST FOR
INFORMATION AND
INDICATIONS OF INTEREST

I. SUMMARY

Through this Request for Information and Indications of Interest (RFI), the Maine Public Utilities Commission (Commission) initiates a process towards the re-opening of its procurement for qualified transmission and generation projects pursuant to the Northern Maine Renewable Energy Development Program (Northern Maine Program or Northern Maine Procurement). As detailed below, the Commission is requesting interested entities to provide information and comment on matters relevant to the Northern Maine Procurement by **June 21, 2024**. The Commission is also requesting the submission of Indication of Interest forms by developers and potential bidders by **July 8, 2024**.

II. BACKGROUND

In an Order issued in Docket No. 2021-00369 on December 22, 2023, the Commission terminated its prior procurement that had been initiated by a Request for Proposals (RFP) issued on November 29, 2021. (Initial Procurement). As noted in the December 22, 2023 Order, the Initial Procurement in Docket No. 2021-00369 was conducted pursuant to 35-A M.R.S. § 3210-I, which codifies An Act to Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine, P.L. 2021, Chapter 380 (the Act). The Commission also indicated its intent to initiate a new procurement and to consider what changes, if any, should be made to the procurement process before initiating a new RFP.

The Legislature, in P.L. 2023 c. 660, has recently made several amendments to the Act that will impact any new procurement conducted under the Northern Maine Program. As amended the Act requires the Commission to conduct a procurement for proposals to: (1) develop and construct a “transmission line or lines necessary to

connect at least 1200 megawatts of renewable energy resources located in Northern Maine” to the ISO-NE system; and (2) develop and construct renewable energy generation projects that would transmit power across that line. In doing so the Commission may seek to partner or coordinate with other states, governmental entities, or utilities within New England.

In addition, in P.L. 2023 c. 664 the Legislature has made a number of amendments to the statutes governing the approvals required for developing and siting a transmission line, including 12 M.R.S. § 598-C, 35-A M.R.S. §§ 3132, 3136, and 38 M.R.S. §§ 485-A, 486-A.

The intent of this RFI is to provide information to the Commission relevant to commencing a new procurement under the amended Act and the impact of the changes to the approval requirements for transmission lines.

III. REQUEST FOR INFORMATION AND RELATED PROCESS

The Commission seeks information and comment from interested parties on the topics identified below. In particular, the Commission seeks information and comment from project developers, specifically prior and potential future bidders in the Northern Maine Procurement. Comment from other interested entities is also encouraged.

A. Topics:

- A brief description of commenting bidders/developers and the project or projects they would intend to develop pursuant to the Program;
- How the procurement should be structured to coordinate and/or align the development of transmission and generation projects or, alternatively, if such coordination/alignment is not desirable or practicable;
- Issues related to developing transmission and generation projects in stages/phases;
- The costs and benefits of a contract term that is shorter or longer than 30 years for transmission projects and 20 years for generation projects;
- What factors should be considered when establishing allowed parameters for bid prices, *e.g.*, should prices that are indexed or adjusted either before and/or after the commercial operations date for the project be allowed and, if so, what parameters should be considered;
- Whether there is a preference regarding contracted generation products (*i.e.* energy, capacity, RECs, or a bundled product) and how best to structure a contract for the provision of those products;

- Alternative pricing structures for generation products (for example, but not limited to, the use of different indices or a contract for differences) and the associated impact on project and ratepayer costs/risk;
- Advantages and disadvantages of allowing or, alternatively, prohibiting, combined or linked transmission and generation project proposals;
- FERC Open Access issues/implications and other FERC issues and rulings that may be applicable;
- ISO-NE issues, including how projects would be positioned with respect to the Maine Resource Integration Study and other applicable ISO-NE studies and interconnection processes;
- Developer responsibility for the cost of upgrades to the existing transmission network that would be required to accommodate the projects including how cost responsibility would be determined and allocated between/among projects;
- Land use and Right-of-Way issues, including the use of existing rights-of-way and developers' community engagement plans;
- Coordination with and enabling/encouraging participation by other off-takers, including other States in the region, and approaches/options best suited to such participation, e.g., contract party status in the contracts to be approved in this procurement or, alternatively, off-taker status for the resale of the renewable energy that would be procured through contracts approved by the Commission;
- Whether and how to enable regional allocation of costs and benefits, including regional treatment of the transmission project;
- Financial Security requirements, including form, amounts, and timing of required security, conditions of draw, or other use of security and related issues;
- Mechanisms to mitigate and allocate risks associated with the development and operations of a transmission or generation project;
- Demonstration of project viability within a commercially reasonable time frame and the implications of delays in progress toward commercial operations or failure to meet required development milestones, including cover damages or additional security requirements;
- The maximization of federal tax credits by including agreements described in 29 U.S.C. § 158(f);
- The use of an "employer and employee harmony agreement," as defined in 35-A M.R.S. § 3201(8-C), including but not limited to anticipated delays or costs that may arise from such agreement;
- The evaluation of proposed economic benefits to northern Maine and how best to ensure they are realized;

- Other key commercial terms to be considered in the Transmission and Power Purchase Agreements;
- The impact of recent amendments to 35-A M.R.S. § 3136, Maine's statute governing the use of eminent domain by transmission and distribution utilities, regarding the taking of parcels of real estate that are 200 acres or less in size (P.L. 2023 c. 644);
- How the requirement that the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands adopt rules establishing the criteria for determining whether a high-impact transmission line crossing designated public lands (or a portion thereof used as a rail trail, recreational corridor, or land of similar configuration) causes a reduction in such land or substantially alters the uses of such land impacts the timing of the Commission issuing a Request for Proposals for transmission and generation projects (see Sections 1 and 12 of P.L. 2023 c. 644);
- How the requirement that bidders/developers conduct a public meeting or meetings pursuant to recently enacted 12 M.R.S. § 486-A(2-A) (see Section 11 of P.L. 2023 c. 644) affects the timing of the Commission issuing a Request for Proposals for transmission projects or selecting a transmission project; and
- The timing of bidders/developers obtaining legislative approval pursuant to 35-A M.R.S. s. 3132(6-C) for the construction of a transmission project.

Comments are requested to be submitted by **June 21, 2024** by a filing in the Commission's Case Management System in Docket Number 2024-00099. Please note that this is a "secured" docket and these submissions will be visible only to the Commission and its Staff and Consultants. Following submission of these comments, Commission Staff may schedule meetings with commenters to further inform the procurement and the Northern Maine Program.

B. Indication of Interest

Concurrent with the RFI, the Commission is requesting interested project developers and potential bidders to submit an Indication of Interest in the procurement. Specifically, interested project developers and potential bidders in the Northern Maine Procurement are hereby requested to complete the Indication of Interest form provided on the Commission's website at <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>.

Completed Indication of Interest forms, which will also be held securely and thus only visible to the Commission and its Staff and Consultants, should be submitted by **July 8, 2024** via email to NorthernME.RFP.PUC@maine.gov. Developers and potential bidders are strongly encouraged to provide an Indication of Interest form. Failure to do

so, however, will not preclude a developer or bidder from submitting a bid in accordance with the procurement schedule and requirements as they are developed.

Dated at Hallowell, Maine, this 10th day of May 2024.

/s/ Amy Dumeny

Amy Dumeny
Administrative Director