

April 19, 2022

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

ORDER ON THE OFFICE OF
THE PUBLIC ADVOCATE'S
REQUEST

On April 5, 2022, the Office of the Public Advocate (OPA) filed a "Request to Participate in Review of Bids." The OPA seeks to participate in review of the bids "to assure that Maine ratepayers are fully protected." In addition, the OPA attached a copy of a protest that it filed with the Federal Energy Regulatory (FERC) in response to a filing made by a bidder in this procurement seeking authority to negotiate transmission rates over its proposed transmission line.

Section 3210-I of Title 35-A established the Northern Maine Renewable Energy Development Program. The statute authorized the Commission to administer the program, which involves the procurement of a generation connection or transmission line (or lines) and renewable energy generation projects. With respect to the transmission procurement, the statute provides that the Commission "shall evaluate the proposals received based, at a minimum, on the following factors: cost, economic benefit to Northern Maine, the qualifications of the bidder or bidders, the long-term viability of each proposal and the anticipated contribution of each proposal toward the achievement by the State of its renewable energy goals under section 3210." 35-A M.R.S. § 3210-I(2)(A). The statute further provides:

No later than November 1, 2022, the commission shall approve a contract or contracts between one or more transmission and distribution utilities and the bidder of any proposal selected by the commission in accordance with this subsection, except that if, at the close of the competitive bidding process the commission determines that no proposal meets the requirements of this subsection or that approval of a contract or contracts that otherwise meet the requirements of this subsection is not in the public interest, the commission may reject all proposals and may open a new competitive bidding process under this subsection.

Id. § 3210-I(2)(E).

Pursuant to the directive from the Legislature, it is the Commission that must evaluate the proposals, applying the statutory criteria, and make a final selection. The statute does not give the OPA, or any other party, authority to engage in the evaluation or selection process. The Commission has a long-standing practice of keeping the contents of proposals confidential to protect the proprietary and commercial interests of the bidders and to maintain the integrity of the procurement process.¹

Section 4 of the statute establishes a particular role for the OPA. This section, which governs, “[r]egional electric grid integration and development,” specifies that “[w]here authorized and as practicable, the Office of the Public Advocate may engage in the activities and proceedings described in paragraph A, B, or C,” which are provisions that require the Commission to take certain steps following the award of a contract to implement and administer the program. 35-A M.R.S. § 3210-I(4).² Section 4 further provides that the OPA may be called upon to “obtain any technical or legal assistance necessary to ensure regional and federal interconnection and grid reliability standards are not employed directly or indirectly to discourage the development of the renewable energy resources in northern Maine under this program.” *Id.* § 3210-I(4)

Notwithstanding the above, it has been the Commission’s practice in previous procurements of renewable generation to provide copies of negotiated and final term sheets to the OPA and to Maine’s transmission and distribution utilities so they may provide comments on the proposed projects. *See, e.g., Maine Public Utilities Commission Request for Proposals of Long-Term Contracts Under 35-A M.R.S. § 3210-C Pertaining to Central Maine Power and Emera Maine*, Docket No. 2015-00026, Request for Comments (Sept. 4, 2015). The Commission will consider following such practice in this proceeding as well.

Finally, the Commission thanks the OPA for providing a copy of its FERC protest and welcomes either the bidder or the OPA to provide any further filings in the FERC proceeding and, in particular, any Orders that issue in that docket.

¹ The Request for Proposals provides for a limited release of relevant information relating to the transmission project proposals to potential generation project bidders who sign a non-disclosure agreement to allow them to prepare their proposals. *Maine Public Utilities Commission Request for Proposals for Renewable Energy Generation and Transmission Projects Pursuant to the Northern Maine Renewable Energy Development Program*, Docket No. 2021-00369, Request for Proposals for Renewable Energy Generation and Transmission Projects, § 3.3 (Nov. 29, 2021).

² The actions required of the Commission include, facilitating the construction and development of the line or lines procured, 35-A M.R.S. § 3210-I(4)(A); participating in proceedings involving integration of the line in the ISO-NE system, *Id.* § 3210-I(4)(B); and, at the Commission’s discretion, directing a transmission and distribution utility as contracting party to participate in a regional or multistate competitive market or solicitation. *Id.* § 3210-I(4)(C).

Dated at Hallowell, Maine this 19th day of April, 2022.

BY ORDER OF THE HEARING EXAMINERS

A handwritten signature in black ink, reading "Elizabeth J. Wyman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Elizabeth J. Wyman