

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

CENTRAL MAINE POWER COMPANY

Re: Request for Approval of  
NonTransmission Alternative (NTA) Pilot  
Projects for the Mid-Coast and Portland  
Areas

Docket No. 2011-00138

JOINT REPLY BRIEF  
OF THE OFFICE OF THE PUBLIC ADVOCATE  
AND  
EFFICIENCY MAINE TRUST

February 28, 2022

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## I. REPLY SUMMARY

The Office of the Public Advocate (OPA) and Efficiency Maine Trust (EMT) offer the following joint reply brief in response to the brief filed by Central Maine Power Company (CMP) on February 18, 2022. The Commission should reject CMP's request for a Certificate of Public Need and Necessity (CPCN) for a rebuild of its Section 80 transmission line because the request is premature and because it fails to adequately demonstrate the need for the line with thorough analyses presented in this docket. Instead, the Commission should direct CMP to implement NWA Option 3 identified by the State of Maine's Nonwires Alternative Coordinator, DNV, which cost effectively "defers or reduces the need for capital investment in the transmission and distribution system and addresses system reliability needs proposed to be met by the transmission or distribution system investment."<sup>1</sup>

CMP's request in this proceeding is deficient because it fails to incorporate the beneficial impacts of existing and known Distributed Energy Resources (DER) projects in its analysis of the Midcoast region. CMP also fails to provide facts and analysis that quantify its concern regarding a potential future winter peak. It is not sufficient for CMP to argue that the Section 80 Rebuild will meet future unspecified needs. Rather, CMP must quantify the existing and expected need with fact-based analysis, linking its proposed solution with the documented need.

CMP's initial petition for a CPCN asserted that the Section 80 Rebuild Project is a necessary reliability upgrade because of voltage concerns during summer peak conditions

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<sup>1</sup> 35-A M.R.S. §3131(4-C).

due to the interconnection request of a new industrial customer.<sup>2</sup> Under 35-A M.R.S. §3132, the Commission must make findings regarding the public need for a project before issuing a CPCN.<sup>3</sup> The burden of demonstrating need falls on CMP. With its January 21, 2022 Response to the November 1, 2021 Non-Wires Alternative Report, CMP changed its rationale, alleging instead subtransmission contingencies and winter peak loading conditions.<sup>4</sup> The shifting rationale undermines the original documented need for the Section 80 Rebuild to provide voltage support during summer peak conditions. If CMP now wishes to justify the need for its Section 80 Rebuild based on subtransmission contingencies and winter peak loading conditions, CMP must present updated analyses demonstrating the reliability need it asserts based on clearly articulated planning standards. In its initial brief, CMP inappropriately attempts to shift this burden onto the Nonwires Alternative Coordinator.

## **II. NWA OPTION 3 MEETS THE IDENTIFIED NEED OVER THE EFFECTIVE LIFE OF THE PROPOSED TRANSMISSION PROJECT RELIABLY AND MORE COST-EFFECTIVELY THAN THE SECTION 80 REBUILD.**

35-A M.R.S. §3132-A(2) states:

In order for a transmission project to be approved, the commission must consider *whether the identified need* over the effective life of the proposed transmission project can be reliably and more cost-effectively met using nontransmission alternatives. In its review and consideration of nontransmission alternatives, as required by subsection 1-A, the commission shall give preference to nontransmission alternatives that have been identified as able to address the identified need for the proposed transmission project most cost-effectively. When the cost-effectiveness of the identified nontransmission alternatives are reasonably equal, the commission shall give

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<sup>2</sup> Central Maine Power Company, Letter re Section 80 (Jan. 21, 2020) at 3.

<sup>3</sup> 35-A M.R.S. §3132 (6)

<sup>4</sup> Central Maine Power Company's Response to the Office of the Public Advocate's November 1, 2021 Non-Wires Alternative Report, (Jan. 21, 2022) at 3.

preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

(Emphasis supplied).

Thus, by statute, it is fundamental to the transmission planning process that the need underlying a proposed transmission project must be identified by the utility proposing the line. Once the Commission finds that a public need exists, before issuing a CPCN, the Commission must then consider whether the identified need can be more economically and reliably met using non-wires alternatives.<sup>5</sup> Here, CMP identified the need for the Section 80 Rebuild as a reliability upgrade due to voltage concerns during summer peak condition resulting from the interconnection request of a new industrial customer.<sup>6</sup> NWA Option 3 meets this identified reliability need, and does so in a more cost effective manner.

CMP was, of course, free to update the nature of the need underlying the proposed construction of Section 80 during the course of the proceeding. However, such a revision relates to a factual question and requires supplemental submission of evidence. Allowing the company to revise the factual basis for the asserted need underlying its request at the briefing stage would be legal error.

### **III. CMP SHIFTED ITS RATIONALE FOR THE SECTION 80 REBUILD, FAILING TO PROVIDE ADEQUATE DOCUMENTATION AND FACTUAL SUPPORT FOR ITS CHANGES.**

In its Brief, CMP raises concerns regarding subtransmission contingencies, winter peak loading and an alleged generator unavailability. As noted previously in the Joint Initial

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<sup>5</sup> 35-A M.R.S. §3132-A(2); *See, also, NextEra Energy Res., LLC v. Me. PUC*, 2020 ME 34, ¶¶23-P24, 227 A.3d 1117, 1123-1124, 2020 Me. LEXIS 35, \*10- 12 (citing the standard set forth in 35-A M.R.S. §3132).

<sup>6</sup> Central Maine Power Company, Letter re Section 80 (Jan. 21, 2020) at 3.

Brief, the data underlying these issues are not validated or quantified. CMP has shifted its analysis from one concerned with summer peaking conditions to these areas which CMP fails to document and quantify, changing its rationale for the Section 80 Rebuild.

**A. CMP Fails To Document Subtransmission Contingencies.**

In its initial brief, CMP argues that the Nonwires Alternative Coordinator has failed to study the impact of Option 3 on the underlying subtransmission system. However, CMP itself did not base the analysis of need for Section 80 on these conditions. CMP's argument, therefore, inappropriately attempts to shift the burden to address such a need onto the State's Nonwires Alternative Coordinator.

CMP's April 2020 analysis supporting the need for the Section 80 Rebuild included only regional planning criteria. CMP must provide the appropriate standards, cases and scenarios if CMP maintains that the NWA analysis should expand to include local planning criteria and contingencies outside the bulk transmission system. This is particularly necessary where the NWA Section 80 Report points out that there is uncertainty as to whether subtransmission concerns are actual or the result of inaccurate modeling.

There is also the concern of a built-in bias toward transmission investment, due to higher authorized earnings on transmission, which constitute a pass-through in retail rates. If subtransmission systems do not receive adequate investment, the solution is to increase subtransmission system investment, not to overinvest in transmission solutions to solve subtransmission problems.

**B. CMP Fails To Document Its Winter Peaking Analysis.**

Similarly, CMP argues that the Nonwires Alternative Coordinator has failed to study Option 3 under winter peak loading conditions without solar. Again, CMP itself did not base the analysis of need for Section 80 on these conditions. CMP's argument, therefore, inappropriately attempts to shift the burden to address such a need onto the State's Nonwires Alternative Coordinator. NWAs do consider uncertainties in load growth and uncertainties in resource availability. The NWA Option 3 incorporates more resources than necessary to provide additional capacity in case load grows faster than expected. For resource availability, it is reasonable to procure additional resources for an NWA when there is uncertainty around their operations and availability. Therefore, a reasonable amount of margin for unanticipated growth is already included in the NWA. CMP fails to document the need for resources beyond the incorporated margins.

With respect to winter peak loading, the NWA Coordinator incorporated ISO-NE winter solar standards into the analysis and reviewed the potential for subtransmission impacts in the NWA report. The NWA Coordinator found that to avoid upgrading subtransmission lines to accommodate NWA Option 3, an additional 8 MW of resources would be required to mitigate the impacts to these sections. The additional 200 MWs of DERs in ISO-NE and CMP's interconnection queues will eliminate the need to procure additional NWA resources under known circumstances. Additional impacts from potential winter peaking remain unquantified.

Furthermore, it is not known if CMP used the full contracted summer load profile of industrial customers in its winter peaking projections. This would be inaccurate as winter

load is lower. Nor is it known if CMP used summer line ratings in its analysis of winter peaking scenarios. This would be inaccurate as winter line ratings are higher. Both of these factors can affect modeling results, creating the appearance of a winter system need where none may, in fact, exist. These factual discrepancies should be resolved before being relied upon in support of the Section 80 Rebuild.

**C. CMP Fails To Justify Its Generator Unavailability Criteria.**

Finally, the alleged generator unavailability is a faulty argument. This is yet another example of CMP' attempt to change the standards applicable to the NWA analysis and to shift its burden onto the Nonwires Alternative Coordinator. Regional transmission planning studies apply the contingencies of the loss of a Bulk Energy Supply (BES) element, N-1, followed by a loss of a second BES element, N-1-1. There is no additional (3rd) contingency of the loss of a local generator. . The NWA Option 3 resolves the N-1-1 contingencies at summer peak with a known generator purchase power agreement. Use of mobile units occurs on an as-needed basis as one of the NWA resources to support the system during an N-1-1 contingency. CMP would have control of the mobile units' operation and would be able to manage their deployment. If CMP's local planning standards incorporate additional criteria or any different assumptions for generator availability, CMP must document and provide support for incorporating these considerations into its modeling assumptions. CMP must identify which generator it assumes is unavailable and why that generator is the appropriate choice. It did not do so in its justification of need for Section 80. It is therefore inappropriate to impose this burden on the Nonwires Alternative Coordinator.

#### IV. CONCLUSION

For the reasons described in the initial Joint Brief filed by the OPA and EMT and herein, the Commission should deny CMP's request for a CPCN. Where system needs are changing due to the introduction of DERs and the potential impact of beneficial electrification, such impacts must be quantified. It is not reasonable to implement a solution designed for a need that no longer exists to solve the needs of the future.

Respectfully submitted this 28th day of February 2022,

For the Office of the Public Advocate

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