

To: Amy Grant, President, Upstream Watch

FR: Mike Lannan

RE: Nordic Power Requirements February 28, 2021

ELECTRIC POWER

1. In many Planning Board reviews and/or appeals to the Zoning Board of Appeals (ZBA), the “PERSON” that could possibly be aggrieved are local landowners to the proposed project, that either directly abut the proposed use or are close nearby. This is simply because in order for a landowner to be considered an AGGRIEVED PARTY in Maine, they must be affected more than the average PERSON.
2. The Planning Board started their review process under the assumption that an AGGRIEVED PARTY can only be a PERSON abutting the facility or directly nearby. In many cases, it could be reasonable to make this narrow geographic assumption, at least initially, for PERSONs, but it was not for Nordic Aquafarms (Nordic) applications. In the Nordic case, aggrieved parties must include the towns of the Midcoast region and their inhabitants whose future will be impacted by the decisions of the Belfast Planning Board.
3. On January 22, 2020, which was the last time Upstream Watch was allowed to provide direct testimony to the Planning Board, the presentation largely focused on what was disclosed by Nordic to the Planning Board as of that date and what was not

known with respect to facility power demand needs, infrastructure capabilities, and emergency power/supply questions. The testimony can be summarized as:

- i. As of January 22, 2020, no estimate of Nordic's normal or seasonal peak, power demand had been provided.
- ii. In Nordic's original applications, and in the air quality assessment, the power plant proposed was discussed as a proposed peak demand "shaving" plant.
- iii. During the Planning Board hearings, the power plant was also described as capable of meeting Nordic's emergency power demand needs.
- iv. Nordic's application referred to two studies: one with respect to their initial noise assessment and one with respect to their original air quality permit application and assessment. Both of these studies were related to potential health, safety and welfare impacts from Nordic's proposed 14 MW power plant. Both of these studies were completed by subconsultants and addressed to Nordic's prime energy consultant, Gridworks Energy. Upstream questioned why the critical primary study for these two subconsultant reports was never entered into the record by Nordic.
- v. Without any power study or specific power requirements proposed by Nordic's power consultant or the power demand needs directly, how Nordic would be met those needs in a sustainable manner, that would also allow room for other facilities to connect to the grid within Belfast and in surrounding

towns that could be limited by this decision, was never presented to the Planning Board.

- vi. Indirectly, one facility power consumption data point was provided. Nordic's power plant capabilities were included in the air permit application appendix. Nordic claimed its power production capabilities may be as high as 14 MW.
- vii. Nordic did discuss in the hearings that their power demand was more than the power plant could provide, but they could make critical decisions to keep everything running during a power outage. The discussions inferred that their power plant capabilities and peak demands were close, but not quite sufficient.
- viii. The power plant production rate may or may not be accurate or sufficient for meeting the facility demand needs, but based upon this one window into Nordic's power demand, as stated by Upstream, is likely much more than the City of Belfast's power demand, and likely closer to the Waldo County power demand (i.e. regional demand).
- ix. No discussion of how this demand could be met was provided to the record, so Upstream suggested that the Planning Board considered a third-party evaluation of the power needs funded by Nordic on the City's behalf, but the Planning board did not require one. Instead, they allowed Nordic to provide the minimum amount of information Nordic deemed appropriate.

- x. In lieu of the third party review the City and the Planning Board did not perform the proper due diligence internally to obtain the power supply needs, determine Nordic's potential area of influence, notify the potential areas that may be affected by their approval of this project, or continue the hearing until Nordic did provide the proper information.
 - xi. In the deliberations of the Planning Board after Upstream's testimony on January 22, 2020, the Planning Board required Nordic to obtain "a letter from CMP saying that providing this much power to a new plant isn't going to be a problem for them."
4. Again, since the actual power demand load was never provided to the Planning Board, the request for a letter understanding that ***"this much power to a new plant isn't going to a problem for them"***, cannot be interpreted quantitatively (i.e. in all conditions).
 5. At the October 7, 2020 Planning Board meeting, the Chair acknowledged that Nordic claimed to have provided this letter, but also noted that he had still not seen any commitment letter from CMP and it was not loaded onto the City's website in the Nordic project folder either.
 6. A copy of the CMP letter was provided soon thereafter to the Planning Board. The letter, marked by the City as Exhibit 3, was dated February 20, 2019, was provided more than a year after the Planning Board's request, and more than a year and a half since the Chair requested it again. It is simply is too old and irrelevant to be considered a response to the concerns raised by Upstream Watch and the request by the Planning Board for assurance.

7. The February 20, 2019 letter from CMP clearly is a response to an inquiry from Nordic early in their exploration of this site. This letter is in response to an initial contact letter inquiring about service responsibility for the area. The intent of the letter addressed to ***“To Whom it May Concern”*** is best summarized in the second sentence ***“We are pleased to inform you that Central Maine Power Company (“CMP”) has transmission and distribution facilities in the vicinity of the proposed site.”*** In other words, ***“Yes, dear potential customer, you have contacted the right people if you want to obtain an interconnect agreement”***. It is not a power commitment or summary of a fatal flaw analysis, or any other analysis one might expect attached to a letter of commitment to any type of power demand. It had little to no information in it.
8. The lack of information was apparent to the Planning Board as well, as noted in the November 4, 2020 discussion of each Board members comments. Before offering Nordic an opportunity to respond a Planning Board member summarized the letter as ***“I think Daisy and someone else pointed out that the letter from CMP seemed very sort of generic and sort of like something they would just send out to sort of anybody, and it didn't sort of talk about specifics; like they didn't know the specifics of the project. It just wasn't as detailed as it would have been nice to have seen.”***
9. In Nordic’s response to the disappointment expressed by the Planning Board with respect to generic response to their request for information, Nordic replies, ***“My general comment is that CMP is a huge utility that gets away with uh doing kind of their,***

their process, um, because it is pretty established and that's, that cover letter is what they do for new projects."

- a. Yes, it is when a developer contacts them initially without providing an Interconnect Request and any project specific information.
- b. Since the February 20, 2019 letter CMP has examined power demands from Nordic, discussed them with the Public Utilities Commission (PUC) and has had a representative, their power consultant, involved in the process. But did not think that any of that should be submitted to the Planning Board. Instead only the 2019 letter was provided.
- c. Even before the 2019 letter, CMP had been provided some power demand information at least as early as 2018.

10. Nordic's representative then went on to add, "they don't know all the details of the project but that they're going to provide us with what we need, but they also recognize that we have a commitment to them to cover their expenses for upgrades and other things that might be needed so that's a long process we're in the, we're in the process now of signing a contract for the engineering and design of that system"

- a. This statement acknowledges that Nordic did provide some demand needs information to CMP, but more will be needed.
- b. It also discussed engineering and design for improvements for "that system". Any statement about engineering and designing a specific system is in direct conflict with their previous consistent statements about undefined needs.

- c. It is nice that Nordic suggests a verbal commitment to some sort of cost sharing, but that statement provides no definite assurance.

11. More of Nordic's response" *"Once we sign a contract with a with CMP it's called an interconnection agreement and it'll be a contract that says that CMP guarantees that they will provide Nordic with a certain amount of power and Nordic provides guarantee that they will cover costs for, for connection."*

- a. From the full statement up to this point, Nordic makes it sound like the extent of the power demand information that could have possibly be provided to the Planning Board is that generic letter from 2019, and then this interconnection agreement, well out in the future, after the expected end of the Planning Board permit proceeding window. That meant the Planning Board had to make a decision without knowing if Nordic's power needs could be supplied by CMP, or how, and with what consequences to Nordic, Belfast, or to the other towns in Midcoast Maine.
- b. A fatal omission to the Planning Board record is any information from Nordic's interconnect request. A developer cannot negotiate an interconnection agreement without providing basic load demand information and that information triggers a feasibility study.
- c. Nordic's interconnect request has been submitted and has been reviewed by both CMP and the Public Utilities Commission (PUC). Some of the basic load demand assumptions the Planning Board requested were provided therein, so the same information used for the request could

have been provided to the Planning Board. Nordic decided not to do so.

12. At this juncture, one of the Planning Board members asked Nordic: ***“Do they have an idea what your sort of, your gross electrical demand, in the ballpark?”*** The response from Nordic was ***“Um. They do. And it comes down to talking about peaks versus averages and also what kind of conditions would happen during a area peak so if we're in a 90 degree, 95 degree heat wave for four days and CMP is very stressed. They're trying to understand what our ability to turn on generators and lower our demand is so we're that's the kind of stuff that we're trying to work through with them right now. It also is a wide-ranging area. It's not just Belfast. It has to do with um even south of Rockland. Certain structures and parts of their infrastructure south of Rockland are impacted by decisions that they make in Belfast so it's a large state, regional issue that they're trying to grapple with.”***

- a. So to summarize this exchange with respect to their power demands,
 - i. Nordic starts with a 2019 generic “To whom it may concern” letter from CMP claiming that CMP is so large, that is all they can get for the Planning Board,
 - ii. There is then some admission of discussions with CMP, but they don’t know all the details yet.
 - iii. It then transitions to specific local upgrades to the closest substation and the possibility of Nordic paying for it, and

iv. Lastly, Nordic admitted to providing demand load information to CMP that could and should have been provided to the Planning board. Nordic also discussed some unknown CMP requirements that will require Nordic to “get off the grid” but there were no other discussions of scenarios. Ultimately, rather than disclose to the Planning Board what it already was compelled to disclose to the Public Utilities Commission, Nordic defaulted to, effectively “its CMP’s problem, not ours”.

13. Nordic Aquafarms is not your typical residential, commercial, or light industrial facility that can be installed in the ROS zoning district. There is nothing “light industrial” about Nordic’s proposed use of natural and manmade resources that are used to provide “ESSENTIAL SERVICES” to areas that extend beyond direct abutters and beyond Belfast.

14. The Planning Board underestimated the potential geographic extent in their assumptions for considering impacts to water quality, water availability, power supply, and power distribution. Nordic was asked on multiple occasions for details associated with water and power usage demands, and the responses throughout at least the last year were incomplete at best, and misleading at worst. Nordic did not provide sufficient information, even after it was requested by the Planning Board to fully define the potential area of impact and the proper conditions to ensure that Nordic could connect without adversely affecting the grid in all of Midcoast Maine. As a result, the Planning Board could not make a determination, and this project must be remanded back to Planning Board to provide to Nordic, again, an opportunity to demonstrate that there are adequate electric resources available

and that Nordic's complete consumption of those resources are acceptable to the towns of Midcoast Maine.

15. What is missing from the entire power demand response from Nordic is the “fatal flaws” analysis measuring Nordic’s power demand against demand and circumstances currently identified by CMP and the PUC that would result in violations, with whatever unknown potential loads estimates Nordic provided to CMP in their Interconnect Request and subsequent discussions.

16. It was Nordic’s responsibility to demonstrate to the Planning Board that their demand for power could be satisfied in all applicable scenarios without adversely affecting ESSENTIAL SERVICES. Nordic ignored the Planning Boards repeated requests for Nordic to provide their power requirements for the multiple operating scenarios that were discussed during the Planning Board process. The Planning board neglected its responsibility when it provided a permit without receiving and evaluating the most basic demand questions with respect to the ability of CMP to maintain ESSENTIAL SERVICES.

17. While it is understood that neither the Planning Board nor the City has control over power supply, or CMP’s power distribution system, that does not grant the Planning Board authority to issue a permit while ignoring the requirement for the Applicant to demonstrate that their project can maintain the existing ESSENTIAL SERVICES now, and with normal and reasonable additional growth in the region or the authority to deprive the other towns in the Midcoast region of development opportunities without their knowledge or participation.

18. By the Planning Board suggesting that the ESSENTIAL SERVICES would be determined by CMP in their conditions instead of

requiring the demands requested and a solution, the Planning Board ignored the rationale and importance of their local responsibility for review and conditioning. To defer to CMP, the Planning Board had to ignore the fact that CMP's goals in any power demand assessment, and the Planning Board's may be similar in some respects, but are not the same.

19. CMP is interested in distributing power on very wide basis. They are concerned with the overall system performance. While CMP must maintain minimum redundancy and resiliency, they do not have to think about how one particular facility with very high demand, added to one location may, or may not, impact the ability of a City or even a region to properly absorb additional residential and commercial growth in their region for many years to come.
20. CMP has discussed three "temporary" options to try to improve the grid to cure the adverse impact that Nordic will cause to the grid, and that might allow CMP to develop a strategy to satisfy Nordic's request to connect, but none have been approved. To be clear, at a point in time well before the record was closed for Nordic's input, Nordic knew that the grid cannot supply the demand Nordic requested in their Interconnect request in its current configuration and withheld this information from the Planning Board.
21. Given the obstructionist tactics to date by Nordic Aquafarm's counsel when Upstream Watch provided other comments, concerns, and conflicting information, (or even this appeal), it is extremely likely that Nordic's counsel would again suggest, on Nordic's behalf, that information in this brief is new testimony and "should be stricken". So in anticipation of this argument and in

the interests of the ZBA's time, let us just say that the focus of this brief and others is to highlight the rationale that requires the ZBA to return these permits to the Planning Board for further review and participation by the affected Midcoast towns.

22. Upstream Watch does not attempt to validate or judge any of CMP's independent consultant's findings or Nordic's estimates that were obtained from CMP's documents that are provided in these appeal briefs. It is Nordic's not Upstream Watch's obligation to present missing information or validate information that was known to Nordic, but not provided to the Planning Board upon request. Furthermore, it is simply not reasonable to burden Upstream Watch with gathering and providing this project specific information from Nordic's other permitting efforts. As a result, this brief is primarily intended to explain to the ZBA why the ZBA must remand Nordic's Planning Board permits back to the Planning Board.

23. The information herein is provided to the ZBA to identify that Nordic had more power demand estimates than it shared with the Planning Board, even after the Planning Board asked for them, and had permitting knowledge critical to the Planning Board's decision process. And since Nordic withheld it, the Planning Board could not properly determine whether the project should have been approved or properly conditioned at the time of approval.

24. It is likely from the information from CMP that Nordic's power demand adds roughly 50% of additional power demand to the CMP's Belfast Region from one location. As of the time of permitting, approval by the Planning Board inadvertently stopped all future growth in the Belfast region. At that point in time the Planning Board unknowingly declared the Belfast Region a "no

growth area” with respect to adding power demand to the grid until the only definitive power plan, CMP’s permanent modifications are proposed and installed in 5 to 10 years or longer.

25. The ZBA must return these applications to the Planning Board so that all power demand scenarios can be considered, all impacted towns can be given notice and a proper opportunity to participate, and if permits are to be issued, it can be conditioned properly to ensure that Nordic would not adversely alter the power ESSENTIAL SERVICES to the Belfast Region, and possibly beyond to the Midcoast towns, as the current CMP finding suggests.

27. When (or if) the ZBA requires the Planning Board to reopen the record to discuss Nordic’s proposed project, it should specifically require that the Planning Board to carefully consider what additional information Nordic provides to the record with respect to curing their current adverse impact to the grid, as proposed prior to any approval or denial decision.

28. When (or if) the ZBA requires the Planning Board to reopen the record to discuss Nordic’s proposed project, it should specifically require that the Planning Board insist that Nordic provide estimates and means and methods to finance the design and installation of improvements that will be required to upgrade the distribution system to maintain ESSENTIAL SERVICES to Midcoast Maine with the added demand scenarios Nordic requests, before the planning Board completes their review.

29. When (or if) the ZBA requires the Planning Board to reopen the record to discuss Nordic’s proposed project, if Nordic does not provide a proposed solution, approved by CMP and ISO-NE for installation and financing for their complete facility needs for both construction phases as described in their applications to the

Planning Board and in the record, then Nordic must provide financing themselves to either cure the adverse impact or bypass the grid.

30. When (or if) the ZBA requires the Planning Board to reopen the record to discuss Nordic's proposed project, and if Nordic does provide a proposed solution that is approved by CMP and ISO-NE for installation and public financing is proposed, Nordic must provide legitimate rationale to the Planning Board justifying why the public, through fees to its ratepayers, taxes, borrowing, or other public means, should partially or fully fund the immediate improvements necessary to connect Nordic to the grid.

31. In the current CMP record, there is some initial justification "floated" for public funding for the any of the three temporary upgrades to the grid that may at least partially address Nordic's unknown initial power demand during construction and start-up. The rationale discussed in the PUC docket to date for public funding is that this temporary equipment could be removed, and reused elsewhere. The ZBA should demand that the Planning Board not act until Nordic provides legitimate rationale to the Planning Board justifying if public funding is proposed, as to why any public funding should be used for design, construction, installation, wear and tear, mothballing equipment, and retrofitting it into a new location that would be purchased now to address a need that would not exist without Nordic at all, and would not be part of the permanent solution to the grid that is not needed for 5 to 10 years without Nordic's power demand request.

32. In the interest of everyone's time and due process, the ZBA should require the Planning Board in its findings that Nordic provide all

previous requested information on power and otherwise after the Planning Board reopens the record, and before the Planning Board again invests any more significant time in their review.

33. Although Nordic side-stepped the requests of the Planning Board to provide their peak seasonal power demands and their reduced emergency power mode demand, Nordic did provide power demand information to a Public Utilities Commission (PUC) Docket. This information should have been shared with the Planning Board as requested, and therefore the ZBA must return these applications to the Planning Board for further evaluation and consideration. Before any additional review, Nordic must provide the peak power demand requested by the Planning Board, the power demand for the scenarios discussed in the record, and power demand for any alternative power demand and/or supply scenarios discussed with CMP that were withheld from the Planning Board's record and consideration. If this information is not provided in its entirety, then the Planning Board findings must be changed from approved with conditions to denial.

34. In 2011 it was clear to CMP that the increasing power demand from the Midcoast regional growth rate will eventually result in the demand exceeding the distribution system's requirements for resiliency and redundancy. PUC Docket #2011-00138 was created to explore "non-wire alternatives" (NMA) for CMP's midcoast Maine to extend the usable life of existing electrical distribution infrastructure. NWAs consider localized Distributed Energy Resources" (DERs) from renewable sources or Combined Heat and Power (CHP) generators that CMP can introduce within the existing grid and closer to the demand needs. They all the power

demand does not need to flow from the traditional power plant through the electrical distribution system.

35. The net result of strategically placed DERs is more power available from the same infrastructure without compromising ESSENTIAL SERVICES. With increased capacity in the same infrastructure, CMP can defer costly infrastructure improvements, which directly results in lower rate increases for its customers.

36. The PUC is constantly exploring the potential effects on the power supply and demand balance and system resiliency as new DERs and new user demand requests are processed. In fact, in a newer Docket, Docket #2020-00125, PUC's goal is to formalize procedures to streamline this continual review process so that the PUC can more quickly determine what DERs may be effective, and how effective they may be at delaying required upgrades. This process had been working well for CMP's Midcoast region as the new upgrade needs were postponed for approximately five years or more at this time.

37. Nordic, through discussions with CMP pertaining to their interconnect request learned well before the Planning Board closed the record to them that their interconnect request would singlehandedly destroy the PUC process to use DERs to delay costly improvements to the midcoast grid. Without a doubt, fulfilling Nordic's connection request would require costly immediate and long-term upgrades. At this point Nordic became obligated to openly discuss this concern with the Planning Board, and to estimate the cost to improve the service, but elected to withhold this information.

38. Nordic cannot provide the proper studies and analyses to finance and improve the grid resiliency to ensure that power ESSENTIAL

SERVICES are maintained because the solutions do not exist yet. Nordic at a minimum is complicit in the discussion that upgrades should be funded by others (i.e. rates payers), and possibly involved in public justification that the CMP rate payers should pay for the “temporary” upgrades required to add Nordic’s demand to the grid. Given that the fact that this rate payer funded upgrade information was withheld from the Planning Board, the ZBA should require that the permit be returned to the Planning Board for further review and conditioning.

39. Although the demand information in the 2011 PUC docket was redacted for public consumption, CMP was able to calculate the overall potential demand with and without Nordic with the redacted information provided to the 2011 PUC docket. The analysis examined the grid as if Nordic were online in 2018 and 2019 to run their resiliency calculations. CMP reported these demands in a summary table that was added to the PUC Docket #2011-00138. According to the Docket table, the current estimates of Nordic peak power demand is 28 megawatts (MW). See attachments

40. It is hard for ordinary citizens and the Planning and ZBA Boards to understand the potential added stress or demand that Nordic’s interconnection request would mean to a grid that was beginning to approach the end of its capacity without a major overhaul. For perspective, it may be helpful to discuss Nordic’s 28 MW power demand in the context of a new subdivision with typical Mainer household electrical demands. Nordic’s interconnect request has the same demand as an interconnect request for 35,000 to 40,000 additional homes.

41. Nordic was able to convince the Planning Board to accept their repeated side-stepping of power demands during the permitting process Nordic did this by (1) suggesting that there was insufficient design progress to meaningfully satisfy the requests for information, and (2) by suggesting that their peak demand request is not important because their 14 MW capacity emergency power plant was available to replace their demand at any time, and (3) by suggesting that even if Nordic's power demand was a little higher than the available power, Nordic had many options to temporarily trim back or reduce their peak power demand. With a total peak demand request for 28 MW, the math for their rationale simply does not work. As a result, ZBA must return these applications to the Planning Board, and require the proper power demand scenarios, some that were shared with CMP, and other scenarios that are relevant to ensure that power ESSENTIAL SERVICES will be properly maintained.

42. PUC Docket #_2011-00138 was established to add "distributed energy resource" (DER) to the grid to offset new demand requests. Unfortunately, Nordic's request for 28 MW will immediately and permanently alter these PUC DER plans as summarized in the transcript from the PUC meeting on December 4, 2020, on page 11, lines 8 through when one CMP's non-wire consultants, Jigisha Desai, from DVL GL, clearly summarizes the potential impact Nordic will have to their efforts: ***"Meanwhile CMP received a Nordic Aquafarms loading to connection request to serve a proposed new facility in the Belfast area. CMP coordinated the loading to connection information with ISO-NE for the CMP approach in January of 2020 and conveyed the urgent need to rebuild Section 80 based upon the Nordic Aquafarms request."***

43. Central Maine Power (CMP) discusses the area associated with the Nordic's proposed project as part of their "mid-coast area" because this is a regional area that is interlocked with respect to maintaining supply and distribution resiliency and redundancy. CMP's "mid-coast" area stretches as far south as what they call the "Boothbay Region", up through the "Camden-Rockland Region", and finally up through the "Belfast Region". "Section 80" is integral to these three subregions. Therefore, all of these areas will be affected by the addition of Nordic's demand without immediate upgrades to the grid. This immediate impact to this regional ESSENTIAL SERVICE could not be discussed properly by the Planning Board since Nordic did not properly disclose their demand that was provided to CMP. As a result, these permits must be remanded to the Planning Board for additional review, including notice to the impacted towns and provide to those towns opportunity to meaningfully participate in the process. The Planning Board can reopen the record for public comments on this power demand violation identified by CMP's consultant.

44. The CMP consultant continues describing the analysis of Nordic's impact on the grid in the same transcript on Page 11, Lines 15 through 18. ***"ISO New England completed the final (indiscernible) Maine 2029 needs assessment in March 2020. Based on ISO New England's study results, it identified (indiscernible) violation results for the peak load conditions in CMP's Midcoast area in N-1 and N-1-1 conditions."***

45. With CMP's consultant confirming that the Belfast Region of the mid-coast grid will be in violation, the Planning Board did not consider in their evaluation that with this Planning Board approval no additional power demand can be added to the grid without

increasing the violation after their approval. Essentially the Planning Board halted development in the Belfast area at the time of this permit approval with this finding until Nordic's full load can be assessed. And since, given the pre-construction permitting conditions required by the Planning Board, DEP, and the outstanding Army Corp of Engineer's permit (assuming hypothetically that one is issued), and its planned "single permit" approach to build its facility in two construction phases, with about two years between construction phases, Nordic, CMP, and the Planning Board cannot take the "wait and see" approach with respect to power demand because to do so would preclude the issuance of any future permits that require power.

46. The CMP consultant in the December 4, 2020 transcript describes how the plan for power to the area could be altered to possibly address Nordic's demand on the grid. On page 12, lines 3 through 9, CMP's consultant notes, ***"Now, moving forward with our Section 80 review summary, DNV GL team completed the preliminary review of the Section 80 analysis in the report CMP and ISO New England has submitted, and we noted the key takeaways from the report and coordinated the findings, study assumptions, and gaps with the CMP team. It was noted that the Nordic Aquafarms interconnection will be done in two phases."*** Wait, what? This means that not only did Nordic have an estimate of their total demand to provide to CMP, they knew that their demand was too much for the grid. Alternatively, they proposed a two-phased approach to address their power needs. The total and phased power demands needed to be provided to the Planning Board and the record needs to be reopened to examine these needs independently of CMP's analysis.

47. The Planning Board asked Nordic during one of the initial permitting meetings whether there was any possibility that Nordic would consider permitting this facility in two separate phases since they were constructing it in two distinct phases. Nordic replied “no”, with the rationale that their project is only economically viable with both phases. And since all of the ancillary utilities would be installed in Phase One for both phases, as currently approved by the Planning Board, Nordic must provide a guarantee to the Planning Board that there is an active and available avenue for CMP to provide their full project (including Phase 2) power demand now, at this point in time. This can be easily done with a financial commitment by Nordic to finance their share of the improvements. The Board of Appeals should remand this project back to the Planning Board to develop a condition that would ensure that Nordic would design and finance an upgrade to the regional grid for both Phase One and Phases One and Two.

48. It is important to note that Nordic applied for an interconnect agreement well before the public Planning Board discussions with respect to power. In the September 4, 2020 report from the PUC Docket 2001-138, Nordic Aquafarms was referenced a dozen times. Their impact was summarized as: ***On January 21, 2020, CMP requested the PUC schedule a case conference to discuss the need to upgrade Section 80, and address reliability needs in the Midcoast area. CMP stated an immediate need to rebuild Line 80 in response to Nordic Aquafarms’ new customer interconnection request. Nordic Aquafarms is a new aqua culture salmon farm facility to be located in Belfast Maine. CMP stated that this interconnection will require the rebuild of Line 80 to meet certain contingencies at peak load level conditions.***

- a.** Although Nordic's power demands were not readily available to the public or the City in the partially redacted public information from the docket, Nordic clearly understood their own design assumption regardless, and should have honored the Planning Board's request to satisfy this request.
- b.** Therefore, Nordic's application fails to meet the above requirement and should have been denied as a matter of law. This the Planning Board failed to do. For the health and safety of the residents of Belfast, as well as to comply with the Belfast City Code and State Statutes, the Zoning Board of Appeals must remand this matter to the Planning Board for further proceeding not inconsistent with this Order.

PLEASE SEE ATTACHED:

REQUESTS FOR INFORMATION FROM ISO-NE
NON-WIRE ALTERNATIVES REPORT
SECTION 80 LETTER FROM CMP

Sec 66-1 Definitions.

- i.** (b) In the interpretation and enforcement of subpart B, all words shall carry their customary dictionary meanings. For the purpose of subpart B, certain words and terms are defined as follows:

9. PERSON. Includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.

AGGRIEVED PARTY

A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under the provisions of the zoning regulations (chapter 102), the shoreland zoning regulations (chapter 82) and the site plan review regulations (chapter 90), or a person whose land abuts land for which a permit or variance has been granted.

EMERGENCY OPERATIONS

Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of death, destruction or injury.

ESSENTIAL SERVICES

The construction, alteration or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment;

LIGHT INDUSTRIAL

Manufacturing, altering, processing, assembling, warehousing or servicing goods in a manner which will not create noise, vibration, glare, dust, heat, smoke, odor or other substance or

condition which would interfere with or be incompatible with other uses permitted in the district.

PERFORMANCE GUARANTEE

A financial guarantee to ensure that all improvements, facilities, or work required by any ordinance will be completed or maintained in compliance with such ordinances.

10. PUBLIC UTILITY

11. See "Utility."

12. UTILITY

13. (1) A municipal or public utility or communication facility includes the following: Central Maine Power, New England Telephone, Belfast Water District, Belfast Sanitary District, cable TV, a private telephone company or paging service, any utility regulated by the state public utilities commission, and any other commercial communication tower.

d. Sec. 102-1255 Utilities. A nonresidential use shall provide adequate utilities and services that comply with the requirements of this section.

e. Sec. 102-1269 Impact on municipal facilities and services.

14. (a) The code enforcement officer or planning board shall require the applicant to participate in the construction or funding of municipal infrastructure and/or service system improvements when it is

demonstrated the applicant's proposed development will result in an adverse impact or decline in the level of service of any existing municipal or state infrastructure system or service.

1. (1) Require an applicant to prepare an assessment of the amount of impact a proposed project would have on municipal and state infrastructure or service systems, including but not limited to..."

ii. b) The code enforcement officer or planning board shall use the following guidelines in making this decision:

15. (1) Conducting the assessment. The applicant shall address the following factors in conducting the impact assessment, and the code enforcement officer or planning board shall consider the following factors in rendering its decision:

16. a. The status of the system and service identified in the adopted comprehensive plan and capital improvement program relative to any planned improvements and scheduling.

17. b. The net effect of the proposed development on the capacity of the infrastructure or service system, indicating the percentage share used or impacted by the development.

18. c. A cost estimate for improvement of this infrastructure or service system so as to meet the increased demand caused by the applicant proposal, and a breakdown of the applicant's share of that cost.