Testimony before the
Joint Standing Committee on Energy, Utilities and Technology

L.D. 1363 – An Act Regarding Energy Transmission Corridors

April 10, 2019

Chair Lawrence, Chair Berry, and members of the Committee, my name is Thorn Dickinson of Avangrid Networks, and I am here today to testify in opposition to L.D. 1363, An Act Regarding Energy Transmission Corridors. I testified earlier today in opposition to L.D. 217. L.D. 1363 is the flipside of the L.D. 217 coin, but accomplishes the exact same goal, which is to make it impossible to develop transmission line projects in Maine to bring clean renewable energy to market. Whereas L.D. 271 allows a town to veto a transmission line needed to transmit energy from a renewable energy project to the grid by eliminating the public utility's eminent domain authority, L.D. 1363 instead requires the majority of voting residents in every municipality through which a high-impact transmission line travels to affirmatively support the transmission line before the Maine Public Utilities Commission can consider whether the line should receive a certificate of public convenience and necessity to be constructed.

As I testified earlier today, Maine and its fellow New England states have enacted significant policy directives designed to promote renewable energy and reduce the regional emissions of greenhouse gases, and the development of transmission line infrastructure is critical to the successful delivery of clean, renewable energy to market in order to support these policies. As this Committee is well aware, on February 28, 2019, Governor Mills announced the creation of the Maine Climate Council to lead Maine's efforts to reduce greenhouse gas emissions. As part of that effort, Governor Mills pledged that Maine will achieve 80% renewable energy in our electricity sector by 2030 and 100% renewable energy by 2050.[1] In order to achieve these goals, Maine is not only going to need substantial additional renewable energy development, but it is also going to need additional transmission infrastructure to connect those renewable generation facilities to the existing transmission system because many of those renewable energy projects are located in the remote areas of the State, far away from the existing transmission system.

It is well recognized that there is a direct connection between the need for additional renewable energy and the need for additional transmission to transport that energy to the grid. According to ISO-NE, "additional investment in transmission infrastructure will be fundamental to meeting the states' policy directives for renewable energy and to reliably

[1] *See* Attachment 1, Press Release of the Office of the Governor, "Governor Mills Announces that Maine has Joined the Bipartisan U.S. Climate Alliance; Mills also Announces Proposal to Create Maine Climate Council" (Feb. 28, 2019), available at https://www.maine.gov/governor/mills/news/governor-mills-announces-maine-has-joined-bipartisan-us-climate-alliance-2019-02-28.

decarbonizing millions of vehicles, households and businesses."[2] In fact, according to statistics provided by ISO-NE, of the 13,500 MW (nameplate) of windpower that has been proposed in New England as of January 2019, approximately 4,000 MW consists of is onshore wind located in Maine.[3] Because many of these onshore wind power projects are located large distances from the existing grid, ISO-NE has stated that major transmission upgrades will be needed to deliver this power from these remote areas of the system to consumers.[4] The need for transmission development to bring clean energy to market is not, however, particular to the development of wind power projects. For example, based on public information that NextEra submitted in response to the 2016 Tri-State RFP, the 150 MW solar project that NextEra has proposed in the Towns of Moscow and Caratunk in Somerset County will require the construction of a transmission line in order to connect to the existing transmission system at Larrabee Road in Lewiston.[5]

L.D. 1363 essentially creates an inevitable roadblock to every 345 kV line greater than 50 miles in length that is designed to deliver this clean, renewable energy to the grid. This will directly affect proposed renewable energy projects in both northern and western Maine that require significant transmission buildout in order to connect to the existing transmission system. By requiring the affirmative support of the majority of the voting residents in each municipality along the transmission line corridor before the line can be considered for a key regulatory approval by the Maine Public Utilities Commission, L.D. 1363 essentially provides a mechanism for a small group of opponents, potentially funded by project opponents or competitors, to prevent the development of a renewable energy project that the State believes is in the public interest for Maine.

For example, there are 66 residents in the Town of Caratunk, Maine. Presumably, some of those residents are kids, so let's assume that 50 of those residents are of voting age. Under the provisions of L.D. 1363, if 26 of the 50 residents in the Town of Caratunk, Maine, are opposed to an elective transmission upgrade serving a renewable or clean energy project that runs through Caratunk and those 26 residents vote against the line in a local referendum, the Maine Public Utilities Commission would never even be able to consider whether the line or the renewable energy project is in the public interest for the State because it would not even be eligible for a certificate of public convenience and necessity. Moreover, if, due to busy lives and work commitments, only half of those adult residents of Caratunk residents turned out to vote on the day of the referendum, then 13 of those voters could oppose the transmission line and determine its fate for the entire State of Maine and larger New England Region. In fact, Caratunk recently enacted an Electrical Transmission Corridor Moratorium Ordinance, which passed by a vote of 12 residents in favor versus 5 residents against the ordinance.

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[2] ISO-NE, "About Us, Key Grid and Market Stats, Transmission, Positioning for a Hybrid Grid: More Wind and Hydro Power Means More Wires," available at https://www.iso-ne.com/about/key-stats/transmission/.

[3] *Id.*

[4] *Id.*

[5] Exhibit NECEC-61 at 60, 132 (NextEra Energy Resources Acquisitions, LLC et al. Proposal Submitted in Response to the New England Clean Energy RFP (Jan. 28, 2016)).

Furthermore, because L.D. 1363 places great power in the hands of just a few people, L.D. 1363 is ripe for abuse. If L.D. 1363 is enacted, energy project developers could essentially stop the ability of a competing project to get to market by incentivizing residents in towns along the transmission line corridor for the competing project to simply vote against the transmission line. This is not just a hypothetical. For example, the Town of Caratunk has submitted comments in the NECEC PUC proceeding that one of the reasons it opposes CMP's proposed transmission line is because the Town believes that the NECEC would prevent the development of a NextEra solar project to be located in the Town of Caratunk and therefore that the NECEC would prevent the Town of Caratunk from receiving the tax benefits associated with the NextEra solar project.[6] Additionally, it is well known that there are very active and organized opponents to wind power projects proposed in Maine as well as "dark money" opposition campaigns funded by anonymous project competitors. Requiring pre-approval of each affected town simply hands windpower and "dark money" opponents a direct and simple tool to kill any proposed project, as all the opponents would be required to do is to get a small majority of voters in a small town to agree with them and then the Commission would not be able to even consider whether the transmission line meets a public need.

As I stated in my prior testimony opposing L.D. 271, it does not make sense to give individual towns a veto card to prevent the development of transmission lines that are critical to the success of renewable energy projects that will benefit both Maine and the larger region. This is especially the case in light of the fact that these renewable and clean energy generation facilities are essential for Maine to meet the ambitious renewable energy generation goals set by Governor Mills. If Maine is to tackle the impending effects of climate change, it will need to do its part to facilitate the delivery of clean, renewable energy to market. L.D. 1363 does the exact opposite because it ensures that small minority interests will be able to trump the greater good by blocking the path to market for critical renewable energy projects that the State determines are in the public interest.

Therefore, on behalf of Avangrid and CMP, I urge this Committee to recommend that L.D. 1363 Ought Not to Pass.

Thorn Dickinson

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[6] August 13, 2018 Written Comments of the Town of Caratunk at 1, filed in the public comment portal of the CMS for Docket No. 2017-00232 and submitted by the Generator Intervenors as Exhibit TLB-10 to the Surrebuttal Testimony of Tanya Bodell ("Should this project go forth as stated, Maine energy would be locked up and prevented from engaging in any future renewable energy generation projects. Caratunk has already twice supported NextEra for a solar farm within its boundaries. This DC line blocks access to solar or other energy projects in Caratunk and Somerset County. One such solar project lost in direct competition to this NECEC. The valuation benefit from CMP's additional transmission lines does not even compare to a large solar project in Caratunk. Caratunk is against the NECEC project if it prevents future renewable energy opportunities that provide for a huge tax benefit to all landowners and significantly increase the Caratunk valuation. Therefore, Caratunk sees this project as reducing its tax revenue.").