

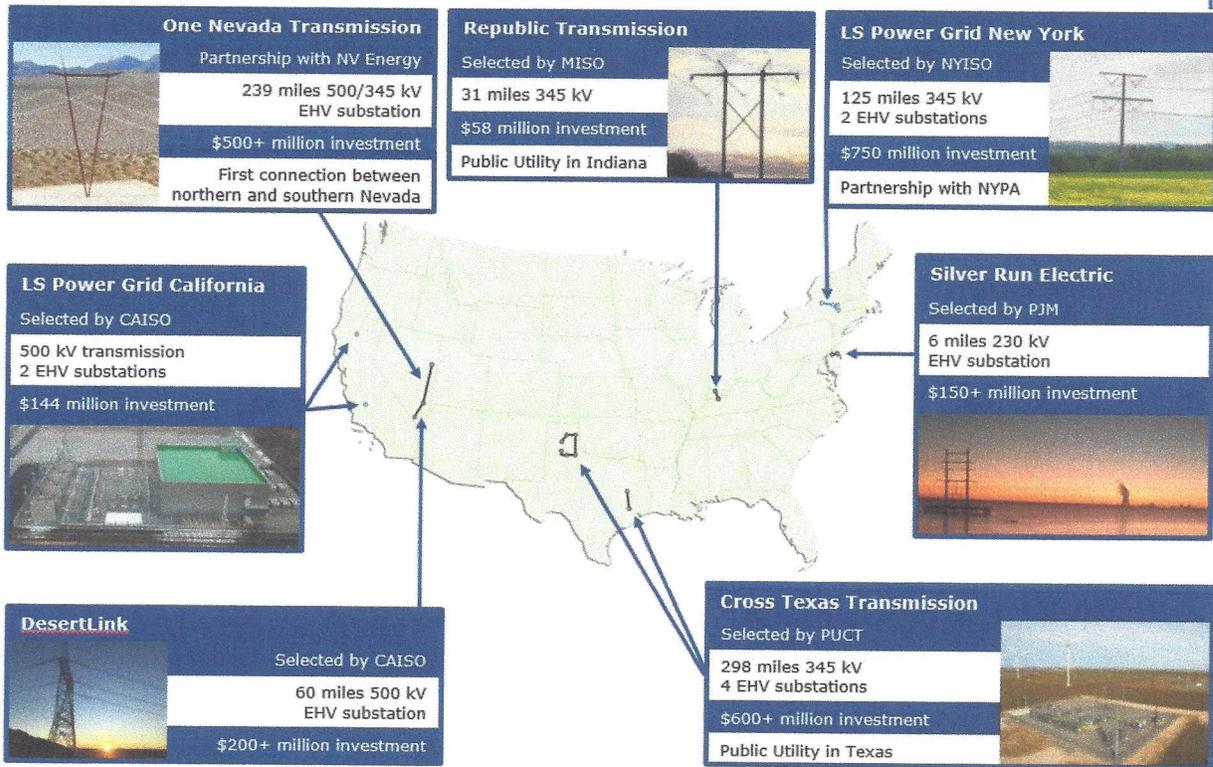
June 3, 2021

The Honorable Mark Lawrence
Chair, Energy, Utilities, & Technology Committee
Senate Democratic Office
3 State House Station
Augusta, Maine 04333

The Honorable Seth Berry
Chair, Energy, Utilities, & Technology Committee
House Majority Office
2 State House Station
Augusta, Maine 04333

Dear Chair Lawrence and Chair Berry,

Founded in 1990, LS Power is a development, investment, and operating company focused on the power and energy infrastructure sector. Since our inception, we have developed, constructed, managed, and acquired more than 47,000 MW of competitive power generation and 660 miles of transmission infrastructure, for which we have raised over \$47 billion in debt and equity financing to invest in North American infrastructure. For decades, LS Power has been at the leading edge of the industry's evolution, often introducing or commercializing new technologies and developing new markets. Today is no different. Through LS Power's national fleet of utility scale solar, wind, hydro, natural gas-fired generation and battery storage projects, our customer-facing distributed energy resources and energy efficiency platforms, and by our focus on transmission that connects it all, we are at the forefront of the greening of the electric grid. LS Power's competitive transmission projects to-date are outlined on the below map:



To date, LS Power has been selected to own and operate competitive transmission projects by a majority of the Independent System Operators across the United States. This includes winning the first competitive solicitation in both PJM Interconnection (“PJM”) and Midcontinent Independent System Operator (“MISO”), which together serve more than 100 million people across 25 states. We, with NYPA, also won the largest competitive transmission solicitation in country in New York ISO (“NYISO”) related to a \$750 million transmission investment. We would like to invest in Maine with transmission development, construction and operation that offers siting and landowner excellence, technical innovation, and certainty for consumer savings. We would welcome the opportunity to compete in competitive transmission opportunities to own and operate in Maine.

LS Power takes the view that it is in the public interest that the clean energy transition should be competitive. Ratepayers deserve the benefit of competitive pressures when the future transmission need in Maine is significant. As a result, it is important that the details that outline how a Maine competitive process works are right.

We have been watching the advancement of LD 1710 with interest, as well as the EUT deliberation process. It is our understanding that there will be a working group on this topic on Friday, June 4, and we respectfully wanted to submit these comments for your consideration.

LS Power supports the direction of LD-1710, but a few edits are necessary to ensure a more robust competitive process and consumer-oriented outcome. The current language proposes a preference for proposals that are able to transmit as much electricity as possible cost-effectively. We applaud this goal, as well as the preference for lines that mitigate development impacts. We



also believe that certainty in the cost of the proposal should also be an important selection criteria and public interest preference in the competitive process. This cost certainty could take the form of cost containment on capital costs, return on equity caps, or annual revenue requirement caps, and these are very real consumer benefits. As such, language in §3210-H. 2.C. related to this cost certainty preference is respectfully proposed.

In addition, today under existing Maine law 35-A M.R.S. §711, joint use agreements for sharing use is already allowed for joint use entities¹, which includes public utilities. We respectfully propose a new §3210-H. 2.F. in LD 1710 that the transmission winner of the Maine PUC competitive process should be considered a Maine public utility. Therefore, the winner is subject to both the accountabilities and oversight of the Maine PUC. In addition, we also believe that it should be clear under Maine law that the winning entity would be a public utility, and therefore, also considered a joint use entity entitled to the Maine PUC §711 process under existing law. We believe that this clarification would help Maine to ensure a more robust competitive process, given that the competitive process in LD 1710 also outlines a preference for use of existing rights of way.

We attach here suggested edits to LD-1710, which we believe will enhance the consumer and competitive outcome of the proposed competitive transmission envisioned in LD 1710.

With much respect,

Sharon K. Segner
Vice President

Attachment: Suggested Edits to LD-1710

¹ “Joint use entity” means a **public utility**, voice service provider, dark fiber provider, wholesale or retail competitive local exchange carrier, cable television system, unlit fiber provider, telecommunications service provider, or information service provider. 35-A M.R.S. §711.