

Maine State Legislature

Joint Technical Committee on Energy, Utilities, and Technology

LD 1963: An Act to Protect and Compensate Public Utility Whistleblowers

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Madam Chair – Representative Sachs, Senator Lawrence, and Members of the Joint Standing Committee on Energy, Utility, and Technology, I am Peter Fitzgerald, and I am testifying **in support of LD 1963**. I am a professional electrical engineer from the town of Bucksport. I have extensive experience working in Maine, and this is where I grew up. I've worked for a number of different engineering companies here. A large percentage of the electrical work comes from the utilities. I've seen things that were inefficient, wasteful, and even things that were illegal. Unfortunately, there wasn't a way to do anything about it.

No incentive to reduce costs

I was in one meeting with Iberdrola, CMP, and distributed generation (DG) developers on the topic of grid interconnections. In public in this meeting, Iberdrola said they had no incentive to try to reduce the cost of interconnections. These costs impact the generation charges passed on to the ratepayers.

ZIV relays

I worked on a project creating standard drawings for Iberdrola/CMP umbrella, well in this case, the issues were entirely driven by Iberdrola. We were required to add a new relay manufacturer to the standard package. It was a company called ZIV. I had never heard of ZIV before so I looked them up and found that it was a Spanish company that was associated with Iberdrola. Their interests were fiduciarily related, and we were told to add them to the standards.

The biggest kicker was one of the standard requirements that we were instructed to incorporate was placing two “trip” outputs in parallel. This was unusual, so we asked why. It was because the outputs on the relays were known to fail. We were told to add a relay to the standards, because it was financially beneficial to Iberdrola, not because they thought it was reliable. Despite the quality issues, in many cases the ZIV relays had a higher cost than other standard relays.

Substation design standards

I have been personally blackmailed by Iberdrola, in-person, in Augusta... and not just me, they blackmailed the company that I worked for at the time. Iberdrola threatened to take away contracts if I didn't stop pushing back on their newly-released substation design standards. The standards were developed by Iberdrola with little-to-no input from

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CMP. There were glaring constructability and safety issues, and it hadn't been reviewed by anyone in the operations department – the team that is physically going out into the field to keep the grid running. One particular issue, increased the risk of a fault that could kill people and destroy the whole substation.

Iberdrola said that building a substation was the simple approach, because it's something they knew how to do. We didn't even need a substation. I was advocating for the use of more intelligent line protection, instead. They said they knew how to build a substation, but their work product proved otherwise. There were drawings that showed views of the equipment from different angles and perspectives. Some of these required two pieces of equipment to occupy the same space. There were obvious errors in the package, and in the end Iberdrola withdrew the standard.

Do we need Whistleblower changes?

Yes, absolutely! When the topic came up, I had already looked into it. In the past, I talked with the Maine Department of Labor, the Maine Attorney General's office, and the Federal Department of Labor. They referred me to each other, because the help I was looking for didn't fit in their departments.

Isn't there already whistleblower protection?

Not really... the Whistleblower Protection Act would have provided me with protection if my employer were to fire me in retaliation, as long as they put it in writing, so I could prove it. I didn't expect them to do that.

I also talked with one or two nationally known professionals that were experts in this area. One told me that I was not required to report my concerns, that most people wouldn't, and the decision was entirely up to me. They also recommended serious consideration of the results of reporting, because the choice I made would not only affect me. One of the most important questions to ask yourself when you are considering whistleblowing is this, "Will I be able to feed my family, if they find out who I am?" Anonymity is an essential protection in this bill. Well, not for me... I haven't been silent enough for it to accomplish anything. But for most people the anonymity and possible reward could make the difference.

How many of you knew what the whistleblower protections in Maine were before last month? No one has been talking about it, because the "protections" in place now are not useable.