

January 11th, 2024

Good afternoon, Senator Lawrence, Representative Zeigler, and Members of the Committee on Energy, Utilities, Technology.

My name is Brook DeLorme, and I am testifying in opposition to the text of LD 1963 as it has been proposed today.

The text proposed in LD 1963 amends the text of Title 35-A MRSA § 3210-I, the Northern Maine Renewable Energy Development Program. The amendments do not provide relief or address the concerns which may have led to the failure of the most recent attempted procurement under this act.

As you know, residents of 40 tiny rural towns in central Maine were shocked in summer of 2023 by a proposed high-impact transmission line created via this procurement. Over 3500 landowners received letters intimating their private property could be taken by eminent domain, less than two weeks after the legislature had approved the procurement claiming to have no knowledge of the proposed route.

I live off-grid in Palermo, a small farming town halfway between Belfast and Augusta. Like many of these small towns, residents organized to enact moratoriums and ordinances which regulate the construction of high-impact transmission lines. They did this to protect their property values, lifestyles, environments, and the health and welfare of their neighbors and animals.

After the failure of Northern Pass (10+ years in the making) and the near failure of NECEC (7+ years in the making), it appears time the legislature listened to the sentiments of New Englanders who wish to protect the natural environment. The two projects just mentioned were not using eminent domain, and thus relied completely on purchased land easements. In this sense, they were even less intrusive than this first failed procurement attempt under 3210-I.

The Northern Maine Renewable Energy project is now 2 years behind due to a mis-handling of the procurement process. Spending the time to perform a technical best-options study could have prevented this.

Buried HVDC could theoretically transmit 10x the amount of power per corridor width. If the intention is to use the northern Maine woods to supply energy to southern New England, it makes sense to put the transmission into a single buried corridor next to I-95. If planned properly, it could cost less per MW than aerial, when maintenance and community impact are accounted for, according to recent studies¹.

If the legislature wishes the procurement described in 3210-I to be successful, it must listen to residents. What follows are proposed solutions:

¹ <https://nextgenhighways.org/wp-content/uploads/2023/01/NextGen-Highways-Feasibility-Study-Minnesota-DOT.pdf>

Require use of existing corridors and right of ways

Based on personal research, there were three bidders for the transmission procurement in 2021-2022. One of the bidders was MEPCO, a CMP-Versant joint venture. MEPCO owns easements or existing corridors which could fulfill the needs outlined in 3210-I. LS Power won the bid because they were significantly cheaper. The chart below provides a price comparison between a recent LS Power corridor upgrade in NY State, and their proposed new corridor construction in Maine. This chart provides evidence that upgrading the existing corridors would have been possible for the same price, and the procurement may not have failed.

	ARG	NY	Variance
construction costs	\$ 1,000,000,000	\$ 600,000,000	
miles	150	93	
normalized price per mile	\$ 6,666,667	\$ 6,451,613	\$ 215,054
Land Acquisition costs?	\$ 32,258,065	0	

MEPCO, which surely produced a bid located in its existing corridors, was likely unable to match the price offered by LS Power. The procurement failed for several reasons - one may have been the PUC selected the lowest-price bidder and then expected them to work with the losing bidders. LS Power ultimately folded on the fixed price bid, perhaps in part because they underestimated the amount of local resistance to cutting new corridors.

For the MEPCO line to be successful, the legislature must make it possible to cross rail trails without a 2/3rd majority vote. Because the text of 3132-6C requires the super-majority vote for lines that “substantially alter” public lands, it may be possible to build the entire line as aerial HVDC in existing easements or corridors and buried HVDC in crossings of public lands.

Plan ahead and bury the lines

Please review Twin States Clean Energy Link², the project crossing New Hampshire and Vermont. It proposes a project of similar scale and scope to the needs of procurement 3210-I, but respects local landowners and the natural environment by using existing right of ways and burying lines. The prices quoted to date make it evident that it would be possible to fulfill the goals of the 3210-I legislation without infringing on private property rights.

Take eminent domain off the table

It is purely unfair, and contrary to the sentiment of 3210-I 1.D (“*socially vulnerable communities*”) to enrich mega corporations at the expense of rural private landowners and lifestyles. In response, most of the impacted communities in the last procurement proceeded with moratoriums and ordinances regulating the line. These impacted communities understand that the permanent diminution in property value for “hosting” these enormous structures could never be fully compensated by the current laws governing just compensation.

Make sure any new transmission lines serve the people of Maine

Is the GEO an office that has a mandate allowing it to participate in procurements?

The PUC is a body designed to protect ratepayers. The GEO is a political body designed to support the Governor.

Require a comprehensive plan

Please read the NextGen Highways Feasibility Study for the Minnesota Department of Transportation.³

Representative Scott Cyrway has put forth legislation, approved by leg council this week, to perform this type of study.

Create an evaluation body similar to the NH Site Evaluation Committee

The 3210-I procurement suffered from lack of transparency and representation of the impacted parties. A joint body such as the NH SEC addresses these issues.

² <https://www.twinstatescleanenergylink.com/>

³ <https://nextgenhighways.org/wp-content/uploads/2023/01/NextGen-Highways-Feasibility-Study-Minnesota-DOT.pdf>