

Testimony of Tony Buxton on Behalf of New England Aqua Ventus
In Support Of
LD 336, An Act To Encourage Research To Support the Maine Offshore Wind Industry
May 11, 2021

Senator Lawrence, Representative Berry, distinguished members of the Joint Standing Committee on Energy Utilities and Technology, I am Tony Buxton, of Portland and Preti Flaherty, representing New England Aqua Ventus today on LD 336. My comments are focused on what the Public Utilities Commission (“Commission” or “PUC”) is asked to do in LD 336.

I represented Maine Aqua Ventus in its six years at the PUC, including negotiation of the MAV contract now assigned to NEAV. LD 336 is constructed to substantially replicate the MAV (now assigned to NEAV) negotiation process. As you know, Maine’s offshore wind vision, approved by three Governors and multiple Legislatures, has been to create an industry building floating offshore wind in Maine, with local workers and materials, using UMaine’s VulturnUS technology, with those units towed to the oceans of the world.

The NEAV Monhegan contract, for example, helps to build that industry by requiring NEAV to use commercially reasonable efforts to:

- Use 50% Maine workers and Maine businesses
- Use Maine-based environmental ocean consultants, engineering firms and UMaine’s researchers and students
- Use 50% Maine-based entities for design and manufacturing, which must total at least 50% of all capital expenditures
- Pay at least \$10 million to Maine workers during construction
- Contract for 50% of operation and maintenance with Maine-based entities
- Create a K-12 education program and invest in work force development with UMaine, Maine Maritime and the Community College
- Prefer Maine suppliers and subcontractors
- Pay UMaine at least \$7 million for design and program management
- And, of particular relevance to this bill, propose an additional project of at least 100 MW in the Gulf of Maine. The Research Array, the subject of this bill, planned at 144 MW, is that future project. LD 336 would help turn Maine’s offshore wind vision into a reality.

The MAV contract requires annual reports on meeting these objectives and serious consequences for failure.

LD 336 should contain its own additional requirement to advance the Maine Vision:

- Maine headquarters and staff for MAV
- Mandatory use of Maine ports
- Building the 300 ft in diameter, 10,000 ton platforms in Maine
- Support as requested, and pay for, the State of Maine's pursuit of the BOEM lease
- Negotiate a Project Labor Agreement with Maine labor organizations
- Help the GEO maintain an open platform for research.

You may decide whether to include these obligations.

The Commission has authority to conduct negotiations and has extensive experience with negotiation of Power Purchase Agreements (PPA). It did so with MAV. The transmission and distribution utilities, Commission Staff and Public Advocate should participate. This bill should require the developer seeking a PPA to pay the cost of any consultants the Commission retains for assistance.

NEAV agrees the Commission, after transparency of costs, expert advice and negotiations, should decide whether the contract should be approved because it meets the energy and climate objectives of Maine. To do so requires expertise and judgement. Meeting this need is exactly why Maine has a Commission.

The speakers today have provided many details of how LD 336 will reasonably advance Maine's offshore wind vision while, quite remarkably, also creating a powerful way to protect the Gulf of Maine, including our fishermen and lobstermen, from federal offshore wind leasing decisions not based on Maine's input, science and common sense.

I would be pleased to answer any questions.