

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2020-00211

October 20, 2022

CENTRAL MAINE POWER COMPANY
Request for Approval
Waiver of Chapter 324

ORDER CLARIFYING
ORDER GRANTING
WAIVER

BARTLETT, Chair; DAVIS and SCULLY, Commissioners

In this Order, the Commission clarifies its Order Granting Waiver issued on September 30, 2020 in this docket. In that Order, the Commission granted Central Maine Power Company (CMP) a waiver of Sections 12(S) and 12(T) of Chapter 324 of the Commission's rules, which establishes procedures for small generator interconnections. The waiver of Section 12(S) allowed CMP to delay issuing construction schedules to customers in the interconnection queue until after the completion of the ISO-NE I.3.9 process. Because CMP would not be able to adequately schedule projects without I.3.9 approval, the Order stated that CMP would not require payment of the 25% milestone 90 days after Interconnection Agreement (IA) execution, as required by Section 12(T).

The Order noted that upon receipt of the I.3.9 approval letter for a project, CMP would issue the 25% invoice for a project and provide a rough schedule for design and construction completion.

Since the Order Granting Waiver was issued in 2020, multiple projects have requested that they be allowed to submit payment for 100% of their distribution costs prior to I.3.9 approval. See, e.g., *Leonard Road Thorndike Solar, LLC, Request for Waiver Regarding Chapter 324 Aggregated Generation Screening*, Docket No. 2022-00235 and *Penobscot Narrows Solar, Request for Approval of Waiver of Chapter 324*, Docket No. 2022-00262. The developers of these projects want to pay 100% of their distribution costs in order to be counted as "Aggregated Generation" for purposes of Section 7(A) of Chapter 324. However, CMP's policy based on the Order Granting Waiver in this docket has been not to issue invoices until projects have I.3.9 approval, even if projects are willing to pay 100% of known distribution costs while waiting to receive I.3.9 approval.

Section 1321 of Title 35-A allows the Commission to alter or amend an Order that it had previously issued. While projects should not be required to pay 25% of all costs until after I.3.9 approval, a project should be allowed to pay 100% of known distribution costs prior to I.3.9 approval if the project developer is willing to do so. By allowing projects to pay 100% of their known distribution costs, the utility will be able to consider the generation from such projects when screening future Level 2 projects, as intended by Section 7(A).

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party at the conclusion of an adjudicatory proceeding written notice of the party's rights to seek review of or to appeal the Commission's decision. The methods of review or appeal of Commission decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.