

Harry Lanphear
Administrative Director
Maine Public Utilities Commission
26 Katherine Drive
Hallowell, ME 04347

May 12, 2023

RE: MAINE RENEWABLE ENERGY ASSOCIATION AND COALITION FOR COMMUNITY SOLAR ACCESS Request for Commission Investigation into Interconnection Practices Pertaining to Central Maine Power Company, CON EDISON CLEAN ENERGY BUSINESSES Request for Review of Transmission Cluster Study Process, MAINE RENEWABLE ENERGY ASSOCIATION AND COALITION FOR COMMUNITY SOLAR ACCESS Request for Review of Cluster Study Practices; DOCKET Nos. 2021-00035, 2021-00262, and 2021-00270.

Dear Mr. Lanphear,

The Coalition for Community Solar Access and the Maine Renewable Energy Association (collectively, “CCSA/MREA”) hereby submit the following comments on Central Maine Power’s (“CMP”) Updated Exhibit A, reflecting new changes to the cluster schedule (“Compliance Filing”), submitted April 17, 2023.

Pursuant to the March 23, 2022 Commission Order approving the Stipulation and the Stipulation joined by CMP, MREA/CCSA, the Office of the Public Advocate (“OPA”), Con Edison Clean Energy Businesses (“ConEd”), and Natural Resources Council of Maine (“NRCM”) (the “Stipulation”), the Compliance Filing is subject to comment by interested parties.

I. SUMMARY

CCSA/MREA’s comments seek to address the failure of CMP’s April 17th Compliance Filing to meet the Stipulation requirements and to make the Commission aware of the effects of continued delays in CMP’s interconnection cluster study process. Projects in more than half of existing cluster studies have experienced delays of more than a year since the Stipulation was approved. The delays have continued to be unpredictable, frequent, and without sufficient explanation.

The magnitude and unpredictability of the delays currently impacts the viability of 143 active projects comprising more than 470 MW and representing hundreds of millions of dollars of new investment.¹ Additional projects and solar energy capacity are being compromised by other

¹ These totals do not reflect Cluster 4 or Cluster 5 that are through i.3.9 and ISO-NE approval but do not yet have revised Interconnection Agreements. Arguably Cluster 3 also falls into this category. See: https://www.cmpco.com/documents/40117/46387196/BiweeklyReport_04.21.2023.pdf/b380dbed-720a-a4e8-e358-17b9b8aef1e1?t=1682022386828

challenges with CMP's cluster study process, including other potential Stipulation violations as described below.

Consistent with the terms of the Stipulation, CCSA/MREA request that the Commission enforce the Stipulation requirement for CMP to develop a plan to minimize harm to existing projects.² CCSA/MREA also offer several recommended strategies to reduce the likelihood of further delays for consideration by CMP and the Commission.

II. PROCEDURAL BACKGROUND

On February 10, 2021, MREA and CCSA jointly filed a request with the Commission in Docket No. 2021-00035 seeking an investigation of CMP's small generator interconnection practices. MREA and CCSA alleged that CMP's interconnection processes harmed their members due to egregious upgrade costs and project delays.

The Commission issued a formal Notice of Investigation on April 6, 2021 and on September 14, 2021, Staff issued a Bench Memorandum. The Bench Memorandum concluded that, "CMP's conduct and related management actions and inactions...raised significant issues regarding CMP's prudence."³ On January 6, 2022, CMP and CCSA/MREA ultimately reached a settlement, and the Commission scheduled a settlement conference. On January 10, 2022, CMP filed the Stipulation referenced in these comments.

On March 23, 2022, the Commission issued an Order approving the Stipulation and requiring CMP to commit to meeting "the most recent cluster study timelines [filed October 22, 2021], subject to the qualifications set forth in the Cluster Study Timelines for changes that CMP could not reasonably foresee or avoid..."⁴

The Stipulation, among other requirements, directs the Company to submit to the Commission a detailed report explaining any changes to cluster study timelines. On May 20, CMP submitted its first "Report Concerning Cluster Study Timeline Changes" in compliance with the Stipulation and on May 23, 2022 submitted its first Stipulation compliance filing. Included in both filings were exhibits featuring updated cluster study timelines.

On November 15, 2022, CMP submitted an updated "Report Concerning Study Timeline Changes." The Report describes changes to schedule relative to the Compliance Filing previously submitted on May 20, 2022. In its November 15 filing, CMP stated that it planned to file updates on a monthly basis going forward due to expected and continued changes to study timelines.

On April 17, 2023, CMP filed an updated Exhibit A (the "April 2023 Filing") in its monthly compliance filing, reflecting changes to the cluster study schedule since the company's previous monthly filing in March of 2023. CCSA/MREA's comments today address this most recent filing.

² Stipulation at 5-6.

³ Bench Memorandum, p. 36 at 3.

⁴ Order at p. 7.

III. CMP's COMPLIANCE FILING DOES NOT CONFORM WITH THE SETTLEMENT TERMS SET FORTH IN THE STIPULATION.

The April 2023 Filing reflects updated cluster study timelines relative to CMP's prior monthly compliance filing submittal on March 20, 2023. This incremental comparison obscures the true extent of cluster study delays. As described in more detail below, CMP has made very limited progress since the Stipulation was approved over a year ago. The delays threaten the viability of Maine's community solar program.

The Commission's Order approving the Stipulation stated that it "expects full compliance" from CMP.⁵ CCSA/MREA wish to bring to the Commission's attention several instances where CMP has not adhered to the settlement terms.

a. The Compliance Filing Violates the Stipulation Requirement to Adhere to Cluster Study Timelines.

Section 15 of the Stipulation states that CMP must "meet the most recent published cluster study timelines [published as of October 22, 2021]," and, if it foresees delays, the Company must provide an explanation "describing the factors outside CMP's control and why they could not be anticipated..." To date, CMP has not provided reasonable explanations for these delays, and projects in CMP's cluster studies have suffered continuous delays encompassing several *years* without sufficient explanation.

The extent of delays is illustrated by CCSA/MREA's Exhibit A attached herein. Exhibit A offers a comparison of CMP's initial Stipulation target dates (as of October 22, 2021) compared with projection dates included in the latest compliance filing (as of April 17, 2023).

As shown in Exhibit A, since the Commission Order approving the Stipulation was issued over one year ago, on March 23, 2022, **over half of existing clusters have seen delays in excess of 12 months and only 2 clusters of projects have moved forward to receive both their i.3.9 approval letters and their revised Interconnection Agreements.**

Finally, it should be noted, the Stipulation approval target dates in 2022 are *themselves* delays from target dates in 2021, which CMP presented to the industry in 2020.

b. The Compliance Filing Violates the Stipulation Requirement to Describe Remedial Actions CMP is Taking to Minimize Schedule Impacts.

In its first Compliance Filing in this docket,⁶ CMP describes an initial mitigation approach but has provided no subsequent updates regarding remedies to address the subsequent egregious delays.

According to the Stipulation:

⁵ Order at p. 12.

⁶ CMP Stipulation Compliance Filing submitted May 23, 2022.

“If CMP’s schedule forecasts identify potential additional delays, including the incurrence of a PSCAD modeling delay or coordination with a FERC-jurisdictional queue position, CMP will provide to the Commission, subject to notice and comment by interested parties, a detailed report explaining the reasons for the forecasted delays, describing the factors outside CMP’s control and why they could not be anticipated, and *any remedial actions the company is taking to minimize the schedule impact.*”⁷ (Emphasis added.)

CMP’s mitigation approach described in its first Compliance Filing is solely communications-focused and does not appear to consider changes to business processes or system operations, which CCSA/MREA believe would offer material improvements. CCSA/MREA describe examples of such changes in Section V, below.

That said, CCSA/MREA believe CMP *has* improved their communication. Between biweekly updates, monthly webinars, individual cluster participant meetings, weekly meetings with ISO-NE and more, CMP is reiterating over and over – and in many different forums – that projects continue to be delayed. But the Company has yet to put forward a plan of any kind to improve the elements of the study process that are within the Company’s control.

Consistent with the settlement terms of the Stipulation, the Commission should require CMP to describe remedial actions they are taking and propose a plan to minimize harm to existing projects.

IV. CMP CONTINUES TO ENGAGE IN THE SAME PRACTICES THAT PROMPTED CCSA’S ORIGINAL REQUEST FOR INVESTIGATION.

CCSA/MREA’s February 10, 2021, letter requesting investigation into CMP interconnection practices highlighted multi-month delays and unpredictable, massive upgrade costs. CCSA/MREA surmised in the letter that CMP’s inability or unwillingness to process interconnection applications in a timely and efficient manner pointed to “a systemic problem” at the utility. CMP continues to prove that this hypothesis is correct. More than a year later and despite biweekly reporting, compliance filings, Distributed Generation Working Group meetings, and other improvements to communication – very little has materially improved as continuing delays and date slippage continue to be the rule, and not the exception.

As described below, CCSA/MREA continue to have concerns around cost transparency, initial modelling, and misleading representations made to the cluster participants. When taken together, these cluster study challenges are so great, the costs proposed so astronomical, and the timelines so long that very few Level 4 distributed energy resources will move forward in CMP’s service territory. Without a swift change in CMP’s solution suite – such as adoption of active network management throughout the service territory – then, regardless of program design, rate structure

⁷ Stipulation § III (15).

(i.e., NEB, avoided cost, RFP-based or even potential NEB 2.0 program), or energy type, these challenges will prove too great for all Level 4 projects greater than 1 MW.⁸

a. Delays continue at each step in the interconnection process.

As described above, many clusters exceed a year in total study time, when they were originally estimated to span only a handful of months in duration. In some instances, cluster studies are taking five times as long as predicted, and they still have not received i.3.9 approval. Thus, projects in the affected clusters are unable to move forward in the interconnection process.⁹

More clusters are additionally delayed because of their reliance on the previous clusters' i.3.9 approval and transmission upgrades. For example, Cluster 7 is directly reliant on the outcome and upgrades of Cluster 3, and other clusters are reliant on the outcome of Cluster 7. When expense and time are overlaid with the requirements of participating in the NEB program, it's becoming ever more apparent that only two clusters will move forward (Clusters 1 and Cluster 2) unless CMP addresses its systemic issues promptly and comes to the table with real solutions, such as those described by CCSA/MREA in Section V below.

The problems with the cluster study process are not just limited to the steps leading up to the ISO-NE reliability committee and ultimate i.3.9 approval. Some clusters that have received their i.3.9 approval remain in interconnection purgatory and are still waiting almost a year to receive revised interconnection agreements ("IAs"). Simply put, CMP's delays do not end after i.3.9 approval.

b. Cost estimates continue to be prohibitively expensive and unpredictable.

CMP's study results continue to identify needs for multi-million dollar upgrades that are prohibitively expensive. Cluster 3, for instance, has upgrades estimated at nearly \$250,000,000. Additionally, the proposed upgrades are generally unfinanceable, as the ever-changing costs will continue to be recalculated and passed on to remaining developers each time another project withdraws.

V. STRATEGIES TO MINIMIZE ADDITIONAL DELAYS

CCSA/MREA request that the Commission act to enforce the Stipulation requirements and, at a minimum, direct CMP to develop a plan in earnest that ensures timely completion of cluster studies, improves predictability of project timelines and related costs, and minimizes harm and delay to existing projects. Time is of the essence for these clustered projects. Below,

⁸ Projects under 1MW are not required by ISO-NE or CMP, as outlined in its Terms and Conditions, to participate in the cluster study process and are not subject to these issues.

⁹ The i.3.9 approval process is the process whereby a cluster or a Queue Position project receives interconnection authorization to the transmission system. Essentially, CMP must present models and System Impact Study to ISO-NE's Reliability Committee ("RC"). Then the ISO-NE RC will recommend approval to ISO-NE generally, and that final approval results in an i.3.9 letter being sent out a few weeks later. It's only at this point that CMP will consider initiating the next step in the interconnection process.

CCSA/MREA offers several recommendations to help reduce study times and move the greatest number of existing projects forward:

1. **CMP should make concerted efforts to improve their delayed processes.** CMP may need to hire additional employees, retrain the employees hired as a result of the Stipulation, conduct pre-modelling situations where ISO-NE Queue Position (“QP”) projects are likely to fall out, and implement processes to deliver work product on time to sit for the ISO-NE Reliability Committee approval. The cluster study process needs to get back on track and the Commission should require CMP to come forward with a proposed solution.
2. **CMP should expedite a plan to enable curtailment options via active network management for all clusters.** Not only does the Stipulation require CMP to consider alternative mitigations such as curtailment,¹⁰ but curtailment via active network management is already in practice for Cluster 2. Many of the existing clusters could have their transmission upgrades remedied in whole, or in part, if CMP would permit curtailment or active network management as they are doing in Cluster 2.
3. **CMP should develop a plan to allow projects to seek a permanent derate to their project size based on the available transmission capacity.** This would allow some projects in later stage clusters to move forward in some capacity.

VI. CONCLUSION

CCSA and MREA appreciate the opportunity to comment on this matter. We remain committed to finding solutions to the interconnection challenges and look forward to continuing to work with CMP and the Commission on ensuring the success of the state’s community solar program.

Respectfully submitted,



Samantha Weaver
Director, Interconnection & Grid Integration Policy
Coalition for Community Solar Access



Jeremy Payne
Executive Director
Maine Renewable Energy Association

¹⁰ “CMP commits to continued cooperation and engagement with the solar industry on continuous improvement to refine the cluster study process, specifically continued cooperation, engagement, and transparency on efforts to *implement alternative mitigations in response to cluster studies (e.g., curtailment options and ISO-NE approvals).*” – Stipulation § III (17). (Emphasis added.)

Exhibit A – Comparison of Target Completion Dates Provided in October 2021 to April 2023

<u>Cluster Name</u>	<u>Stipulation Approval Target Date</u> (October 22, 2021) ¹¹	<u>Current Projection Date</u> (April 17, 2023 compliance filing) ¹²	<u>i.3.9 Approval Date</u> (Actual)	<u>Delay in Months</u> (Current projection minus Stipulation target)
Cluster 01 - Augusta – 1	n/a	n/a	1/4/2021	-
Cluster 02 - Winslow-County Rd-Lakewood – 1	22-Jan	21-Dec	12/17/2021	-
Cluster 04 - Sanford-Quaker Hill – 1	22-Mar	22-Jun	6/7/2022	3
Cluster 05 - Lewiston Loop – 1	22-Apr	22-Jul	7/19/2022	3
Cluster 03 - Kimball Rd - Lovell – 1	22-Mar	23-Mar	Pending	12
Cluster 04 - Sanford-Quaker Hill – 1	22-Mar	23-Jun	Pending	15
Cluster 05 - Lewiston Loop – 1	22-Apr	23-Jul	Pending	15
Cluster 06 - Detroit-Guilford-Belfast – 1	22-Mar	23-May	Pending	14
Cluster 07 - Raymond – 1	22-Jul	23-Oct	Pending	15
Cluster 08 - Sturtevant Leeds-Livermore-Ludden Riley – 1	22-Jul	23-Oct	Pending	15
Cluster 09 - Midcoast – 1	22-Sep	23-Jul	Pending	10
Cluster 10 - Roxbury Rumford-Woodstock – 1	22-Jul	23-Oct	Pending	15
Cluster 11 - Augusta E - Puddledock-Bowman St – 2	22-Aug	23-Jul	Pending	11
Cluster 12 - Winslow-County Rd-Lakewood – 2	22-Nov	23-Jul	Pending	8
Cluster 13 - Kimball Rd Lovell – 2	22-Nov	"TBD"	Pending	-
Cluster 14 – Louden Biddeford IP – 1	22-Aug	23-Aug	Pending	12
Cluster 15 - Greater Portland – 1	22-Aug	23-Aug	Pending	12
Cluster 16 - Wyman Area – 1	22-Sep	23-Apr	Pending	7

¹¹ CMP “Report Concerning Cluster Study Timeline Changes.” May 20, 2022 Exhibit B: <https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/ViewDoc.aspx?DocRefId={00435CB2-331D-47D4-9CF5-628A3B5A7BEB}&DocExt=pdf&DocName={00435CB2-331D-47D4-9CF5-628A3B5A7BEB}.pdf>

¹² CMP Updated Cluster Schedule, Exhibit A: <https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/ViewDoc.aspx?DocRefId={529B2BC8-A60A-45CF-B1A1-FA6D7EC4D94C}&DocExt=pdf&DocName={529B2BC8-A60A-45CF-B1A1-FA6D7EC4D94C}.pdf>