



Central Maine Power

**THIS IS A VIRTUAL DUPLICATE OF THE ORIGINAL HARD COPY  
SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH  
ITS ELECTRONIC FILING INSTRUCTIONS**

May 13, 2009

Karen Geraghty  
Administrative Director  
Maine Public Utilities Commission  
State House Station #18  
242 State Street  
Augusta, Maine 04333-0018

Re: GRIDSOLAR, LLC, Petition for Certificate of Public Convenience and Necessity and  
Related Approvals for the GridSolar Transmission Reliability Project  
Docket No. 2009-152

CENTRAL MAINE POWER COMPANY and PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, Request for Certificate of Public Convenience and Necessity for  
Maine Power Reliability Program Consisting of Construction of Approximately 350  
miles of 345 kV and 115 kV Transmission Lines  
Docket No. 2008-255

Dear Ms. Geraghty:

Enclosed for filing in the above-captioned proceeding please find Central Maine Power  
Company's Opposition to Motion by CES and GridSolar to Consolidate Dockets 2009-152 and  
2008-255.

Sincerely,

Debra J. Mills  
Analyst, Regulatory & Tariffs

Enclosure

cc: All Parties

An equal opportunity employer

83 Edison Drive | Augusta, ME 04336

tel (207) 623-3521

[www.cmpco.com](http://www.cmpco.com)



under Maine law and related installation of 800 MW of distributed solar generation with fossil fuel fired back-up on an avoided cost basis, consolidation of the two proceedings is would have a significant impact on the schedule of the MPRP and would prejudice CMP in that proceeding. The Company therefore requests that the Motion to Consolidate be denied.

**I. Review of the GridSolar Project will involve substantial discovery time.**

The assertion by GridSolar that “additional discovery with respect to the GridSolar Project should not be necessary” (Motion at 1) is without merit. To date, the filing by GridSolar in the MPRP proceeding has been treated only – and expressly – as Intervenor Testimony. *See, e.g.,* Docket No. 2008-255, Procedural Order at 3 (April 2, 2009). In Docket No. 2008-255, the GridSolar Project has not been reviewed as a CPCN petition. *Id.* (“The January 27 filing will NOT be treated as a Petition for a CPCN, and will NOT be acted upon by the Commission as a Petition for a CPCN.”). In fact, the Hearing Examiner’s ruling in this regard led GridSolar to file a new CPCN petition on May 1, 2009 to just now initiate a proceeding for consideration of its request for a CPCN.

In its petition, GridSolar seeks authority to become a new utility under Maine law and to build its proposed distributed solar generation project. Additional discovery will be necessary in order to determine whether GridSolar has met the legal standards for becoming a Transmission and Distribution Utility in Maine, and if so whether GridSolar should be granted a CPCN. To date, only CMP has posed any discovery to GridSolar, and then only in the context of treating GridSolar’s filing as Intervenor Testimony. The Staff, the OPA and other interested parties undoubtedly will want and need time to conduct thorough discovery on GridSolar’s petition as CMP’s customers stand to be responsible for literally billions of dollars if it is approved. So, for example, discovery will need to be made – through procedures including data responses and

technical conferences – on issues such as project costs, financial viability, technical feasibility, real estate requirements and strategy, construction schedule, distribution system compatibility and interconnection requirements, GridSolar’s corporate structure, expertise and business plan, and the alternatives analyzed by GridSolar in developing its proposal. Importantly, these issues are in large part distinct from those currently before the Commission in the MPRP docket.

Furthermore, the assertion that “if additional discovery questions are necessary... GridSolar will respond quickly so as not to affect the schedule” (Motion at 1) is not supported by prior experience. In Docket No. 2008-255, for example, GridSolar filed a letter with the Commission on February 27, 2009 indicating that “a request for modified protective order” would be filed the “next week.” That request was not filed the next week, but six weeks later, on April 9, 2009, after multiple requests from CMP. Similarly, in Docket No. 2009-152, GridSolar has withheld certain exhibits to its petition as confidential, promising to file an appropriate protective order with the Commission, but to date has failed to do so.

Because additional discovery will be required to review both GridSolar’s request for utility status and its petition for a CPCN, and because completing that discovery would likely not be accomplished without introducing significant delay into the schedule in Docket No. 2008-255, consolidation would necessarily require substantial additional discovery time. As discussed below, such protraction of the schedule will prejudice CMP and its customers, as CMP’s petition for the needed MPRP transmission upgrades has now been pending for over ten months.

**II. The resolution of legal issues relating to the GridSolar Project will involve substantial time.**

In addition to requiring further discovery, the Commission’s review of GridSolar’s petition will involve review and resolution of a wide range of legal issues relating to the sufficiency of the petition, including, but not limited to: whether the GridSolar project can be a

Transmission and Distribution utility under Maine law; whether the GridSolar petition is legally sufficient for the granting of a CPCN for its proposed 800 MWs of distributed generation as an alternative to MPRP; and whether the request by GridSolar for waiver of most, if not all, of the filing requirements of Chapter 330 of the Commission's Rules (*see* GridSolar May 4, 2009 Petition at 13-17) should be granted. CMP anticipates that these legal issues will be among those that are the subject of a Motion to Dismiss, which will have to be addressed by the Commission before GridSolar's petition can proceed.

For example, GridSolar's request that the Commission waive the filing fee required under Section 5 of Chapter 330 typifies the potential prejudice to CMP if the proceedings are consolidated. In the MPRP docket, CMP paid a filing fee of \$541,720.00 in accordance with Commission's Rules. GridSolar now requests that the Commission use those funds to study GridSolar's request for utility status and a CPCN. However, in accordance with Maine law, CMP's filing fee is to be "segregated" and "apportioned" to fund the Commission's analysis of CMP's proposed project and any left over funds are to be returned to CMP. *See* 35-A M.R.S. § 3132(9).

Because their resolution would substantially delay the completion of Docket No. 2008-255, the legal issues relating to whether GridSolar should be granted status as a utility, and, if so, whether it should be granted a CPCN for its proposed distributed generation project and what terms should govern that CPCN should not be resolved in Docket No. 2008-255. In fact, since MPRP and GridSolar each bear the burden of proof for their respective requests for CPCN, consolidation of the two cases creates the potential for confusion as to the sufficiency of a party's evidence supporting its case. Furthermore, those legal issues do not need to be resolved in the MPRP proceeding. The Commission can resolve CMP's request for a CPCN in Docket No.

2008-255 without addressing the utility status issues and CPCN issues relating to GridSolar, while the substantive issues posed by GridSolar (*i.e.*, the analysis of solar distributed generation as a non-transmission alternative to some or all of the MPRP) are fully in play in the MPRP proceeding.

**III. If added to the schedule for MPRP, the time required for discovery and resolution of legal issues would prejudice CMP.**

CMP and PSNH filed the MPRP petition in Docket No. 2008-255 on July 1, 2008. The inevitable further delays that consolidation would impose on the resolution of that petition would likely further postpone CMP's ability to begin the work necessary to address the reliability concerns the Company has detailed in the Docket No. 2008-255.

The Commission has held that where an issue is presented late in the case and would prejudice other parties, it will not be considered in that proceeding. *See Central Maine Power Co., Re: Proposed Increase in Rates*, Docket No. 92-345, Order at 98 (Dec. 14, 1993) ("The Hearing Examiners ruled that, because the lateness of when it was proposed would prejudice the other parties, the MPI situation would not be considered in this docket."). GridSolar's filing – made more than 10 months after CMP and PSNH filed their petition in Docket No. 2008-255 – qualifies as late-filed. Because consolidating GridSolar's late-filed petition into Docket No. 2008-255 would delay resolution of that case, consolidation would be prejudicial to CMP and therefore should be denied.

**CONCLUSION**

For the foregoing reasons, CMP respectfully requests that the motion by CES and GridSolar to consolidate Docket No. 2009-152 with Docket No. 2008-255 be denied.

*Jared S. des Rosiers*

---

Jared S. des Rosiers  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101  
(207) 791-1390

Counsel for Central Maine Power  
Company