

August 1, 2023

CENTRAL MAINE POWER COMPANY
Request for Approval of Distribution Rate
Increase and Rate Design Changes
Pursuant to 35-A M.R.S. § 307

Procedural Order
(Interventions) **Corrected**

I. THE INTERVENTION PETITIONS

On July 7, 2023, the Examiners issued a Notice of Proceeding concerning a follow-on proceeding to the rate case that has heretofore been the subject of this docket. The follow-on proceeding is described in the Stipulation between the parties that was approved by the Commission¹ and is to focus on the development of mostly residential rate design options aimed at beneficial electrification.

In the Notice of Proceeding, the Examiners invited the intervention of persons interested in the follow-on proceeding. A total of twelve intervention petitions have been filed, all but three before the intervention deadline of July 14, 2023.² Several of these interventions were for more than one entity.

Versant Power (Versant) seeks to intervene because this follow-on proceeding is expected to address “similar rate design issues that Versant itself will likely be addressing with the Commission.” Versant expects the issues to be relevant to its own rate design and sees its participation here as being efficient. Versant agrees to take the case as it finds it.

The petition filed on behalf of the Greater Portland Transit District (METRO) and Biddeford, Saco and Old Orchard Beach Transit District (BSOOB) (the Transit Agencies) states that both districts operate electric busses in their respective territories and that the design of rates for charging “will directly impact the cost of operating” their respective fleets.

Nine remaining intervention requests were filed by generation-related persons (referred to herein as the Generator Intervenors).

CPV Canton Mountain Wind, LLC (CPV Canton) and CPV Saddleback Ridge Wind, LLC (CPV Saddleback Ridge) jointly filed a petition stating they are CMP customers in the LGS-T-TOU rate class. The petition notes the issues to which this

¹ *Central Maine Power Company Request for Approval of Distribution Rate Increase and Rate Design Changes Pursuant to 35-A M.R.S. § 307*, Docket No. 2022-00152, Order Approving Stipulation, Stipulation ¶ 55 (Jun. 6, 2023).

² On July 31, 2023, ReEnergy Biomass Maine LLC petitioned to intervene. This Procedural Order does not address this petition.

proceeding is limited and requests that “their concerns with the rate impact of the July 1, 2023 CMP rates be addressed in either this Docket or Docket No. 2022-00160.”³ CPV Canton and CPV Saddleback Ridge note that the fixed rate component of each generator’s station power bill increased by 1733% as of CMP’s July 1, 2023 rate increase.

The petition requests party status for two other entities owned by CPV Group LP - CPV Spruce Mountain and CPV Beaver Ridge - both customers of CMP in the MGS-P-TOU rate class, each of which is experiencing a 175% rate increase. The petition notes that intervention for these four CPV entities will also be sought in Docket No. 2022-00160.

Brookfield White Pine Hydro, LLC and Rumford Falls Hydro, LLC seek mandatory intervention under Section 8(B)(1) of Commission Rule Ch. 110 as customers of CMP. Alternatively, they say they are entitled to discretionary intervention under Section 8(B)(2).

Eco Maine states that it is a “publicly owned, quasi-municipal corporation (political subdivision), which operates a waste-to-energy facility located in Portland” and is, therefore, a political subdivision of the State of Maine. It further asserts that it is a station service customer of CMP and is entitled to mandatory intervention. Eco Maine indicates that it has received notice that its service charge has increased 165% as of July 1, 2023.

Calpine Corporation (Calpine) seeks to intervene on the basis that its Westbrook generator takes service from CMP as a member of the LGS-T-TOU rate class. Calpine represents that its monthly service charge increased 1,835% as of July 1, 2023, noting that this increase results from a change in the stranded cost rate design. Calpine suggests that the Commission conduct “this proceeding” in a new docket given the likely number of customers similarly affected. Calpine further suggests that it be processed as an adjudicatory proceeding and recommends a case conference to establish the scope of participation of the intervenors.

NextEra Energy Resources, LLC (NextEra) states that it is the indirect owner of Cape Energy Station, W. F. Wyman Station and the Casco Bay Storage Project and that each is impacted by CMP rate increases. NextEra seeks mandatory intervention under § 8(B)(1) of Commission Rule Ch. 110 as customers of CMP. Alternatively, it seeks discretionary intervention under § 8(B)(2).

³ *Commission Initiated Investigation into Stranded Cost Rate Design*, Docket No. 2022-00160. In this docket, the Commission concluded “that all categories of stranded costs, including pre-restructuring stranded costs, non-Net Energy Billing (NEB) post-restructuring stranded costs, and NEB stranded costs, be allocated to each rate class according to each class’s proportionate kilowatt-hour (kWh) load share. Further, the Commission finds that with respect to rate design, NEB stranded costs shall be recovered through a fixed customer charge.”

Helix Maine Wind Development, LLC (Helix) owns a 132 MW wind project in Franklin County and is a retail customer of CMP taking service under the SGS rate class and the LGS-T-TOU rate class. Helix states that the charge for the latter has increased 1,733% per month. Helix claims a vested interest in this proceeding.

The New England Power Generators Association (NEGPA) is a trade association that represents the interests of generators that operate in Maine and New England. NEGPA asserts that its members own over 3,500 MW of generation in Maine. However, it does not own any generation in Maine nor does it claim to be a customer of CMP. It claims that because of the complicated nature of rate design proceedings, it can only adequately represent the interests of its Maine members through party status.

Record Hill Wind, LLC (Record Hill) filed a late intervention request on July 18, 2023, stating that as an LGS-T-TOU customer of CMP, facing a 1,733% increase in charges, it is entitled to intervene. It states its intention also to seek intervention in Docket No. 2022-00160.

On July 27, 2023, Congentrix Energy Power Management, LLC (Cogentrix) filed for intervention, acknowledging the lateness of the request and asking that the Commission exercise discretion in granting it. Cogentrix operates at 265 MW combined cycle power plant in Rumford and seeks to address an increase of over 1,700% in the monthly service charge from CMP for LGS-T-TOU service and a 1,284% increase for IGS-S service.

II. OBJECTIONS AND COMMENTS

On July 21, 2023, Joint Comments on Interventions and Process (Joint Comments) was filed by the Office of the Public Advocate, Efficiency Maine Trust and AARP Maine (Joint Commenters), focusing on the Generator Intervenors. The Joint Commenters note that the facts contained in the generators' various petitions show a concern about the increase in the monthly charge for station service and not about the prescribed scope of the proceeding as described in the Notice of Proceeding. They say that this "could reasonably provide a basis for denying the petitions to intervene of the proposed generator intervenors since the issues that are the subject of this proceeding will not substantially and directly affect rates for station service." The Joint Commenters nevertheless urge the Commission to allow these entities to become parties, but to restrict their participation to the scope of this proceeding, and also to "establish a separate process to address issues relating to stranded cost rate design."

On July 21, 2023, CMP filed an objection to the intervention requests of the Generator Intervenors. CMP asserts that these entities seek to "significantly expand the scope of the Follow-On Proceeding beyond the boundaries set forth in the Stipulation in a coordinated effort to revisit the stranded cost rate design issues that were addressed in the Commission's Stranded Cost Rate Design Investigation in Docket No. 2022-

00160.” CMP concludes that the Generator Intervenors have not shown how they will be substantially and directly affected by the issues raised in the Notice of Proceeding and thus are not entitled to mandatory intervention under the language § 8(B)(1) of Chapter 110 of the Commission’s Rules. CMP further states that the Generator Intervenors have not shown that they “hold a sufficient interest in any issue being developed or applied” in this proceeding and therefore should not be granted discretionary intervention under § 8(B)(2).

On July 28, 2023, CMP filed its objection to the intervention of Cogentrix, incorporating by reference the arguments it made in its July 21, 2023 objection.

Neither CMP nor the Joint Commenters objected to the intervention requests of Versant or the Transit Agencies, and they did not object to the intervention of Record Hill or Cogentrix on the basis of lateness.

III. DISCUSSION & DECISION

Intervention in Commission proceedings is governed by Section 8 of Chapter 110 of its rules. There are two categories of intervention, mandatory and discretionary. Persons are entitled to mandatory intervention if (1) they are or may be a member of “a class which is or may be substantially and directly affected by the proceeding and (2) [are] any agency of federal, state or local government.” Interested persons are allowed to be discretionary intervenors “at the discretion of the Commission.”

A. Versant, the Transit Agencies

The interventions of Versant and the Transit Agencies are granted without objection.

B. The Generator Intervenors

The Generator Intervenors appear to be most interested in addressing the increase in their monthly charge for station service, increases that result from changes in stranded cost rate design, stemming from issues litigated in Docket No. 2022-00160.. The generators have demonstrated that they are customers of CMP. The question, therefore, is whether they are or may be “substantially and directly affected by the proceeding.”

In its June 6, 2023 Order Approving Stipulation in this case, the Commission approved the follow-on proceeding as agreed to in Paragraph 55 of the Stipulation.⁴ The purpose of the proceeding is described in the July 7, 2023 Notice of Proceeding as follows:

⁴ *Central Maine Power Company Request for Approval of Distribution Rate Increase and Rate Design Changes Pursuant to 35-A M.R.S. § 307*, Docket No. 2022-00152, Order Approving Stipulation, Stipulation ¶ 55 (Jun. 6, 2023).

The purpose of the Proceeding is to:

- Develop rate designs options that (i) incentivize customers to shift usage away from the summer peak; (ii) incentivize the use of heat pumps and other beneficial electrification heating technologies during winter; (iii) and complement the incentives and programs offered by Efficiency Maine Trust;
- Consider 4-5 alternative rate designs targeting optimized use of electric vehicles and heat pumps, and consideration of further Time-of-Use rate structure;
- Consider the development of a Peak Time Rebate program option and/or pilot;
- Consider the development of a Non-Firm Customer rate option (for commercial customers);
- Consider and collect data concerning impacts on residential customers of an increase to the fixed charge;
- Develop a Customer Education and Communication Plan to effectively inform customers and facilitate customer understanding of the various alternative rate design options; and
- Develop a "Data Collection, Measurement and Evaluation Plan" to collect, maintain and analyze relevant data concerning future residential rate design options. This will include data related to customer bill impacts, impacts on load profiles and socio-economic data of participating customers, as well as a process for reporting the data.

The scope of this distribution rate design follow-on proceeding, therefore, does not include addressing the increase in charges for generator station service. That increase is associated with stranded cost rate design and not distribution rate design. Moreover, all but one enumerated issue concerns residential rate design.⁵ The one issue not related to residential rate design focuses on the development of a Non-Firm Customer rate option. Given the possibility that a generator may seek to participate in this proceeding within this prescribed scope, the Examiners grant intervention to each Generator Intervenor on a discretionary basis.⁶ However, the Examiners and parties in this follow-on proceeding are constrained by the scope described in the Order Approving Stipulation and the subsequent Notice of Proceeding. Therefore, no party will be permitted to address the station service charge in this proceeding.

The Generator Intervenors are invited to review a July 26, 2023 Procedural Order issued in Docket No. 2022-00160. While the station service charges will not be

⁵ See the May 31, 2023 Stipulation, ¶ 55.

⁶ Because of the Examiners' determination that all of the Generator Intervenors are entitled to discretionary intervention, the Examiners do not address Eco Maine's assertion that it is a political subdivision of the State of Maine and therefore entitled to mandatory intervention.

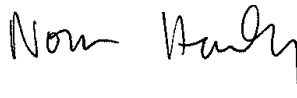
addressed in the current docket, the Commission is exploring options for potentially addressing service charges associated with Docket No. 2022-00160.

Dated at Hallowell, Maine, this 1st day of August 2023.

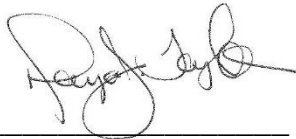
BY ORDER OF THE HEARING EXAMINERS



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