

MAINE PUBLIC UTILITIES COMMISSION
AUGUSTA, MAINE

IN RE:)
) Docket No. 2022-152
CENTRAL MAINE POWER COMPANY) August 19, 2022
)

Request for Approval of a Rate Change - 307

APPEARANCES:

ERIC BRYANT, Hearing Examiner
NORA HEALY, Maine Public Utilities Commission
DAYA TAYLOR, Maine Public Utilities Commission
ANDREW LANDRY, Office of the Public Advocate
SARAH TRACY, Pierce Atwood, Central Maine Power Company
JARED DES ROSIERS, Pierce Atwood, Central Maine Power Company
CARLISLE TUGGEY, Central Maine Power Company
PETER COHEN, Central Maine Power Company
RICHARD SILKMAN, Competitive Energy Services
OLIVER TULLY, Acadia Center
IAN BURNES, Efficiency Maine Trust
CLAIRE SWINGLE, Governor's Energy Office
MELISSA HORNE, Walmart, Inc.
PHELPS TURNER, Conservation Law Foundation
JOSEPH DONAHUE, Preti Flaherty, IECG

1 CONFERENCE COMMENCED (August 19, 2022, 9:30 a.m.)

2 MR. BRYANT: This is a technical conference in docket
3 number 2022-0152, request for approval of a rate change for
4 Central Maine Power Company. This was noticed in an August 5,
5 2022 Notice of Proceeding. Purpose is to discuss interventions
6 that have been filed to date, to discuss the schedule, to
7 discuss any issues that may have been raised by protective
8 orders, and a couple other housekeeping matters. Why don't we
9 start by taking appearances. I'll turn first to Central Maine
10 Power.

11 MR. DES ROSIERS: Jared Des Rosiers from Pierce
12 Atwood on behalf of Central Maine Power.

13 MR. COHEN: Peter Cohen on behalf of Central Maine
14 Power.

15 MS. TUGGEY: Carlisle Tuggey, general counsel,
16 Central Maine Power.

17 MR. BRYANT: And for Central Maine Power who are
18 participating by Teams?

19 MS. TRACY: Good morning. Sarah Tracy from Pierce
20 Atwood on behalf of Central Maine Power.

21 MR. BRYANT: If anyone else from Central Maine Power
22 expects to be speaking this morning, you should identify
23 yourself. Otherwise, there's no need to make an appearance.
24 And I'm seeing counsel shake their heads. So on behalf of the
25 Office of the Public Advocate?

1 MR. LANDRY: Andrew Landry on behalf of the Office of
2 the Public Advocate.

3 MR. BRYANT: And do you expect anyone else to be here
4 --

5 MR. LANDRY: I do not.

6 MR. BRYANT: -- to participate? Okay. I'll go
7 through the list of intervenors to see who's here. I have not
8 checked the Teams list of people so please -- on behalf of the
9 Industrial Energy Consumer Group, is there anyone participating
10 this morning? You may be on mute or you may not be here. On
11 behalf of Competitive Energy Services?

12 DR. SILKMAN: Yes, Rich Silkman on behalf of CES,
13 Competitive Energy Services.

14 MR. BRYANT: Good morning, Rich. Darian (phonetic)
15 Sawyer from Jackman, are you here? Okay. From the Governor's
16 Energy Office, is Dan Burgess here?

17 MS. SWINGLE: Dan is not, but I am. Claire Swingle
18 attending on behalf of GEO.

19 MR. BRYANT: Okay, good morning. Thank you. The
20 Acadia Center, Oliver Tully or any other rep?

21 MR. TULLY: Hi, Oliver Tully at the Acadia Center.

22 MR. BRYANT: Good morning. Conservation Law
23 Foundation?

24 MR. TURNER: Good morning. Phelps Turner,
25 Conservation Law Foundation.

1 MR. BRYANT: Morning, Phelps. And Walmart, Inc.
2 Melissa Horne has filed intervention on behalf of Walmart.
3 Melissa, are you on the call?

4 MS. HORNE: Yes, I am. Good morning. Melissa Horne
5 on behalf of Walmart, Inc.

6 MR. BRYANT: Good morning and welcome.

7 MS. HORNE: Thank you.

8 MR. BRYANT: So those are -- is there anyone else who
9 has not yet filed an intervention but wishes to enter an
10 appearance this morning for the record? This would include any
11 ratepayers who aren't familiar with the process. If you could
12 please identify yourselves for the record. Okay, Mr. Burnes,
13 you would like to make an appearance?

14 MR. BURNES: Not exactly sure I fall into that
15 previous category, but we haven't entered our intervention.
16 And this is Ian Burnes from Efficiency Maine Trust. We're
17 intending to intervene, just monitoring from Teams this
18 morning.

19 MR. BRYANT: Okay, thank you, Ian. Would you like me
20 to take that as a request for intervention or do you wish to
21 file it formally?

22 MR. BURNES: We'll file it formally, but if it helps
23 this morning to have it, you know, then, yes, please.

24 MR. BRYANT: Okay, thanks. Anyone else? Okay, and
25 so on behalf of the staff, I'm Eric Bryant. I'm one of the

1 Hearing Examiners.

2 MS. HEALY: And I'm Nora Healy, another Hearing
3 Examiner.

4 MS. TAYLOR: Daya Taylor, Hearing Examiner.

5 MR. BRYANT: And there may be other members of the
6 staff who probably will not be saying anything. If they do, I
7 will ask them to identify their names before they speak. So my
8 agenda, why don't we first start with interventions. I'm going
9 to take them in the order that they were filed. First was the
10 Industrial Energy Consumer Group. Any objection to their
11 participation in this matter?

12 MR. DES ROSIERS: No objection.

13 MR. BRYANT: No objection, they're approved for
14 intervention. Competitive Energy Services, any objection?

15 MR. DES ROSIERS: No objection.

16 MR. BRYANT: They are approved for intervention.
17 Office of the Public Advocate, any objection to their statutory
18 right to intervene?

19 MR. DES ROSIERS: No objection. If I could think of
20 one, I would try, but I think we'll stick with no objection.

21 MR. BRYANT: I was quoting a former Hearing Examiner
22 by referencing the statute by the way. Mr. Sawyer from
23 Jackman, is there any objection to his intervention?

24 MR. DES ROSIERS: No objection.

25 MR. BRYANT: Approved. The Governor's Energy Office?

1 I think they also have a statutory right.

2 MR. DES ROSIERS: No objection.

3 MR. BRYANT: Acadia Center, any objection?

4 MR. DES ROSIERS: No objection.

5 MR. BRYANT: Conservation Law Foundation, any
6 objection?

7 MR. DES ROSIERS: No objection.

8 MR. BRYANT: Thank you. And Walmart, Inc.?

9 MR. DES ROSIERS: No objection.

10 MR. BRYANT: Okay.

11 MR. DES ROSIERS: We'll also have no objection to
12 Efficiency Maine Trust if we're treating it as an oral request.

13 MR. BRYANT: That's helpful. Thank you. So just a
14 comment for Ms. Horne on behalf of Walmart. We read your --
15 let me pull it up. In your letter attached to your
16 intervention, you referenced a section of our rule that allows
17 limited appearance on behalf of counsel who aren't admitted to
18 the Maine Bar. And my understanding is, in the past, that's
19 never been a problem, and I expect that's not a problem here
20 for you to have that limited appearance. The only question in
21 my mind legally and technically is whether limited means the
22 full participation that you may end up having on behalf of
23 Walmart. We're looking into that. I don't expect a problem,
24 but I just wanted to mention that. We will be taking it under
25 advisement only for -- your client's intervention is granted.

1 The only question will be your actual participation but just
2 wanted to let you know we're thinking about that. We'll issue
3 something with a procedural order following this proceeding
4 this morning.

5 MS. HORNE: Okay, thank you.

6 MR. BRYANT: Yeah.

7 MR. LANDRY: Can I just add in support of her limited
8 appearance that I think it's been the practice for this
9 Commission to allow attorneys who are not admitted to the Maine
10 Bar to practice in front of the Commission under either a pro
11 hac vice or just generally as representative of the
12 organization if they're an employee. And there should be no
13 limitation on her ability to participate as an attorney. I
14 think -- I assume she meant limited that she's only going to be
15 in this case.

16 MR. BRYANT: Thank you, Drew. Go ahead, Melissa.

17 MS. HORNE: Yes, it's Melissa Horne. That is true.
18 I mean, when I -- I have participated in previous Commission
19 matters on this basis, and when I say limited, I mean limited
20 to this case. And --

21 MR. BRYANT: Okay, thank you.

22 MS. HORNE: -- I pretty much routinely appear in
23 other jurisdictions where I'm not admitted to the Bar before
24 the public utility regulatory agencies on that basis.

25 MR. BRYANT: Okay, thank you. As I said, I don't

1 expect this -- I don't expect it to be a problem. We just
2 wanted to think about it.

3 MS. HORNE: Okay, thank you. Please let me know if
4 there's anything else you need, if you need to file a pro hac
5 vice motion or whatever.

6 MR. BRYANT: Okay.

7 MS. HORNE: I would prefer not to, but -- and I don't
8 think I need to, but --

9 MR. BRYANT: Okay. All right, thank you. Does any
10 -- do any of the parties have concerns about the protective
11 orders that have been issued in this matter so far? Okay,
12 hearing none. I was going to ask on my list here of whether
13 customer notices have been sent, and it -- my understanding is
14 that the email notices went out last evening. I've seen a
15 copy.

16 MR. DES ROSIERS: Yeah, that is correct. The -- last
17 evening, the communications to customers by email went. That
18 was a total of 351,297 customers who received the notice by
19 email. Today those who are going to receive the notice by
20 mail, they will be mailed today. That's 172,325 for a total of
21 523,622 which is the total number of customers, not counting
22 duplicative accounts because there are a number of customers
23 who have -- they're only getting one notice, not multiple
24 notices. So that represents all customers, and they went last
25 night by email and today they'll go by mail.

1 MS. HEALY: It's first class mail? No?

2 MR. DES ROSIERS: That's a good question. It is -- I
3 know it is a trifold -- one-page trifold mail, and we can find
4 out the answer. I'm not sure if it's -- I mean, the rule, I
5 believe, requires it by -- it was arranged -- and I will say
6 part of the reason it took till now was finding a vendor to
7 print and have enough paper and get postage is remarkably a
8 challenge in today's environment. But that was -- got us to
9 today.

10 MR. BRYANT: Okay.

11 MS. HEALY: I don't think I need an answer to that
12 question right now.

13 MR. BRYANT: I think so. We have received some --
14 and I haven't seen them personally, but the director of CAD has
15 informed me that there's been some concern about the -- what
16 people are perceiving as a late receipt of that notice with
17 regard to this case already having been started. So when we
18 get to discussing the schedule -- and your notice was within
19 the rules. That's not the question. I will be extending the
20 intervention deadline for, you know, ratepayers, residential
21 ratepayers, commercial ratepayers, and so forth. So --

22 MR. DES ROSIERS: No objection to that understanding.

23 MR. BRYANT: Thanks. And there's a long-standing
24 tradition of entertaining late interventions anyway.

25 MS. TUGGEY: Mr. Bryant, just --

1 MR. BRYANT: Yeah? Please call me Eric.

2 MS. TUGGEY: Okay, Eric. For purposes of the record,
3 I think an IECG representative may have joined.

4 MR. BRYANT: Oh, thank you.

5 MS. TUGGEY: I'm not certain of that.

6 MR. BRYANT: Mr. Donahue, I see your name on the list
7 and I see your face. Would you like to enter an appearance?

8 MR. DONAHUE: Yes, thank you, Eric. This is Joe
9 Donahue of Preti Flaherty on behalf of Industrial Energy
10 Consumer Group, a proposed intervenor in this proceeding. We
11 did file our Petition to Intervene very early in this docket so
12 hopefully it's still extant in the docket even though it was a
13 little bit premature.

14 MR. BRYANT: Oh, no, it was received. We've already
15 discussed it. There was no objection, and your intervention
16 has been granted.

17 MR. DONAHUE: Okay. Thank you very much.

18 MR. BRYANT: Sure. You're welcome. So I guess next
19 I'd like to talk about the schedule. The cover letter to the
20 initial filing had a footnote referencing that there would be
21 an update to the case that would allow for a 12-month
22 processing of this matter as opposed to the nine-month standard
23 processing which had been contemplated in the filing. Jared,
24 could I ask you to elaborate on that and give us some timing as
25 to when that update's going to occur?

1 MR. DES ROSIERS: Certainly. So the -- going back to
2 the company's customer -- or excuse me, the 60-day notice that
3 was granted in May, at that time the company contemplated
4 having rates effective at the end of July which would be
5 roughly 12 months from the filing date. But based on the --
6 then there was a case conference in June to talk about the
7 effective date. Based on that conference, the company
8 understood that we would be looking at a nine-month case. So
9 that is -- the filing that was submitted was set up to have
10 rates change next May, but the company is fine having -- as
11 originally said in the notice, having rates be effective as of
12 the end of July of 2023 to provide for 12 months. So to
13 effectuate that, it will require an update of the calculation
14 of the revenue requirement to essentially shift the effective
15 date. That impacts escalation. It impacts what plant goes
16 into service, and then, therefore, what rate base is for the
17 calculation. That work is already underway, and I should say
18 the revenue requirement will have to be recalculated. One of
19 the changes will be the sales forecast to have -- forecast the
20 revenue during the different rate years also will be updated.
21 And then the rate design -- after the revenue requirement's
22 calculated, the rate design filings, including the Chapter 120
23 information, will be updated to correspond with that effective
24 date. So that work is underway already, and we believe we can
25 file that -- those updates as of September 9. And the

1 substance of the case will not change. There's no change in
2 the proposal of the basic structure of the case, no different
3 witnesses. It's really, you know, the mathematical
4 calculations being updated to reflect the difference in time.
5 So that's -- we intend to file by September 9 those things that
6 need to be updated, including the updated revenue requirement
7 calculations. And -- but we're prepared to move forward in the
8 meantime with the schedule, and then appreciate the 12-month
9 schedule that's been proposed, although we do have some
10 comments on particular dates and -- of the draft schedule.

11 MR. BRYANT: So you didn't accept it 100 percent, my
12 draft schedule?

13 MR. DES ROSIERS: Well, we can -- when it's the
14 appropriate time, we'll just highlight a few things.

15 MR. BRYANT: Thanks. No, I appreciate your
16 explanation, and the staff, because of the -- I mean, nine
17 months to run a rate case has been increasingly difficult for
18 the utilities and the staff and parties, and very much
19 appreciate CMP's willingness to do this on a 12-month calendar.
20 I still found it tight in places to put this schedule together.
21 So any comments from any intervenors with regard to what Mr.
22 des Rosiers just explained on the record? Hearing none. So
23 let's discuss the schedule. Last evening I sent by email to
24 the parties that had -- people who are now parties that had
25 sought intervention a draft schedule that the staff had worked

1 up for this case. It -- I believe it covers everything in a
2 normal rate case with the possible exception of public witness
3 hearings which are usually scheduled during the case as opposed
4 to at the beginning, and we have not inserted a date for the
5 Examiner's Report. Anyway, Jared, since you began speaking
6 about having some comments on this, why don't you -- you
7 obviously have a reaction to some of the dates in here. Why
8 don't you share those with us?

9 MR. DES ROSIERS: Certainly.

10 DR. SILKMAN: Eric, this is Rich Silkman. If I may,
11 I did not get that email. I'm not sure why it didn't come
12 through.

13 MR. BRYANT: Okay --

14 MS. HEALY: We'll get it to you.

15 MR. BRYANT: We'll send it to you right now, Rich. I
16 apologize for that.

17 DR. SILKMAN: Okay, thanks. It may have gone to
18 Evan, but I didn't see it so thank you for sending it along.

19 MR. BRYANT: It's conceivable that I just completely
20 forgot to. Unusual maybe but conceivable. Anyway, yeah, I'll
21 give that a second to fly. Or should we -- do you want us to
22 wait, Rich?

23 DR. SILKMAN: No, start right in. I just -- I'll
24 catch up, no problem.

25 MR. BRYANT: Okay. Great, thank you.

1 MR. DES ROSIERS: So with respect to the schedule,
2 for the most part I appreciate the effort and we really have
3 not a lot of comment on that particular dates but with one
4 important caveat which then could impact a number of the dates.
5 And that is right now, as proposed, it's really looking at, you
6 know, deliberations -- I mean, contemplating rates effective as
7 of the end of July and has deliberations during the week of the
8 18th of July which then suggests an order thereafter. And in a
9 litigated case, that will -- and we'll actually have to see
10 what the order says with respect to things to do the
11 calculations and the work that's necessary, and there will not
12 be enough time to actually effectuate the rate change. This
13 will get us a decision obviously by the 31st, but it takes
14 probably in a case, if we were to fully litigate it and have a
15 litigated outcome, you know, it's probably four weeks to do the
16 necessary update on the revenue requirement because it will be
17 recalculated. Typically then there'd be a compliance filing to
18 make sure everybody agrees that this is now what the final
19 revenue requirement is based on the Commission's decision.
20 Then that has to get turned into rates by the rate design team
21 which also is a compliance filing to make sure that everybody
22 agrees that these are the rates that should go into effect.
23 And then, to the extent there are rate design changes in --
24 that, too, is -- it's not just the, you know, existing rates.
25 We'll also have a rate design case here which could change the

1 time -- you know, change the structure of the rates which also
2 would be the subject of a compliance filing.

3 So we have sort of two ways of addressing it. If we
4 kept and wanted the rates to physically take effect for
5 customers as of August 1, after the 31st, we would need to
6 slide the dates up so we sort of got a decision by no later
7 than early July to allow that compliance process to play out.
8 Alternatively, and I think this is what we did in the 2013
9 case, the rates got set, but then there was -- they didn't take
10 effect until actually September 1 with a deferral, recognizing,
11 you know, it should have been August 1 but we'll actually make
12 the things happen later but with a deferral just to catch up
13 for the period of time until they actually go into effect. And
14 we're fine with either approach. We wanted to flag it right
15 away. If you take the approach of having to get a decision
16 earlier in July, then you have to look at a lot of the dates,
17 you know, in the schedule --

18 MR. BRYANT: I understand, yeah.

19 MR. DES ROSIERS: -- to slide things, you know, back
20 a few weeks here and there.

21 MR. BRYANT: Yeah, I did build in a fair amount of
22 time between hearings, briefs, and deliberations. So it may be
23 that we can make up some of the time there, but I understand
24 that what you're offering as another alternative would be to
25 have rates effective September 1 but to have a deferral to pick

1 up what you were unable to collect in that first month.

2 MR. DES ROSIERS: Correct.

3 MR. BRYANT: Okay. So was that the only -- I mean,
4 obviously --

5 MR. DES ROSIERS: I mean, that's the big one. Just
6 to highlight a couple other things, with respect to -- now sort
7 of going to the other end, the beginning, the dates for
8 discovery for the company made sense. Typically there's a lot
9 of discovery at the upfront side leading to the technical
10 conferences. One thing I would ask is -- and just so that it's
11 clear, the data request date of September 19 is fine,
12 understanding it to be the deadline for them. And we would
13 really invite folks, if they have them ready, to issue them
14 sooner because the sooner we get them in and we can get them on
15 a rolling basis, if everybody waits to the 19th, then we have,
16 you know, hundreds of them all compressed into a shorter amount
17 of time. So if -- you know, if there are ones that can be
18 issued sooner, we're fine with that to get that going. But --
19 so I was highlighting that. And often they have been issued on
20 a rolling basis, and certainly there's many parts of this case
21 that aren't changing -- or that could be sooner rather than
22 later. So note that with respect to the date.

23 The -- with respect to then the oral data response
24 deadline, we saw the 17th or the 22nd of November. We would
25 encourage the 22nd, recognizing sometimes there's a lag of a

1 day or two of getting them issued. And one also ask would be
2 to the extent -- you know, we have multiple days for technical
3 conferences, good. But if we could get the oral data requests
4 issued -- like, the one after November 1, if it could be issued
5 soon thereafter, those witnesses can be working on those. It
6 just gets tight if it's, you know, not until after the last day
7 that they get formally issued. So we would suggest the 22nd
8 for that.

9 MR. BRYANT: Let me stop you there. I put down the
10 two dates under the oral data response because there's
11 technical conferences spanning two weeks. So I thought the
12 17th would be the due date for --

13 MR. DES ROSIERS: So -- no, and that -- okay, I
14 didn't appreciate that, but now looking at it, it could -- that
15 makes sense.

16 MR. BRYANT: -- didn't clarify that, but that's --
17 that was what I was thinking.

18 MR. DES ROSIERS: Then I think there's a typo with
19 respect to the staff/intervenor oral data response date of
20 January 3. I'm assuming you meant the 23rd or something just
21 because it's before the teleconference.

22 MR. BRYANT: Oh, yeah, look at that. By the way,
23 Rich Silkman sent a message to me saying he did not yet receive
24 the schedule. Were you able to find his email?

25 MS. HEALY: I found it but --

1 DR. SILKMAN: Eric, I just got it from Phelps. So
2 I'm all set.

3 MR. BRYANT: Okay. Thank you, Phelps. Thanks. So
4 January 23, was that what I meant? And it probably is. I'll
5 just flag that. I mean, it's obviously not January 3.

6 MR. DES ROSIERS: -- be correct and I didn't know if
7 -- what date you intended.

8 MS. HEALY: The 23rd is a Monday so maybe that's --

9 MR. DES ROSIERS: And, I mean, I'll leave it to you.
10 I just -- it couldn't be the third.

11 MR. BRYANT: So on the -- I'll -- before others weigh
12 in, on the initial deadline for initial data requests, you
13 know, I put September 19. Maybe one solution -- we can issue
14 them on a rolling basis. My experience is that's -- doesn't
15 always work. People do end up waiting, and I understand the
16 plight of getting a whole bunch all at once. And we don't want
17 -- I mean, this -- part of the schedule that is rather tight is
18 the teleconferences leading into the holidays because the
19 holidays are always -- put pressure on things. So I would not
20 want to have to delay the teleconferences, and so I think I
21 would be inclined to move that initial date, September 19,
22 maybe back to the previous week. Like, Thursday of that week
23 or something.

24 MS. HEALY: I'd just note that if we're getting the
25 -- if we don't get the update until the ninth of September, if

1 there are data requests on the update, that's going to be a
2 little bit challenging. But I think we should just maybe --

3 MR. BRYANT: Well, if that -- okay, we can huddle,
4 but, yeah, if that becomes a problem, we'll just need more time
5 and --

6 MS. HEALY: We'll figure it out.

7 MR. BRYANT: -- give people more time, understanding
8 that that issue is there.

9 MR. LANDRY: I'm fine with the 15th or 14th if you
10 want to do that. And realizing that if there are things that
11 are raised in the update that need questioning, we can always
12 ask at the teleconference if nothing else. And certainly
13 teleconference always allows follow up on things. But, you're
14 right, if we don't put the pressure on the consultants in
15 particular, that it will tend to go to the deadline. If
16 they're listening, too bad.

17 MR. BRYANT: Yeah, I do see the staff, just as a
18 matter of being able to efficiently manage the case, putting
19 data requests out on a rolling basis, but other parties, maybe
20 not. But thank you, Drew. I appreciate that. Did you have
21 more little nits and --

22 MR. DES ROSIERS: The only other thing I was going to
23 comment was I would really enjoy having two days for hearings
24 in May and only two days of hearings. I do note that in the
25 past we've had more than two days, and recognizing we've got a

1 rate design proposal here, that we've often ended up having a
2 whole day on rate design in addition to on the revenue
3 requirement. So it may be aspirational. We may need more days
4 for hearings than two, but I'm fine with the dates and I'm fine
5 with the aspiration of having two. As the case plays out and
6 see what's really, you know, in dispute and in need of hearing.

7 MR. BRYANT: I think that the Friday of that week is
8 essentially available to give us a third day. Yeah, thank you,
9 I -- yeah. The following week is when NECPUC's occurring. So
10 the Commissioners aren't going to be available. So squeezing
11 them in there. Okay, need more days. I take it that that --
12 yeah, never mind. Okay, thanks. Anything further, Jared?

13 MR. DES ROSIERS: No, those are the things we wanted
14 to flag.

15 MR. BRYANT: Drew, did you have any comments on the
16 schedule?

17 MR. LANDRY: So were you going to add the 19th, just
18 following up on that, for hearings, May 19?

19 MR. BRYANT: Probably.

20 MR. LANDRY: Yeah, okay.

21 MR. BRYANT: We'll be issuing this in -- you know,
22 once we've finalized this, we'll be issuing it as is -- I mean
23 in a form like this. You'll --

24 MR. LANDRY: Well, believe it or not, I've already
25 scheduled a vacation for June of next year. I'm going to

1 Europe so --

2 MR. BRYANT: All right.

3 MR. LANDRY: The briefing dates would benefit for me,
4 my personal schedule, if we could slip them a few days to,
5 let's say, the 19th and 26th. Like, just move them from what I
6 think is a Thursday to the following Mondays.

7 MR. BRYANT: Well, that -- yeah, that's -- given what
8 Jared has said about -- what CMP has said about needing four
9 weeks probably pushes it the other direction if anything,
10 unless we take the --

11 MR. LANDRY: Move them up? Moving up is fine too,
12 but --

13 MR. BRYANT: Yeah. Yeah.

14 MR. LANDRY: If you had the reply briefs due on --
15 what day am I leaving? I'm leaving on the eighth so --

16 MR. BRYANT: Okay. Good timing. Anything else from
17 the OPA?

18 MR. LANDRY: No, that was -- I didn't ask anybody
19 else about their schedule so --

20 MR. BRYANT: Oh, okay. Well, all right, so I'll turn
21 -- I'll open it up to other intervenors who may have comments
22 on the proposed schedule. Joe, do you have any?

23 MR. DONAHUE: Sorry. I have no comments with regard
24 to the proposed schedule. Thank you.

25 MR. BRYANT: Thank you, Joe. Rich, have you had a

1 chance yet to figure this out or you want a few more minutes?

2 DR. SILKMAN: No, I have just one question on a
3 teleconference and -- in particular but also on the hearings.
4 Are you adopting this new format of people in state being there
5 or, if you have excuses, to do it remotely? How are you
6 planning on handling those, Eric?

7 MR. BRYANT: Thank you, good question. That is -- I
8 wouldn't say it's under consideration because we have made some
9 decisions about existing cases. My understanding -- and I'll
10 turn to my co-counsel here to correct me if I'm wrong --
11 teleconferences and hearings will be different with regard to
12 the expectation of being here in person. My understanding is
13 that the Commissioners would like to have people here in person
14 at hearings unless there's a reason given and granted and if
15 the person is simply answering questions, if you're a witness
16 and you're answering questions on your testimony. If, however,
17 you are a participant who's also going to be asking questions,
18 I think the expectation right now is that you be here in
19 person. Now, this is subject to change because, as with
20 everything related to the pandemic, this is evolving. We've
21 only recently come back to the building, had just a few tech
22 conferences and I think one hearing so far. Teleconferences is
23 a bit different. I think that's a little bit more relaxed in
24 terms of being able to participate remotely. Is that correct?

25 MS. HEALY: I think that's correct, and -- yeah, so,

1 yes, I think you're right. So we've yet to be determined, but
2 maybe it will turn on sort of the circumstances and, you know,
3 reasons people might want to be here in person versus not in
4 person.

5 MR. BRYANT: And we will be issuing, you know, in
6 procedural orders instructions and, you know -- for those exact
7 types of things as they evolve and to put them on the record in
8 this case. I believe there's been some procedural orders
9 issued in another case already that had something to do with
10 hearings and participation. I'm not positive that's gone out,
11 but I think it's -- if it hasn't, it's being worked on.

12 MS. HEALY: Are there any thoughts or concerns
13 parties would want to express about the format?

14 DR. SILKMAN: This is Rich Silkman. I don't know
15 what's going into the Commission's decision making around this
16 issue, but recently [connection interference] Eversource rate
17 case in Boston. And that Commission just underwent hearings,
18 and the hearings were remote in all respects, witnesses remote
19 and the questioners, the lawyers from the parties, were remote.
20 It seemed to work perfectly fine. Now I -- as I say, I don't
21 know what the Commissioners -- what's going into their calculus
22 for this, and I'm wondering whether they would be interested in
23 taking comments on how to conduct proceedings or whether or not
24 they're really not interested in how the general public views
25 the ability to conduct hearings in this new day and age when

1 remote communications seems to work perfectly fine. But that
2 does affect scheduling. It does affect vacation time. I mean,
3 you can do hearings if you're on vacation. You can do hearings
4 if you are out of town, if you have other things scheduled. On
5 the other hand, if you have to be in Augusta, then it does
6 change your -- change what schedules look like and change plans
7 and how to operate your life. So I just throw that out and say
8 if there's any opportunity to comment, I know I would have
9 comments and other parties might as well.

10 MR. BRYANT: I would expect -- I'm -- I hesitate to
11 speak for the Commissioners. I have not been involved in one-
12 on-one conversations with them about this issue, but I'd be
13 surprised if the opportunity to comment were not offered in
14 some fashion, whether it's in response to a specific procedural
15 order or whether a more generic kind of forum for discussing
16 how these things happen. But I certainly can't give you any
17 assurances or anything other than what I've already said here
18 this morning. So I appreciate your thoughts.

19 MR. DONAHUE: Eric, this is Joe Donahue. I think I
20 would support Rich's request for additional input from
21 participants in Commission proceedings with regard to the issue
22 of physical presence in the room in addition to vacations and
23 other needs for flexibility. I think there's also additional
24 cost involved to an intervenor to have someone present in the
25 room for an entire day when maybe they only have a limited

1 number of issues or a limited number of questions to ask. And
2 you can be more efficient if you're in your office and
3 monitoring a proceeding but also attending to other matters
4 than -- more efficient for your clients and their pocketbooks
5 than you can if you're probably sitting at the Commission for
6 the day. And so anyway that's a concern that's been of some
7 concern to me lately, and I would appreciate an opportunity at
8 some point to think about that a little bit more, talk to our
9 client about it a little bit more, and maybe we would also have
10 some comments with regard to the various ways of participating
11 in a Commission hearing and/or technical conference. I
12 appreciate Rich bringing that up. I think it's something worth
13 noodling on some more. Thank you.

14 MR. BRYANT: Okay, thank you. Any other comments
15 from other intervenors on the proposed schedule or on the
16 matter just raised?

17 MS. HEALY: -- from the petitioner?

18 MR. BRYANT: Central Maine Power have any comment on
19 what Rich and Joe just suggested?

20 MR. DES ROSIERS: I mean, I appreciate the comments
21 about the potential for remote participation. I do think and
22 expect that the company will be present, finding it most
23 efficient to be present, for questioning since most of the
24 questions are directed at our folks. Now we do have some
25 consultants who are far remote, and we would probably be having

1 -- for technical conferences, not having them fly from
2 California or Washington. But I think we can find -- I think
3 we'd be open to sort of remote participation by others with the
4 expectation that, you know, much will happen in the hearing
5 room. And I would not be supportive of a full remote hearing
6 where everything is done remotely. That is (indiscernible)
7 create different dynamics.

8 MR. LANDRY: Yeah, and I was going to say it was our
9 understanding that the Commission's policy would be to have
10 hearings in person at minimum. So I think all of our -- we're
11 prepared to have all of our consultants fly out here for
12 hearing. We'd prefer not to do it for technical conferences.

13 MR. BRYANT: Yeah. Okay, thanks. Well, we'll be
14 issuing -- in this case with regard to the teleconferences and
15 certainly by the time we get to the hearing, we'll have
16 established the procedure. As I said in response to Rich's
17 raising the issue, people here know that these things are
18 evolving. In fact, you know, the shape of this room constrains
19 the staff and the parties in a way that the old hearing room
20 didn't, and we're continuing to work with that. So, yeah,
21 there's a lot that has to continue to change, but your comments
22 are now on the record in this case and we'll bring them to the
23 attention of the Commissioners and we'll see what they choose
24 to do.

25 So with all the comments that have been received on

1 the schedule, staff will take that under advisement. Oh, let
2 me ask the OPA and other intervenors. One of the alternatives
3 that Central Maine Power suggested was to have rates effective
4 September 1 but with the ability of the company to recover the
5 previous month's rates via an accounting order. And I'm
6 curious about what your response to that suggestion might be as
7 we consider it.

8 MR. LANDRY: My initial thought is I do think that's
9 what we did in the last rate case, and I don't recall having
10 (indiscernible) with it then. So the carrying costs makes --
11 you know, it -- customers benefit from not having rates go into
12 effect or a month and then they pay some carrying costs. It's
13 -- comes out in the ways.

14 MR. BRYANT: Okay. Okay. Any other comments on that
15 issue from other intervenors one way or the other? Okay,
16 hearing none. So we will -- we'll take this schedule back and
17 work on it and we'll be issuing it in due course, but let's
18 count on an intervention deadline of sometime after August 24.
19 That's the date I put in the Notice of Proceeding, it's the one
20 on this schedule, but given the fact that we've already
21 received a few comments on the notice that went out last night
22 and there may be more, maybe make a formal extension of that so
23 customers know about that.

24 MS. TUGGEY: Eric?

25 MR. BRYANT: Yes?

1 MS. TUGGEY: Just, if possible, noting that we were
2 within the rule?

3 MR. BRYANT: I did note that on the record, yes.

4 MS. TUGGEY: Thank you.

5 MR. BRYANT: The company was within the rule with
6 regard to its notice. Okay, so in the Chapter 120 information
7 filed with the case, there was a comment about the rate
8 schedules will be filed at some point. And I can't remember
9 exactly what the language was, but if you could elaborate on
10 when you expect to file those rate schedules.

11 MR. DES ROSIERS: Well, in all of the rate cases that
12 I've been involved in, they were actually ultimately filed at
13 the time that the rates were set, either by stipulation or
14 through the adjudicatory process. And so they were actually
15 filed at the time we knew what the rates were going to go into
16 effect. And that would be our intention, to do that here. If
17 there is a need to have them filed sooner based on the initial
18 petition, they can be prepared and submitted. I would also
19 invite a stipulation that that's what the rates will be, and
20 then it'll be good because then we've already done that task.
21 But suspecting that the ultimate rates may be somewhat
22 different than what was asked, that is why we've deferred and
23 will file them at such time as we know what the rates are.

24 MR. BRYANT: Okay. Thanks. So one other thing. I
25 asked a couple of the staff members about this. What the

1 Commission staff likes to do, and perhaps some of the parties,
2 is have access to the rate model in some fashion. Now my
3 understanding is that CMP's rate model has become over the
4 years more and more complex with links in the Excel back to
5 other documents and it becomes huger and huger. We will be
6 looking for some form of a working rate model so that we can
7 make our own inputs and see what the changes are, and I just
8 wanted to flag that for you.

9 MR. DES ROSIERS: We can certainly provide the
10 revenue requirement model in a way that it can be used and the
11 formulas intact.

12 MR. BRYANT: Okay. Can you -- can the company do
13 that when it files its update September 9? That would be very
14 useful. If I hear others wanting it sooner, I'll tell them
15 that it's going to change so maybe you don't want to see it yet
16 but -- go ahead, Mr. Cohen. Looks like you want to speak.

17 MR. COHEN: Yeah, hi, it's Peter Cohen. Yeah, we can
18 provide that when we do the -- in three weeks.

19 MR. BRYANT: Okay. Excellent. Thank you.

20 MR. DES ROSIERS: And I will say as a lawyer that it
21 -- the way it is configured, there is a page for inputs so that
22 it is -- some of the inputs are actually pretty easy to make in
23 the model, you know, the change. There are some that are, you
24 know, more complicated as to how they are -- how you have to
25 implement them, but --

1 MR. BRYANT: Okay.

2 MS. HEALY: If staff has just sort of questions about
3 how to manipulate the model, is that something that parties
4 would object to staff talking to CMP about without having a
5 full conference with all parties?

6 MR. LANDRY: I don't think the OPA would object,
7 although we might like to --

8 MS. HEALY: Have the same opportunity?

9 MR. LANDRY: -- have the opportunity to be invited,
10 yeah.

11 MS. HEALY: Yeah.

12 MR. DES ROSIERS: And we certainly have no objection,
13 and I know we've done it in past cases where we've had the
14 revenue modelers available to really --

15 MS. HEALY: Help.

16 MR. DES ROSIERS: -- technical questions by the --
17 with the technical consultants for the staff and others, you
18 know, how do you -- how is this done, what is this field, and
19 what do we change. But we are certainly open to scheduling
20 that and involving whoever wants to participate.

21 MR. BRYANT: Okay.

22 MR. BURNES: Yeah, I'd add the Trust's name to who
23 would want to be part of that. Yeah, Ian Burnes, Efficiency
24 Maine Trust. Just adding my name to the list of people who
25 would like to be part of that technical work.

1 MR. BRYANT: Okay, thanks.

2 MR. LANDRY: My only thought is I don't have an
3 objection to the staff having a one on one with the company on
4 that, but if they're going to do it, it might make sense to
5 have our revenue requirement expert on the same call --

6 MS. HEALY: Right --

7 MR. LANDRY: -- so we don't have to go through the
8 same --

9 MS. HEALY: -- be duplicated, yes, yeah.

10 MR. BRYANT: We would certainly notice in the form of
11 a procedural order when that would happen and provide input --
12 provide a mechanism for meeting probably on Teams, but we'll
13 figure that out. Okay, let me just pause for a second here and
14 make sure I don't have any questions on what I've heard about
15 the schedule. Is the --has CMP always needed four weeks from
16 the date of the order?

17 MR. DES ROSIERS: The -- it has varied in the sense
18 that in cases in which there's a settlement and so as sort of
19 the -- you know, the revenue requirement is determined sooner,
20 some of the work can be done before we get the order approving
21 the stipulation. There is at least two weeks or more, similar
22 to the annual price change, that there's just stuff that has to
23 happen to make it -- get the computer set up and the system set
24 up and checked. In a litigated case, however, you don't know
25 the result until you get the order, and then you do the

1 modeling. And then that, in and of itself, has to be checked.
2 So it's extra steps in a case that's litigated to a final
3 Commission order.

4 MR. BRYANT: Right.

5 MR. DES ROSIERS: And so looking at it, it is, you
6 know, roughly four weeks.

7 MR. BRYANT: Okay.

8 MR. DES ROSIERS: -- be safe so we want to do it
9 right and we don't want to have issues with, you know, the
10 wrong rates or the issues with the bills once they are sent
11 out.

12 MR. BRYANT: Okay. Yeah, thanks. I think I'm done.
13 Do you have anything?

14 MS. HEALY: I don't have anything.

15 MR. BRYANT: Any further -- anything else that needs
16 to be said by any of the parties?

17 MR. DONAHUE: Hi, Eric, this is Joe Donahue. I
18 should have said this first thing which is I apologize for my
19 tardiness to this case conference. I should have read the
20 notice a little bit more carefully than I did with regard to
21 the instructions.

22 MR. BRYANT: Okay, well --

23 MR. DONAHUE: -- just had this conference show up on
24 my calendar by the graces of someone else here in the office
25 and assumed automatically that I'd be able to dial in. I think

1 I must have missed -- because of that tardiness, I must have
2 missed the conversation with regard to the protective orders.

3 MR. BRYANT: There was no conversation. I offered
4 for anybody who had concerns to state them, and no one did.
5 But if you do have concerns about them, why don't you go ahead
6 and state them here.

7 MR. DONAHUE: Okay, it's not a -- I wouldn't raise it
8 to a level of concern at this point. I did note that the
9 protective orders contain some pretty standardized language,
10 including reference to the prohibition on providing access to
11 confidential information to counsel who are involved in
12 competing bids.

13 MR. BRYANT: Right.

14 MR. DONAHUE: And I would note that there's a bit of
15 a debate in another proceeding with regard to what the meaning
16 is of competing bid for purposes of the Section 1311-A. And
17 given that, I guess we're reserving our rights if we believe
18 necessary at some point to seek modification of the protective
19 orders pursuant to paragraph 14 of the protective orders that
20 have been issued up to this point in the event there is
21 information that we feel is necessary for us to be able to
22 effectively represent our clients in this proceeding that is --
23 should be provided to us which is not being provided by --
24 because of reliance on the protective orders as they presently
25 exist. I'm not raising any issues at this point, just making

1 clear we reserve our rights with regard to the proper scope of
2 protective orders given that this is sort of an ongoing issue
3 at the Commission in another docket.

4 MR. BRYANT: Okay. Thank you.

5 MS. HEALY: Do you know which docket?

6 MR. BRYANT: No, I don't.

7 MS. HEALY: Joe, which docket is that that you're
8 referring to?

9 MR. DONAHUE: I'm referring to the Summit Natural Gas
10 --

11 MS. HEALY: Rate case?

12 MR. DONAHUE: -- case 2022-25.

13 MS. HEALY: Thank you.

14 MR. DES ROSIERS: And if I may respond very briefly,
15 it's my understanding that docket concerns access in the
16 special rate contract world in which there are multiple
17 customers with special rate contracts and there's limitations
18 to access to the actual intervenors in the case because of
19 competitive concerns. The issue here and the protective order
20 that Mr. Donahue's referencing is a different scenario. This
21 is concerns about RFPs for vendors to provide services to CMP.
22 It doesn't -- it's not limiting to customers. There's no
23 request and there's no restriction on IECG or any other party
24 having access to the information. The concern is having that
25 information public when the company is soon to do an RFP for

1 vegetation management services, not telling the world what it
2 thinks of that, and the restriction is on -- to the outside
3 vendors or -- who would be bidders in that solicitation. So I
4 think it's a different scenario than what has been raised in
5 the Summit case, and we're not seeking any restriction in the
6 protective orders we have sought so far to limit access to any
7 of the information to the parties that have intervened in the
8 case to date. And they all will have access to that
9 information, but some of it will need to be treated
10 confidentially.

11 MR. BRYANT: Okay. In the event that this becomes an
12 issue because of the type of bidding that CMP sees in this
13 case, we will deal with it then. But, Joe, your concern is
14 noted, and in the event that you need to file a motion, we'll
15 entertain the motion.

16 MR. DONAHUE: Thank you. That's all I had. Thank
17 you.

18 MR. BRYANT: Okay. Okay, anything further before we
19 adjourn? Okay, we are adjourned. Thank you, everybody.

20 CONFERENCE ADJOURNED (August 19, 2022, 10:25 a.m.)

21

22

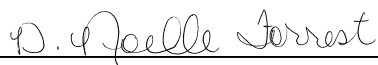
23

24

25

C E R T I F I C A T E

I hereby certify that this is a true and accurate transcript of the proceedings which have been electronically recorded in this matter on the aforementioned hearing date.

A handwritten signature in cursive script, reading "D. Noelle Forrest", is positioned above a horizontal line.

D. Noelle Forrest, Transcriber