# **65-407 PUBLIC UTILITIES COMMISSION**

**Chapter 330: FILING REQUIREMENTS FOR PETITIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC TRANSMISSION FACILITIES AND STANDARDS FOR GRANTING CERTIFICATES**

**SUMMARY:** This rule establishes filing requirements pursuant to 35-A M.R.S.A.§3132 for petitions for certificates of public convenience and necessity for the construction of new transmission lines of 69 kilovolts or more, and for amendments to agreements regarding such construction. This rule also establishes filing requirements for rebuilding and relocating transmission lines of 69 kilovolts or more.

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**§1 PURPOSE**

The purpose of this Chapter is to establish filing requirements and standards for the review and issuance of certificates of public convenience and necessity to construct, rebuild or relocate transmission lines.

**§2 DEFINITIONS**

1. **Generator interconnection transmission facility**. A “Generator Interconnection Transmission Facility” means a transmission line, together with all associated equipment and facilities, that is constructed, owned and operated by a generator of electricity solely for the purpose of electrically and physically interconnecting such generator to the transmission system of a transmission and distribution utility.
2. **Minor transmission line construction project**. A “minor transmission line construction project” is a transmission line construction project the cost of which does not exceed 25% of the utility’s current annual transmission property depreciation charge.
3. **High-impact electric transmission line.** A “high-impact electric transmission line” is a transmission line greater than 50 miles in length that is not located in a statutory corridor, as defined in 35-A M.R.S.A. §122 (1)(F-4), or a petitioned corridor, as defined in 35-A M.R.S.A. §122 (1)(D-1), and that is constructed to transmit direct current electricity or is capable of operating at 345 kilovolts or more and is not a generator interconnection facility and is not constructed primarily to provide electric reliability, as determined by the commission.
4. **Person.** “Person” means a corporation, partnership, limited partnership, limited liability partnership, limited liability company, association, trust, estate, any other legal entity or natural person.

**§3. CERTIFICATE REQUIREMENTS AND DEADLINES**

 **A. Certificate required**

1. **Construction.** A person must petition for, and receive, a certificate of public convenience and necessity from the Commission before erecting a transmission line capable of operating at 69 kilovolts or more. Any petition to erect a transmission line capable of operating at 69 kilovolts or more shall provide the information required by sections 6 and 7 of this Chapter.
2. **Construction of a minor transmission project.** Notwithstanding subsection 1, if a person is constructing a transmission line that qualifies as a minor transmission project, the person must first notify the Commission of such plans, in accordance with section 8 of this Chapter. The Commission may then require the person to submit a petition for public convenience and necessity, as specified in section 8. If required to submit a petition for a certificate of public convenience and necessity, the petition shall provide the information required by sections 6 and 7 of this Chapter.
3. **Rebuilding or Relocating.** A person rebuilding or relocating a transmission line that will become, or will remain at, voltages of 69 kilovolts or more must first notify the Commission of such plans, in accordance with section 8 of this Chapter. The Commission may then require the person to submit a petition for public convenience and necessity, as specified in section 8 of this Chapter. If required to submit a petition for a certificate of public convenience and necessity, the petition shall provide the information required by sections 6 and 7 of this Chapter.
4. **Amendments, Extensions or Renewals of Contracts.** This Chapter applies to any amendment, extension or renewal of any contract between the utility and other parties with an ownership interest, governing the terms of their participation in the construction of a transmission facility subject to this Rule, for which the original contract was subject to the approval of the Commission.

 **B. Certificate not required**

 1. The construction of a generator interconnection transmission facility does not require a certificate of public convenience and necessity and is exempt from the requirements of this Chapter.

 **C.** **Deadlines and extensions**

 1. The Commission shall issue its order within 6 months after a petition for approval of a transmission line is filed.

 2. The period may be extended either by agreement of all the parties or by the Commission upon its determination that the party seeking the extension had to that time prosecuted its case in good faith and with due diligence, was seeking the extension because of circumstances beyond that party's control for which it had no reasonable substitute, and would be unreasonably disadvantaged unless the extension were granted.

**§4.** **AMENDMENTS, EXTENSIONS AND RENEWALS TO CONTRACTS**

 **A.** **Waiver of approval for amendments to previously approved agreements**

 1. As provided in 35-A M.R.S.A. §3132(11-A), a person may request a waiver from the application of §3132 for amendments to agreements which were previously approved by the Commission under §3132. If the Commission does not act within 30 days to the request for a waiver, the waiver will be considered granted. The request for waiver may pertain to a particular amendment or to a certain category or type of amendment. Requests for waivers must describe the amendment and state the basis for the request. The Commission may grant the waiver if it finds that good cause has been shown that application of §3132 and this Chapter is unnecessary, burdensome or impractical, and that the underlying purposes of §3132 will not be significantly impaired.

1. If the Commission does not respond to a request for a waiver within 30 days, the request shall be considered granted. In the event of a denial of a waiver, the person must file a petition as required in section 3. If the Commission grants a waiver for a category or type of amendment, as distinguished from a particular amendment, the person shall notify the Commission of any amendments which fall within the category in the same manner prescribed for amendment to contracts not previously approved by the Commission under 35-A M.R.S.A. §3132(11-B) and section 4(B) of this rule.

**B. Contracts not originally subject to approval by the Commission**

 As provided in 35-A M.R.S.A. §3132(11-B), for any amendment, extension or renewal of any contract otherwise subject to this rule, but for which the original contract was not subject to approval by the Commission, the utility shall file a copy of the proposed amendment, extension or renewal with the commission within 7 days of the day when the utility receives notice of the proposal. Commission approval of such amendments, extensions or renewals is not required.

**§5.** **FILING FEES**

 **A.** **Fee required**. A person shall pay a filing fee to the Commission when it files a petition under this Chapter. When constructing a transmission line, the amount of the fee shall equal 4/100 of 1% (.04%) of the estimated cost to construct a transmission line. Notwithstanding the previous sentence, if the transmission line qualifies as a minor transmission construction project under 35-A M.R.S.A. §3132 (3-A) and the Commission requires the filing of a petition for a CPCN, the filing fee shall be equal to 2/100 of 1% (.02%) of the estimated construction cost. When rebuilding or relocating a transmission line, the amount of the fee shall be 2/100 of 1% (.02%) of the estimated cost to rebuild or relocate the transmission line. Any portion of the filing fee received from a utility but not expended by the Commission to process the petition for a certificate of public convenience and necessity shall be returned to the utility.

 **B. Filing fee to Office of the Public Advocate.** When a person pays a filing fee to the Commission pursuant to this Chapter, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to 1/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. Any portion of the filing fee received but not expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the Commission or conducting public outreach to inform consumers about the proceeding shall be returned.

 **C.** **Waiver**. A person may request a waiver from the Commission of all or a portion of the filing fee at the time the petition is filed. The Commission shall rule on the request for waiver within 30 days. A person may request a waiver from the Office of the Public Advocate of all or a portion of the filing fee due to the Office of the Public Advocate at the time of the filing. The Office of the Public Advocate shall decide on the waiver request within 30 days.

**§6.** **NEW TRANSMISSION FACILITIES**

 **A.** **Maps**. The Petitioner shall include a map or plat of sufficient scale, which shows, in detail, the proposed location of the line; the width of the corridor in which it is proposed to be located; the location of existing incorporated communities; the principal topographic features of the proposed location; public or private recreational areas, parks, forests, hunting or fishing areas, or similar facilities; historical or scenic areas or places; rivers, lakes, streams, reservoirs and similar bodies of water, located within five miles of either side of the center line of the proposed corridor. The Petitioner shall also include a written description of the corridor in which the line will be constructed sufficient to locate the corridor on the face of the earth within the standards described in Chapter 140 of the Commission’s Rules.

 **B. System diagrams**. The Petitioner shall provide one-line system diagrams showing the following details:

 1. All affected existing and proposed transmission lines, substations, substation buses, and transformers.

 2. Existing and proposed voltage and capacity ratings of all affected lines, buses, transformers and protective and switching equipment.

 3. Highest peak load experienced during normal operating conditions of each affected line and substation.

 4. The highest peak load experienced during contingency operating conditions of each affected line and substation.

 5. Projected five and ten year peak loading on each affected line and substation with and without proposed changes.

 **C.** **Description of type of line**. The Petitioner shall provide a description of the standard type of construction configuration of the proposed line. The description shall include the height of the line, the number, type, class and average height of poles or towers to be placed thereon, the number, type and size of conductors to be used, and all safety features to be used in connection therewith.

 **D.** **Description of proposed corridor**. The Petitioner shall provide a description of the proposed corridor, including all trimming clearances required and identifying locations where the degree of the slope is in excess of twenty degrees, and specifying those portions of the proposed corridor to which Petitioner has acquired property rights.

 **E.** **Description of effects of proposed line.** The Petitioner shall provide a description of the effect of the proposed transmission line on public health and safety and scenic, historic, recreational and environmental values and of the proximity of the proposed transmission line to inhabited dwellings.

 **F.** **Cost estimates**. The Petitioner shall provide a breakdown of cost estimates in the general form indicated.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Line 1** | **Line 2** | **Substation 1** | **Total** |
| **Construction** |  |  |  |  |
|  **Labor** |  |  |  |  |
|  **Material** |  |  |  |  |
|  **General** |  |  |  |  |
|  **Administrative** |  |  |  |  |
| **Land Total** |  |  |  |  |

 **G.** **Costs to date**. The Petitioner shall provide a breakdown, similar to Item E, of all costs incurred to date.

 **H.** **Description of changes**. The Petitioner shall provide (1) descriptions of any other changes in plant or in system operation that will result from the erection or operations of the proposed lines, (2) an explanation of the causes of or reasons for all such changes, and (3) estimates of all costs associated with each such change.

 **I.** **Alternative routes**. The Petition shall include all studies, reports, or other data relied upon in the investigation of alternate routes and shall clearly state the process by which Petitioner selected the proposed route, including comparison with alternative routes that are environmentally, technically and economically practical.

 **J.** **Alternatives to construction of transmission line**. The Petitioner shall state what alternatives, including conservation, distributed generation or load management to the proposed transmission line project were investigated. The petition shall include all studies, reports, or other data relied upon in the investigation of such alternatives and shall clearly state the process by which Petitioner decided upon the proposed construction, rebuilding, or relocation project. Specifically, the Petitioner should state the purposes and benefits of the proposed project (such as the promotion of reliability and line loss reduction) and whether cost-benefit analyses have been performed.

**§7.** **SYSTEM RELIABILITY**

 **A.** **Analysis required**. Each Petition shall include an analysis of the effects of the proposed line or rebuilding or relocation of a line on (1) the reliability of the transmission system as a whole and any relevant portion or subsystem thereof, and (2) the capability of the transmission systems to serve existing and projected loads.

 **B.** **Content of analysis**. The analysis shall clearly identify:

 1. The standards and design criteria used to evaluate the effects on system reliability and capability; and

 2. All assumptions and data used in the analysis including load flow modeling and lines in and contingency analysis.

**§8.** **REBUILDING AND RELOCATION OF TRANSMISSION LINES**

 **A.** **Annual report**. Each transmission and distribution utility shall submit by April 1 of each year to the Director of Electric and Gas Utility Industries a schedule of transmission line rebuilding or relocation projects and minor transmission line construction projects which it intends to carry out during the next 5 years concerning transmission lines that will become, or will remain at, voltages of 69 kilovolts or more. The utility shall also identify in the schedule the planned construction of any transmission lines which will be capable of initially carrying 69 kilovolts or more, even if it is not expected to carry 69 kilovolts or more. The failure of a utility to file a schedule shall constitute an affirmative statement by the utility that it has no projects which it intends to carry out during the next 5 years. A waiver of any provision of this section may be requested from, and granted by, the Director of Electric and Gas Utility Industries for good cause shown. Requests must be in writing and state the basis for the requested waiver. Requests must be provided to the Office of the Public Advocate.

 **B.** **Content of report**. The contents of the annual schedule must include the following information on each proposed project:

 1. Identification (e.g. "Section 35")

 2. Location

 3. Length

 4. Year Originally Constructed

 5. Voltage Level

 6. Existing Conductor (e.g. "266.8 KCM ACSR")

 7. Existing Structure Material and Design (e.g. "Wood H-Frame")

 8. Peak Load

 9. A copy of the most recent depreciation study conducted by the company which includes the useful lives of the poles and conductors which constitute the existing transmission system.

 10. Estimated cost of the rebuilding or relocation project in nominal dollars.

 **C.** **Notification to submit petition**. If the Director of Electric and Gas Utility Industries notifies the transmission and distribution utility within 60 days of the annual filing that an investigation of any transmission line rebuilding or relocation or minor transmission line construction project is warranted, the utility must submit a petition for public convenience and necessity pursuant to section 3 of this rule. The absence of Commission notification requiring the utility to file a petition does not preclude such notification in subsequent years.

**§9.** **FINAL ORDERS AND STANDARDS FOR GRANTING CERTIFICATES**

**A. Finding of Public Need**

The Commission will make specific findings with regard to the need for the proposed transmission line in its order deciding whether to issue a certificate of public convenience and necessity in accordance with 35-A M.R.S.A. §3132(6). If the Commission finds a public need for the proposed transmission line exists, it shall issue a certificate of public convenience and necessity for the transmission line. If the Commission is evaluating a petition for a certificate of public convenience and necessity for a high-impact transmission line, it will do so in accordance with 35-A M.R.S.A. §3132(6-A).

**B. Public Need Defined**

The Commission establishes public need by determining that ratepayers will benefit by the proposed transmission line. Benefits are determined based upon the electrical need for the line, taking into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy goals, the proximity of the proposed transmission line to inhabited dwellings and alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. The proposed transmission line must be reasonable compared to the other alternatives. Cost is an important consideration, but public need can be established for a proposed transmission line that is not the least cost alternative because aesthetic, environmental or other factors justify a reasonable cost increase.

1. **Customer Cost Impact**

The Commission may not issue a certificate of public convenience and necessity that has the effect of eliminating the independent system administrator for northern Maine or eliminating or materially modifying the scope of responsibilities of the independent system administrator for northern Maine unless the certificate is subject to a requirement for the full compensation for the net adverse effects on ratepayers. The determination of the net adverse effects must include, but is not limited to, known and measurable transmission cost effects. Compensation required by this section must be provided to affected ratepayers through a rebate, reduction in rates or other appropriate compensation mechanism benefiting affected ratepayers in the area of the State in which the retail electricity market is administered by the independent system administrator for northern Maine. Compensation required by this section must be calculated for and provided to affected ratepayers over a period not more than 10 years.

**§10.** **DELEGATION**

 The Commission's authority to grant waivers and exceptions under this chapter is hereby delegated to the Administrative Director and to the Hearing Examiner in any proceeding, both of whom shall consult with the Director of Electric and Gas Utility Industries before acting on any request. This delegation does not limit the Commission's ability to consider requests directly or to review the actions of the Administrative Director or Hearing Examiner thereunder.

**§11** **REQUESTS FOR WAIVERS**

 **Waiver of Exemption.** Upon the request of any person subject to the provisions of this Chapter or upon its own motion, the Commission may, for good cause, waive any of the requirements of this Chapter that are not required by statute. The waiver may not be inconsistent with the purpose of this Chapter or Title 35-A. The Commission, the Director of Electric and Gas Utility Industries, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

STATUTORY AUTHORITY: 35-A M.R.S.A. §§ 101, 103, 104, 107, 111, 112, 3131 and 3132

ADOPTION UNDER THE APA:

 This rule was approved as to form and legality by the Attorney General in June, 1979. It was filed with the Secretary of State on July 5, 1979 as Ch. 33 Part 3, “Establishing Filing Requirements for Petitions of Public Convenience and Necessity for New Generating and Transmission Facilities,” filing 79-326.

EFFECTIVE DATE:

 This amended rule was approved as to form and legality by the Attorney General n January 11, 1989. It was filed with the Secretary of State on January 11, 1989 as Ch. 330, and became effective on January 16. 1989, filing 89-9.

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 May 4, 1996

NON-SUBSTANTIVE CORRECTION:

 October 27, 2004

EFFECTIVE DATE:

 This amended rule was approved as to form and legality by the Attorney General on May 12, 2005. It was filed with the Secretary of State on May 13, 2005 as “Filing Requirements for Petitions for Certificates of Public Convenience and Necessity for Electric Transmission Facilities and Standards for Granting Certificates,” and became effective on May 18, 2005, filing 2005-143.

EFFECTIVE DATE:

 This amended rule was approved as to form and legality by the Attorney General on October 15, 2012. It was filed with the Secretary of State on October 16, 2012 and became effective on October 20, 2012, filing 2012-288.

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 19, 2025