

October 24, 2025

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Hearing Examiners
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Docket No. 2025-00218, Central Maine Power Company Request for Approval of Rate Change 35-A M.R.S. § 307; Motions to Dismiss of the Department of Energy Resources and the Office of the Public Advocate

On October 10, 2025, the Maine Department of Energy Resources (DOER) filed a Motion to Dismiss Central Maine Power's (CMP, the Company) proposed multi-year rate plan (MYRP) in Docket 2025-00218, CMP's Request for Approval of a Rate Change - 307, and the Office of the Public Advocate (OPA) filed a Motion to Dismiss in part. These filings were made pursuant to Section 10(G)(2) of Chapter 110 of the Commission's rules, which states, "If the prefiled testimony standing alone does not satisfy the party's evidentiary burden, that party's case may be dismissed upon motion of a party."¹ DOER seeks a full dismissal, while the OPA requests the Commission dismiss CMP's MYRP proposal and continue with this docket as a traditional, single-year rate case using the submitted 2024 test year. Acadia Center agrees substantially with the issues and remedy raised by the DOER and supports the OPA's Motion in the alternative.

DOER refers to the requirement that CMP prepare a 10-year Integrated Grid Plan (IGP) to, per statute, "assist in the cost-effective transition to a clean, affordable and reliable electric grid."² DOER continues, opining "CMP cannot meet its burden of demonstrating its proposed 5-year rate increases that address improvements in reliability and resiliency are just and reasonable"³ without an approved IGP and that CMP's filing is thus defective and should be dismissed. Acadia Center concurs with DOER's assessment. The IGP statute states that "the commission may use the filing and the input received from interested parties in rate cases."⁴ Without having approved an IGP, the Commission may not, in fact, use either the filing or the input received from interested parties on that filing in this rate proceeding because it cannot use a document that does not yet exist from a proceeding that has not yet finished. CMP here "is proposing...rates be set in a manner that aligns with its integrated grid plan before CMP has actually submitted its plan,"⁵ ignoring the plain language of the statute.

¹ 65-407 C.M.R. Ch. 110, § 10.G.(2); Rules of Practice and Procedure, Maine Public Utilities Commission

² 35-A M.R.S.A. § 3147(2); P.L. 2021, ch. 702, § 8, An Act Regarding Utility Accountability and Grid Planning for Maine's Clean Energy Future.

³ Maine Department of Energy Resources Motion to Dismiss at ¶¶ 5.

⁴ 35-A M.R.S.A. § 3147(4)(E)

⁵ Maine Department of Energy Resources Motion to Dismiss at ¶¶ 1.

Furthermore, the Commission may not ever have the opportunity to use CMP's first IGP in a rate case because of the mismatched timing of this MYRP with the IGP process. The duration of CMP's proposed MYRP extends through 2031, nearly a decade after the Commission first initiated the proceeding that has guided the IGP development process.⁶ Assuming *arguendo* that CMP's proposed MYRP is accepted, if the Company came in for new rates as early as it was next able, the IGP currently being evaluated would be halfway elapsed, and, presuming a similar proceeding timeline, CMP's second IGP would already be approved. Not only has the Commission not been provided the option to rely upon CMP's approved IGP in the instant proceeding for the adjudication of reasonableness and prudence of cost-effective planned investments, it appears the Commission will not have *any* substantial chance to use the Company's first IGP to evaluate rates in a rate case, even if the Commission so preferred.

The primary venue for the determination of the cost-effectiveness of CMP's spending is in a general rate case such as this docket. CMP argues its MYRP "is necessary...to...maintain and enhance the reliability and resiliency of its system, and serve Maine's increased load and DER capacity, which align with Maine's climate energy policies and goals,"⁷ yet chose to file for new rates before it had an approved IGP – a plan the Legislature required to be assistive to the Commission in making decisions regarding "the cost-effective transition to a clean, affordable and reliable electric grid."⁸ Given that there may be no future opportunity to rely on the Company's first IGP in a rate-setting process, it appears to Acadia Center that the Commission must have the opportunity in *this* proceeding to evaluate the justness and reasonableness of proposed rates in context of CMP's approved IGP, or else both the plain meaning and the intention of the statute is subverted. As the prefiled testimony did not provide such an opportunity, it does not satisfy CMP's evidentiary burden; therefore, Acadia Center supports the case's dismissal without prejudice per DOER's request.

If, however, the Commission finds the OPA's Motion to Dismiss more compelling, Acadia Center would, in the alternative, be supportive of the OPA's requested remedy. Acadia Center will not reiterate the reasoning the OPA provided, but Acadia Center does note that the precedent of CMP's 2013 rate case and the Commission's dismissal thereof appears to be strongly relevant to the instant proceeding. It is not clear to Acadia Center how the Commission could make a well-informed ruling on the justness and reasonableness of the proposed rates when CMP relies on long-range forecasts that, by the later years of the MYRP, bear only a tenuous relation to any reasonably foreseeable changes to the test year – particularly given, as the OPA points out, Maine statute does not allow for fully forecasted multi-year rate plans.⁹ If the Commission does not determine that there are reasonable grounds to dismiss the instant docket for reconsideration until after it approves CMP's IGP, Acadia Center agrees with the OPA that it would be procedurally preferable to partially dismiss CMP's MYRP, including plan years 2-5, so that the this docket could continue as a standard single-year rate case.

⁶ Pursuant to law, the Commission issued a "Notice of Proceeding" in Docket No. 2022-00322 on November 1, 2022.

⁷ Central Maine Power Direct Testimony of Peter Cohen and Craig Nale at p. 3, lines 19-21.

⁸ 35-A M.R.S.A. § 3147(2)

⁹ The Office of the Public Advocate Motion to Dismiss at p. 10

For the aforementioned reasons, Acadia Center supports DOER's Motion to Dismiss and would recommend that the Commission find in favor of the Motion and dismiss the case without prejudice with direction that the case may be refiled once the Company has an approved IGP. If, in the alternative, the Commission accepts the reasoning in OPA's Motion to Dismiss, Acadia Center would also be supportive of the remedy requested therein: that the Company's MYRP proposal be dismissed in part, and the case be continued as a standard, one-year rate increase.

Respectfully Submitted,

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