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STATE OF MAINE
PUBLIC UTILITIES COMMISSION

PUBLIC UTILITIES COMMISSION Inquiry Regarding Review of the Nonwires Alternatives Investigation and Recommendation Process No. 2025-00307	**ACADIA CENTER'S COMMENTS ON THE COMMISSION'S NOTICE OF INQUIRY** December 19, 2025

On November 14, 2025, the Commission issued a Notice of Inquiry (Notice) "to review the non-wires alternatives (NWA) investigation and recommendation process and prepare a report for the Legislature." Notice of Inquiry at 1. In its Notice, the Commission asked a series of general questions, as well as questions identified in the course of previous NWA cases. Acadia Center, a Maine nonprofit research and advocacy organization committed to advancing the clean energy future in Maine, here provides commentary in answering some of the questions enumerated.

General Questions

3. Are there legislative changes or clarifications that could help improve the NWA process?

As a general matter, Acadia Center believes that the NWA coordinator already has the authority to identify any solutions, operational, infrastructural or otherwise, to a utility identified transmission project that both solves the need and passes the statutory benefit-cost analysis requirement in Title 35-A, § 3132-C.

In the interest of making this entirely clear, it would be useful for the statutory definition of NWAs in § 3131 (4-C) to be expanded to specifically identify 1) alternative routing, 2) a combination of alternative routing and alternate infrastructure, technology, or application 3) deferring the system upgrade entirely (as long as the system need is reasonably met), and 4) grid-enhancing technologies as defined in § 3148, sub-§ 1(A), as potential NWAs.

Under the current process, it is Acadia Center's understanding that there have been disputes as to whether the NWA coordinator's function is solely to look at a limited suite of alternate technologies referred to as NWAs, or if it is fundamentally intended as a role that can provide independent engineering and cost analysis to defray system costs for

ratepayers by rightsizing transmission upgrades. In its questions, the Commission cites to 35-A, § 3132(15): "The commission shall advocate in all relevant venues for the pursuit of least-cost solutions to bulk power system needs on a total cost basis and for all available resources, including nontransmission alternatives, to be treated comparably in transmission analysis, planning and access to funding." (NOI at 4). The statutorily mandates advocacy, which requires a Commission preference; as such, Section 3132(15) indicates that the Commission shall prefer least-cost solutions to bulk power system needs within its own purview, as the Commission itself is a relevant transmission siting venue. This least-cost set of solutions should not be limited, but rather, per the statute, should account for "all available alternatives," including alternative transmission routes or more limited transmission routes in conjunction with NWAs.

Similarly, 35-A, § 3132-A states that, to approve a project, "the commission must consider whether the identified need…can be reliably and *more* cost-effectively met using nonwires alternatives." (*Emphasis* added). The statute clearly states that the need must be met "reliably and *more* cost-effectively," indicating that there is not a requirement for additional reliability from the NWA analysis, while there is a requirement for improved cost-effectiveness. If the NWA coordinator finds that any alternative that meets the need identified on a similar reliability basis and is more cost-effective, then that is the project solution the Commission should prefer.

If the NWA coordinator identifies a cost-beneficial rightsizing option in the course of its analysis, then it would be counter to both the clear language and the legislative intent for the Commission to accept an understanding of the NWA coordinator's purview that prevents the NWA coordinator's solution from being considered. Acadia Center believes the definition for nonwires alternatives in 35-A M.R.S. § 3131 (4-C), which refers to NWAs as "an infrastructure, technology or application that either individually or collectively defers or reduces the need for capital investment in the transmission or distribution system and addresses system reliability needs proposed to be met by the transmission or distribution system investment," is also clear in that it allows for *any* "infrastructure, technology or application" that both reduces the need for capital investment and addresses the system need. Non-exhaustively, such a solution may include less expensive alternate routing, any of the technologies listed in the statute (e.g. energy storage, load management, demand response, etc.) in conjunction with an alternate section of transmission line, or simply deferring the project entirely. If the system cost is lower and the system need is met, the NWA coordinator's proposed alternatives should be reviewable and preferred by the Commission.

Asset Condition Projects

Another issue with the current NWA process is that Asset Condition Projects (ACPs) under a certain size are statutorily exempted from being evaluated during the non-wires alternatives investigations under Title 35-A, § 3132-B: small transmission projects that are "necessary to address maintenance, asset condition or safety needs" are excluded. ACPs are separate from other broader, more regionally planned transmission projects, as they follow a more piecemeal approach for approval through the Planning Advisory Committee (PAC) at ISO New England (ISO-NE). ACP costs have ballooned in recent years,[1] in part due to lack of scrutiny at ISO-NE, prompting oversight concern in all Northeastern states, including Maine: the OPA recently filed with FERC on this issue, requesting more scrutiny of ACP projects.[2] While ACPs above the $5 million cost and 69kv voltage thresholds may be examined by the NWA coordinator, Acadia Center recommends legislative clarification to Title 35-A, § 3132-B to remove this exclusion to provide certainty to the coordinator's purview.

5. How, if at all, should the NWA process be incorporated or better integrated with the IGP process? The Commission notes that the Natural Resources Council of Maine (NRCM), in its comments regarding closing Docket No. 2020-00125, stated that emergent best practices incorporate NWA review as an element of IGP, a logical step following a system analysis, grid needs assessment, and least-cost multi objective solutions review. NRCM further stated that to the best of its knowledge, Maine is the only jurisdiction that created an NWA review process before and outside IGP and that eventually the Commission should seek to coordinate these two disjoint processes for overseeing utility investment planning.

Acadia Center strongly concurs with NRCM's sentiment that the NWA review process must be better coordinated with IGP. The existing NWA statute lacks clarity regarding utilities' responsibility to provide data and project information enough in advance for effective analyses to take place. While the NWA review process in statute mandates data sharing from investor-owned transmission and distribution utilities,[3] in practice obtaining data and modeling, especially power flow modeling, is a challenge compounded by a lack of clear planning processes and frequent information gaps. The IGP process must address these gaps by integrating NWA review; functionally, this appears to be laid out in 35-A § 3147 sub-

[1] ACP costs across New England increased from $58 million in 2015 to nearly $800 million in 2023. NESCOE, *Asset Condition Projects and Process Improvements* (Feb. 8, 2023) (letter to New England Transmission Owners), ISO New England, https://www.iso-ne.com/static-assets/documents/2023/02/2023_02_08_nescoe_asset_conditions_letter.pdf

[2] Howland, Ethan. "FERC Orders New England Transmission Owners to Give More Info on Upgrade Projects." *Utility Dive*, 19 Sept. 2025, https://www.utilitydive.com/news/ferc-new-england-transmission-upgrades-maine/760619/

[3] 35A M.R.S. § 3132-C (3)

§4 (D)(6), which states that a covered utility's integrated grid plan filing must "identify[] cost-effective near-term grid investments and operations needed to achieve [stakeholder's] priorities."[4] It is not clear how an IGP could identify cost-effective near-term investments without having incorporated the NWA coordinator's analysis and feedback into the IGP filing. Additionally, monitoring and improving utility data sharing to facilitate clearer project and timeline identification in order to allow sufficient time for NWA review would ease the coordination process.

Further, §3147 sub-§6 states "the commission shall use the grid plans developed by covered utilities to…minimize the need for capital investment in the transmission and distribution system." Without the NWA coordinator's review of any projects proposed in an IGP, the Commission has no way to identify whether the grid plans are accurately attempting to minimize transmission capital investment needs.

9. The Commission is currently pursuing separate inquiries regarding the NWA process, flexible interconnections, energy storage, interconnections and grid resilience and reliability. Would a more holistic approach to developing a resource management/grid flexibility strategy lead to more efficient processes and cost-effective grid solutions?

It is Acadia Center's position that a more holistic process is, in nearly every circumstance, preferable to a siloed approach and that uniting these separate inquiries would increase efficiencies and improve outcomes. To the extent that these related processes play out separately from each other, with different intervenors and records, it becomes more difficult for the record and the outcomes in one docket to coherently inform the record or outcomes in another, or for the overlapping subject matter or process to create synergies across dockets. Consolidation would also create substantial logistical benefits for intervenors in these proceedings, as attention and resources could be consolidated as well.

16. Title 35-A Section 3132(15) provides that "[t]he commission shall advocate in all relevant venues for the pursuit of least-cost solutions to bulk power system needs on a total cost basis and for all available resources, including nontransmission alternatives, to be treated comparably in transmission analysis, planning and access to funding." Do stakeholders have a view on whether this should continue to be the role of the Commission or, alternatively, the Department of Energy Resources (DOER) which is more energy policy oriented, or the OPA given the work done by the NWA Coordinator?

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[4] 35-A § 3147.

The Commission should continue to advocate for all least-cost solutions to bulk power system needs to be treated comparably in transmission planning and analysis. The Commission's continued responsibility in this regard does not infringe upon the DOER's or the OPA's abilities or obligations, as identified in the Commission's question. However, given the Commission's role as the siting board in Maine and the capacity of siting, as a state jurisdictional matter, to manage transmission, the Commission absolutely maintains the authority to prefer and advocate that, as transmission is planned and analyzed, 1) least-cost solutions should be strongly favored, and 2) nontransmission alternatives should be considered on a comparable basis.

The Commission can and should also advocate that, if transmission utilities plan to take advantage of non-ratepayer recovered transmission funding (i.e. federal grants, etc.), utilities should include nontransmission solutions, or cost-effective solutions of any kind that meet the system need, in their proposals.

Issues the Commission Identified During Prior NWA Cases

2*. Disagreements about Reliability Standards/Scenarios to Study*: Title 35-A Section 3132-C(3) provides that the utility will provide data requested by the OPA and the Trust to allow the NWA Coordinator in conjunction with the Trust to carry out the NWA investigation and analysis. The parties in the Section 80 case[6] disagreed about what reliability standards applied and what scenarios to model and that the utility was changing the standards throughout the process. The OPA negotiated a Memorandum of Understanding (MOU) with CMP dated 10/19/2022 to improve the flow of information to make the NWA analysis more efficient and establish base case assumptions for NWA investigations generally. The Commission's understanding is that the MOU has helped to improve the process in this regard. The Commission invites comment on this.

Though Acadia Center does understand that the MOU negotiated between the OPA and CMP has improved the flow of information, it is not clear to Acadia Center why an MOU between the OPA and the utility was and continues to be either necessary or the preferred arrangement to enforce the data sharing requirements set in place by Title 35-A Section 3132-C(3). Rather, it seems that an Order set by the Commission would be the correct method for such an agreement to be both spelled out and implemented.

4. Pool Transmission Facilities (PTF): NWA for PTF projects must not just be cheaper than the wires solutions but cheaper than Maine's share of the Regional Network Service (RNS) for the wires solutions as NWA costs do not go into RNS. As a result, NWA for Maine must be less than approximately 10% of the cost of the wires solutions.

a. Given this, should transmission projects that have been approved by ISO-NE as the solution to an identified system need and which qualify for cost recovery as a PTF be exempted from Maine's NWA process?

Acadia Center concurs that PTF transmission projects identified by ISO-NE should be exempted from Maine's NWA process. This is necessary given the larger Regional System Plan process at the ISO-NE level that is associated with these projects, and their meeting of critical system needs.

Alternatively, if these projects are not exempted, then they should be considered with the approach described above, in Acadia Center's answer to Question 3, wherein the NWA analysis has flexibility to provide rightsizing suggestions across any identified solution that serves the need of the proposed transmission line. The Office of the Public Advocate (OPA) and the NWA Coordinator must, however, prioritize coordination with ISO-NE on these issues to ensure that, if the NWA coordinator makes recommendations, they are aligned with ISO-NE processes and when transmission owners submit projects for approval to FERC. The same strong coordination between the OPA and ISO-NE should apply for ACPs as well.

Respectfully submitted,



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