

170 FERC ¶ 61,206  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick and Bernard L. McNamee.

Emera Maine

Docket Nos. ER19-1887-000  
ER19-1887-001

ORDER ON COMPLIANCE

(Issued March 19, 2020)

1. On May 17, 2019, as amended on July 15, 2019, Emera Maine submitted proposed revisions to its Open Access Transmission Tariff for Maine Public District<sup>1</sup> (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A,<sup>2</sup> which amended the Commission's *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Large Generator Interconnection Procedures (LGIP).<sup>3</sup> As discussed below, we find that Emera Maine's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Emera Maine's compliance filing, to become effective May 20, 2019, as requested, and direct Emera Maine to submit a further compliance filing within 120 days of the date of this order.

**I. Background**

2. On April 19, 2018, the Commission issued Order No. 845, which revised the

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<sup>1</sup> Emera Maine is the successor in interest to Maine Public Service Company, which merged into Bangor Hydro Electric Company in 2014 and was renamed Emera Maine. Emera Maine provides service to two areas—the Bangor Hydro District and the Maine Public District—under two separate tariffs.

<sup>2</sup> *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137, *errata notice*, 167 FERC ¶ 61,124, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

<sup>3</sup> The *pro forma* LGIP and *pro forma* LGIA establish the terms and conditions under which public utilities that own, control, or operate facilities for transmitting energy in interstate commerce must provide interconnection service to large generating facilities. Order No. 845, 163 FERC ¶ 61,043 at P 6.

Commission's *pro forma* LGIA and the *pro forma* LGIP to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. The Commission stated that it expects that these reforms will provide interconnection customers better information and more options for obtaining interconnection service, and as a result, there will be fewer overall interconnection requests and fewer interconnection requests failing to reach commercial operation. The Commission also stated that it expects that, as a result of these reforms, transmission providers will be able to focus resources on those interconnection requests most likely to reach commercial operation.<sup>4</sup> In Order No. 845-A, the Commission generally upheld the reforms it required in Order No. 845 but granted certain requests for rehearing and clarification.

3. In Order No. 845, the Commission adopted ten different reforms in three categories to improve the interconnection process. First, in order to improve certainty for interconnection customers, the Commission: (1) removed the limitation that interconnection customers may exercise the option to build the transmission provider's interconnection facilities<sup>5</sup> and stand alone network upgrades<sup>6</sup> only in instances when the transmission provider cannot meet the dates proposed by the interconnection customer;<sup>7</sup> and (2) required that transmission providers establish interconnection dispute resolution

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<sup>4</sup> *Id.* P 2; Order No. 845-A, 166 FERC ¶ 61,137 at P 1.

<sup>5</sup> Transmission provider's interconnection facilities are "all facilities and equipment owned, controlled or operated by the Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades." *Pro forma* LGIA art. 1 (Definitions).

<sup>6</sup> Stand-alone network upgrades are "Network Upgrades that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement." *Id.*

<sup>7</sup> Order No. 845, 163 FERC ¶ 61,043 at P 85.

procedures that allow a disputing party unilaterally to seek non-binding dispute resolution.<sup>8</sup>

4. Second, to promote more informed interconnection decisions, the Commission: (1) required transmission providers to outline and make public a method for determining contingent facilities;<sup>9</sup> (2) required transmission providers to list the specific study processes and assumptions for forming the network models used for interconnection studies; (3) revised the definition of “Generating Facility” to explicitly include electric storage resources; and (4) established reporting requirements for aggregate interconnection study performance.<sup>10</sup>

5. Third, the Commission adopted reforms to enhance the interconnection process by: (1) allowing interconnection customers to request a level of interconnection service that is lower than their generating facility capacity; (2) requiring transmission providers to allow for provisional interconnection agreements that provide for limited operation of a generating facility prior to completion of the full interconnection process; (3) requiring transmission providers to create a process for interconnection customers to use surplus interconnection service<sup>11</sup> at existing points of interconnection; and (4) requiring transmission providers to set forth a procedure to follow when assessing and, if necessary, studying an interconnection customer’s technology changes without affecting the interconnection customer’s queue position.<sup>12</sup>

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<sup>8</sup> *Id.* P 3.

<sup>9</sup> Contingent facilities are “those unbuilt Interconnection Facilities and Network Upgrades upon which the Interconnection Request’s costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for Re-Studies of the Interconnection Request or a reassessment of the Interconnection Facilities and/or Network Upgrades and/or costs and timing.” *Pro forma* LGIP § 1 (Definitions).

<sup>10</sup> Order No. 845, 163 FERC ¶ 61,043 at P 4.

<sup>11</sup> Order No. 845 added a definition for “Surplus Interconnection Service” to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA, defining the term as “any unused portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if surplus interconnection service is utilized the Interconnection Service limit at the Point of Interconnection would remain the same.” *Id.* P 459.

<sup>12</sup> *Id.* P 5.

## II. Emera Maine's Compliance Filing

6. Emera Maine states that it has incorporated all of the Commission's *pro forma* LGIP and *pro forma* LGIA reforms as required by Order Nos. 845 and 845-A. Emera Maine states that it adopts without modification the following *pro forma* LGIP and *pro forma* LGIA reforms: interconnection customer's option to build, definition of contingent facilities, transparency regarding study models and assumptions, definition of a generating facility, requesting interconnection service below generating facility capacity, and provisional interconnection service.<sup>13</sup>

7. Emera Maine proposes Tariff revisions in instances where the Commission requires modification to the *pro forma* LGIP and *pro forma* LGIA and afforded transmission providers the discretion to develop their own tariff language. Specifically, Emera Maine proposes Tariff revisions for the following reforms: identification of contingent facilities, interconnection study deadlines, surplus interconnection service, and material modifications and incorporation of advanced technologies. Emera Maine also proposes minor modifications that it asserts are consistent with or superior to the changes adopted in Order Nos. 845 and 845-A and should be permitted.<sup>14</sup>

8. Finally, Emera Maine requests that the proposed Tariff revisions become effective on May 20, 2019.<sup>15</sup>

## III. Notice and Responsive Pleadings

9. Notice of Emera Maine's compliance filing was published in the *Federal Register*, 84 Fed. Reg. 24,127 (May 24, 2019), with interventions and protests due on or before June 7, 2019. None was filed.

10. On June 13, 2019, Commission staff issued a deficiency letter that requested additional clarification regarding Emera Maine's procedure for allowing surplus interconnection service (Deficiency Letter). On July 15, 2019, Emera Maine filed its response to the Deficiency Letter (Deficiency Response). Notice of Emera Maine's Deficiency Response was published in the *Federal Register*, 84 Fed. Reg. 34,882 (July 19, 2019), with interventions and protests due on or before August 5, 2019. None was filed.

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<sup>13</sup> Emera Maine May 17, 2019 Compliance Filing at 2-3, 5 (Filing).

<sup>14</sup> *Id.* at 2-4, 6.

<sup>15</sup> *Id.* at 1.

#### IV. Discussion

##### A. Substantive Matters

11. As discussed below, we find that Emera Maine's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Emera Maine's compliance filing, to become effective May 20, 2019, as requested, and direct Emera Maine to submit a further compliance filing within 120 days of the date of this order.

##### B. Proposed Variations

12. As discussed further below, Emera Maine has proposed certain variations from the Commission's requirements in Order Nos. 845 and 845-A. The Commission explained in Order No. 845 that such variations would be reviewed under the same standard allowed by Order No. 2003.<sup>16</sup> In Order No. 2003, when adopting the *pro forma* LGIA and LGIP, the Commission permitted transmission providers to seek variations from the *pro forma* LGIP and/or *pro forma* LGIA if they were "consistent with or superior to" the terms of the *pro forma* LGIP and *pro forma* LGIA.<sup>17</sup> A transmission provider seeking a "consistent with or superior to" variation must demonstrate why its proposal is consistent with or superior to the *pro forma* LGIP and/or *pro forma* LGIA.<sup>18</sup> The Commission also permitted transmission providers to justify a variation to the *pro forma* LGIA or LGIP based on regional reliability requirements and required transmission providers submitting such regional reliability variations to the Commission for approval to identify the proposed variations and explain why such variations are necessary.<sup>19</sup> We will evaluate Emera Maine's proposed variations from the requirements of Order Nos. 845 and 845-A accordingly.

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<sup>16</sup> Order No. 845, 163 FERC ¶ 61,043 at P 43.

<sup>17</sup> *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 104 FERC ¶ 61,103, at P 26 (2003), *order on reh'g*, Order No. 2003-A, 106 FERC ¶ 61,220, *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007).

<sup>18</sup> *See, e.g., Nev. Power Co.*, 167 FERC ¶ 61,086, at P 3 (2019).

<sup>19</sup> Order No. 2003, 104 FERC ¶ 61,103 at P 826; Order No. 2003-A, 106 FERC ¶ 61,220 at P 45.

### C. Interconnection Customer's Option to Build

13. In Order No. 845, the Commission revised articles 5.1, 5.1.3, and 5.1.4 of the *pro forma* LGIA to allow interconnection customers to unilaterally exercise the option to build for stand alone network upgrades and the transmission provider's interconnection facilities, regardless of whether the transmission provider can complete construction of such facilities by the interconnection customer's proposed in-service date, initial synchronization date, or commercial operation date.<sup>20</sup> Prior to Order No. 845, this option to build was available to an interconnection customer only if the transmission provider did not agree to the interconnection customer's preferred construction timeline.<sup>21</sup> The Commission stated in Order No. 845 that this reform of the option to build will "benefit the interconnection process by providing interconnection customers more control and certainty during the design and construction phases of the interconnection process."<sup>22</sup>

14. In Order No. 845-A, the Commission granted rehearing and clarification of certain aspects of the revised option to build. Specifically, the Commission revised the definition of stand alone network upgrade in the *pro forma* LGIP and *pro forma* LGIA to: (1) state that, when there is a disagreement, the transmission provider must provide the interconnection customer a written technical explanation outlining why the transmission provider does not consider a specific network upgrade to be a stand alone network upgrade;<sup>23</sup> and (2) clarify that the option to build does not apply to stand alone network upgrades on affected systems.<sup>24</sup> The Commission also made revisions to article 5.2 of the *pro forma* LGIA to allow transmission providers to recover oversight costs related to the interconnection customer's option to build.<sup>25</sup> In addition, the Commission clarified that the revised option to build provisions apply to all public utility transmission providers, including those that reimburse the interconnection customer for network upgrades.<sup>26</sup>

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<sup>20</sup> Order No. 845, 163 FERC ¶ 61,043 at PP 85-87.

<sup>21</sup> Order No. 2003, 104 FERC ¶ 61,103 at P 353; *see also pro forma* LGIP § 5.1.3.

<sup>22</sup> Order No. 845, 163 FERC ¶ 61,043 at P 85.

<sup>23</sup> Order No. 845-A, 166 FERC ¶ 61,137 at P 68.

<sup>24</sup> *Id.* P 61.

<sup>25</sup> *Id.* P 75.

<sup>26</sup> *Id.* P 33.

### 1. Emera Maine's Compliance Filing

15. Emera Maine proposes revisions to its LGIP to amend section 1 and its *pro forma* LGIA amending articles 5.1, 5.1.3, 5.1.4, and 5.2(12) to incorporate the *pro forma* LGIA provisions adopted by Order Nos. 845 and 845-A without modification.<sup>27</sup>

### 2. Commission Determination

16. We find that Emera Maine's proposed revisions regarding the option to build comply with the requirements of Order Nos. 845 and 845-A because Emera Maine adopts the Commission's *pro forma* LGIP and *pro forma* LGIA revisions without modification.

## V. Dispute Resolution

17. In Order No. 845, the Commission revised the *pro forma* LGIP by adding new section 13.5.5, which establishes generator interconnection dispute resolution procedures that allow a disputing party to unilaterally seek non-binding dispute resolution.<sup>28</sup> The Commission established these new procedures because dispute resolution was previously unavailable when the parties did not mutually agree to pursue a binding arbitration under section 13.5 of the pre-Order No. 845 *pro forma* LGIP. The Commission further explained that participation in the new non-binding dispute resolution process in *pro forma* LGIP section 13.5.5 does not preclude disputing parties from pursuing binding arbitration after the conclusion of the non-binding dispute resolution process if they seek a binding result.<sup>29</sup>

### 1. Emera Maine's Compliance Filing

18. Emera Maine proposes revisions to its LGIP to add the new section 13.5.5 that establishes generator interconnection dispute resolution procedures that allow a disputing party to unilaterally seek non-binding dispute resolution. However, Emera Maine notes that it has altered limited provisions to *pro forma* section 13.5.5 to provide clarity (e.g., specifying the 30 days for action as "Calendar Days," defining "decision-maker," and specifying the referenced process as the "Non-binding Dispute Resolution" process).

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<sup>27</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 1; Emera Maine, Tariff, Attach. P, app. 6 (4.0.0), arts. 5.1, 5.1.3, 5.1.4, 5.2(12).

<sup>28</sup> Order No. 845, 163 FERC ¶ 61,043 at P 133; *see also pro forma* LGIP § 13.5.5.

<sup>29</sup> Order No. 845, 163 FERC ¶ 61,043 at P 139.

Emera Maine states that these modifications are consistent with or superior to the changes the Commission made to the *pro forma* LGIP and should be permitted.<sup>30</sup>

## 2. Commission Determination

19. We find that the revised dispute resolution procedures that Emera Maine proposes in its LGIP comply with the requirements of Order Nos. 845 and 845-A. We find the variations to be consistent with or superior to Order Nos. 845 and 845-A because they provide additional clarity to, but do not alter, the non-binding dispute resolution procedures.

20. However, the deadlines in Emera Maine's proposed dispute resolution timeline contain an apparent incongruity. According to the proposed timeline, the "non-disputing Party shall, within 20 business days of the appointment date [of the decision-maker], provide to the disputing Party and the decision-maker a written statement of its position."<sup>31</sup> The timeline later states that the "disputing Party may, within 15 business days of the appointment date [of the decision-maker], provide to the non-disputing Party and the decision-maker a response to the non-disputing Party's statement."<sup>32</sup> These deadlines allow for the possibility that a disputing party's response to a non-disputing party's position statement could become due before the non-disputing party submits its position statement. Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing that addresses this issue.

## VI. Identification and Definition of Contingent Facilities

21. In Order No. 845, the Commission added a new definition to section 1 of the *pro forma* LGIP, providing that contingent facilities shall mean those unbuilt interconnection facilities and network upgrades upon which the interconnection request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for restudies of the interconnection request or a reassessment of the interconnection facilities and/or network upgrades and/or costs and timing.<sup>33</sup> The Commission also added new section 3.8 to the *pro forma* LGIP, which requires transmission providers to include, within section 3.8, a method for identifying the contingent facilities that they will provide to the interconnection customer at the conclusion of the system impact study and

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<sup>30</sup> Filing at 2-3.

<sup>31</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 13.5.5.

<sup>32</sup> *Id.*

<sup>33</sup> Order No. 845, 163 FERC ¶ 61,043 at P 218; *see also pro forma* LGIP § 1 (Definitions).



include in the interconnection customer's generator interconnection agreement.<sup>34</sup> The Commission specified that the method must be sufficiently transparent to determine why a specific contingent facility was identified and how it relates to the interconnection request.<sup>35</sup> The Commission stated that this transparency will ensure that the method is applied on a non-discriminatory basis.<sup>36</sup> The Commission further required that transmission providers provide, upon the interconnection customer's request, the estimated network upgrade costs and estimated in-service completion date associated with each identified contingent facility when this information is readily available and not commercially sensitive.<sup>37</sup>

### 1. Emera Maine's Compliance Filing

22. Emera Maine proposes revisions to its LGIP that adopt the *pro forma* definition of contingent facilities. Emera Maine also proposes revisions to its LGIP to add a new section 3.8, which states that, at the conclusion of the system impact study for the large generating facility, Emera Maine shall identify any contingent facilities that may impact the results of the system impact study and note why each contingent facility was identified and how it relates to the interconnection request. Emera Maine also includes in new section 3.8 the language the Commission outlined in the *pro forma* LGIP to state that Emera Maine shall also provide, upon the request of the interconnection customer, the estimated interconnection facilities and/or network upgrades costs and estimated in-service completion time of each identified contingent facility when this information is readily available and not commercially sensitive.<sup>38</sup>

### 2. Commission Determination

23. We find that the revised provisions that identify and describe Emera Maine's method for determining contingent facilities, as Emera Maine proposes in its LGIP, partially comply with the requirements of Order Nos. 845 and 845-A. We find that Emera Maine complies with the requirements of Order Nos. 845 and 845-A because Emera Maine has adopted the definition of contingent facilities and the language regarding the need for the transmission provider to include in LGIP section 3.8 a method for identification of contingent facilities without modification. Further, Emera Maine's

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<sup>34</sup> Order No. 845, 163 FERC ¶ 61,043 at P 199.

<sup>35</sup> *Id.*; see also *pro forma* LGIP § 3.8.

<sup>36</sup> Order No. 845, 163 FERC ¶ 61,043 at P 200.

<sup>37</sup> *Id.* P 199; see also *pro forma* LGIP § 3.8.

<sup>38</sup> Filing at 3.

proposed Tariff revisions comply with the requirements related to providing estimated network upgrade costs and estimated in-service completion dates associated with contingent facilities to the interconnection customer.

24. However, as specified in Order No. 845, transmission providers must include, in section 3.8 of their LGIPs, a method for determining contingent facilities.<sup>39</sup> The Commission required that this method provide sufficient transparency to determine why a specific contingent facility was identified and how it relates to the interconnection request.<sup>40</sup> The Commission also required that a transmission provider's method to identify contingent facilities be transparent enough to ensure that it will be applied on a non-discriminatory basis.<sup>41</sup> Emera Maine's proposed Tariff revisions lack the requisite transparency required by Order Nos. 845 and 845-A because the proposed Tariff revisions do not detail the specific technical screens or analyses and the specific thresholds or criteria that Emera Maine will use as part of its method to identify contingent facilities. Without this information, an interconnection customer will not understand how Emera Maine will evaluate potential contingent facilities to determine their relationship to an individual interconnection request.<sup>42</sup> Further, including provisions regarding specific thresholds or criteria in Emera Maine's LGIP will ensure Emera Maine's technical screens or analyses will be applied to interconnection requests on a consistent, not unduly discriminatory or preferential basis.

25. We therefore direct Emera Maine to describe in section 3.8 of its LGIP the specific technical screens and/or analyses that it will employ to determine which facilities are contingent facilities. Further, we also direct Emera Maine to describe the specific triggering thresholds or criteria, including the quantitative triggers, that are applied to identify a facility as a contingent facility. In Order No. 845, the Commission declined to implement a standard threshold or criteria, such as a specific distribution factor threshold, because different thresholds may be more appropriate for different queue types and geographical footprints.<sup>43</sup> However, if, for instance, a transmission provider chooses to use a distribution factor analysis as a technical screen for determining how a new generating facility impacts the surrounding electrically-relevant facilities, its tariff must specify the triggering percentage impact that causes a facility to be considered

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<sup>39</sup> Order No. 845, 163 FERC ¶ 61,043 at P 199.

<sup>40</sup> *Id.* P 200.

<sup>41</sup> *Id.*

<sup>42</sup> *See pro forma* LGIP § 3.8 (“The method shall be sufficiently transparent to determine why a specific Contingent Facility was identified.”).

<sup>43</sup> Order No. 845, 163 FERC ¶ 61,043 at P 220.

contingent. Similarly, if a transmission provider relies on the system impact study to identify which facilities the new generating facility will impact, it must specify in its tariff which power system performance attributes (voltages, power flows, etc.) violated a specific threshold of a facility<sup>44</sup> such that the transmission provider would conclude that the facility is contingent for the new generating facility. A transmission provider may use multiple screens or analyses as part of its method, but it must include a corresponding, specific triggering threshold or criterion to indicate how it will apply each screen or analysis.

26. Because Emera Maine has not provided the specificity outlined above and thus does not fully comply with the contingent facility requirements of Order Nos. 845 and 845-A, we direct Emera Maine to submit a further compliance filing, within 120 days of the date of this order, which adds in section 3.8 of Emera Maine's LGIP: (1) the method Emera Maine will use to determine contingent facilities, including technical screens or analyses it proposes to use to identify these facilities; and (2) the specific thresholds or criteria it will use in its technical screens or analysis to achieve the level of transparency required by Order No. 845, as discussed above.

## **VII. Transparency Regarding Study Models and Assumptions**

27. In Order No. 845, the Commission revised section 2.3 of the *pro forma* LGIP to require transmission providers to maintain network models and underlying assumptions on either an Open Access Same-Time Information System (OASIS) site or a password-protected website. If the transmission provider posts this information on a password-protected website, a link to the information must be provided on its OASIS site. Revised *pro forma* LGIP section 2.3 also requires that "network models and underlying assumptions reasonably represent those used during the most recent interconnection study and be representative of current system conditions."<sup>45</sup> In addition, the Commission revised *pro forma* LGIP section 2.3 to allow transmission providers to require interconnection customers, OASIS site users, and password-protected website users to sign a confidentiality agreement before the release of commercially sensitive information or critical energy infrastructure information (CEII).<sup>46</sup>

28. In Order No. 845-A, the Commission reiterated that neither the Commission's CEII regulations nor Order No. 845 precludes a transmission provider from taking

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<sup>44</sup> For example, a range for facility per unit voltage may constitute a specific triggering threshold, beyond which the transmission provider will identify the facility as contingent.

<sup>45</sup> Order No. 845, 163 FERC ¶ 61,043 at P 236.

<sup>46</sup> *Id.*; see also *pro forma* LGIP § 2.3.

necessary steps to protect information within its custody or control to ensure the safety and security of the electric grid.<sup>47</sup> The Commission also clarified that, to the extent any party would like to use the Commission’s CEII regulations as a model for evaluating entities that request network model information and assumptions (prior to signing a non-disclosure agreement), it may do so.<sup>48</sup> The Commission further clarified that the phrase “current system conditions” does not require transmission providers to maintain network models that reflect current real-time operating conditions of the transmission provider’s system. Instead, the network model information should reflect the system conditions currently used in interconnection studies.<sup>49</sup>

### 1. Emera Maine’s Compliance Filing

29. Emera Maine proposes revisions to its LGIP to add a new section 2.3 that incorporates the language adopted by Order Nos. 845 and 845-A without modification.<sup>50</sup>

### 2. Commission Determination

30. We find that Emera Maine’s proposed LGIP revisions regarding study models and assumptions comply with the requirements of Order Nos. 845 and 845-A because Emera Maine adopts the *pro forma* LGIP provisions without modification.

## VIII. Definition of Generating Facility

31. In Order No. 845, the Commission revised the definition of “Generating Facility” to include electric storage resources and to allow electric storage resources to interconnect pursuant to the Commission-jurisdictional large generator interconnection processes. Specifically, the Commission revised the definition of “Generating Facility” in the *pro forma* LGIP and *pro forma* LGIA as follows:

**Generating Facility** shall mean Interconnection Customer’s device for the production *and/or storage for later injection* of electricity identified in the Interconnection Request, but shall

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<sup>47</sup> Order No. 845-A, 166 FERC ¶ 61,137 at P 84 (citing Order No. 845, 163 FERC ¶ 61,043 at P 241).

<sup>48</sup> *Id.* P 85 (citing 18 C.F.R. § 388.113(g)(5)(i) (2019)).

<sup>49</sup> *Id.* P 88.

<sup>50</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 2.3.

not include the Interconnection Customer's Interconnection Facilities.<sup>51</sup>

The Commission found that this definitional change will reduce a potential barrier to large electric storage resources with a generating facility capacity above 20 MW that wish to interconnect pursuant to the terms in the *pro forma* LGIP and *pro forma* LGIA.<sup>52</sup>

### 1. **Emera Maine's Compliance Filing**

32. Emera Maine proposes revisions to section 1 of its LGIP and its *pro forma* LGIA to incorporate the definition of "Generating Facility" adopted by Order Nos. 845 and 845-A without modification.<sup>53</sup>

### 2. **Commission Determination**

33. We find that Emera Maine's proposed revisions regarding the definition of a "Generating Facility" comply with the requirements of Order Nos. 845 and 845-A because Emera Maine adopts the Commission's *pro forma* LGIP and *pro forma* LGIA provisions without modification.

## IX. **Interconnection Study Deadlines**

34. In Order No. 845, the Commission modified the *pro forma* LGIP to add sections 3.5.2 and 3.5.3, which require transmission providers to calculate and maintain on their OASIS sites or public websites summary statistics related to the timing of the transmission provider's processing of interconnection studies and to update those statistics on a quarterly basis.<sup>54</sup> In these Sections, the Commission included bracketed Tariff language to be completed by the transmission provider in accordance with the timelines established for the various studies in their LGIPs.<sup>55</sup> The Commission also revised the *pro forma* LGIP to add section 3.5.4 to require transmission providers to file informational reports with the Commission if a transmission provider exceeds its

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<sup>51</sup> Order No. 845, 163 FERC ¶ 61,043 at P 275 (additions italicized); *see also pro forma* LGIP § 1 (Definitions).

<sup>52</sup> Order No. 845, 163 FERC ¶ 61,043 at P 275.

<sup>53</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 1; Emera Maine, Tariff, Attach. P, app. 6 (4.0.0), § 1.

<sup>54</sup> Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP §§ 3.5.2, 3.5.3.

<sup>55</sup> *Id.*

interconnection study deadlines for more than 25% of any study type for two consecutive calendar quarters.<sup>56</sup> In adopting these reporting requirements, the Commission found that the reporting requirements strike a reasonable balance between providing increased transparency and information to interconnection customers and not unduly burdening transmission providers.<sup>57</sup> In Order No. 845-A, the Commission revised *pro forma* LGIP section 3.5.3 to clarify that the data reporting and retention requirements begin in the first calendar quarter of 2020.<sup>58</sup>

### 1. Emera Maine's Compliance Filing

35. Emera Maine proposes revisions to its LGIP to add a new section 3.5.2 that incorporates the *pro forma* language of Order Nos. 845 and 845-A, with two limited exceptions. First, Emera Maine proposes to report on the draft interconnection facilities study because only the deadline for a draft facilities study is defined in its LGIP.<sup>59</sup> Emera Maine notes that the deadline for a final interconnection facilities study depends on the interconnection customer's comments on the draft facilities study, and that the facilities study time frames prescribed in Order No. 2003 were based on draft facilities studies.<sup>60</sup> Second, Emera Maine has changed the term "Interconnection Facilities Studies Agreement" to "Interconnection Facilities Study Agreements" because the latter term is the defined term used throughout its LGIP.<sup>61</sup> Additionally, Emera Maine proposes to replace the bracketed placeholders in LGIP section 3.5.2.1 to provide for a feasibility study completion deadline of 45 calendar days; in LGIP section 3.5.2.2 to provide for a system impact study completion deadline of 90 calendar days; and in LGIP section 3.5.2.3 to provide for a facilities study completion deadline of 90 or 180 calendar days "as appropriate in view of the requirements of Section 8.3."<sup>62</sup>

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<sup>56</sup> Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP § 3.5.4.

<sup>57</sup> Order No. 845, 163 FERC ¶ 61,043 at P 307.

<sup>58</sup> Order No. 845-A, 166 FERC ¶ 61,137 at P 107.

<sup>59</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 3.5.2.3.

<sup>60</sup> Filing at 4-5.

<sup>61</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 3.5.2.3.

<sup>62</sup> Emera Maine, Tariff, Attach. P (2.0.0), §§ 3.5.2.1 (B), (C), and (E); 3.5.2.2(B), (C), and (E); 3.5.2.3(B) and (C).

## 2. Commission Determination

36. We find that the revised provisions that address Emera Maine's study deadline statistics and informational reporting requirements, as proposed in Emera Maine's LGIP, comply with the requirements of Order Nos. 845 and 845-A. We find that Emera Maine has appropriately replaced the bracketed placeholders in *pro forma* LGIP sections 3.5.2.1, 3.5.2.2, and 3.5.2.3 with timelines that align with the timelines already in its Tariff. We also find that the variations Emera Maine proposed are consistent with or superior to Order Nos. 845 and 845-A because the proposed variations in the terms are consistent with those used throughout Emera Maine's LGIP. We find that the use of the terms defined in Emera Maine's LGIP add additional clarity and help to avoid confusion.

### X. Requesting Interconnection Service below Generating Facility Capacity

37. In Order No. 845, the Commission modified sections 3.1, 6.3, 7.3, 8.2, and Appendix 1 of the *pro forma* LGIP to allow interconnection customers to request interconnection service that is lower than the proposed generating facility's capacity,<sup>63</sup> recognizing the need for proper control technologies and flexibility for transmission providers to propose penalties to ensure that the generating facility does not inject energy above the requested level of service.<sup>64</sup>

38. The Commission required, in *pro forma* LGIP revised section 3.1, that transmission providers have a process in place to consider requests for interconnection service below the generating facility capacity. The Commission stipulated that such requests should be studied at the level of interconnection service requested for purposes of determining interconnection facilities, network upgrades, and associated costs, but that such requests may be subject to other studies at the full generating facility capacity to ensure safety and reliability of the system.<sup>65</sup> In addition, *pro forma* LGIP revised section 3.1 states that the interconnection customer is responsible for all study costs and interconnection facility and/or network upgrade costs required for safety and reliability. The Commission also required in *pro forma* LGIP revised section 3.1 that any necessary control technologies and/or protection systems be memorialized in the LGIA.

39. The Commission required, in *pro forma* LGIP revised sections 6.3, 7.3, and 8.2,

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<sup>63</sup> The term generating facility capacity is defined as "the net capacity of the Generating Facility and the aggregate net capacity of the Generating Facility where it includes multiple energy production devices." *Pro forma* LGIA art. 1 (Definitions).

<sup>64</sup> Order No. 845, 163 FERC ¶ 61,043 at P 367; *see also pro forma* LGIP §§ 3.1, 6.3, 7.3, 8.2, *pro forma* LGIP app. 1.

<sup>65</sup> Order No. 845, 163 FERC ¶ 61,043 at PP 383-84.

that the feasibility, system impact, and facilities studies be performed at the level of interconnection service that the interconnection customer requests, unless the transmission provider is otherwise required to study the full generating facility capacity due to safety and reliability concerns. The Commission stated that, if the transmission provider determines that additional network upgrades are necessary based on these studies, it must specify which additional network upgrade costs are based on which studies and provide a detailed explanation of why the additional network upgrades are necessary.<sup>66</sup>

40. Finally, the Commission revised sections 4.4.1 and 4.4.2 of the *pro forma* LGIP to allow an interconnection customer to reduce the size of its interconnection request either prior to returning to the transmission provider an executed system impact study agreement or an executed facilities study agreement.<sup>67</sup>

### 1. Emera Maine's Compliance Filing

41. Emera Maine proposes revisions to its LGIP that adopt the Commission's proposed reforms to *pro forma* LGIP sections 3.1, 4.4.1, 4.4.2, 6.3, 7.3, and 8.2 and Appendix 1 to incorporate the language set forth in Order Nos. 845 and 845-A without modification. However, Emera Maine's proposed Tariff revisions do not fully incorporate the *pro forma* LGIP language adopted by Order No. 845.<sup>68</sup> Order No. 845 adopted the following language as the second sentence of the final paragraph in *pro forma* LGIP section 3.1:

These requests for Interconnection Service shall be studied at the level of Interconnection Service requested for purposes of Interconnection Facilities, Network Upgrades, *and associated costs*, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability

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<sup>66</sup> *Id.* P 384. The Commission clarified that, if the transmission provider determines, based on good utility practice and related engineering considerations and after accounting for the proposed control technology, that studies at the full generating facility capacity are necessary to ensure safety and reliability of the transmission system when an interconnection customer requests interconnection service that is lower than full generating facility capacity, then it must provide a detailed explanation for such a determination in writing to the interconnection customer. *Id.*

<sup>67</sup> *Id.* P 406; *see also pro forma* LGIP §§ 4.4.1, 4.4.2.

<sup>68</sup> *See* Order No. 845-A, 166 FERC ¶ 61,137 at P 117.



of the system, with the study costs borne by the Interconnection Customer.<sup>69</sup>

## 2. Commission Determination

42. We find that Emera Maine's proposed LGIP revisions that allow an interconnection customer to request interconnection service below its full generating facility capacity partially comply with the requirements of Order Nos. 845 and 845-A because they incorporate most of the *pro forma* LGIP language without modification. However, as discussed above, Emera Maine's revisions to section 3.1 of its LGIP omit some of the *pro forma* LGIP language required by Order No. 845.<sup>70</sup> Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing that incorporates the *pro forma* revisions to section 3.1 of its LGIP, as required by Order No. 845.

## XI. Provisional Interconnection Service

43. In Order No. 845, the Commission required transmission providers to allow all interconnection customers to request provisional interconnection service.<sup>71</sup> The Commission explained that interconnection customers may seek provisional interconnection service when available studies or additional studies, as necessary, indicate that there is a level of interconnection service that can occur to accommodate an interconnection request without the construction of any additional interconnection facilities and/or network upgrades, and the interconnection customer wishes to make use of that level of interconnection service while the facilities required for its full interconnection request are completed.<sup>72</sup> To implement this service, the Commission revised the *pro forma* LGIP and *pro forma* LGIA to add a definition for "Provisional

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<sup>69</sup> Order No. 845, 163 FERC ¶ 61,043 at P 347; *see also id.* P 367. The italics indicate language adopted by Order No. 845 that Emera Maine's Tariff revisions failed to include. We recognize, however, that the *pro forma* LGIP that was available on the Commission's website failed to include that language.

<sup>70</sup> *Id.* PP 347, 367, and app. B.

<sup>71</sup> *Id.* P 438.

<sup>72</sup> *Id.* P 441.

Interconnection Service”<sup>73</sup> and for a “Provisional Large Generator Interconnection Agreement.”<sup>74</sup>

44. In addition, the Commission added *pro forma* LGIA article 5.9.2, which details the terms for provisional interconnection service.<sup>75</sup> The Commission also explained that transmission providers have the discretion to determine the frequency for updating provisional interconnection studies to account for changes to the transmission system to reassess system capacity available for provisional interconnection service, and included bracketed tariff language to be completed by the transmission provider, to specify the frequency at which they perform such studies in their *pro forma* LGIA.<sup>76</sup> The Commission stated that interconnection customers are responsible for the costs for performing these provisional interconnection studies.<sup>77</sup>

### 1. Emera Maine’s Compliance Filing

45. Emera Maine’s proposed Tariff revisions adopt the Commission’s *pro forma* definitions of “provisional interconnection service” and “provisional large generator interconnection agreement,” as well as the Commission’s *pro forma* language in LGIA article 5.9.2, without modification.<sup>78</sup> Emera Maine also proposes language in article 5.9.2 to state that it will update its provisional interconnection studies at the interconnection customer’s expense on a quarterly basis. Emera Maine also proposes a new section 3.2A to its LGIP describing provisional interconnection service to comply with the requirement of Order No. 845 that “all interconnection customers may request provisional interconnection service.”<sup>79</sup> Specifically, the new section 3.2A provides that an interconnection customer may request provisional interconnection service prior to the completion of requisite interconnection facilities, network upgrades, distribution

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<sup>73</sup> *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions).

<sup>74</sup> *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions). The Commission declined, however, to adopt a separate *pro forma* provisional large generator interconnection agreement. Order No. 845, 163 FERC ¶ 61,043 at P 444.

<sup>75</sup> *Id.* P 438; *see also pro forma* LGIP § 5.9.2.

<sup>76</sup> Order No. 845, 163 FERC ¶ 61,043 at P 448.

<sup>77</sup> *Id.*

<sup>78</sup> Filing at 6; *see* Emera Maine, Tariff, Attach. P (2.0.0), § 1; Emera Maine, Tariff, Attach. P, app. 6 (4.0.0), arts. 1, 5.9.2.

<sup>79</sup> Order No. 845, 163 FERC ¶ 61,043 at P 438.

upgrades, or system protection facilities, when available or additional studies indicate that there is a level of interconnection service that can occur without additional interconnection facilities and/or network upgrades. The new section 3.2A also states that provisional interconnection service is temporary and only available to an interconnection customer awaiting the completion of the full interconnection process, that it terminates upon the completion of the applicable interconnection facilities and network upgrades, and that it may not provide an interconnection customer its full requested level of interconnection service. Finally, Emera Maine proposes to add a new paragraph to the beginning of its LGIA to indicate, via a checkbox, when the agreement is being used for provisional interconnection service.

## 2. Commission Determination

46. We find that Emera Maine's proposed LGIP and *pro forma* LGIA revisions regarding provisional interconnection service comply with the requirements of Order Nos. 845 and 845-A because Emera Maine adopts the Commission's *pro forma* definition of "provisional interconnection service" and incorporates article 5.9.2 of the Commission's *pro forma* LGIA without modification except to fill in the bracketed section to state that it will update the maximum permissible output of the generating facilities taking provisional interconnection service on a quarterly basis. We find that Emera Maine's proposed new LGIP section 3.2A is consistent with or superior to Order Nos. 845 and 845-A because it allows interconnection customers to request provisional interconnection service and details the application process for and parameters of provisional interconnection service as described in Order Nos. 845 and 845-A. We also find that Emera Maine's proposed new paragraph at the beginning of its LGIA to indicate when the agreement is used for provisional interconnection service is consistent with or superior the requirements of Order Nos 845 and 845-A because it makes clear whether the LGIA provides for provisional interconnection service.

## XII. Surplus Interconnection Service

47. In Order No. 845, the Commission adopted *pro forma* LGIP sections 1, 3.3, and 3.3.1 and *pro forma* LGIA article 1 to establish surplus interconnection service, which the Commission defined as any unneeded portion of interconnection service established in an LGIA such that if the surplus interconnection service is utilized the total amount of interconnection service at the point of interconnection would remain the same.<sup>80</sup> Surplus interconnection service enables a new interconnection customer to utilize the unused portion of an existing interconnection customer's interconnection service within specific

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<sup>80</sup> Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1 (Definitions).

parameters.<sup>81</sup> The Commission required transmission providers to revise their tariffs to include the new definition of surplus interconnection service in their *pro forma* LGIP and *pro forma* LGIA, and provide in the *pro forma* LGIP an expedited interconnection process outside of the interconnection queue for surplus interconnection service.<sup>82</sup> That expedited process must allow affiliates of the existing interconnection customer to use surplus interconnection service for another interconnecting generating facility and allow for the transfer of surplus interconnection service that the existing interconnection customer or one of its affiliates does not intend to use.<sup>83</sup> The transmission provider must perform reactive power, short circuit/fault duty, and stability analyses studies as well as steady-state (thermal/voltage) analyses as necessary to ensure evaluation of all required reliability conditions to provide surplus interconnection service and ensure the reliable use of surplus interconnection service.<sup>84</sup> The original interconnection customer must be able to stipulate the amount of surplus interconnection service that is available, designate when that service is available, and describe any other conditions under which surplus interconnection service at the point of interconnection may be used.<sup>85</sup> When the original interconnection customer, the surplus interconnection service customer, and the transmission provider enter into agreements for surplus interconnection service, they must be filed by the transmission provider with the Commission, because any surplus interconnection service agreement will be an agreement under the transmission provider's open access transmission tariff.<sup>86</sup>

### 1. Emera Maine's Proposal

48. Emera Maine proposes revisions to its LGIP and *pro forma* LGIA that add a definition for "surplus interconnection service" to section 1 of its LGIP and article 1 of the *pro forma* LGIA.<sup>87</sup>

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<sup>81</sup> Order No. 845, 163 FERC ¶ 61,043 at P 467; Order No. 845-A, 166 FERC ¶ 61,137 at P 119.

<sup>82</sup> Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP §§ 3.3, 3.3.1.

<sup>83</sup> Order No. 845, 163 FERC ¶ 61,043 at P 483; *see also pro forma* LGIP § 3.3.

<sup>84</sup> Order No. 845, 163 FERC ¶ 61,043 at PP 455, 467.

<sup>85</sup> *Id.* P 481.

<sup>86</sup> *Id.* P 499.

<sup>87</sup> Filing at 6.

49. In its Deficiency Response, Emera Maine proposes revisions to supplement the *pro forma* provisions of section 3.3 and subsection 3.3.1 of the LGIP. Specifically, Emera Maine has added a paragraph to *pro forma* subsection 3.3.1 that states that all notifications and requests for surplus interconnection service shall be posted on Emera Maine's OASIS and shall be processed outside of the interconnection queue. Emera Maine adds new subsections to section 3.3 to describe the surplus interconnection service process.<sup>88</sup>

50. In Section 3.3.4.1, Emera Maine proposes Tariff language outlining the process by which a customer that is neither the existing customer nor its affiliate can submit a surplus interconnection service request. That section states as follows:

If the Requesting Customer is not the Existing Customer or an affiliate of the Existing Customer, the following conditions must be met for the Surplus Interconnection Service Request to be considered valid:

(i) The Existing Customer must agree to allow the Requesting Customer to use the Surplus Interconnection Service.

(ii) The Existing Customer shall stipulate the amount of Surplus Interconnection Service that is available and when that service is available, and may describe any other conditions under which Surplus Interconnection Service at the Point of Interconnection may be used.

Sections 3.3.5 through 3.3.8 address available studies, the system impact study, the facilities study, and interconnection agreements, respectively.

## **2. Commission Determination**

51. We find that Emera Maine has complied with the Commission's requirement to establish surplus interconnection service. Emera Maine has adopted the *pro forma* LGIP and *pro forma* LGIA revisions for surplus interconnection service as required by Order Nos. 845 and 845-A without modification and proposed a process for evaluating and transferring surplus interconnection service that complies with the requirements of Order Nos. 845 and 845-A.

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<sup>88</sup> The new subsections are as follows: Submittal of a Surplus Interconnection Service Request, Review of the Surplus Interconnection Service Request, Customer Identification, Available Studies, System Impact Study, Facility Study, and Interconnection Agreements.

## **XII. Material Modifications and Incorporation of Advanced Technologies**

52. In Order No. 845, the Commission modified section 4.4.2(c) of the *pro forma* LGIP to allow an interconnection customer to incorporate certain technological advancements to its interconnection request, prior to the execution of the interconnection facilities study agreement,<sup>89</sup> without risking the loss of its queue position. The Commission required transmission providers to develop and include in their LGIPs a definition of permissible technological advancements that will create a category of technological changes that, by definition, do not constitute a material modification and, therefore, will not result in the loss of queue position.<sup>90</sup> In addition, the Commission modified section 4.4.6 of the *pro forma* LGIP to require transmission providers to insert a technological change procedure that includes the requisite information and process that the transmission provider will follow to assess whether an interconnection customer's proposed technological advancement is a material modification.<sup>91</sup>

53. The Commission required that the technological change procedure specify what technological advancements can be incorporated at various stages of the interconnection process and clearly identify which requirements apply to the interconnection customer and which apply to the transmission provider.<sup>92</sup> Additionally, the technological change procedure must state that, if the interconnection customer seeks to incorporate technological advancements into its proposed generating facility, it should submit a technological advancement request, and the procedure must specify the information that the interconnection customer must submit as part of that request.<sup>93</sup>

54. The Commission also required that the technological change procedure specify the conditions under which a study will or will not be necessary to determine whether a

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<sup>89</sup> While the Commission clarified that interconnection customers may submit a technological advancement request up until execution of the facilities study agreement, the Commission stated that it will permit transmission providers to propose rules limiting the submission of technological advancement requests to a single point in the study process (prior to the execution of a facilities study agreement), to the extent the transmission provider believes it appropriate. Order No. 845, 163 FERC ¶ 61,043 at P 536.

<sup>90</sup> *Id.* P 518.

<sup>91</sup> *Id.*; *see also pro forma* LGIP § 4.4.6.

<sup>92</sup> Order No. 845, 163 FERC ¶ 61,043 at P 519.

<sup>93</sup> *Id.*

proposed technological advancement is a material modification.<sup>94</sup> The Commission explained that the technological change procedure must also state that, if a study is necessary to evaluate whether a particular technological advancement is a material modification, the transmission provider shall clearly indicate to the interconnection customer the types of information and/or study inputs that the interconnection customer must provide to the transmission provider, including, for example, study scenarios, modeling data, and any other assumptions.<sup>95</sup> In addition, the Commission required that the technological change procedure explain how the transmission provider will evaluate the technological advancement request to determine whether it is a material modification.<sup>96</sup>

55. Further, the Commission required that the technological change procedure outline a time frame of no more than 30 days after the interconnection customer submits a formal technological advancement request for the transmission provider to perform and complete any necessary additional studies.<sup>97</sup> The Commission also found that, if the transmission provider determines that additional studies are needed to evaluate whether a technological advancement is a material modification, the interconnection customer must tender a deposit, and the transmission provider must specify the amount of the deposit in the transmission provider's technological change procedure.<sup>98</sup> In addition, the Commission explained that, if the transmission provider cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP, the transmission provider must provide an explanation to the interconnection customer regarding why the technological advancement is a material modification.

56. In Order No. 845-A, the Commission clarified that: (1) when studies are necessary, the interconnection customer's technological change request must demonstrate that the proposed incorporation of the technological change will result in electrical performance that is equal to or better than the electrical performance expected prior to the technological change and will not cause any reliability concerns; (2) if the

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<sup>94</sup> *Id.*; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

<sup>95</sup> Order No. 845, 163 FERC ¶ 61,043 at P 521.

<sup>96</sup> *Id.* P 521

<sup>97</sup> *Id.* P 535.

<sup>98</sup> *Id.* P 534. The Commission set the default deposit amount at \$10,000 dollars but stated that a transmission provider may propose a reasonable alternative deposit amount in its compliance filing and include justification supporting this alternative amount. *Id.*

interconnection customer cannot demonstrate in its technological change request that the proposed technological change would result in equal or better electrical performance, the change will be assessed pursuant to the existing material modification provisions in the *pro forma* LGIP; (3) information regarding electrical performance submitted by the interconnection customer is an input into the technological change study, and this factor alone is not determinative of whether a proposed technological change is a material modification; and (4) the determination of whether a proposed technological change (that the transmission provider does not otherwise include in its definition of permissible technological advancements) is a material modification should include an analysis of whether the proposed technological change materially impacts the timing and costs of lower-queued interconnection customers.<sup>99</sup>

### 1. Emera Maine's Compliance Filing

57. Emera Maine proposes revisions that incorporate a new section 4.4.6 to its LGIP and a definition of “permissible technological advancement” to section 1 of its LGIP. The definition states that permissible technological advancement “shall mean any change to the technology of the Large Generating Facility that: (i) does not change the technical specifications submitted by the Interconnection Customer to the Transmission Provider; or (ii) does change the submitted technical specifications but does not materially change the results of the System Impact Study after review in accordance with Section 4.4.4.”

58. Emera Maine's proposed LGIP section 4.4.6 sets forth the technological change procedures. Emera Maine proposes to allow the interconnection customer to submit modifications to the large generating facility's technology at any time before the conclusion of the system impact study. Emera Maine states that the interconnection customer's analysis shall explain how its proposed technological advancement would result in electrical performance that is equivalent to or better than the electrical performance expected prior to the change.<sup>100</sup> Emera Maine states that the proposed technological advancement will be deemed a permissible technological advancement if it does not change the technical specifications for the large generating facility, and no further action will be required.<sup>101</sup> Emera Maine further states that, if the modifications would change the technical specifications and further study is required, Emera Maine will update the appropriate study models and re-run the results.<sup>102</sup> If the study results show that the previously identified interconnection facilities and network upgrades are

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<sup>99</sup> Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

<sup>100</sup> Emera Maine, Tariff, Attach. P (2.0.0), § 4.4.6.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*



adequate, the modification will be deemed a permissible technological advancement, and no further action will be required. However, if the study results show that the previously identified interconnection facilities or network upgrades are inadequate remedies for identified system impacts, the modification will be deemed a material modification.

## 2. Commission Determination

59. We find that Emera Maine's proposed LGIP provisions to incorporate a definition of a permissible technological change and associated procedures partially comply with the requirements of Order Nos. 845 and 845-A.

60. With regard to Emera Maine's proposed definition of "permissible technological advancement," we find that the use of the undefined term "technical specifications" and the phrase "materially change" makes it unclear how Emera Maine will determine whether a proposed technological change is a permissible technological advancement. Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing to provide explanations for the term "technical specifications" and the phrase "materially change."

61. Order No. 845 requires that the technological change procedure explain how the transmission provider will evaluate the technological advancement request to determine whether it is a material modification.<sup>103</sup> Emera Maine's proposed LGIP revisions do not explain how it will evaluate the technological advancement request to determine whether it is a material modification. Accordingly, we direct Emera Maine to submit, within 120 days of the date of this order, a further compliance filing that revises section 4.4.6 of its LGIP to clarify how it will assess changes to a generating facility's technical specifications to determine whether the technological advancement request will result in a material modification.

62. With respect to the timing of acceptance of technological advancements, in Order No. 845, the Commission permitted the interconnection customer to submit a request to incorporate technological advancement prior to the execution of the interconnection facility study agreement. The Commission stated that establishing a reasonable cut-off point for allowing technological advancements would enhance the transmission provider's ability to tender an interconnection service agreement and, consequently, would not delay other projects.<sup>104</sup> However, without justification, Emera Maine's filing proposes to accept technological changes up until the "conclusion of system impact study" rather than at the execution of facilities study agreement. Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing

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<sup>103</sup> Order No. 845, 163 FERC ¶ 61,043 at 521.

<sup>104</sup> *Id.* P 536.

to permit the interconnection customer to submit a request to incorporate technological advancement prior to the execution of the facility study agreement.

63. Emera Maine's technological change procedure states that an interconnection customer may submit "modifications to the Large Generating Facility's technology." However, Order No. 845 required the technological change procedure to state that the interconnection customer should submit a technological advancement request if it seeks to incorporate technological advancements into its proposed generating facility.<sup>105</sup> Requiring the interconnection customer to submit a technological change request provides clarity with regard to whether the transmission provider is evaluating the request under the new technological change procedure or the existing material modification assessment procedures. Accordingly, we direct Emera Maine to submit a further compliance filing, within 120 days of the date of this order, that revises its technological change procedure to state that an interconnection customer should submit a technological advancement request if it seeks to incorporate the technological advancements into its proposed generating facility.

64. In Order No. 845, the Commission required an interconnection customer to tender a deposit if the transmission provider determines that additional studies are needed to evaluate whether a technological change is a material modification. Order No. 845 states that the transmission provider, in its technological change procedure, should specify the amount of the deposit.<sup>106</sup> While Order No. 845 sets the default deposit amount at \$10,000 dollars, it allows the transmission provider to propose, with justification, a reasonable alternative amount.<sup>107</sup> Emera Maine fails to propose a deposit for a technological change request, as required by Order No. 845. Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing proposing the deposit amount the interconnection customer is required to tender in order to comply with the requirements of Order No. 845.

65. With regard to a deadline for the completion of a technological change request, Order No. 845 states that each transmission provider's technological change procedure must include the time frame for the transmission provider to perform the study to determine if the proposed technological advancement is a material modification and return the results to the interconnection customers.<sup>108</sup> Order No. 845 further states that a 30-day study result deadline is appropriate, noting that the transmission provider should

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<sup>105</sup> *Id.* P 519.

<sup>106</sup> *Id.* P 534.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* P 535.

perform and complete all necessary studies as soon as practicable.<sup>109</sup> Additionally, Order No. 845-A required that the transmission provider determine whether the proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request.<sup>110</sup> In its compliance filing, Emera Maine fails to specify a deadline by which it will determine whether the proposed technological change is a material modification. Accordingly, we direct Emera Maine to submit, within 120 days of the date of this order, a further compliance filing revising its LGIP to specify that Emera Maine will complete its assessment and determination of whether a proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request.

66. In addition, because Emera Maine's filing is silent on whether it will provide an explanation to the interconnection customer regarding why the technological advancement is a material modification, we reiterate that the transmission provider is required to do so if it cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP.<sup>111</sup>

67. Finally, we note that Emera Maine's definition of "permissible technological advancement" contains a typographical error. The definition incorrectly references LGIP section 4.4.4, rather than LGIP section 4.4.6. Accordingly, we direct Emera Maine to file, within 120 days of the date of this order, a further compliance filing that corrects this error.

#### **XIV. Other Issues Raised by Emera Maine**

##### **1. Ministerial Changes**

68. Emera Maine proposes ministerial changes to its LGIP to account for the renumbering of sections and to correct internal section references. Specifically, Emera Maine's changes affect the following sections of its LGIP and its appendices: 3.4 (formerly designated 3.3); 3.4.1 (formerly designated 3.3.2); 3.4.2 (formerly designated 3.3.2); 3.4.3 (formerly designated 3.3.3); 3.4.4 (formerly designated 3.3.4); 3.5 (formerly designated 3.4); 3.6 (formerly designated 3.5); 3.7 (formerly designated 3.6); 4.1; 6.1; 7.1; 7.2; 7.4; and Appendix 2, section 4.0.

69. Emera Maine also amends the Table of Contents of its LGIP and *pro forma* LGIP to reflect the substantive changes to the documents, as discussed above. Finally, Emera

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<sup>109</sup> *Id.*

<sup>110</sup> Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

<sup>111</sup> Order No. 845, 163 FERC ¶ 61,043 at P 522.

Maine has amended Appendices 1 and 2 of its LGIP, in compliance with Order Nos. 845 and 845-A.

**2. Commission Determination**

70. We find that the revisions and modifications, as proposed by Emera Maine in its LGIP, conform with the requirements of Order Nos. 845 and 845-A.

The Commission orders:

(A) Emera Maine's compliance filing is hereby accepted, to become effective May 20, 2019, as requested, subject to a further compliance filing, as discussed in the body of this order.

(B) Emera Maine is hereby directed to submit a further compliance filing within 120 days of the date of this order, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.