#### 65-407 PUBLIC UTILITIES COMMISSION

**Chapter 319: CRITERIA TO EXCLUDE SMALL TRANSMISSION PROJECTS AND DISTRIBUTION PROJECTS FROM INVESTIGATION BY THE NONWIRES ALTERNATIVE COORDINATOR**

**SUMMARY**: This Chapter establishes criteria to exclude small transmission projects and distribution projects from investigation by the nonwires alternative coordinator.

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**§ 1 PURPOSE**

The purpose of this Chapter is to establish criteria to exclude from investigation by the nonwires alternative coordinator small transmission projects and distribution projects best suited to transmission and distribution investments pursuant to Title 35-A, section 3132-B.

**§ 2 DEFINITIONS**

1. **Commission.** “Commission” means the Maine Public Utilities Commission.
2. **Controlling load forecast.** “Controlling load forecast” means the load forecast currently used by the transmission and distribution utilities for transmission and distribution planning purposes.
3. **Cost-effective.** "Cost-effective" with respect to nonwires alternatives has the same meaning as in Title 35-A, section 3131, subsection 8.
4. **Nontransmission alternative.** “Nontransmission alternative” has the same meaning as in Title 35-A, section 3131, subsection 4-B.
5. **Nonwires alternative.** “Nonwires alternative” has the same meaning as in Title 35-A, section 3131, subsection 4-C.

F. **Nonwires alternatives coordinator.** “Nonwires alternatives coordinator” has the same meaning as in Title 35-A, section 3131, subsection 4-D.

G. **Small transmission project.** “Small transmission project" has the same meaning as in Title 35-A, section 3132-B.

**§ 3 EXCLUSIONS FROM NONWIRES ALTERNATIVES COORDINATOR INVESTIGATIONS**

This section of the rule lays out the criteria to exclude from investigation by the nonwires alternative coordinator small transmission projects and distribution projects best suited to transmission and distribution investments.

1. **Projects Necessary for Redundant Supply to a Radial Load**

This exclusion category includes, but is not limited to:

1. Transmission and/or distribution facility upgrades required to establish redundant supply or additional circuit backup capabilities;
2. Upgrades to facilities inside an existing substation necessary for redundant supply; and
3. New or upgraded transmission lines or distribution circuits necessary for redundant supply.
4. **Projects Necessary to Address Maintenance, Asset Condition or Safety Needs**

This exclusion category includes, but is not limited to:

1. Emergency replacement projects as part of outage restoration;
2. Relocation projects that require temporary or permanent physical relocation of existing infrastructure to accommodate public works projects;
3. Maintenance projects that involve equipment replacement as a result of maintenance inspections, asset condition or to avoid outage and/or catastrophic failure;
4. Projects necessary to meet the Northeast Power Coordinating Council (NPCC), North American Electric Reliability Corporation (NERC), Independent System Operator – New England (ISO-NE) or Commission approved utility specific compliance requirements to ensure safety and security standards or correct identified safety code violations including, but not limited to, the *National Electric Safety Code* (NESC).
5. **Projects Necessary to Address Stability or Short Circuit Problems**

This exclusion category includes, but is not limited to:

1. Projects that are deemed necessary to avoid system-level voltage collapse or large network instability;

1. Transmission and distribution facility upgrades required to address protection system deficiencies;
2. Dynamic reactive device installations;
3. Projects to mitigate power quality issues; and
4. Circuit breaker upgrade projects.

This exclusion category applies to stability or short circuit problems that exist under current load conditions and identified by the utility’s planning need with reasonably anticipated fluctuations in load.

1. **Projects Required to be in Service within One Year Based on the Controlling Load Forecast**

This exclusion category applies to projects that are required to be in service within one year from the publication date of the utilities annual transmission and distribution plan based on the controlling load forecast.

1. **Customer or Generator Funded Interconnection Related Projects**

This exclusion category includes, but is not limited to:

1. Transmission and/or distribution facility upgrades driven by a request for new or upgraded service, or a generator interconnection, and which would be funded by the interconnecting customer or generator.
2. **Automation Projects**

This exclusion category includes, but is not limited to:

1. Transmission and/or distribution automation projects necessary to improve system resiliency.

**§ 4 PROCESS FOR DETERMINING ADDITIONAL PROJECTS AND/OR EXCLUSION CATEGORIES**

Upon request, and following appropriate process, the Commission, by Order or rule, may determine other projects, or categories of projects, that qualify for exclusion from investigation by the nonwires alternative coordinator.

**§ 5 WAIVER**

Upon the request of any person subject to this Chapter or upon its own motion, the Commission

may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Electric and Gas division, or the Hearing Examiner/Presiding Officer assigned to a proceeding related to the Chapter may grant the waiver.

STATUTORY AUTHORITY:

35-A M.R.S. §§ 104, 111, 1301 and Public Law 2019 c. 298

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on April 13, 2020. It was filed with the Secretary of State on April 15, 2020 and became effective on April 15, 2020 (filing 2020-096 – EMERGENCY).

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