

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

New England Independent Transmission )  
Company, LLC )

Docket No. EL07-21-000

**NOTICE OF INTERVENTION  
AND COMMENTS  
OF THE  
MAINE PUBLIC UTILITIES COMMISSION**

Pursuant to Rules 211 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”),<sup>1</sup> the Notice of Filing issued on December 14, 2006 and the Notice of Extension of Time issued on December 22, 2006, the Maine Public Utilities Commission (“MPUC”) hereby files this Notice of Intervention and Comments in the above-captioned docket concerning the Petition for Declaratory Order of New England Independent Transmission Company, LLC Requesting Findings Regarding Independence Criteria and Capabilities (“Petition”), filed by the New England Independent Transmission Company (“New England ITC”) on December 4, 2006.

**I. BACKGROUND**

1. On December 4, 2006, New England ITC filed a petition for declaratory order asking the Commission to find that New England ITC meets the independence and capability requirements of Attachment M of the Independent System Operator – New England (“ISO-NE”) Open Access Transmission Tariff (“OATT”) regarding independent transmission companies (“ITCs”).

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<sup>1</sup> 18 C.F.R. §§ 385.211 and 385.214 (2006).

2. New England ITC requests that the Commission make the requested findings by January 31, 2007 so that the company may have its project considered in the 2007 Regional System Planning process. The petition states, "If New England ITC does not obtain the requested findings in a timely manner, it will miss an entire year of the ISO-NE Regional System Planning process, and development of the Green Line Project will be pushed back an entire year." Petition at 37. The filing supplies a description of the project and explains how it will seek cost recovery for the project *but makes clear that it seeks limited findings by the FERC*. Specifically, it states, "This Petition is specifically limited to requesting the Commission findings needed under Section 1 of Attachment M (*i.e.*, independence and capability findings) *such that New England ITC and its Green Line Project can participate in the 2007 ISO-NE Regional System Planning Process*." Petition at 3 (emphasis added).

## II. NOTICE OF INTERVENTION

3. Under Maine law, the MPUC is the state commission designated by statute with jurisdiction over rates and service of electric utilities in the state. *See* 35-A M.R.S.A. § 101 *et seq.* It is, therefore, a "state commission" under the Commission's regulations, 18 C.F.R. § 1.101(k) (2006). Accordingly, the MPUC hereby gives notice of its intervention pursuant to FERC Rule 214(a)(2). 18 C.F.R. § 385.214(a)(2) (2006). In accordance with Rule 2010, 18 C.F.R. § 385.2010 (2006), MPUC hereby designates the following persons for service of documents in this proceeding:

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### III. COMMENTS

4. The MPUC concurs with the comments filed by the New England Power Pool ("NEPOOL") on January 10, 2006 in this docket, which assert that the Petition is premature because: (1) no agreement has been negotiated between ISO-NE that would delineate the respective rights and obligations of the NE-ITC and ISO-NE; and (2) that the requested findings are not necessary either for the New England ITC to propose its Green Line project to be considered in the RSP, or for the New England ITC to participate in the RSP process. The course suggested by NEPOOL--that the Commission dismiss the Petition without prejudice or hold the proceeding in abeyance--is a reasonable course of action which will allow the stakeholder regional system plan process to move forward without delay while providing all interested parties the opportunity to better understand the proposed rights and responsibilities of ISO-NE and the New England ITC before any Commission findings are made. The fact that the Petitioners can move forward with proposing the project through the RSP process *without any findings from the Commission* provides ample support for NEPOOL's proposed course of action. If the Commission nevertheless makes the requested findings at this

time, the MPUC agrees with NEPOOL that the Commission should limit its findings or discussion to the two narrow findings specifically requested by New England ITC.

#### IV. CONCLUSION

For the reasons stated above and in the NEPOOL Comments submitted on January 10, 2007 in this docket, the MPUC respectfully requests that the Commission refrain from making any findings on the Petition at this time, or, in the alternative, make only the narrow findings specifically requested by the New England ITC.

Dated: January 10, 2007

Respectfully submitted,

/s/ Lisa S. Gast  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 10th day of January, 2007.

/s/ Harry A. Dupre  
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