

Final Minutes of the Interagency Review Panel's November 22, 2010 Meeting

The meeting was called to order at 3:05 p.m.

The following members of the Panel and State Agency staff were present:

Barbara Alexander
Tim Agnew
Fen Fowler
Harrison Horning
John Kerry, OEIS
Bruce VanNote, DOT
Nina Fisher, DOT
Toni Kemmerle, DOT
Brian Burne, DOT
Jennifer Puser, OEIS
Jonathon Arey, MTA
Conrad Welzel, MTA

- 1) Nina Fisher, DOT: reported to the Panel that the "sub-group" has not met yet but she will be in touch and schedule something soon.
- 2) Toni Kemmerle, DOT: presented information to the Panel about the legal status of the Panel and its responsibilities related to public noticing, etc. Toni reported that the Panel is a "quasi-governmental body" and its meetings should be noticed such as on a website, are generally open to the public and the Panel should keep minutes which can also be posted on a website for the public's access. The Panel can follow rules in existing statute for entering into "Executive Sessions" where "proprietary information" by potential energy infrastructure developers are not subject to the Freedom of Information Act. Toni said the Panel will need to indicate to developers what documents should be held in a confidential manner.

The group discussed keeping the Panel's information on the Governor's Office of Energy Independence and Security's (OEIS) website which the OEIS Director, John Kerry agreed to. The website is www.maine.gov/oeis and the information will be added soon.

Toni said that she will find out if there are any other considerations the Panel should be aware of and will report any at the next meeting.

The group discussed inviting a representative from the Loring Development Authority to the next meeting. DOT and OEIS volunteered to make contact and extend an invitation to the next meeting.

- 3) The Panel discussed the development of a PPP document in order to issue a request for a Letter of Interest (LOI). The LOI would be sent to perspective bidders and developers and should also include information about the firm, their qualifications, financing status etc, as a serious potential proposed applicant. It was discussed that once the LOIs are received, the Panel could do a formal request of qualifications, then issue a Request for Proposals (RFP) in order to "pre-qualify" parties who may want to bid on energy infrastructure projects. In comparison to other RFP processes, it is expected that there could and will be more than one winner. This process may identify several winners and numerous projects could move forward at one time. The question was asked as to the types of information included in a PPP and for an RFP. DOT said they may have a model for an RFP, the new rail operated RFP for example, and will distribute to the group. The Panel decided to adopt a rule that will include the process that the Panel needs to follow to solicit and review proposals.

The group also discussed a sample occupancy agreement and DOT said that Wisconsin already has some energy corridors and has shared some information and documents with DOT. For example, Touch America, Inc. has a contract with Wisconsin for a fiber optic line on their interstate. WI charges a one-time payment, which does not generate a lot of revenue because the state agency gets free fiber optic in the agreement, in exchange for use of the corridor. Wisconsin will also accept LOIs for projects other than fiber optics, but so far, no one has responded.

The Panel is aware of who the potential players are in Maine and the Panel can identify them and reach out to them once the rulemaking process is complete.

Fen Fowler asked if the DOT has ever leased land for infrastructure in the past. DOT answered no, but the Maine Turnpike Authority (MTA) has. Jon Arey of MTA said he will provide a copy of their agreement based on a per mile basis.

It was further explained by DOT that states like TX, FL, LA, and TN have reviewed their statutes, have compiled a lot of information and have sample occupancy agreements. DOT also added that they charge railroads and utilities for use of their rights of way.

- 4) Brian Burne, DOT: provided a presentation of other states' use of transportation corridors for energy infrastructure development. He reviewed a power point presentation prepared by Bruce VanNote, Deputy Commissioner, that was originally presented to the Commission to Study Energy Infrastructure in 2009.

Brian gave several examples of other state's activities including that MI has an example in their statute and is currently working on a policy. Brian discussed placement of infrastructure including overhead vs. underground placement, saying that underground is preferred, but expensive, and that underground DC transmission lines do not have ramps off the line and are very expensive. DOT

expressed a concern about potential heat generated from underground infrastructure. Brian reported that the state's policy has been adapted somewhat and that it went through a rulemaking. DOT is able to negotiate their policy with the Feds.

The Panel discussed the need for communication with the Federal government to avoid potential problems and to include them when projects are proposed. Barbara Alexander expressed a concern that she doesn't think the existing state policy includes the Panel and that it will need some feedback from the Feds regarding the role of the Panel. DOT agreed that the Panel's policies will need to be approved by Federal Highways Administration (FhWA).

Jonathon Arey of the Maine Turnpike Authority (MTA) reported that MTA complies with the dimensional engineering rule of FhWA but they are not required to comply with all of FhWA's regulations. MTA has a policy written in 1991 and they will be sure to have FhWA review their policy to make sure it is adequate.

The Panel continued to discuss challenges of collocating energy infrastructure on transportation corridors in Maine. OEIS reported that they will be submitting a report to the Legislature in February, 2011 on this subject and that the office will keep the Panel apprised of their findings.

- 5) John Kerry, OEIS: reported on the Eastern Interconnection State Policy Council (EISPC) and how the collaborative effort is working on developing different transmission scenarios for the Eastern Interconnection. He said that the effort will present a formal proposal with four different scenarios to the U.S. Department of Energy, Congress and the governors by March, 2012. He reported that this process is intended to help resolve the debate over transmission policy, siting and planning in the Eastern Interconnection and that a similar process is taking place in the West.

Meeting was adjourned at 4:35 p.m.