



For a thriving New England

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Timothy Schneider
Office of Public Advocate
112 State House Station
Augusta, ME 04333-0112

March 19, 2014

Dear Mr. Schneider:

On behalf of the Conservation Law Foundation, and pursuant to Maine's Freedom of Access Law, 1 M.R.S.A. § 401, *et seq.*, we request that the Office of Public Advocate make available all public records in its possession, custody, or control that are responsive to the below enumerated categories.

Definitions

For purposes of this request, the following words and phrases are defined as follows:

“Communications” means communication in any form or medium including, without limitation, oral, telephonic, written, e-mail, and electronic communications.

“Electricity Market Participant” means any ‘Individual Participant’ recognized as such under the February 23, 2011 Restated Participants Agreement Among ISO-NE and NEPOOL and Individual Participants.

“FERC” means the Federal Energy Regulatory Commission.

“ISO-NE” means “Independent System Operator-New England, the Regional Transmission Organization for New England designated and regulated by FERC.

“NESCOE” means the New England States Committee on Electricity.

“NESCOE Letter” means the letter dated January 21, 2014, from NESCOE to ISO-NE captioned “Re: Request for ISO-NE technical support and assistance with tariff filings related to electric and natural gas infrastructure in New England.”

“Public Records” means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after

translation into a form susceptible of visual or aural comprehension including, but not limited to: field notes, reports, studies, databases, photographs, video or audio recordings, correspondence (including electronic email), memoranda, licenses and permits, meeting notes and minutes, drafts and working papers, notes and summaries of conversations and interviews, and any other forms of written or recorded communication, including internal agency staff memoranda.

“Maine Governmental Representatives” means any person acting for, on behalf of, the State of Maine or any department or agency of the State of Maine. It includes, without limitation, all elected officials; the staff members of all elected officials; and any employee of any state agency, department, or quasi-governmental entity, including without limitation the Governor’s Energy Office, the Department of Environmental Protection, and the Department of Economic and Community Development.

Public Records Requested

1. TRANSMISSION BUILD-OUTS. All Public Records created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Maine Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, Electricity Market Participant or electricity utilities or transmission companies regarding “New Electric Transmission Infrastructure” as referenced in the NESCOE Letter; this includes, without limitation:

- (a) All Public Records relating to proposals for development of transmission infrastructure;
- (b) All Public Records relating to the extent of, need for, reliability impacts of, and locations for development of new transmission infrastructure;
- (c) All Public Records relating to the cost(s) of and cost allocation(s) for new transmission infrastructure;
- (d) All Public Records relating to electrical system planning by ISO-NE for development of new transmission infrastructure;
- (e) All Public Records relating to the development of, requests for and/or filing of tariff changes to facilitate development of new transmission infrastructure;
- (f) All Public Records relating to analysis of non-transmission alternatives (NTAs) in lieu of new transmission infrastructure;
- (e) All Public Records relating to analysis of greenhouse gas emissions impacts associated with the development of new transmission infrastructure.

2. GAS PIPELINE CAPACITY. All Public Records created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Maine Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, Electricity Market Participant or natural gas transmission or distribution companies regarding “Increased Natural Gas Capacity” as referenced in the NESCOE Letter; this includes, but is not limited to:

- (a) All Public Records relating to proposals for increased natural gas pipeline capacity into New England;
- (b) All Public Records relating to the extent of, need for, reliability impacts of and locations for development of increased natural gas pipeline capacity into New England;
- (c) All Public Records relating to the cost(s) and cost allocation(s) for the procurement of new pipeline capacity into New England;
- (d) All Public Records relating to the development of, requests for, and/or filing of tariff changes for recovery of the cost of any such procurement of increased pipeline capacity through the electricity Regional Network Services rate, or by any other means;
- (e) All Public Records relating to analysis of alternatives to new or increased pipeline capacity, including, without limitation, energy efficiency;
- (e) All Public Records relating to analysis of greenhouse gas emission impacts associated with the development of increased pipeline capacity into New England.

3. HYDROPOWER. All Public Records created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Maine Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, Electricity Market Participant or hydropower generation company regarding hydropower imports from Canada; this includes, but is not limited to:

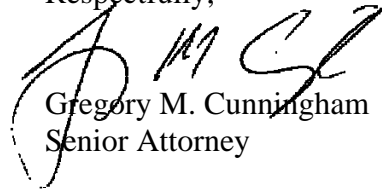
- (a) All Public Records relating to any proposed project to import hydropower from Canada including but not limited to the Northern Pass project;
- (b) All Public Records constituting, memorializing, or otherwise relating to communications relating to hydropower purchases from Canada between or among Maine Governmental Representatives and any officials, employees, or representatives of the Province of Quebec; Hydro Quebec or any division thereof; H.Q. Hydro Renewable Energy, Inc.; HQ Energy Services (US), Inc.; Northeast Utilities; Public Service Company of New Hampshire, Western Massachusetts Electric Company, NSTAR, Connecticut Light and Power, Northern Pass Transmission, LLC; and NU Transmission Ventures, Inc.
- (c) All Public Records relating to the costs to import and/or the financial terms applicable to importation of hydropower from Canada;
- (d) All Public Records relating to eligibility of hydropower from Canada under the Renewable Portfolio Standard or Renewable Energy Standard of any New England state.
- (e) All Public Records relating to the development of requests for, and/or filing of tariff changes for purposes of importing hydropower from Canada.
- (f) All Public Records relating to analysis of greenhouse gas emissions impacts associated with the importation of hydropower from Canada.

As provided by the open records law, your office must respond to this request within five business days. To the extent that you claim that any document or communication is exempt from this request due to an exception within the public records law or due to any alleged privilege, please identify which documents you claim are exempt, specify the exemption or privilege that you are asserting applies, and explain

why you believe such exemption or privilege applies to such document or communication. Please provide all segregable portions of public records that are otherwise subject to a statutory exemption or any privilege from disclosure. CLF agrees to pay any reasonable copying and postage fees, but we request that you please inform us in advance if the overall cost associated with this request is likely to exceed \$250. Please provide a receipt indicating the charges for each document.

Thank you for your cooperation in this matter, please feel free to call me or e-mail me at gcunningham@clf.org if you have any questions in this regard.

Respectfully,



Gregory M. Cunningham
Senior Attorney