



Central Maine Power

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April 16, 2009

Karen Geraghty  
Administrative Director  
Maine Public Utilities Commission  
State House Station #18  
242 State Street  
Augusta, Maine 04333-0018

Re: CENTRAL MAINE POWER COMPANY and PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, Request for Certificate of Public Convenience and Necessity for  
Maine Power Reliability Program Consisting of Construction of Approximately 350  
miles of 345 kV and 115 kV Transmission Lines  
Docket No. 2008-255

Dear Ms. Geraghty:

Enclosed for filing in the above-captioned proceeding please find Central Maine Power  
Company's Opposition to Motion by GridSolar and CES to Modify Protective Order No. 11.

Sincerely,

Debra J. Mills  
Analyst, Regulatory & Tariffs

Enclosure

cc: All Parties

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An Energy East Company

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2008-255

April 16, 2009

CENTRAL MAINE POWER COMPANY and )	
PUBLIC SERVICE OF NEW HAMPSHIRE )	
Request for Certificate of Public Convenience )	CMP'S OPPOSITION TO MOTION BY
and Necessity for the Maine Power Reliability )	GRIDSOLAR AND CES TO MODIFY
Program Consisting of the Construction of )	PROTECTIVE ORDER NO. 11
Approximately 350 Miles of 345 kV and 115 kV )	
Transmission Lines ("MPRP") )	

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By its counsel, Central Maine Power Company (CMP) submits this opposition to the April 9, 2009 Motion by GridSolar, LLC (GridSolar) and Competitive Energy Services (CES) to Modify Protective Order No. 11 in the above-captioned proceeding (Motion to Modify).

In the Motion to Modify, GridSolar and CES seek to restrict access to information responsive to five data requests, including information identifying GridSolar's owners and members (CMP-03-76), affiliates and affiliated interests (CMP-03-77, 78 and 79). If granted, the Motion to Modify would make that information available only to parties' attorneys and experts and unavailable to the parties themselves. GridSolar and CES also seek to limit access to the GridSolar business plan (CMP-03-100) (once the business plan is completed) to the Commission and the Public Advocate only, with no access provided to parties or their consultants or attorneys. GridSolar and CES claim these data requests "go beyond the project proposal by CES for Commission consideration." In the case of the GridSolar business plan, the moving parties claim disclosure would "interfere with the orderly and effective preparation of the plan and the organization of the business entity." GridSolar and CES offer no precedent for the Commission granting such restrictive protection to this type of business information.

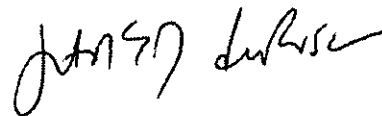
The Commission's statutory authority to issue protective orders is provided in 35-A M.R.S. 1311-A. For the reasons below, the request by GridSolar and CES fails to satisfy the requirements of that statute.

Section 1311-A requires the Commission to balance the business interest in confidentiality against "the policies of conducting its proceedings in an open and fair manner where all parties have the right and opportunity to participate effectively." 35-A M.R.S. 1311-A(1)(b). In light of GridSolar's request that the Commission consider their proposal as an alternative to the proposed MPRP transmission project, which project CMP believes is necessary to satisfy applicable mandatory reliability standards – including requesting the waiver of filing fees and the imposition of significant costs on Maine customers if GridSolar's project is approved – the restriction of access to information about GridSolar's members, affiliates and business plan would unfairly limit the right and opportunity of the parties in this proceeding to participate effectively. Before the Commission decides that GridSolar is a satisfactory alternative to the MPRP project, all parties should be permitted to discover and assess the wherewithal of GridSolar's owners and the viability of GridSolar's business plan to actually deliver the promised alternative "grid reliability services" at lower costs than MPRP. LaCapra's recently filed rebuttal testimony, which raises significant questions about several of the key assumptions in GridSolar's proposal and in turn the overall financial viability of the GridSolar project, demonstrates the importance of this inquiry.

Furthermore, GridSolar and CES fail to satisfy their burden to demonstrate the need for the requested protection. 35-A M.R.S. § 1311-A(1)(c). GridSolar and CES provide no indication of how the disclosure of the requested information could harm their interests or that of their affiliates.

Finally, the extraordinary protections GridSolar and CES request for their business plan – which they propose be provided only when complete, and then only to the Commission and the Public Advocate, but not to parties or their attorneys or consultants – are without basis. Section 1311-A(1)(e) allows the Commission to restrict an expert’s access to information “only for compelling reasons and to the least extent necessary,” but GridSolar and CES have neither offered a compelling reason to withhold their business plan from the parties’ experts nor offered in any way to minimize the proposed withholding of information. Similarly, Section 1311-A(1)(d) restricts a party’s attorney’s access only in very specific and exceptional circumstances, none of which apply here.

The modifications to Protective Order No. 11 proposed by GridSolar and CES are unprecedented, unfounded and inconsistent with Maine law. CMP therefore respectfully requests that the Motion to Modify Protective Order No. 11 be denied.



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