

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

**ISO New England
New England Power Pool**

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Docket No. ER09-1051-000

**MOTION TO INTERVENE AND COMMENTS OF
BANGOR HYDRO-ELECTRIC COMPANY**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.212 & 385.214, and the Commission’s May 1, 2009 “Combined Notice of Filings # 1,” Bangor Hydro-Electric Company (“Bangor Hydro”) respectfully moves to intervene and submits comments in the above-captioned proceeding.

In support thereof, Bangor Hydro states as follows:

I. DESCRIPTION OF BANGOR HYDRO.

Bangor Hydro is a Maine Corporation, and a subsidiary of Emera Incorporated, a Nova Scotia corporation. Bangor Hydro is an electric utility primarily engaged in the transmission and distribution of electric energy and related services to retail and wholesale customers located in Eastern and coastal Maine, in parts of the counties of Penobscot, Hancock, Washington, Waldo, Piscataquis, and Aroostook.¹ Bangor Hydro owns approximately 800 miles of transmission lines and 4,000 miles of distribution lines. Bangor Hydro also continues to own *de minimus* amounts of generation located in Maine, though the output from these plants is committed under long-term contracts.

¹ Pursuant to the Maine Restructuring Act of 1999, Bangor Hydro divested itself of virtually all of its generation assets. *Me. Rev. Stat. Ann.* “An Act to Restructure the State’s Electric Industry.” 35-A, 32 §§ 3201, *et seq.* (1997) “Maine Restructuring Act”); *Bangor Hydro-Elec. Co.*, 86 FERC ¶ 61,281, *clarified*, 87 FERC ¶ 61,057 (1999).

Bangor Hydro no longer has a franchised service area for the sale of electricity and is prohibited from selling electricity or capacity to any retail consumer of electricity pursuant to the Maine Restructuring Act.² Bangor Hydro does not serve customers under cost-based wholesale requirements contracts. Bangor Hydro is authorized to make wholesale sales of power at market-based rates.³

II. COMMUNICATIONS.

All communications in this proceeding should be addressed to the following individuals, and these individuals should be added to the Commission's official service list pursuant to 18 C.F.R. § 385.2010(e):

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III. BACKGROUND.

On October 17, 2008, the Commission issued Order No. 719.⁴ Order No. 719 required RTOs to submit compliance filings to the Commission addressing (1) demand response and market pricing during periods of operating reserve shortages; (2) long-term power contracting; (3) market-monitoring policies; and (4) the responsiveness of RTOs and independent system operators to their customers, stakeholders and electricity consumers.⁵ On April 28, 2009, ISO

² *Id.* §§ 3204(1), (4), (5); 3205(2).

³ *Bangor Hydro-Elec. Co.*, 86 FERC § 61,268 (1999).

⁴ *Wholesale Competition in Regions With Organized Electric Markets*, Order No. 719, FERC Stats & Regs. ¶ 31,281 (2008) ("Order No. 719").

⁵ Order No. 719 at P 578.

New England Inc. (“ISO New England”) joined by the New England Power Pool Participants Committee, submitted the required Order No. 719 compliance filing.

IV. MOTION TO INTERVENE.

Bangor Hydro moves to intervene in the above-referenced proceeding. Bangor Hydro is primarily engaged in the business of transmitting electric energy in interstate commerce and is a Participating Transmission Owner (“PTO”) under the ISO-New England Open Access Transmission Tariff. As a PTO, Bangor Hydro has a direct interest in the above-referenced proceeding that cannot be adequately represented by any other party. Accordingly, Bangor Hydro requests that the Commission grant this motion and allow Bangor Hydro to participate fully as a party to the above-referenced proceeding.

V. COMMENTS.

On May 26, 2009, the Maine Public Utilities Commission (“MPUC”) submitted comments in this proceeding regarding certain shortcomings in ISO-New England’s approach to compliance with the Order No. 719 requirements regarding RTO responsiveness to customers, stakeholders and consumers. Among other things, the Commission required RTOs to formulate and post a mission statement that sets forth organizational guiding principles and commitment to responsiveness to customers, stakeholders and consumers.⁶ Additionally, the Commission required RTOs to establish a means for customers and other stakeholders to have a form of direct access to the board of directors.⁷ The MPUC submitted comments to the effect that ISO New England’s submission on these two issues is deficient.

Bangor Hydro supports the MPUC’s comments on the following points. Bangor Hydro supports the MPUC’s suggestion that ISO-NE’s mission statement be strengthened to

⁶ *Id.* at P 478.

⁷ *Id.* at P 477.

incorporate the “lowest reasonable cost” standard rather than the “cost-effective” standard adopted by ISO-NE. Bangor Hydro supports increased transparency in the ISO-NE Board decision making, including the posting on the ISO-NE website of Board meeting agendas, including those of any Standing or Special Board Committees, and the minutes of the same.⁸

With respect to ISO-NE Board decision making, Bangor Hydro supports the MPUC’s proposal that ISO-NE management should be obligated to provide in writing to the Board and the appropriate Standing or Special Committee to which it makes a recommendation, any position differing from that recommended by ISO-NE management if that differing position is supported by a majority of one NEPOOL sector or any state regulatory commission. Bangor Hydro also supports open Board meetings.

Finally, Bangor Hydro supports the creation of a regional consumer advocate position.

VI. CONCLUSION.

The Commission should order ISO New England to submit a further compliance filing addressing the concerns discussed herein.

Respectfully submitted,

/s/ William R. Derasmo

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⁸ ISO-NE already posts the agendas of full Board meetings.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 2009, I have caused a copy of the foregoing document to be served electronically on the Applicant in the above-referenced proceeding.

/s/ Andrew M. Jamieson

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