

146 FERC ¶ 61,145  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

February 28, 2014

In Reply Refer To:  
Bangor Hydro Electric Company  
Docket No. ER14-811-000

Troutman Sanders  
Attn: Jeffrey M. Jakubiak  
Attorney for Bangor Hydro Electric Company  
405 Lexington Avenue  
New York, NY 10174

Dear Mr. Jakubiak:

1. On December 23, 2013, you submitted on behalf of Bangor Hydro Electric Company (Bangor Hydro) and Maine Public Service Company (Maine Public), now Emera Maine,<sup>1</sup> late-filed revisions to the Emera Maine Open Access Transmission Tariff (OATT), and, specifically, Section 13.8, Section 14.6 and Attachment P,<sup>2</sup> to comply with Order No. 764.<sup>3</sup>
2. You explain that Maine Public was then scheduled to merge into its affiliate, Bangor Hydro, on January 1, 2014 and thereafter cease to exist as a separate legal entity. The successor entity would be renamed Emera Maine and own and operate the assets

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<sup>1</sup> See *Bangor Hydro Electric Company*, ER14-218-000 (December 23, 2013) (delegated letter order accepting Emera Maine's request to succeed to the Maine Public OATT and to amend the OATT to reflect the name change, effective January 1, 2014).<sup>1</sup>

<sup>2</sup> Emera Maine, FERC FPA Electric Tariff, Open Access Transmission Tariffs, Section 13, 13 Nature of Firm Point-To-Point Transmission Service, 1.0.0, Section 14, 14 Nature of Non-Firm Point-To-Point Transmission Service, 1.0.0, Attachment P, Appendix 6, Attachment P, Appendix 6, 1.0.0.

<sup>3</sup> See *Integration of Variable Energy Resources*, Order No. 764, FERC Stats. & Regs. ¶ 31,331, (cross-reference at 139 FERC ¶ 61,246), *order on reh'g and clarification*, Order No. 764-A, 141 FERC ¶ 61,232 (2012), *order on reh'g and clarification*, Order No. 764-B, 144 FERC ¶ 61,222 (2013).

which were owned by Bangor Hydro and Maine Public. Accordingly, you submitted revisions to Emera Maine's OATT to comply with Order No. 764 and sought "waiver of any need to submit additional changes to [Maine Public's] current OATT" pursuant to Order No. 764,<sup>4</sup> noting that Maine Public will no longer exist.

3. Order No. 764 requires each public utility transmission provider to: (1) offer intra-hourly transmission scheduling at 15-minute intervals; and (2) incorporate provisions into the *pro forma* Large Generator Interconnection Agreement (LGIA) requiring interconnection customers whose generating facilities are variable energy resources (VERS) to provide meteorological and forced outage data to the public utility transmission provider for the purpose of power production forecasting.

4. The proposed revisions to Emera Maine's OATT provide for intra-hourly transmission scheduling at 15-minute intervals; and in its *pro forma* LGIA, reflect the requirement that interconnection customers whose generating facilities are VERS must provide meteorological and forced outage data to Emera Maine for the purpose of power production forecasting.<sup>5</sup> You request waiver of the Commission's prior notice requirements<sup>6</sup> so as to make the proposed revisions effective January 1, 2014, to coincide with Maine Public's merger into Bangor Hydro and the succession of Emera Maine to the current OATT.

5. In support of the requested "waiver of any need to submit additional changes to [Maine Public's] current OATT," you state that because Maine Public would cease to exist as of January 1, 2014 and its OATT would be terminated<sup>7</sup> any additional changes to Maine Public's OATT pursuant to Order No. 764 would be short-lived.<sup>8</sup>

6. Notice of Bangor Hydro's filing was published in the *Federal Register*, 79 Fed. Reg. 127 (2014), with interventions and protests due on or before January 13, 2014. No interventions or protests were filed.

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<sup>4</sup> Transmittal at 5.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *See* 18 C.F.R. §§ 35.3(a)(1) (2013).

<sup>7</sup> Transmittal at 5. *See also*, *Bangor Hydro Elec. Co., and Maine Public Service Co.*, 144 FERC ¶ 61,030 (2013) (authorizing disposition of jurisdictional facilities); *Bangor Hydro Elec. Co.*, 144 FERC ¶ 61,031 (2013) (granting waiver to permit Bangor Hydro to maintain two OATTs following its merger with Maine Public).

<sup>8</sup> *Id.*

7. The proposed revisions to Emera Maine's OATT are hereby accepted for filing, effective January 1, 2014, as requested.<sup>9</sup>

8. The request for waiver of any need to submit additional changes to Maine Public's OATT pursuant to Order No. 764 is hereby granted, given that Maine Public no longer exists and its eTariff has been canceled.<sup>10</sup>

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>9</sup> See *Central Hudson Gas & Elec. Co.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089, at 61,338 (1992); *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶61,081 (1993). While we accept the late-filed revisions to bring Emera Maine into compliance with Order No. 764, we emphasize that failure to timely comply with Commission directives may result in entities being found in violation of the Federal Power Act. See *Milford Power Company, LLC*, 121 FERC ¶ 61,042, at 61,161 (2007).

<sup>10</sup> See *Maine Public Service Co.*, Docket No. ER14-656-000 (February 4, 2014) (delegated letter order accepting Maine Public's notice of cancellation of its existing eTariff database and notices of termination for several rate schedules and service agreements).