

Good afternoon,

As part of this proceeding, on August 1, 2025, Bucksport Generation LLC provided the Department with a copy of a Facility Sharing Agreement dated October 23, 2019, between Bucksport Mill LLC and Bucksport Generation LLC. Among other things, this newly-shared Facility Sharing Agreement (attached) states, in Article IV Section 4.1(b): “[Bucksport] Mill shall not sell, transfer or otherwise dispose of all or any portion of the equipment or rights subject to this Agreement, or take any other action that interferes with [Bucksport] Generation’s rights therein granted hereunder, without the express written consent of Generation, which consent shall not be unreasonably withheld, delayed or conditioned.” This provision and the Facility Sharing Agreement appear to raise questions about whether Bucksport Mill LLC has sufficient title, right, or interest (TRI) or has obtained the necessary written consent from Bucksport Mill LLC to transfer the Alamoosook, Toddy Pond, and/or Silver Lake dams pursuant to 38 M.R.S. §§ 901-909. Similar questions regarding TRI with respect to this proceeding and/or the ability of Bucksport Mill LLC to independently transfer the dams are also raised by the terms of the Easement between Bucksport Mill LLC and Bucksport Generation LLC dated May 21, 2019 (also attached, with incorporated Easement Exhibits A-C).

In an email to the Department dated August 15, 2025 (also attached), a representative for Bucksport Generation LLC stated that the need for advance written consent prior to any dam transfer had been previously communicated to Bucksport Mill LLC by letter dated May 14, 2025, and that Bucksport Mill LLC had not (at least as of the August 15, 2025 email to the Department) initiated any discussions with Bucksport Generation LLC regarding its written consent to the transfer of any of the dams.

The Department invites Bucksport Mill LLC, as well as interested parties, including Bucksport Generation LLC, to submit further comment, including any updates, on the limited issues discussed herein and how they may relate to or affect this proceeding, including the effect of any provisions of the Facility Sharing Agreement or the Easement on Bucksport Mill LLC’s TRI and ability to transfer any of the dams pursuant to 38 M.R.S. §§ 901-909.

The Department notes that the existing deadline for Bucksport Mill LLC’s statutory report on the consultation process is October 13, 2025. The Department is seeking input on these TRI-related issues in advance of that deadline to promote the statutory consultation process. Accordingly, the Department requests that all such comments be submitted by 5PM on September 12, 2025.

Best,
Laura