

Maine Public Utilities Commission

Report Assessing the Staffing and Resources Needed to Comply with the Integrated Grid Planning Provisions Contained in Public Law, 2021, chapter 702



December 1, 2022

Section 11 of [Public Law 2021, chapter 702](#) (Act) requires the Maine Public Utilities Commission (Commission) to submit a report no later than December 1, 2022, that includes an assessment of the staffing and resources that may be necessary to comply with the integrated planning provisions contained in [35-A MRSA § 3147](#). The Act provides the joint standing committee of the Legislature having jurisdiction over energy and utility matters (Committee) with the authority to report out Legislation on the subject matter of the report to the 131st Legislature in 2023.

Section 8 (35-A MRSA § 3147(2)) of the Act requires the Commission to initiate a proceeding by November 1, 2022, then every five years thereafter, to identify the priorities to be addressed in a filing by investor-owned transmission and distribution utilities (utilities) regarding a grid plan that will assist in the cost-effective transition to a clean, affordable and reliable electric grid. The Act specifies that the Commission is required to hold technical conferences or stakeholder workshops to identify priorities, assumptions, goals, methods and tools that will assist the utilities in developing a grid plan. Upon conclusion of the technical conferences and stakeholder workshops, the Commission is directed to issue an order directing utilities to submit a filing within 18 months of the issuance of the order that addresses the priorities identified in the proceeding and includes the additional components identified in 35-A MRSA §3147(4).

Upon receipt of the filing by utilities, the Commission is required to make those filings available for public comment for a period of no less than 60 days. The Act provides the Commission with the authority to order a utility to revise the filing to address any deficiencies. The Act allows the Commission to use the filing and the input received from interested parties in rate cases or other proceedings involving the utility.

On September 12, 2022, the Commission opened [Docket No. 2022-00290](#) initiating an inquiry into the process to be utilized to identify priorities to be addressed in a filing by utilities regarding a grid plan as required by the Act and how best to encourage participation, especially by those stakeholders that do not frequently participate in Commission proceedings. Initial comments were required to be filed by October 3, 2022. The Commission received six comments during the initial comment period from the following:

- The Natural Resources Council of Maine, Acadia Center, Union of Concerned Scientists, Conservation Law Foundation, Maine Conservation Voters, and The Nature Conservancy in Maine, filing jointly;
- Maine Climate Action Now, Maine Youth for Climate Justice and the Sierra Club, filing jointly;
- Coalition for Community Solar Access and Maine Renewable Energy Association, filing jointly;
- The Office of the Public Advocate;
- Central Maine Power; and
- Versant Power.

The notice allowed for reply comments to be filed by October 17, 2022. The Commission received four reply comments from the following:

- The Natural Resources Council of Maine, Acadia Center, Union of Concerned Scientists, Conservation Law Foundation, Maine Conservation Voters, and The Nature Conservancy in Maine, filing jointly;
- The Governor’s Energy Office;
- Versant Power; and
- Central Maine Power.

The following six questions were posed in the Commission’s inquiry:

1. What type of process should the Commission utilize to identify priorities, assumptions, goals, methods and tools that will assist the utility in developing a grid plan?
2. The Commission expects to convene working groups and/or hold technical conferences, as well as to provide opportunities for written comments and submissions but may use a facilitator. Please comment on this aspect of the process.
3. What steps should the Commission take to encourage participation by stakeholders, especially those stakeholders that do not frequently participate in Commission proceedings?
4. Please comment on how the priorities detailed in the Act should be identified, analyzed, and discussed by the stakeholders including how the Commission should formally establish the priorities from the feedback it receives from stakeholders?
5. Should the meetings all take place in Hallowell at the Commission’s offices, or should the Commission hold meetings around the State or offer remote participation by stakeholders?
6. Please comment on how the Commission can best incorporate into this process the work already completed in the Commission’s Grid Modernization case in [Docket No. 2021-00039](#)?

The Commission received robust responses to this inquiry including several suggestions on what type of process the Commission should utilize to assist in the identification of priorities. On November 1, 2022, the Commission issued a “Notice of Proceeding” (NOP) in [Docket No. 2022-00322](#) as required by Section 8 of the Act detailed above. In the attached NOP, the Commission provided a summary of the comments it received in its inquiry and specified that due to the volume and detailed nature of the comments received in the inquiry, Commission Staff had not yet been able to prepare a detailed plan for conducting the process that will obtain stakeholder input in the identification of priorities to be addressed by the utilities in their grid plan filings. It specifies that Commission Staff will take the submitted comments into consideration as it prepares the plan, and that plan will be published in the docket.

Using the information provided in the inquiry, along with assessing the requirements of the Act, the Commission has determined that staff, as well as additional resources will be needed to successfully complete this process.

The Commission has determined the following resources are needed:

- Consulting assistance to provide technical assistance and help in identifying priorities;

- Consulting assistance to assist in the facilitation of the stakeholder process to identify priorities; and
- A new, full-time staff position requiring a background in electrical engineering to assist with the development of priorities and evaluation of grid plans filed by the utilities.

The Commission looks forward to discussing this report with the Committee during this upcoming session and will be able to provide more details regarding the financial impacts associated with these identified additional resources.

**Notice of Proceeding –
Docket No. 2022-00322**

November 1, 2022

MAINE PUBLIC UTILITIES COMMISSION
Proceeding To Identify Priorities
for Grid Plan Filings

NOTICE OF PROCEEDING

BARTLETT, Chair; DAVIS and SCULLY, Commissioners

I. SUMMARY

Through this Notice, the Commission initiates a proceeding to identify priorities to be addressed in a filing by investor-owned electric transmission and distribution (T&D) utilities regarding a grid plan and how best to encourage participation, especially by those stakeholders that do not frequently participate in Commission proceedings.

II. BACKGROUND

During its 2022 session, the Legislature enacted An Act Regarding Utility Accountability and Grid Planning for Maine's Clean Energy Future, [Public Law 2021, ch. 702](#) (Act). Section 8 of the Act requires the Commission to initiate a proceeding once every five years to identify the priorities to be addressed in required filings by Maine's two investor-owned electric T&D utilities regarding a grid plan that will assist in the cost-effective transition to a clean, affordable and reliable electric grid. The Act requires the Commission to hold technical conferences or stakeholder workshops before the utilities submit their filings in order to identify priorities, assumptions, goals, methods and tools that will assist the utility in developing its grid plan filing.

The Act directs the Commission, at the conclusion of these technical conferences or stakeholder workshops to issue an order that directs the utility to submit a filing to the Commission that addresses the priorities identified in the proceeding. The utility has 18 months from the date the order is issued by the Commission to submit a filing that addresses the identified priorities as well as additional components required by the Act.

The Act requires that the filing for each utility is available for public comments for a period of at least 60 days. The Act allows the Commission to use the filing and any input received from interested parties on the filing in rate cases or other proceedings involving the utility.

III. REQUEST FOR COMMENTS

Prior to initiating this proceeding, the Commission opened an Inquiry, Docket No. [2022-00290](#)¹ to request comments as to what process would be best suited to identify the priorities and satisfy the statutory requirements. Interested persons were requested to provide comments on the following matters:

1. What type of process should the Commission utilize to identify priorities, assumptions, goals, methods and tools that will assist the utility in developing a grid plan?
2. The Commission expects to convene working groups and/or hold technical conferences, as well as to provide opportunities for written comments and submissions but may use a facilitator. Please comment on this aspect of the process.
3. What steps should the Commission take to encourage participation by stakeholders, especially those stakeholders that do not frequently participate in Commission proceedings?
4. Please comment on how the priorities detailed in the Act should be identified, analyzed, and discussed by the stakeholders including how the Commission should formally establish the priorities from the feedback it receives from stakeholders?
5. Should the meetings all take place in Hallowell at the Commission's offices, or should the Commission hold meetings around the State or offer remote participation by stakeholders?
6. Please comment on how the Commission can best incorporate into this process the work already completed in the Commission's Grid Modernization case in Docket No. [2021-00039](#)²?

The Commission received six comments during the initial comment period from the following:

- The Natural Resources Council of Maine, Acadia Center, Union of Concerned Scientists, Conservation Law Foundation, Maine Conservation Voters, and The Nature Conservancy in Maine, filing jointly (ENV Commenters);

¹ *Maine Public Utilities Commission Inquiry into the Process to Identify Priorities for Grid Plan Filing*, Docket No. 2022-00290.

² *Maine Public Utilities Commission Investigation into the Design and Operation of Maine's Electric Distribution System*, Docket No. 2022-00039.

- Maine Climate Action Now, Maine Youth for Climate Justice and the Sierra Club, filing jointly (Climate Commenters);
- Coalition for Community Solar Access and Maine Renewable Energy Association, filing jointly (Solar Commenters);
- The Office of the Public Advocate (OPA);
- Central Maine Power (CMP); and
- Versant Power (Versant).

The Inquiry notice allowed for reply comments to be filed by October 17, 2022. The Commission received four reply comments from the following:

- ENV Commenters;
- The Governor’s Energy Office (GEO);
- Versant; and
- CMP.

While the Commission does not summarize all the Inquiry comments here, below is an overview of the suggestions it received.

A. Type of Process the Commission Should Utilize to Identify Priorities and Possible Use of a Facilitator

Commenters suggested that the process be transparent, robust, accessible (ENV Commenters, CMP, GEO) include diverse perspectives (ENV Commenters, Versant), be open and respectful (Versant, GEO) and collaborative (CMP, GEO). A number of commenters asked that there be stakeholder feedback at multiple points throughout the process (Solar Commenters, ENV Commenters, Versant, GEO). The Solar Commenters and ENV Commenters pointed to the process established in the “Jade Roadmap” developed by the National Association of Regulatory Utility Commissioners – National Association of State Energy Officials (NARUC-NASEO) Task Force on Comprehensive Electricity Planning which breaks the grid planning development process into discrete steps allowing for multiple stakeholder engagement opportunities. It was also suggested that there should be a recommended decision issued by Commission Staff, with an opportunity for parties to file comments before the issuance of a Commission order that identifies the priorities that utilities are required to address in their filings (CMP, ENV Commenters).

Many commenters suggested or were supportive of using a facilitator (ENV Commenters, Solar Commenters, CMP (although CMP also thought Commission Staff could act in this role), Versant, OPA, GEO), some noted this could work around Commission Staff resource constraints, may free up Commission Staff to participate more fully in the process (ENV Commenters, Solar Commenters, Versant) and may be faster and more efficient (Versant). At the same time, it was suggested that the Commission should retain a central leadership role in determining workshop formats, content, goals and setting the tone to ensure that the process is providing the Commission with the information, perspectives and authority it needs to achieve planning objectives (ENV Commenters). The OPA commented that the working group

process outlined by the Commission (working groups and/or technical conferences and opportunities for written comments) would be a productive process for identifying priorities, assumptions, goals, methods and tools.

Versant explained that it has been developing a 3-stage process for integrated system planning that emphasizes engagement with its communities and energy stakeholders (Stage 1-Develop Planning Assumptions: Collect information, talk with stakeholders, learn from others; Stage 2-Explore Solutions and Options: build models and evaluation criteria, identify constraints and preliminary solutions and invite stakeholder solutions; and Stage 3- Build the Integrated System Plan: identify solution criteria, compare benefits and costs, and review solutions with stakeholders). CMP found this to be a useful example of the manner in which a utility may effectively perform integrated system planning and thought it may be beneficial to discuss the pros and cons of Versant's proposed approach in the earlier stages of the Commission's grid plan proceeding. ENV Commenters stated that they were also encouraged by Versant's thoughtful and proactive work in developing its 3-stage proposal. Versant indicated that it is interested in having the opportunity to share its initial framework early in this proceeding to receive direct feedback and that other parties may wish to be provided a similar opportunity.

It was also suggested that the identification and clarification of critical assumptions as early as possible will enable the utilities and other stakeholders to communicate effectively and conduct analyses consistently (Versant) and that early on the process should start with a survey of electricity customers and communities to identify current priorities and desired outcomes from an integrated system plan that may include renewable energy, electric vehicles, time-of-use rates and electricity affordability (Versant). ENV Commenters thought the survey merited consideration by the Commission and agreed with identifying/clarifying critical assumptions early in the process. Versant was also supportive of having an entity, such as the Lawrence Berkley National Laboratory, serve as an independent expert contributor to help the group with a shared set of goals and facilitate the transparent evaluation of potential solutions.

Versant further commented that developing baseline assumptions might include input from the GEO on the influence of Maine's climate and electrification goals on electricity load assumptions; information from the GEO and the Efficiency Maine Trust to inform baseline assumptions for beneficial electrification, demand response and customer-device forecasts; a summary of Maine's decarbonization goals and objectives from the Climate Council's Energy Subcommittee report; input from national subject matter experts on best practices for incorporating environmental and economic justice issues into integrated system planning; input from utilities regarding the assumptions needed for planning and the information and data sources that could support developing those assumptions; filings from interested parties regarding what key assumptions must be established and potentially how that information should be sourced; and information from utilities on planning criteria and how these are used in technical models and analysis.

ENV Commenters suggested the stakeholder process should consist of a series of half-day public workshops oriented around topics identified by the Commission, with at least one public comment period to capture feedback concerning the workshops. Policy and technical research and analysis could be developed in advance of the workshops to help educate, inform and steer the stakeholder discussion. They suggested that during these workshops, subject matter experts could introduce the latest best practices on a topic and/or discussions would be informed by surveys or data requests issued to the utilities. All of this would be circulated well in advance of the meetings to allow adequate time for review by stakeholders.

ENV Commenters recommended that professional facilitation and related expenses be included in the Commission's needs assessment report required to be submitted to the Energy, Utilities and Technology Committee by December 1, 2022. ENV Commenters also suggested that the Commission hire additional staff with engineering and economic expertise and that this and any contracted technical expertise should also be included in the Commission's December report.

ENV Commenters further commented that quality engagement will depend on the participation of technical experts that do not work for the utilities to help vet the information provided by the utilities and that one source of expertise could be the nonwires (NWA) Coordinator as it is well acquainted with the distribution system planning practices of Maine's utilities. The GEO was supportive of establishing foundational knowledge as stakeholders will have differing backgrounds and knowledge and suggested that the Commission consider the best practice of a utility survey that identifies information about the current state of the grid and the current process for grid planning. GEO also suggests an additional survey to ensure a baseline understanding of the NWA process and other related information. In addition, the GEO also highlighted multiple recent efforts led by State agencies that the Commission could use to inform the design and implementation of this process including the Governor's Office of Policy Innovation and the Future (GOPIF)'s report on best practices for agencies to incorporate equity considerations; the Maine Climate Council; and the Maine Offshore Roadmap. These efforts included Advisory Committees, informed by recommendations or input gathered by expert Working Groups, and were supported by both technical consultants and expert facilitators. GEO commented that this process does not need to mirror these efforts, but they can inform and be models to be built upon. GEO also pointed to existing resources that highlight best practices for distribution system planning including a joint effort from Lawrence Berkeley National Lab and NARUC; the joint NARUC-NASEO effort on comprehensive electricity planning; and a strategy and implementation planning guidebook published by the U.S. Department of Energy.

Versant also noted that if one of the goals is to retain continuity with the work conducted in the grid modernization docket, then the Commission may wish to consider engaging Electric Power Engineers (EPE) to provide independent, technical support (noting EPE spent significant time with CMP and Versant to gain a detailed understanding of the utilities' processes and their distribution systems and is uniquely positioned to build on this in-depth knowledge and facilitate the important work being done in this docket).

ENV Commenters also suggested looking to other jurisdictions that offer examples of how different models for stakeholder engagement can be used to improve outcomes in grid planning (e.g., Hawaii, Oregon, Michigan and Massachusetts). For more specific information on these see the full comments in the Inquiry docket. In addition to public workshops or meetings, at least one of these models establishes a standing Stakeholder Council. In CMP's view, such a standing council would be inconsistent with the Act in that the council would usurp roles that should rest either with the Commission (e.g., identifying priorities) or the utility (e.g., performing grid panning process) noting that examples from other states have completely different statutory frameworks and that the Commission has been given clear direction from the Legislature in [P.L. 2021, ch. 702](#) related to Maine's utility grid plans. ENV Commenters in their reply comments acknowledged that the Commission may decide not to go the route of a standing Stakeholder Council but asked that the Commission at least keep the idea in reserve and potentially include it in its report to the Legislature in December 2022.

B. Steps the Commission Should Take to Encourage Participation by Stakeholders, Especially Stakeholders that Do Not Frequently Participate in Commission Proceedings

A number of commenters suggested that the Commission do targeted outreach to impacted, underserved or historically disadvantaged communities (ENV Commenters, Climate Commenters, GEO). There were suggestions or support for developing communication materials in plain language and developing plain language guides to help the public understand the Commission's processes and how to participate and provide useful comments (ENV Commenters, Climate Commenters, Versant); understandable language about what integrated grid planning is, what particular issues are being proposed and the impacts and/or benefits to communities because of existing or new infrastructure (Climate Commenters); notifying the public of events and deadlines outside of CMS, making consultant reports and other relevant documents available outside of CMS and allowing informal written comments to be submitted outside of CMS (ENV Commenters, GEO, Solar Commenters); and setting goals related to outreach and participation and evaluating outcomes for the purpose of making iterative improvements to outreach efforts (ENV Commenters). ENV Commenters also suggested that the Commission coordinate with community groups and environmental justice communities in organizing workshops and potentially contract with community-based organizations for assistance in recruiting and facilitating participation. It was also suggested that the Commission could notify the public through existing social networks within environmental justice communities; trusted community influencers and groups; and public announcements in local news/communication sites (Climate Commenters). ENV Commenters also suggested that the Commission should host a series of workshops in key locations within each utility's service territory.

The OPA suggested that the Commission undertake initial public outreach, including issuing a press release to engage the media in discussing the importance of grid modernization and public input in the process.

There were also suggestions to widely promote and offer potential stakeholder intervenor funding, including funding of expert witnesses, to encourage participation (Climate Commenters, ENV Commenters). The OPA also suggested considering using intervenor funding to participants who demonstrate a lack of resources and an ability to contribute if they had adequate resources. CMP commented that while it supports the Commission's goal to encourage participation by stakeholders that do not frequently participate in Commission proceedings, it urges the Commission to take a cautious approach with respect to intervenor funding as it assumes funds are limited and could quickly be exhausted if numerous intervenors are all granted intervenor funding for the purpose of hiring attorneys and experts.

Commenters also noted that virtual or remote participation may also help encourage participation (ENV Commenters, Climate Commenters, Solar Commenters, Versant) as well as allowing informal written comments to help overcome institutional barriers and balance opinions of those who speak up most in working group meetings (Solar Commenters, ENV Commenters). There were also suggestions or support for press releases and potentially publishing a notice in major newspapers in the service territories of each utility (CMP, GEO). The OPA also suggested after the development of an initial straw proposal, the Commission should also consider holding public witness hearings in Portland, Bangor and Lewiston at which members of the public could offer comments on that proposal.

C. How the Priorities Detailed in the Act Should be Identified and How the Commission Should Formally Establish the Priorities From the Feedback it Receives From Stakeholders

A working group process conducted with the assistance of a facilitator would be a productive process for identifying priorities, as well as documenting the consensus priorities (OPA, Solar Commenters). The OPA commented that the grid modernization priorities should follow the results of the EPE report which identifies gaps in utility infrastructure. The OPA stated that it is necessary to prioritize investments that will establish the needed foundation for implementing policy objectives, that data collection technology should be prioritized as the first step toward grid modernization as these investments are needed to develop fact-based identification of additional investments and that accurate distribution circuit models and time series circuit condition data from field measurements are needed so that the benefits of each capital project may be objectively reviewed in simulations, rather than relying on broad projections or historical judgment.

The stakeholder process should ensure that each priority is clear, measurable and specifies how an integrated system plan can support each objective (Versant and

ENV Commenters). GEO suggested that previous stakeholder work and analyses, such as the Maine Climate Council, EPE's gap analysis and recommendations reports to the Commission in Docket No. [2021-00039](#), and the Maine Utility Regulatory Reform and Decarbonization Initiative, can serve as starting points for developing a list of topics for stakeholders to discuss in order to determine priorities, assumptions, goals, tools and methods. The GEO suggests the Commission propose a set of priorities, drawing from these resources as well as the record in the Inquiry docket, for stakeholder feedback. Versant also supports the engagement of additional subject matter expert(s) to help manage the consideration and evaluation of equity and environmental justice issues throughout the planning process, both procedurally and in outcomes.

D. Meeting Locations and Remote Participation

Most commenters suggested that the Commission hold meetings around the State in addition to any meetings held at the Commission (ENV Commenters, Climate Commenters, OPA, Versant, GEO) and include remote participation (ENV Commenters, Climate Commenters, Solar Commenters, OPA, CMP, Versant). There were suggestions that at least one in person meeting be held in each of the utilities' service territories (Solar Commenters), that there be an initial in person meeting of stakeholders (OPA) and that there be varying meeting times of day to best serve stakeholders (Climate Commenters).

E. Incorporating the Work Completed in the Commission's Grid Modernization Case

Many commenters agreed that the roadmaps developed by EPE and related work from Docket No. [2021-00039](#) should be incorporated as a starting point as this work overlaps substantively with the issues to be considered in this proceeding (ENV Commenters, Solar Commenters, CMP, GEO). The OPA suggested that this question be undertaken as an initial task of the stakeholder group noting that the Commission can identify investment priorities from the EPE report as topics of discussion for stakeholder participation, technical experts can present information to facilitate discussion and additional stakeholder input can be incorporated in the EPE timeline which identifies short- medium- and long-term investment strategies for grid modernization implementation. Versant suggested that EPE prepare a summary presentation and record it for future use by participants.

IV. THE PROCESS

The Commission appreciates the robust responses to the questions posed in the Inquiry. Due to the volume and detailed nature of the comments, the Commission has not had sufficient time to prepare a plan for conducting the process that will obtain stakeholder input in the identification of priorities to be addressed by the utilities in their grid plan filings. Commission Staff will take the submitted comments into consideration as it prepares the plan, which will be published in this docket.

Any interested person who would like to receive notifications regarding this proceeding may utilize the Commission’s Case Management System (CMS) (<https://www.maine.gov/mpuc/online-services>) and add themselves to the Notification List for Docket No. 2022-00322.³ If you need assistance using CMS, please contact the Commission at (207) 287-3831.

This Notice shall be provided to all electric T&D utilities, the Office of the Public Advocate, the Efficiency Maine Trust, the Governor’s Energy Office, all persons on the notification list for the Inquiry that preceded this proceeding, Docket No. [2022-00290](#), the Commission’s Chapter 324, Small Generator Interconnection rulemaking, Docket No. [2021-00167](#)⁴ and the Grid Modernization Case, Docket No. [2021-00039](#). In addition, as many of the commenters in the Inquiry suggested, the Commission will also conduct further outreach to capture stakeholders that do not regularly participate in Commission proceedings.

Dated at Hallowell, Maine, this 1st day of November 2022.

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear

Harry Lanphear
Administrative Director

³ Click “Register” in the “Registered Users” portion of the page. Detailed instructions are also available by clicking on the blue “Learn more about the CMS system” bar at the bottom of the “Online Services” page. When registering, persons should indicate the entity or entities they represent and on whose behalf they will make filings.

⁴ *Maine Public Utilities Commission Amendments to Small Generator Interconnection Procedures (Chapter 324)*, Docket No. 2021-00167.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party at the conclusion of an adjudicatory proceeding written notice of the party's rights to seek review of or to appeal the Commission's decision. The methods of review or appeal of Commission decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Pursuant to 5 M.R.S. § 8058 and 35-A M.R.S. § 1320(6), review of Commission Rules is subject to the jurisdiction of the Superior Court.

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.