

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
#L-27625-2C-C-N/#L-27625-VP-D-N/)
#L-27625-IW-E-N)

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
SITE LAW CERTIFICATION SLC-9)
Beattie Twp, Merrill Strip Twp, Lowelltown Twp,)
Skinner Twp, Appleton Twp, T5 R7 BKP WKR,)
Hobbsdown Twp, Bradstreet Twp,)
Parlin Pond Twp, Johnson Mountain Twp,)
West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

**RESPONSE OF CENTRAL MAINE POWER COMPANY
TO THE GROUP 2 AND 10 MOTION FOR ADDITIONAL PUBLIC HEARING**

In *yet another* transparent attempt to delay this proceeding, Groups 2 and 10 ask for another hearing day “to allow time for CMP’s engineers to respond to the questions posed to the CMP witnesses present on April 1, 2019 and April 2, 2019, that the Panels deferred to CMP’s engineers and did not directly answer.” In support, Groups 2 and 10 allege that “throughout the cross-examination of both Panels, CMP’s witnesses, upon questioning regarding various changes to the design of the transmission line to mitigate the negative impacts to the scenic resources and

environment, deferred questions to CMP engineers.” The Presiding Officers should deny the Groups 2 and 10 motion for the following reasons.

First, contrary to Groups 2 and 10’s assertion, CMP is not proposing any “changes to the design of the transmission line to mitigate the negative impacts to the scenic resources and environment.” Although Groups 2 and 10 asked CMP’s witnesses about potential changes that some intervenors have suggested they might desire, CMP has no obligation to offer witnesses who can address those potential changes.

Second, the purpose of this hearing is to address the four identified hearing issues, and CMP has presented eight witnesses for that purpose this week. CMP also has presented four additional rebuttal witnesses who will be available for cross-examination on May 9, as ordered by the Presiding Officers. The parties had a full and fair opportunity to ask questions of CMP’s eight witness who were available this week, with respect to their prefiled testimony. Those witnesses are not required to have answers to every question that a party might ask them, particularly when those questions are outside the scope of the witnesses’ prefiled testimony. Indeed, the witnesses are entitled, and in fact required, to defer answering questions to which those witnesses do not know the answer.

If Groups 2 and 10 believe CMP’s witnesses should have been able to answer questions in order for CMP to meet its burden of proof in this proceeding, Groups 2 and 10 are free to make that argument in post-hearing briefs. Groups 2 and 10 are not entitled, though, to cross-examine other CMP employees or consultants who did not file prefiled direct or rebuttal testimony, about every potential question that might pop into the mind of Group 2 and 10’s lawyer during her cross-examination of the witnesses CMP has offered.

Third, to the extent Groups 2 and 10 are referring to its desire to ask questions relating to the possibility of undergrounding the proposed transmission line, the Presiding Officers have provided for an additional hearing day for that purpose on May 9, so there is no need for yet another hearing day beyond May 9.

For the foregoing reasons, the motion of Groups 2 and 10 for additional public hearing should be denied.

Dated this 4th day of April, 2019.



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