

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,)
Hobbs town Twp, Bradstreet Twp,)
Parlin Pond Twp, Johnson Mountain Twp,)
West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

MOTION TO STRIKE OF
CENTRAL MAINE POWER COMPANY

Central Maine Power Company (CMP) moves to strike those portions of the rebuttal testimony described below that exceed the scope of the hearing as set forth in the Second and Third Procedural Orders of the Maine Department of Environmental Protection (DEP) and the Maine Land Use Planning Commission (LUPC). This motion incorporates the arguments regarding the narrow focus of the hearing topics set forth at pages 1-4 and 13-14 of CMP's March 7, 2019, 2019 Motion to Strike.

Group 1

- Janet McMahon
 - Pages 1-2 (paragraph #2): climate change is not a hearing topic.

Group 2

- Elizabeth Caruso
 - Page 3: EMF and noise are not hearing topics.
 - Page 4: chemicals, noise, EMF, and tourism are not hearing topics.
- Greg Caruso
 - Page 4: herbicides and water quality are not hearing topics.
- Roger Merchant
 - Pages 3-4: water quality and pesticides are not hearing topics.
- Roger Merchant
 - Pages 6-7: Carbon storage, deforestation, CO2 emissions, climate change, and global warming are not hearing topics. To the contrary, they have been expressly excluded from consideration at the hearing. DEP Third Procedural Order ¶ 8.a; LUPC Third Procedural Order § II.B. While at a minimum his testimony on “Loss of Carbon Storage from Deforestation” must be stricken, CMP further requests that his testimony in its entirety be stricken as a sanction for willfully and openly ignoring the Presiding Officer’s ruling; the Presiding Officer has authority to do so, and should do so, pursuant to DEP Reg. 3.4(C)(12).
- Justin James Presiendorfer
 - Pages 3-5: Mr. Presiendorfer’s testimony regarding the pre-filed direct testimony of Group 6 witnesses Wood and Emerson is not rebuttal testimony, as the vast majority of this testimony is *in support of* their (as well as his prior) assertions. This testimony is not appropriate for rebuttal, and should be stricken in its entirety.
 - Page 4: tourism is not a hearing topic.

Group 4

- Ron Joseph
 - Page 1: invasive and non-native plants are not hearing topics

Group 10

- Eric Sherman
 - Mr. Sherman’s testimony is not rebuttal testimony. While he claims to be rebutting testimony from the Group 6 witnesses, the vast majority of his testimony merely repeats and *supports* their assertions. In fact, on page 10 he says “I echo” their concern. Mr. Sherman’s claim that the Group 6 witnesses do not go far enough in opposition to the Project does not save his testimony – he cannot submit rebuttal to a party with which he agrees. His testimony is not appropriate for rebuttal, and should be stricken in its entirety.

For the foregoing reasons, CMP respectfully requests that the DEP and LUPC presiding officers strike the portions of rebuttal testimony identified above.

Dated this 26th day of March, 2019.

A handwritten signature in black ink, appearing to read "Matthew D. Manahan", written over a horizontal line.

Matthew D. Manahan
Lisa A. Gilbreath

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