

June 8, 2020

Michele Lumbert, Clerk  
Kennebec County Superior Court  
1 Court Street, Suite 101  
Augusta, ME 04330

RE: NextEra Energy Resources, LLC v. Maine Department of Environmental  
Protection, et al, Docket No. \_\_\_\_\_

Dear Clerk Lumbert:

Enclosed please find the following documents for filing on behalf of NextEra Energy Resources, LLC in the above captioned matter:

1. Petition Under Rule 80C for Judicial Review of Final Agency Action;
2. Civil Summary Sheet; and
3. A check in the amount of \$175.00 for the filing fee.

Thank you for your attention to this matter.

Sincerely,



Joanna B. Tourangeau

**Certified Mail Service To:**

Commissioner Reid, Department of Environmental Protection  
Peggy Bensinger, Esq. Assistant Attorney General (counsel for DEP)  
Matthew D. Manahan, Esq. (counsel for Applicant/Party in Interest CMP)  
Mr. Bob Haynes, (representative for Group 1 Parties)  
Beth Boepple, Esq. (via email only as counsel for Groups 2 and 10 Parties)  
Anthony Buxton, Esq. (counsel for Group 3 Parties)  
David M. Kallin, Esq. (via email only as counsel for Group 4 Parties)  
Jeffrey D. Talbert, Esq. (counsel for Group 5)  
Mr. Rob Wood (representative for The Nature Conservancy)  
Sean Mahoney, Esq. (counsel for Conservation Law Foundation)  
Benjamin J. Smith, Esq. (counsel for Western Maine Mountains and Rivers)  
Barry J. Hobbins, Esq. (Office of the Public Advocate)

STATE OF MAINE  
KENNEBEC COUNTY, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. \_\_\_\_\_

NEXTERA ENERGY RESOURCES, LLC

Petitioner

v.

MAINE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Respondent

And

CENTRAL MAINE POWER

Party-In-Interest

**PETITION UNDER RULE 80C FOR  
JUDICIAL REVIEW OF FINAL  
AGENCY ACTION**

**INTRODUCTION**

1. This action is brought by Petitioner, NextEra Energy Resources, LLC (“NextEra” or “Petitioner”) pursuant to 5 M.R.S. § 11001 *et seq.* and Maine Rule of Civil Procedure 80C to timely appeal the May 11, 2020 order of the Department of Environmental Protection (“DEP” or “Department”), conditionally approving Central Maine Power Company’s (“CMP”) applications for State environmental permits for the New England Clean Energy Connect project (“NECEC” or “Project”) (“DEP NECEC Approval”).

2. The DEP NECEC Approval is unsupported by substantial evidence in the record, contains legal errors, is the result of unlawful process and exercise of authority beyond that granted to the Department by statute, and/or is arbitrary, capricious, or characterized by an abuse of discretion and therefore must be vacated, reversed, and remanded.

## **PARTIES**

3. NextEra is a limited liability company organized under the laws of Delaware, with a principal place of business in Juno Beach, Florida. NextEra was an intervenor party to the Department's permitting process resulting in the DEP NECEC Approval. NextEra is the indirect owner of the 36 megawatt ("MW") Cape Energy Station; the 827 MW W.F. Wyman Station (100% owner of Units 1, 2, and 3 and majority owner of Unit 4); and the 16.2 MW Casco Bay Storage Project, as well as a number of wind, solar, and storage projects under development in Maine, including Penobscot Wind, LLC and Moose Wind, LLC.

4. Respondent Department is a state agency with its principal office in Augusta, Maine and which is organized under the laws of the State of Maine.

5. Upon information and belief, Party-in-Interest CMP is a Maine business corporation with headquarters in Augusta, Maine. CMP is the applicant on whose behalf the Department issued the DEP NECEC Approval.

## **JURISDICTION AND VENUE**

6. This Court has jurisdiction over Petitioner's claims pursuant to 5 M.R.S. § 11001(1) and Maine Rule of Civil Procedure 80C.

7. Venue is proper under 5 M.R.S. § 11002(1)(C) because the activity authorized by the DEP NECEC Approval is located in-part in this county and under 5 M.R.S. § 11002(B) because the Department has its principal place of business in this county.

## **FACTUAL BACKGROUND**

8. The NECEC is proposed as an approximately 145-mile, 1,200 megawatt high-voltage direct current transmission line project that starts at the Québec/Maine border and ends in Lewiston, Maine.

9. To carry its burden of proof in support of the issuance of the DEP NECEC Approval, CMP must establish that the NECEC complies with the Natural Resource Protection Act (38 M.R.S. §§ 480-A – 480-JJ) (“NRPA”); the Site Location of Development Act (38 M.R.S. §§ 481- 489-E) (“Site Law”); Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341); and Chapters 310, 315, 335, 373, 375, 376, 500, and 502 of the Department Rules.

10. On September 27, 2017, CMP filed applications with the Department for approvals allowing construction of the NECEC pursuant to the Site Location of Development Act, Natural Resource Protection Act, and Water Quality Certification (collectively, the “Permits”).

11. CMP also filed an application with the Land Use Planning Commission (“LUPC”) seeking Certification to the Department of the permissibility of portions of the NECEC as a special exception within the P-RR subdistrict as required by the Site Law. 38 M.R.S. § 489-A-1; 01-672 C.M.R. Chp. 10 Sub-chapter II §10.23(I)(3).

### **THE DEPARTMENT AND LUPC PERMITTING PROCESS**

12. NextEra was an intervenor party to all Department and LUPC proceedings.

13. NextEra sought and obtained this intervenor status as being directly and adversely impacted because the proposed NECEC transmission line would route directly through the proposed development area of the Moose Wind, LLC project, which directly and adversely impacts the ability of this wind generation project to access and interconnect to the transmission grid and the ISO-New England market, because the NECEC line is a proposed high voltage direct current line which is not conducive to interconnecting Maine-based renewable generating projects.<sup>1</sup>

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<sup>1</sup> On appeal of the Maine Public Utilities Commission’s approval of NECEC, the Maine Supreme Judicial Court, over the objections Industrial Energy Consumer Group, concluded that NextEra had standing as a party who was adversely effected by the Commission’s decision. *NextEra Energy Resources, LLC v. Public Utilities Commission*, 2020 ME 34, ¶ 15.

NextEra is consequently substantially and directly affected by the NECEC and the DEP NECEC Approval.

Natural Resource Protection Act - Alternatives Analysis

14. It is undisputed that the NECEC will impact numerous acres of natural resources along the proposed route, including wetlands.

15. NRPA requires that there be no practicable alternatives to the NECEC. 06-096 C.M.R. Chp. 310 § 5(A).

16. The Department Rules define “practicable” as “[a]vailable and feasible considering cost, existing technology and logistics based on the overall purpose of the project.” 06-096 C.M.R. Chp. 310 § 3(R).

17. CMP’s alternatives analysis defines the project purpose. *See generally* NRPA Application §2 (Alternatives Analysis).

18. CMP evaluated five potential alternative transmission corridor routes against their ability to achieve the project purpose.

19. CMP’s alternatives analysis concluded that undergrounding the transmission line under the Upper Kennebec River using horizontal directional drilling (“HDD”) technology was not a practicable alternative because it was too expensive and potentially not technically feasible.

20. Following requests by intervenors and members of the public and expressions of concern by the Department, CMP amended its proposed route to include undergrounding the transmission line under the Upper Kennebec River using HDD technology.

21. CMP never updated its alternatives analysis.

22. CMP never conducted an alternatives analysis of undergrounding the 53-miles of greenfield, new transmission corridor from the Forks to the Canadian border. Nor did CMP

conduct an alternatives analysis of undergrounding any portion of the NECEC other than the Upper Kennebec River.

23. NextEra raised these deficiencies in the Department and LUPC proceedings.

24. These deficiencies are not addressed in the DEP NECEC Approval. DEP NECEC Approval at 2, 74, 83, 107.

#### Site Law – Alternatives Analysis

25. In addition to the NRPA alternatives analysis, the Site Law requires that “[t]he department shall receive evidence regarding the location, character and impact on the environment of the proposed transmission line or pipeline. In addition to finding that the requirements of section 484 have been met, the department, in the case of the transmission line or pipeline, shall consider whether any proposed alternatives to the proposed location and character of the transmission line or pipeline may lessen its impact on the environment or the risks it would engender to the public health or safety, without unreasonably increasing its cost.” 38 M.R.S. § 487-A(4).

26. The DEP NECEC Approval does not properly address this Site Law standard. CMP made conclusory assertions in its post hearing brief that the NECEC complied with Section 487-A(4). For example, CMP states “no proposed alternatives to the proposed location and character of the transmission line would lessen its impact on the environment or the risks it would engender to the public health or safety, without unreasonably increasing its cost” and that it “did not conduct an alternative route analysis for....Segment 4...and ...Segment 5...because those components are proposed in existing CMP corridors and thus any route alternatives would occur in new corridors and would not lessen project impact on the environment.” CMP Post Hearing Brief at 20-21.

27. The DEP NECEC Approval held that “[n]o further project modification or conditions regarding the transmission line’s location, character, width, or appearance, beyond what

is required by this Order, are warranted, under 38 M.R.S. § 487-A(4) or otherwise, to lessen the transmission line's impact on the environment or risk to public health or safety." DEP NECEC Approval at 108.

28. Conclusory restatements of the statutory requirement are insufficient to support issuance of the DEP NECEC Approval.

#### The Department's Decision

29. On March 13, 2020, the Department issued a draft Order ("Draft DEP NECEC Approval") conditionally approving CMP's applications for the environmental permits to construct the NECEC.

30. On April 13, 2020, NextEra commented on the Draft DEP NECEC Approval reiterating issues raised during the Department and LUPC proceedings and addressing new issues presented in the Draft DEP NECEC Approval, including comments relating to lack of any evidence reconciling the DEP's newly imposed narrowing of transmission corridors with a federal mandated vegetation management standard, North American Electric Reliability Corporation FAC-003-4, enacted pursuant to Section 215 of the Federal Power Act.

31. On May 11, 2020, the Department issued the DEP NECEC Approval conditionally approving CMP's applications for all requested State environmental permits for the NECEC and addressing none of the issues raised by NextEra.

32. The DEP NECEC Approval presents a legal nullity because its ordering of a narrower transmission corridor than proposed by CMP is or may be in conflict with federal law, FAC-003-4.

33. Even if not conflict with federal law, the narrowing of the transmission corridor established by the Department in Appendix C to the DEP NECEC Approval amends the NECEC

proposed by CMP in its Site Law and NRPA applications which did not include the design elements necessary to implement the Department's ordering of the transmission corridor.

34. This appeal followed.

**COUNT I**

**Petition for Review of Agency Decision Pursuant to 5 M.R.S. § 11001 *et seq.* and  
M.R. Civ. P. 80C**

35. Petitioner repeats and realleges each of the allegations contained in the previous Paragraphs as if fully stated herein.

36. NextEra seeks judicial review of the DEP NECEC Approval. The DEP NECEC Approval is final agency action.

37. NextEra is aggrieved by the DEP NECEC Approval which will bar NextEra's development of Maine-based wind and solar projects from use of NECEC as a vehicle for access to the ISO-NE market.

38. As described more fully above, the DEP NECEC Approval is in violation of constitutional and statutory provisions, in excess of the statutory authority of the agency, made upon unlawful procedure, affected by bias or error of law, unsupported by substantial evidence on the whole record; and arbitrary or capricious or characterized by abuse of discretion.

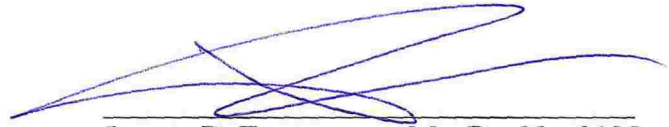
39. This Court can grant relief pursuant to 5 M.R.S. §§ 11001(1) and 11007(4).

**WHEREFORE**, Petitioner respectfully requests that this Court:

- a. Issue an order vacating and reversing the DEP NECEC Approval authorizing Central Maine Power Company to proceed with constructing the New England Clean Energy Connect project, and
- b. Grant Petitioners such other and further relief it deems appropriate, or, alternatively,
- c. Remand the DEP NECEC Approval for further proceedings, findings of fact or conclusions of law or directing the agency to hold such proceedings or take such action as the Court deems necessary.



Dated: June 8, 2020



Joanna B. Tourangeau, Me. Bar No. 9125  
Emily T. Howe, Me. Bar No. 5777  
Attorneys for Petitioner  
NextEra Energy Resources, LLC

Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101  
[JTourangeau@dwmlaw.com](mailto:JTourangeau@dwmlaw.com)  
[EHowe@dwmlaw.com](mailto:EHowe@dwmlaw.com)  
207-772-1941

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE ATTACHED INSTRUCTIONS)

I. County of Filing or District Court Jurisdiction: **Kennebec**

II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.)  
**Petition under Rule 80C for Judicial Review of Final Agency Action - 5 MRS 11001, et seq.**

III. NATURE OF FILING

- Initial Complaint
- Third-Party Complaint
- Cross-Claim or Counterclaim
- If Reinstated or Reopened case, give original Docket Number \_\_\_\_\_  
(If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)

IV.  TITLE TO REAL ESTATE IS INVOLVED

V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) Check the box that most closely describes your case.

GENERAL CIVIL (CV)

- |                                                          |                                                              |                                                            |
|----------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> <b>Personal Injury Tort</b>     | <input type="checkbox"/> <b>Contract</b>                     | <input type="checkbox"/> Other Forfeitures/Property Libels |
| <input type="checkbox"/> Property Negligence             | <input type="checkbox"/> Contract                            | <input type="checkbox"/> Land Use Enforcement (80K)        |
| <input type="checkbox"/> Auto Negligence                 | <input type="checkbox"/> <b>Declaratory/Equitable Relief</b> | <input type="checkbox"/> Administrative Warrant            |
| <input type="checkbox"/> Medical Malpractice             | <input type="checkbox"/> General Injunctive Relief           | <input type="checkbox"/> HIV Testing                       |
| <input type="checkbox"/> Product Liability               | <input type="checkbox"/> Declaratory Judgment                | <input type="checkbox"/> Arbitration Awards                |
| <input type="checkbox"/> Assault/Battery                 | <input type="checkbox"/> Other Equitable Relief              | <input type="checkbox"/> Appointment of Receiver           |
| <input type="checkbox"/> Domestic Torts                  | <input type="checkbox"/> <b>Constitutional/Civil Rights</b>  | <input type="checkbox"/> Shareholders' Derivative Actions  |
| <input type="checkbox"/> Other Negligence                | <input type="checkbox"/> Constitutional/Civil Rights         | <input type="checkbox"/> Foreign Deposition                |
| <input type="checkbox"/> Other Personal Injury Tort      | <input type="checkbox"/> <b>Statutory Actions</b>            | <input type="checkbox"/> Pre-action Discovery              |
| <input type="checkbox"/> <b>Non-Personal Injury Tort</b> | <input type="checkbox"/> Unfair Trade Practices              | <input type="checkbox"/> Common Law Habeas Corpus          |
| <input type="checkbox"/> Libel/Defamation                | <input type="checkbox"/> Freedom of Access                   | <input type="checkbox"/> Prisoner Transfers                |
| <input type="checkbox"/> Auto Negligence                 | <input type="checkbox"/> Other Statutory Actions             | <input type="checkbox"/> Foreign Judgments                 |
| <input type="checkbox"/> Other Negligence                | <input type="checkbox"/> <b>Miscellaneous Civil</b>          | <input type="checkbox"/> Minor Settlements                 |
| <input type="checkbox"/> Other Non-Personal Injury Tort  | <input type="checkbox"/> Drug Forfeitures                    | <input type="checkbox"/> Other Civil                       |

CHILD PROTECTIVE CUSTODY (PC)

- Non-DHS Protective Custody

SPECIAL ACTIONS (SA)

- Money Judgment**
- Money Judgment Request Disclosure

REAL ESTATE (RE)

- |                                               |                                                           |                                                   |
|-----------------------------------------------|-----------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> <b>Title Actions</b> | <input type="checkbox"/> <b>Foreclosure</b>               | <input type="checkbox"/> <b>Misc. Real Estate</b> |
| <input type="checkbox"/> Quiet Title          | <input type="checkbox"/> Foreclosure (ADR exempt)         | <input type="checkbox"/> Equitable Remedies       |
| <input type="checkbox"/> Eminent Domain       | <input type="checkbox"/> Foreclosure (Diversion eligible) | <input type="checkbox"/> Mechanics Lien           |
| <input type="checkbox"/> Easements            | <input type="checkbox"/> Foreclosure - Other              | <input type="checkbox"/> Partition                |
| <input type="checkbox"/> Boundaries           |                                                           | <input type="checkbox"/> Adverse Possession       |
|                                               |                                                           | <input type="checkbox"/> Nuisance                 |
|                                               |                                                           | <input type="checkbox"/> Abandoned Roads          |
|                                               |                                                           | <input type="checkbox"/> Trespass                 |
|                                               |                                                           | <input type="checkbox"/> Other Real Estate        |

APPEALS (AP) (To be filed in Superior Court) (ADR exempt)

- Governmental Body (80B)
- Administrative Agency (80C)
- Other Appeals

VI. M.R. Civ. P. 16B Alternative Dispute Resolution (ADR):

- I certify that pursuant to M.R. Civ. P. 16B(b), this case is exempt from a required ADR process because:
  - It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).
  - The plaintiff or defendant is incarcerated in a local, state or federal facility.
  - The parties have participated in a statutory pre-litigation screening process with \_\_\_\_\_ on \_\_\_\_\_ (date).
  - The parties have participated in a formal ADR process with \_\_\_\_\_ on \_\_\_\_\_ (date).
- This is an action in which the plaintiff's likely damages will not exceed \$50,000, and the plaintiff requests an exemption from ADR pursuant to M.R. Civ. P. 16C(g).

VII. (a)  **PLAINTIFFS (Name & Address including county)**

or  Third-Party,  Counterclaim or Cross-Claim Plaintiffs

The plaintiff is a prisoner in a local, state or federal facility.

NextEra Energy Resources  
700 Universe Boulevard  
Juno Beach, FL 33408  
County of Palm Beach

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) **If all counsel listed do NOT represent all plaintiffs, specify who the listed attorney(s) represent.**

Joanna B. Tourangeau, Esquire - Maine Bar No. 9125  
Emily T. Howe, Esquire - Maine Bar No. 5777  
Drummond Woodsum  
85 Marginal Way, Suite 600  
Portland, ME 04101  
207-772-1941  
JTourangeau@dwmlaw.com  
EHowe@dwmlaw.com

VIII. (a)  **DEFENDANTS (Name & Address including county)**

and/or  Third-Party,  Counterclaim or  Cross-Claim Defendants

The defendant is a prisoner in a local, state or federal facility.

Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017  
Kennebec County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)  
(If known)

**If all counsel listed do NOT represent all defendants, specify who the listed attorney(s) represents.**

Peggy Bensinger, Assistant Attorney General - Maine Bar No. 3003  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333  
(207) 626-8578  
Peggy.Bensinger@maine.gov

IX. (a)  **PARTIES OF INTEREST (Name & Address including county)**

Central Maine Power Company  
83 Edison Drive  
Augusta, ME 04336  
Kennebec County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)  
(If known)

**If all counsel listed do NOT represent all parties, specify who the listed attorney(s) represents.**

Matthew D. Manahan, Esquire - Maine Bar No. 6857  
Pierce Atwood - 254 Commercial St. Merrill's Wharf  
Portland, ME 04101  
(207) 791-1189  
mmanahan@pierceatwood.com

X. **RELATED CASE(S) IF ANY** \_\_\_\_\_  
Assigned Judge/Justice \_\_\_\_\_ Docket Number \_\_\_\_\_

Date: June 8, 2020

Joanna B. Tourangeau, Esquire - Bar No. 9125

Name of Plaintiff or Lead Attorney of Record

Signature of Plaintiff or Attorney

## INSTRUCTIONS FOR COMPLETING SUMMARY SHEET

**I. County of Filing / District Court Jurisdiction.** For Superior Court cases enter the county name where this complaint is being filed. For District Court cases enter the location of the District Court where this complaint is being filed.

**II. Cause of Action.** Report the civil statute directly related to the primary cause of action and give a brief description of the cause. If the cause of action is not statutorily based enter N/A.

**III. Nature of Filing.** Place an "X" in the appropriate box.

Initial Complaint. Check this box if the complaint is being filed as an original proceeding. A filing fee is required.

Third-Party Complaint. Check this box if the original defendant is filing an action against a third party, not part of the original proceeding. A filing fee is required.

Cross-Claim or Counterclaim. Check this box if an original defendant is filing a cross-claim against another original defendant or if an original defendant is filing a counterclaim against a party not part of the original proceeding.

Reinstated or Reopened. Check this box for cases reinstated or reopened in the court. Use the reopening date as the filing date. Indicate the docket number of the original proceeding. This should be filled in for Money Judgment second or subsequent Disclosures, or for post-judgment motions.

**IV. Title to Real Estate.** Place an "X" in the box if this case is not designated as Real Estate action but Title to Real Estate is involved.

**V. Most Definitive Nature of Action.** Place an "X" in the appropriate box. If the cause fits more than one nature of action, select the category that best describes the primary cause of action.

**VI.** Place an "X" in the appropriate box if the case is exempt from alternative dispute resolution as required by M. R. Civ. P. 16B.

**VII. (a) Plaintiffs, Third-Party or Counterclaim or Cross-Claim Plaintiffs.** Enter names (first, middle initial, last) of all plaintiffs and their address including county of residency. If the plaintiff is a government agency, use only the full name or standard abbreviations. If the plaintiff is an official within a government agency, identify first the agency and then the official, giving both name and title. If there are several plaintiffs, list as many plaintiffs as possible and list the additional plaintiffs on an attachment and note "(see attachment)."

**(b) Plaintiff's Attorney.** Enter firm name, attorney of record, attorney of record bar number, address and telephone number. If there are several attorneys, list as many as possible and list the additional attorneys on an attachment, noting in this section "(see attachment)." If more than one attorney is listed for a party, a lead attorney must be designated. If all counsel listed do NOT represent all plaintiffs, specify who the listed attorney(s) represent.

**VIII. (a) Defendants** Enter names (first, middle initial, last) of all defendants and their address including county of residency. If the defendant is a government agency, use only the full name or standard abbreviations. If the defendant is an official within a government agency, identify first the agency and then the official, giving both name and title. If there are several defendants, list as many defendants as possible and list the additional defendants on an attachment and note "(see attachment)".

**(b) Defendant's Attorney.** Enter firm name, attorney of record, attorney of record bar number, address and telephone number. If there are several attorneys, list as many as possible and list the additional attorneys on an attachment, noting in this section "(see attachment)." If more than one attorney is listed for a party, a lead attorney must be designated. If all counsel listed do NOT represent all defendants, specify who the listed attorney(s) represent.

**IX. (a) Parties of Interest.** Enter names (first, middle initial, last) of all parties of interest and their address including county of residency. If the party of interest is a government agency, use only the full name or standard abbreviations. If the party of interest is an official within a government agency, identify first the agency and then the official, giving both name and title. If there are several parties of interest, list as many parties of interest as possible and list the additional parties of interest on an attachment and note "(see attachment)."

**(b) Party of Interest's Attorney.** Enter firm name, attorney of record, attorney of record bar number, address and telephone number. If there are several attorneys, list as many as possible and list the additional attorneys on an attachment, noting in this section "(see attachment)." If more than one attorney is listed for a party, a lead attorney must be designated. If all counsel listed do NOT represent all parties of interest, specify who the listed attorney(s) represent.

**X. Related Cases.** This section is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding justices name when appropriate for such cases.

**Date, Attorney or Pro se Party Name and Signature.** 1. Date the summary sheet. 2. Sign the summary sheet. Type or print the name of the Plaintiff or lead attorney of record. The attorney signing the filing document should sign the summary sheet. The information on the cover sheet is subject to the requirements of M. R. Civ. P. 11. The Maine Rules of Civil Procedure, and all other Court Rules, are found at: [www.courts.maine.gov](http://www.courts.maine.gov).

# DrummondWoodsum

**DRUMMOND WOODSUM & MacMAHON**

OPERATING ACCOUNT  
84 MARGINAL WAY, SUITE 600  
PORTLAND, MAINE 04101-2480  
(207) 772-1941

BANGOR SAVINGS BANK  
BANGOR, MAINE 04401  
52-7438/2112

128115

**PAY:**

*One Hundred Seventy Five and 00/100 Dollars*

NUMBER

DATE

AMOUNT

000128115

06/04/2020

\*\*\*\*\*175.00

TO THE  
ORDER  
OF

**Kennebec County Superior Court**  
95 State Street  
Augusta, ME 04330

VOID AFTER 120 DAYS



*[Signature]*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE **MP**

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈ 128115⑈ ⑆ 211274382⑆ 2010088805⑈

**DrummondWoodsum**

**Kennebec County Superior Court**

**128115**

DATE	INVOICE NUMBER	MEMO	BALANCE
06/04/2020			175.00
CHECK DATE	CHECK NUMBER		<b>TOTAL</b>
06/04/2020	000128115		175.00

June 8, 2020

Michele Lumbert, Clerk  
Kennebec County Superior Court  
1 Court Street, Suite 101  
Augusta, ME 04330

RE: NextEra Energy Resources, LLC v. Maine Department of Environmental  
Protection, et al, Docket No. \_\_\_\_\_

Dear Clerk Lumbert:

I am writing to inform you of an update to the service list as originally listed in our cover letter. Below is the list of the individuals that the 80C Petition packet was sent to and the method of service.

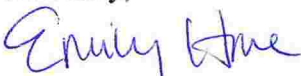
Certified Mail Service To:

Commissioner Reid, Department of Environmental Protection  
Peggy Bensinger, Esq. Assistant Attorney General (counsel for DEP)  
Matthew D. Manahan, Esq. (counsel for Applicant/Party in Interest CMP)  
Mr. Bob Haynes, (representative for Group 1 Parties)  
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Anthony Buxton, Esq. (counsel for Group 3 Parties)  
David M. Kallin, Esq. (via email only as counsel for Natural Resources Council of Maine)  
David Publicover (representative for Appalachian Mountain Club)  
Jeffrey Reardon (representative for Maine Council of Trout Unlimited)  
Jeffrey D. Talbert, Esq. (counsel for Group 5)  
Mr. Rob Wood (representative for The Nature Conservancy)  
Sean Mahoney, Esq. (counsel for Conservation Law Foundation)  
Benjamin J. Smith, Esq. (counsel for Western Maine Mountains and Rivers)  
Barry J. Hobbins, Esq. (Office of the Public Advocate)

I am sending a copy of this letter via U.S. Mail to the parties listed above.

Thank you for your attention to this matter.

Sincerely,

*for*   
Joanna B. Tourangeau

7017 1450 0000 2514 7176

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	

Postmark  
Here

Gerald D. Reid, Commissioner - Maine Depar. of Environmental Protection  
17 State House Station - 28 Tyson Drive, Augusta, ME 04333-0017

7017 1450 0000 2514 7190

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**Subject:** NextEra Appeal: Final Department Approval of NECEC  
**Date:** Monday, June 8, 2020 2:16:39 PM  
**Attachments:** [2020-06-08 JBT to Court w Pet. for Judicial Review.pdf](#)

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Good Afternoon:

Attached please find NextEra Energy Resources, Inc.'s ("NextEra") petition for judicial review of the Department's final, conditional approval of the NECEC pursuant to the Site Law and NRPA.

Maine's Administrative Procedures Act provides that the agency shall, upon request, certify contact information of parties to its proceedings. NextEra hereby respectfully requests that the agency so certify. The information used by NextEra to provide service can be found on the cover letter and on the updated service list and certified mail receipts attached at the end of the petition. NextEra obtained this information from the hearing transcript and updated it where there were changes known to NextEra (such as the address for Attorney Smith).

Any party to the proceeding who does not waive their right to certified mail service and who is not listed on the cover letter or updated service list should feel free to advise me accordingly by reply email (reply to the service list is not necessary) and I will immediately provide it. Otherwise, corrections will be made as necessary following receipt of agency certification.

Thank you all-  
Joanna