

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION



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February 25, 2021

**SENT VIA ELECTRONIC MAIL ONLY**

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**Re: Request for Board jurisdiction on minor revision application of underlying New England Clean Energy Connect Order**

Dear Participants and Interested Persons:

The Natural Resources Council of Maine (NRCM) and Sierra Club Maine have requested that the Board of Environmental Protection (Board) assume original jurisdiction of a minor revision application of Central Maine Power Company (CMP) and NECEC Transmission LLC to the May 11, 2020, Order of the Commissioner of the Department of Environmental Protection conditionally approving the applications of CMP to construct the New England Clean Energy Connect project (NECEC Order).

As required by rule, Acting Commissioner Loyzim sent to the Board her determination as to whether the Board should assume original jurisdiction of the application. The Acting Commissioner determined that the minor revision application does not qualify for original Board jurisdiction because the changes that are the subject of the minor revision application do not represent a project of statewide significance; she found this application fails to meet the requisite three of four criteria set forth in

Department rule Chapter 2, section 17(C). At its meeting on February 18, 2021, some Board members expressed interest in obtaining additional information about the minor revision application as part of a further discussion at a later meeting.

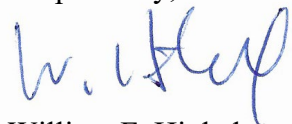
The Board has tentatively scheduled to hold such a further discussion of the matter of Board jurisdiction at its regular meeting on March 18, 2021. At that time, Department staff will initially provide for the Board an overview of the minor revision application at issue. In addition, staff and counsel to the Board will discuss the procedural framework, including applicable Board rule provisions, and the posture of the original jurisdiction requests in the context of the pending Board appeals of the underlying NECEC Order and Transfer Order.

The Board's rules do not prescribe an opportunity for oral argument or written comment when the Commissioner's recommendation is that the Board not assume original jurisdiction of an application. However, if following the staff overview and counsel's discussion of procedural matters the Board decides to independently consider the issue, separate from the Commissioner's determination and advance its discussion to an evaluation of the criteria used to determine projects of statewide significance and whether to assume original jurisdiction of the minor revision application, the Board Chair would allow brief oral argument from the Applicants, requestors NRCM and Sierra Club Maine, and Intervenors who participated in the underlying NECEC Order, which would be considered by the Board alongside those comments already submitted to the Board by members of the public.

As of the date of this letter, no further written comment will be considered by the Board regarding the matter of Board jurisdiction of the minor revision application.

A meeting agenda, once available, will be posted on the Board's website at <https://www.maine.gov/dep/bep/index.html>. If you have any questions, you may contact Board Executive Analyst William F. Hinkel at [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov) (207) 314-1458 or Assistant Attorney General Peggy Bensinger at [peggy.bensinger@maine.gov](mailto:peggy.bensinger@maine.gov) (207) 626-8578.

Respectfully,



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cc (via e-mail only): Service List (rev. October 19, 2020)  
Interested Persons List