

**STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**and**

**STATE OF MAINE  
LAND USE PLANNING COMMISSION**

IN THE MATTER OF: )  
)  
CENTRAL MAINE POWER COMPANY )  
25 Municipalities, 13 Townships/Plantations, )  
7 Counties )  
) APPLICATION FOR SITE LOCATION OF  
L-27625-26-A-N ) DEVELOPMENT ACT PERMIT AND  
L-27625-TB-B-N ) NATURAL RESOURCES PROTECTION  
L-27625-2C-C-N ) ACT PERMIT FOR THE NEW ENGLAND  
L-27625-VP-D-N ) CLEAN ENERGY CONNECT  
L-27625-IW-E-N )  
)  
CENTRAL MAINE POWER COMPANY )  
NEW ENGLAND CLEAN ENERGY CONNECT )  
SITE LAW CERTIFICATION SLC-9 )

**SUR REBUTTAL TESTIMONY OF GARNETT ROBINSON OF  
PRE-FILE REBUTTAL TESTIMONY OF CENTRAL MAINE POWER COMPANY DATED  
April 19, 2019**

1 **Q. Please state your name and address.**

2 My name is Garnett Robinson, and my mailing address is P.O. Box 82, Dixmont, Maine 04932. I  
3 own property located at 331 Moosehead Trail, Dixmont, ME 04932.

4 **Q. Did you provide your general qualifications in your pre-file testimony?**

5 A: Yes, I did. Please refer to my pre-file testimony and resume.

6 **Q: What is the purpose of your sur rebuttal testimony?**

7 A: The purpose of my testimony is to address and provide sur rebuttal to the Pre-Filed Rebuttal  
8 Testimony of Central Maine Power Company (CMP) dated March 25, 2019 specifically with  
9 respect to new testimony related to an underground alternative.

10 **Q. What have you reviewed to prepare this testimony?**

11 A: I reviewed the following:

12 1. Pre-Filed Rebuttal Testimony of Central Maine Power Company dated March 25, 2019.

13 2. NECEC Site Location of Development Application, NECEC Natural Resources

14 Protection Act Application and all NCEC associated available documents, maps and photos

15 located on the Maine Department of Environmental Protection website.

16  
17  
18  
19  
20  
21 **Q. Can you detail any concerns you have with CMP's rebuttal testimony regarding an  
22 underground alternative?**

23 A. Yes, my concerns are that the thrust of this new testimony relates to how adding an  
24 underground alternative would make the project too expensive for the Company because it won  
25 the bid in the Massachusetts RFP rather than whether going underground is a practicable  
26 alternative that is less damaging to the environment. Thorne Dickinson spends an inordinate  
27 amount of time in his rebuttal testimony explaining the bid process which lead to NECEC being  
28 awarded a tentative contract to provide Massachusetts with 1,200 MW of energy from

1 Quebec. He explains that ratepayers in Massachusetts are responsible for the cost of the project  
2 with the exception that any cost over runs, contingencies, etc. would be borne by the winning  
3 bidder. It is clear from the Independent Evaluator Report (redacted version CMP submitted as  
4 Exhibit CMP 1.1-A) that the main reason NECEC was chosen is the low cost: “After a brief  
5 discussion, the EDCs unanimously stated their preference for NECEC over ----- due to  
6 NECEC’s lower cost.” CMP 1.1-A, p.59.

7 It is not part of Maine DEP/LUPC’s assessment to review whether CMP is or will be awarded  
8 contracts or permits for being the low bidder in a process to deliver energy to another state,  
9 particularly when it is clear that CMP was the low bidder because they chose not to consider  
10 burying the HVDC lines; a decision which would have largely mitigated diminution/destruction  
11 of views or threats of forest fire, unlike the two competing proposals in Vermont and New  
12 Hampshire which included burial of the lines in their bids. Thorn Dickinson on p.2 states “burying  
13 the NECEC HVDC line underground in the 54-mile new corridor portion is not reasonable or  
14 feasible because the costs of doing so would defeat the purpose of the project.” Again, whether  
15 the costs of burying defeats the purpose of the project is not the concern of the Maine DEP:  
16 “Legislative mandate directs DEP to prevent, abate and control the pollution of the air, water and  
17 land. The charge is to preserve, improve and prevent diminution of the natural environment of the  
18 State. The DEP is also directed to protect and enhance the public's right to use and enjoy the  
19 State's natural resources.” DEP website mission statement.

20 <https://www.maine.gov/dep/about/index.html>

21 Maine DEP Reg 310.5 (A) states: “a project will not be permitted if there are practicable  
22 alternatives that would meet the project purpose and have less environmental impact.” Both  
23 Thorn Dickinson in his statement regarding whether burying is reasonable or feasible and Justin

1 Tribbett's rebuttal testimony on p.3 paragraph 2 states "None of the other projects mentioned  
2 above have demonstrated that it is economically feasible. In fact, none of them have secured long-  
3 term transmission service agreements. For the two other projects cited above that participated in  
4 the Massachusetts 83D request for proposals, the fact that they were not able to secure long term  
5 contracts in that solicitation demonstrates that those projects would not fulfill their purpose which,  
6 similar to NECEC as described in Mr. Berube's pre-filed direct testimony, is to "deliver clean  
7 energy generation from Québec to New England at the lowest cost to ratepayers" makes the point  
8 clear that the reason CMP was chosen is that they had the lowest bid. They were lowest bid  
9 because they chose not to consider burial of the lines and other mitigation. They are now trying to  
10 persuade the Maine DEP/LUPC that burial is not feasible, practicable or reasonable because of  
11 where they might have been in the bidding process had they considered all options and  
12 alternatives including burial. The exhibits in the evaluators report and Exhibit CMP-1.1-B are  
13 useless for the Maine DEP/LUPC to use in determining reasonableness, practicableness or  
14 feasibility of undergrounding the 54-mile section new corridor since it only looks at whether they  
15 might of have been chosen with these additional costs being borne by Massachusetts ratepayers in  
16 a bid process, not whether it is a reasonable or practicable alternative that CMP should have  
17 considered as required in DEP Reg 310.5 (A) or should be required in any permits issued by the  
18 DEP/LUPC.

19 CMP has not provided Maine DEP/LUPC in their permit application, testimony, exhibits or  
20 record, the information required to establish that burying is not reasonable. CMP has, as part of  
21 their rebuttal, now provided estimated costs for burying the entire line, the 54-mile new corridor  
22 section and other smaller sections but has not provided actual contract prices and power purchase  
23 agreements, i.e., financial data that is needed to determine whether burying is reasonable or


1 practicable. CMP is offering hundreds of millions of dollars in both short- and long-term  
2 mitigation, as well as for advertising and lobbying but is not providing information needed to  
3 make the analysis. In his testimony, Thorn Dickinson talked about the estimated 40-year life of  
4 the project and his fixed charge rate which would include capital costs, operations and  
5 maintenance, property taxes, depreciation and return on investment/income tax but never provided  
6 supporting documentation or details to support any analysis. My job as an assessor/appraiser is to  
7 review proposed projects such as subdivisions or condominiums that require a Discounted Cash  
8 Flow Analysis to determine if these proposed projects are feasible and it is not often that data  
9 would be as readily available for review as it should be here with the NECEC project. But CMP  
10 has failed to provide it. Without having the actual power purchase agreements, power distribution  
11 contract prices, etc., all of which would allow a review of projected revenues, it is impossible for  
12 the Maine DEP/LUPC to determine whether it would be unreasonable, not feasible or not  
13 practicable to bury the lines at the estimated costs provided.

14 **Q. Does this conclude your testimony?**

15 Yes, it does.

Date: 04/19/2019

Respectfully submitted,

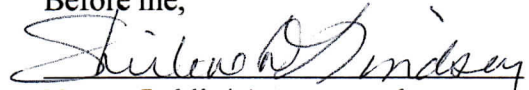
By: 

Print Name: Garnett S. Robinson

STATE OF MAINE  
COUNTY OF PENOBSCOT

Personally appeared before me the above-named Garnett Robinson, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,



Notary Public/ Attorney-at-law

Print Name: \_\_\_\_\_

My Commission expires \_\_\_\_\_

