

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CENTRAL MAINE POWER COMPANY
Application for Site Location of Development
Act permit and Natural Resources Protection
Act permit for the New England Clean Energy
Connect (“NECEC”)

L-27625-26- A-N
L-27625-TB-B-N
L-27625-2C-C-N
L-27625-VP-D-N
L-27625-IW-E-N

AMC, NRCM, AND TU SUPPORT FOR
NEXTERA RESPONSE TO SECOND
PROCEDURAL ORDER

November 6, 2018

On October 5, 2018, the Maine Department of Environmental Protection (Department) issued its Second Procedural Order outlining four main topics, including several subtopics, which will be addressed in the public hearings. On October 19, 2018, CMP submitted additional information pertaining to its applications with the Department for construction of the New England Clean Energy Connect (Project). On November 2, 2018, NextEra submitted a response to the Department’s Second Procedural Order, requesting that the Department include an examination of whether CMP has met its burden of establishing right, title, and interest (RTI) to the entirety of the Project at the public hearing and that there be a second pre-hearing conference prior to the establishment of a timetable and dates for the remainder of the process, including pre-filed testimony and exhibits, objections to pre-filed testimony and exhibits, pre-filed rebuttal testimony, and the hearings themselves. On November 5, 2018, the Department sent a letter to CMP addressing the sufficiency of CMP’s October 19, 2018, submission, identifying additional necessary information that CMP must file before the public hearing process can commence. On November 6, 2018, the Department responded to NextEra’s request, indicating that NextEra could submit RTI information to Jim Beyer and that the Department would take NextEra’s request for a second pre-hearing conference under advisement.

The Appalachian Mountain Club (AMC), Natural Resources Council of Maine (NRCM), and the Maine Council of Trout Unlimited (TU), hereinafter Environmental Intervenors, support NextEra’s requests to include RTI as a topic in the hearings and to have a pre-hearing conference prior to setting the discovery and hearing dates.

Environmental Intervenors also support the findings made by the Department in its November 5, 2018, letter identifying additional information that CMP must provide.

I. The Issue of Whether or Not CMP has Full Right, Title, and Interest to the Entire Proposed Corridor Should be Addressed at Public Hearing.

NRCM raised RTI issues in its response to the First Procedural Order as well as during the initial pre-hearing conference. Environmental Intervenors continue to have concerns about whether CMP has met its burden of establishing RTI to the entirety of the Project and believe that the ability to raise the topic during the hearing would add to the examination of the issue.

II. A Second Pre-Hearing Conference Prior to Scheduling a Timetable for Pre-filed Testimony and Exhibits, Objections to Pre-Filed Testimony and Exhibits, Pre-Filed Rebuttal Testimony, and Public Hearings is Warranted

Environmental Intervenors agree that a second pre-hearing conference for scheduling additional process is appropriate given the amount of information provided by CMP, changes to the project since the initial pre-hearing conference on September 7, 2018, and anticipated additional information in response to the Department's November 5, 2018 letter. New information provided by CMP has not only increased the complexity of the project, warranting a review of the initial discovery timeline, but also raises entirely new topics that may need to be considered as potential hearing topics.

For example, CMP's October 19, 2018, submission indicates that CMP now intends to bury a portion of the line under the Kennebec River. This recent modification to the permit introduces a significant new component to the permit, a horizontal directional drill (HDD), which will require a significant amount of time and resources to review and evaluate. In its initial permit application, and at the time of the initial pre-hearing conference, CMP had not included any HDD component to its project and therefore no intervenors included HDD as a potential topic for any hearings. However, now that the HDD component has been added, a pre-hearing conference to discuss whether the revisions raise any new issues that are appropriate topics for the hearings, and whether the initial timeline is sufficient given the complexity of the project, is warranted.

Additionally, a second pre-hearing conference would provide an opportunity to discuss how parties should introduce evidence on topics not included in the hearing. As of this date, there has been no discussion of how parties should submit information, how parties can object to evidence, or what the timeline is for these submissions.

III. Additional Information is Necessary Before the Public Hearing Process Can Commence

Environmental Intervenors also support the findings made by the Department in its November 5, 2018, letter identifying additional information that CMP must provide. While Environmental Intervenors have not yet completed reviewing the vast amount of information in CMP's October 19, 2018, filing, we agree that there is insufficient information on scenic and user impacts from the project. Additionally, Environmental Intervenors have identified significant deficiencies in the compensation plan proposed by CMP for a project that will permanently fragment a globally significant forest.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Susan J. Ely".

Susan J. Ely
On behalf of Appalachian Mountain Club, Natural Resources Council of Maine, and the Maine Council of Trout Unlimited
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