

Hinkel, Bill

From: Matt Manahan <mmanahan@pierceatwood.com>
Sent: Tuesday, March 19, 2019 6:53 PM
To: 'Sue Ely'; Beyer, Jim R; DEP, NECEC; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com); Goodwin, Mark (magoodwin@burnsmcd.com); Parker, Lauren; Bensinger, Peggy; hawksnestlodge@gmail.com; twalkerfilm@gmail.com; info@kennebecriverangler.com; diblasi.tony@gmail.com; ebuzzel@hotmail.com; gcaruso@myfairpoint.net; dpublicover@outdoors.org; mspils15@hotmail.com; Carrie_carpenter@rocketmail.com; courtneyfraley@gmail.com; eshermanbpr@gmail.com; kbraft@gmail.com; klyman9672@gmail.com; ABuxton@preti.com; manfarr1974@yahoo.com; mwagner@insourcerenewables.com; 1withwhitewaters@gmail.com; Cathy Johnson; Jeffrey.Reardon@tu.org; EBarrett@lewistonmaine.gov; caratunkselectmen@myfairpoint.net; mnovello@wagnerforest.com; jtourangeau@dwmlaw.com; Benjamin.Smith@SoltanBass.com; burgess@ibew104.org; Beckie@lametrochamber.com; Amorin@mainechamber.org; Nick Bennett; dhedrick@roadrunner.com; RBorowski@preti.com; bpw1@midmaine.com; leadley@myfairpoint.net; ashli.goodenow@gmail.com; oldcanadaroad@myfairpoint.net; robert.wood@tnc.org; Miller, Susanne; Bergeron, Mark; Hinkel, Bill; Stratton, Robert D; Puryear, Kristen; Rideout, Megan M; Jay.L.Clement@usace.army.mil; Melissa.Pauley@hq.doe.gov; Witham, Gayle; egreen@clf.org; pturner@clf.org; boepple@nhlandlaw.com; Steven.Zuretti@brookfieldrenewable.com; jtalbert@preti.com; Gerald Petruccelli
Cc: Lisa A. Gilbreath
Subject: RE: NECEC - Motion to Delay

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The Presiding Officer should deny Group 4's renewed attempt to delay the hearing. CMP requested that DIFW confirm that all of DIFW's concerns have been addressed in response to the direct testimony of Group 4 witnesses Ron Joseph and Jeff Reardon, both of whom criticized CMP for allegedly having failed to work with DIFW to address DIFW's concerns. Mr. Joseph incorrectly inferred in his testimony that CMP's proposed compensation plan does not avoid or minimize impacts to the upper Kennebec River deer wintering area (DWA) to the satisfaction to DIFW guidelines. Joseph direct at 4-5. Mr. Reardon asserted that CMP has not reached agreement with DIFW on various issues, including identification of coldwater fisheries and maintenance of buffers. Reardon direct at 20-21.

CMP intends to attach to its rebuttal testimony DIFW's response to CMP's clarification email, to rebut these statements from Group 4 witnesses. It is the height of irony for Group 4 to seek to exploit CMP's efforts to respond to Group 4's direct testimony, before the rebuttal period has closed, to try again to delay the hearing.

In any case, DIFW's review comments do not contain new information. As DIFW notes in its December 21, 2018 email, CMP's December 7, 2018 Compensation Plan addresses most, but not all, of the issues under review by DIFW. CMP worked closely with DIFW to close the remaining issues, which it did in its January 30, 2019 Compensation Plan and earlier submittals in this proceeding, all of which have been available to the parties. The March 18 DIFW email and incorporated CMP email and materials are merely clarifications of prior related discussions, necessary to rebut Group 4's direct testimony.

Providing responsive materials to rebut direct testimony is part of the hearing process, and it was Group 4's own witnesses who raised the issues CMP will rebut with these materials. Therefore, the Group 4 motion to delay the hearing and allow additional testimony should be denied.

Matthew D. Manahan

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From: Sue Ely [mailto:sely@nrcm.org]

Sent: Tuesday, March 19, 2019 5:06 PM

To: Beyer, Jim R; DEP, NECEC; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com); Matt Manahan; Goodwin, Mark (magoodwin@burnsmcd.com); Parker, Lauren; Bensinger, Peggy; hawksnestlodge@gmail.com; twalkerfilm@gmail.com; info@kennebecriverangler.com; diblasi.tony@gmail.com; ebuzzel@hotmail.com; gcaruso@myfairpoint.net; dpublicover@outdoors.org; mspils15@hotmail.com; Carrie_carpenter@rocketmail.com; courtneyfraley@gmail.com; eshermanbpr@gmail.com; kbraft@gmail.com; klyman9672@gmail.com; ABuxton@preti.com; manfarr1974@yahoo.com; mwagner@insourcerenewables.com; 1withwhitewaters@gmail.com; Cathy Johnson; Jeffrey.Reardon@tu.org; EBarrett@lewistonmaine.gov; caratunkselectmen@myfairpoint.net; mnovello@wagnerforest.com; jtouangeau@dwmlaw.com; Benjamin.Smith@SoltanBass.com; burgess@ibew104.org; Beckie@lametrochamber.com; Amarin@mainechamber.org; Nick Bennett; dhedrick@roadrunner.com; RBorowski@preti.com; bpw1@midmaine.com; leadley@myfairpoint.net; ashli.goodenow@gmail.com; oldcanadaroad@myfairpoint.net; robert.wood@tnc.org; Miller, Susanne; Bergeron, Mark; Hinkel, Bill; Stratton, Robert D; Puryear, Kristen; Rideout, Megan M; Jay.L.Clement@usace.army.mil; Melissa.Pauley@hq.doe.gov; Witham, Gayle; egreen@clf.org; pturner@clf.org; boepple@nhlandlaw.com; Steven.Zuretti@brookfieldrenewable.com; jtalbert@preti.com; Gerald Petruccelli

Subject: NECEC - Motion to Delay

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Mr. Beyer and Mr. Hinkel,

Attached, please find Group 4's Motion to Delay the upcoming hearing.

Respectfully,

Sue Ely

Clean Energy Policy Advocate & Staff Attorney

Natural Resources Council of Maine

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