

March 11, 2019

James R. Beyer  
Maine Dept. of Environmental Protection  
106 Hogan Road, Suite 6  
Bangor, ME 0440

Bill Hinkel  
Land Use Planning Commission  
22 State House Station  
Augusta, ME 04333-0022

RE: NECEC Project: L-27625-26-A-N/L-27625-TG-B-N/L-27625-2C-C-N/ and L-27625-VP-D-N/L-27625-IW-E-N and Site Law Certification  
SLC 9: Intervenor Group 8 (NextEra) Response to CMP Motion to Strike

Dear Mr. Beyer and Mr. Hinkel:

Intervenor Group 8/NextEra Energy Resources, LLC (“NextEra”) herein files its Opposition to Central Maine Power’s (“CMP”) Motion to Strike Chris Russo’s testimony.

CMP asserts that the Maine Land Use Planning Commission (“LUPC”) should strike Mr. Russo’s testimony. CMP claims that since Mr. Russo failed to designate which portions of his testimony are specific to LUPC’s review, his testimony is presumed to be submitted only for the Department of Environmental Protection’s (“DEP”) hearing. CMP Motion to Strike at 10. CMP is incorrect.

Mr. Russo’s testimony is designated in the caption and purpose statement as applying in its entirety to both the DEP and LUPC proceedings. Mr. Russo’s testimony then goes on to show that CMP’s failure to evaluate an underground high voltage direct current transmission line demonstrates the company failed to establish that there is no alternative site which is both suitable to the proposed use and reasonably available as required by LUPC’s P-RR subdistrict. Mr. Russo testimony at 2. Further, NextEra’s cover letter to Mr. Russo’s testimony, which includes both the DEP and LUPC case captions, notes that Mr. Russo’s testimony will address “DEP Scenic Character and Existing Uses”, “DEP Alternatives Analysis”, and “LUPC Testimony regarding each of the above criteria will include information relevant to the Land Use Planning Commission’s allowed use determination.”

NextEra’s cover letter and Mr. Russo’s testimony are clear that the testimony in its entirety applies to both the DEP and LUPC proceedings and criteria. Mr. Russo’s testimony is therefore compliant with DEP Third Procedural Order ¶ 18 and LUPC Third Procedural Order § III.A. Accordingly,

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NextEra respectfully requests that the DEP and LUPC deny CMP's motion to strike Mr. Russo's testimony as to the LUPC portion of the hearings.

Sincerely,



Emily T. Howe

cc: Susanne Miller, Presiding Officer  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Commissioner Everett Worcester, Chair and Presiding Officer  
Land Use Planning Commission  
22 State House Station  
Augusta, Maine 04333

NECEC Service List