

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
#L-27625-2C-C-N/#L-27625-VP-D-N/)
#L-27625-IW-E-N)

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
SITE LAW CERTIFICATION SLC-9)
Beattie Twp, Merrill Strip Twp, Lowelltown Twp,)
Skinner Twp, Appleton Twp, T5 R7 BKP WKR,)
Hobbs town Twp, Bradstreet Twp,)
Parlin Pond Twp, Johnson Mountain Twp,)
West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

**SUPPLEMENT TO MOTION TO STRIKE OF
CENTRAL MAINE POWER COMPANY**

Central Maine Power Company (CMP) files this supplement to its March 26, 2019 Motion to Strike for the reason that Maine Land Use Planning Commission (LUPC)-only Group 10 witnesses inappropriately filed rebuttal testimony that is relevant only to the Maine Department of Environmental Protection (DEP) proceeding.

Witnesses Eric Sherman and Matthew Wagner are members of the Group 10 “Local residents and Recreational Users,” who sought and were granted intervention in the LUPC proceeding only. *See* LUPC First Procedural Order at ¶¶ C.2, D.4. Nevertheless, the entirety of Mr. Sherman’s rebuttal testimony is responsive to Group 6 witnesses. Group 6 is an intervenor

in the DEP proceeding only. Mr. Sherman cannot rebut testimony in a proceeding in which he is not an intervenor.

Mr. Wagner filed rebuttal testimony responsive to Group 3 and Group 7 witnesses. The direct testimony of Group 3 was filed in the DEP proceeding only. Like Mr. Sherman, Mr. Wagner cannot rebut testimony in a proceeding in which he is not an intervenor. Furthermore, none of Mr. Wagner's testimony responsive to Group 7 witnesses is relevant to the LUPC's review (buffering and alternatives pursuant to the special exception criteria). Mr. Wagner's rebuttal testimony therefore is outside the scope of the LUPC's review and is intended for the DEP only. As he did not intervene in the DEP proceeding, he cannot file rebuttal in that proceeding.

For the foregoing reasons, CMP respectfully requests that the DEP and LUPC presiding officers strike the rebuttal testimonies of Group 10 witnesses Eric Sherman and Matthew Wagner in their entirety.

Dated this 28th day of March, 2019.



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