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GOVERNOR



GERALD D. REID  
COMMISSIONER



AMANDA E. BEAL  
COMMISSIONER

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY )  
NEW ENGLAND CLEAN ENERGY ) APPLICATION FOR NATURAL  
CONNECT ) RESOURCES PROTECTION ACT  
24 Municipalities, 14 Townships/Plantations, ) AND SITE LOCATION OF  
7 Counties ) DEVELOPMENT ACT PERMITS  
L-27625-26- A-N ) AND SITE LAW CERTIFICATION SLC-9  
L-27625-TB-B-N ) PUBLIC HEARING  
L-27625-2C-C-N ) JOINT SEVENTEENTH PROCEDURAL  
L-27625-VP-D-N ) ORDER  
L-27625-IW-E-N )

This Seventeenth Procedural Order (Order) sets forth rulings of the Department of Environmental Protection (the Department) and the Land Use Planning Commission (the Commission) regarding the Applicant’s objections to public comments and to intervenor comments and testimony submitted on November 26, 2019, and corrects a clerical error contained in previous procedural orders.

**Ruling on objections**

1. On October 3, 2019, the Presiding Officers of the Department and the Commission reopened the record for the purpose of allowing the Applicant to amend its Site Law and NRPA applications and to gather additional evidence needed to evaluate the proposed alternative route outside of the Recreation Protection (P-RR) subdistrict at Beattie Pond.
2. Intervenors were permitted to submit evidence and comments pertaining to the amendment until 5:00 p.m. on November 12, 2019. The Applicant was permitted to submit evidence and comments responsive to the Intervenors’ submissions until November 26, 2019. The general public was permitted to submit evidence and comments until November 26, 2019.
3. Intervenor Groups 1, 2, 3, 4, 5, 6, 7, and 10 filed submittals in response to the amendment of the applications. The Department and the Commission received approximately 20 comments from members of the public between October 3 and November 26.

4. On November 26, 2019, the Applicant submitted its objections and reply to public comments and to intervenor comments and testimony. In its filing, the Applicant requested:
  - a. that the Department and Commission strike from the record public comments that are outside the scope of whether the proposed alternative route meets the applicable statutory and regulatory criteria;
  - b. that the Department and Commission strike from Groups 2, 4, and 10's comments all statements regarding the Kennebec River crossing, the Appalachian Trail crossing, the January 2019 Beattie Pond structure modification, and stream crossings outside of the Merrill Strip Alternative alignment; and
  - c. that the Department strike Group 1's submission in its entirety as untimely.<sup>1</sup> In the alternative, strike the Bangor Daily News article included with Group 1's comments as outside the limited scope of the reopening of the record.
5. Intervenor comments were due by 5:00 p.m. on November 12, 2019. Group 1 submitted its comments to the Department and the Commission in two e-mails, the first at 4:14 p.m. in which Mr. Haynes noted that he was having trouble copying the service list and requested that the Department or Commission forward it to the service list, and the second e-mail at 4:24 p.m., which contained the Bangor Daily News article subject of the Applicant's objection. On November 13, 2019, at 8:53 a.m., Bill Hinkel of the Commission forwarded Group 1's comments to the service list noting that James Beyer of the Department was unavailable that day to do so. The Department Presiding Officer denies the request that the Group 1 comments be stricken as untimely. Group 1 attempted to accomplish service to the service list and the ultimate delivery of the comments to the parties at 8:53 a.m. the morning after the due date caused no prejudice to the parties. The Bangor Daily News article is stricken as outside the scope of the record re-opening.
6. With regard to public comments, the Department and Commission recognize that members of the public throughout this proceeding have offered comments that are relevant to each agency's role in reviewing the proposed Project as well as comments that, while well-intentioned, are not relevant to applicable review criteria and therefore cannot be considered by the decision makers in rendering decisions on the Site Law and NRPA applications and the Site Law Certification. No public comments have been stricken from the record in this matter thus far and the Department and Commission are not striking any portion of those comments filed during the reopening of the record. The decision makers will consider only those public comments that are relevant to and within the limited scope of the re-opened record.
7. In response to the objections to Group 4's comments, the Presiding Officers of Department and the Commission strike the following:

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<sup>1</sup> Group 1 is an intervenor only in the Department's proceeding.

- a. footnote 9;
  - b. on page 7, last two bulleted paragraphs, and footnotes 11, 12, 13;
  - c. on page 8, paragraphs 1 and 2, and footnotes 14, 15, 16; and
  - d. in Attachment A, Publicover filing, on the penultimate page, from “This raises the question...” through end of the final paragraph.
8. Any evidence or comment that was the subject of a motion to strike which is not listed as stricken above remains in the record.

**Correction of clerical error**

9. On December 4, 2019, the Applicant notified the Department and the Commission that the number of unorganized townships and plantations and organized municipalities involved in the proposed Project as identified in previous procedural orders does not agree with the Applicant’s count. Previous procedural orders identified 25 municipalities and 13 townships and plantations. After review of this matter, the Department and Commission acknowledge that there are, in fact, 24 municipalities and 14 townships and plantations involved in the proposed Project. A list of all municipalities, townships, and plantations through which the proposed Project would traverse is included as Appendix A of this Order.

Dated: December 9, 2019



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Susanne Miller, Presiding Officer  
Department of Environmental Protection



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Everett Worcester, Chair and Presiding Officer  
Land Use Planning Commission

# **APPENDIX A**

The transmission line corridor and other components associated with the proposed Project would be located in the following townships, plantations, towns and municipalities.

Unorganized Townships/Plantations

1. Appleton Township
2. Bald Mountain Township
3. Beattie Township
4. Bradstreet Township
5. Concord Township
6. Hobbstown Township
7. Johnson Mountain Township
8. Merrill Strip Township
9. Moxie Gore
10. Parlin Pond Township
11. Skinner Township
12. The Forks Plantation
13. T5 R7 BKP WKR
14. West Forks Plantation

Organized Municipalities

1. Alna
2. Anson
3. Auburn
4. Caratunk
5. Chesterville
6. Cumberland
7. Durham
8. Embden
9. Farmington
10. Greene
11. Industry
12. Jay
13. Leeds
14. Lewiston
15. Livermore Falls
16. Moscow
17. New Sharon
18. Pownal
19. Starks
20. Whitefield
21. Wilton
22. Windsor
23. Wiscasset
24. Woolwich