



PAUL RICHARD LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

WILLIAM H. BEARDSLEY  
COMMISSIONER

## **First Procedural Order**

**In the Matter of  
Development Permit DP 4886  
Blue Sky East, LLC  
Bull Hill Wind Project  
March 22, 2011**

**To:** Participating Parties  
Geoff West (Applicant)  
Kelly Boden, Esq. (Attorney with Verrill Dana counsel for Applicant)  
Dylan Voorhees (Intervenor, NRCM)  
Lynne Williams, Esq. (Intervenor, Concerned Citizens of Hancock County)  
Philip Roy, (CFO, Hancock County Commissioners)  
Interested Persons  
David Boulter  
David Corrigan  
Steve Thurston  
Monique Aniel, MD  
John Gates  
Bradbury Blake  
Karen Pease  
Alan Micha  
Cathy Mattson  
Colleen Martineau

**cc:** Commissioners of the Land Use Regulation Commission (LURC)  
Amy B. Mills, AAG  
Catherine Carroll, LURC Director  
Samantha Horn-Olsen, LURC Planning Division Manager  
Donald Murphy, LURC Project Planner  
Jim Palmer, LURC Scenic Quality Consultant

**From:** Gwen Hilton, Land Use Regulation Commission Chair and Presiding Officer

**Subject:** Determination of scenic effect of associated facilities; Wind Energy Act 35-A M.R.S.  
§ 3452(2)

### **I. Background.**

On February 2, 2011, LURC staff determined the wind energy development application filed by Blue Sky East, LLC (the Applicant) for the Bull Hill Wind Project was complete for processing. On March 22, 2011, the Chair held the pre-hearing conference regarding this Project, and the issue of the scenic standard applicable to associated facilities was raised. The Wind Energy Act provides that the Commission may, under certain circumstances, review the potential effect of the associated facilities on scenic character and existing uses related to scenic character in the manner provided for development other than wind energy development. *See* 35-A M.R.S. § 3452(2). The Wind Energy Act provides that the Commission “shall make a determination [regarding the scenic standard applicable to associated facilities] within 30 days of its acceptance of the application as complete for processing.” *Id.*

### **II. Order.**

Any Intervenor, Interested Person, or other person or organization, other than the Applicant, who wishes to take a position on the issue of the applicable scenic standard, as that issue is set forth in 35-A M.R.S. § 3452(2), shall file relevant pleadings with staff, to the attention of Donald Murphy, no later than March 29, 2011.

The Applicant shall file its response on this issue no later than April 5, 2011.

Staff will review the pleadings and prepare a memorandum for the Chair’s consideration. Thereafter, the Chair will issue a procedural order on this issue, in advance of the anticipated April 25, 2011 deadline for the pre-filing of direct testimony.

### **III. Authority and Reservations.**

This Procedural Order is issued by the Presiding Officer pursuant to LURC Chapter 5, *Rules for the Conduct of Public Hearings*. All objections to matters contained herein should be timely filed in writing with the Commission but are not to be further argued except by leave of the Presiding Officer. All rulings and objections will be noted in the record. The Presiding Officer may amend this Order at any time.

Questions regarding these rulings of the Presiding Officer should be directed to Catherine Carroll, the Commission’s Director, or Donald Murphy at the Commission’s office in Augusta. No *ex parte* communication may occur with the Presiding Officer or any other Commission member.

DATED AT AUGUSTA, MAINE THIS 22nd DAY OF March 2011

By: 

Gwen Hilton, Chair and Presiding Officer