



Maine Land Use Planning Commission, c/o Bill Hinkle  
22 State House Station  
Augusta, Maine 04333-0022

Bureau of Land Resources, c/o Jim Beyer  
Maine Department of Environmental Protection  
106 Hogan Road Suite 6  
Bangor, Maine 04401

February 8, 2019

Re: Central Maine Power Company's Application for Site Location of Development Act Permit and Natural Resources Protection Act Permit for the New England Clean Energy Connect ("NECEC") from Québec-Maine Border to Lewiston and Related Network Upgrades:

Response to Third Procedural Orders

Dear Mr. Worcester and Ms. Miller:

I am writing in response to the February 5<sup>th</sup> 3<sup>rd</sup> Procedural Orders from the Department and the Commission. At the January 2017 pre-hearing conference, we had requested clarification of who within TU's organizational structure constituted "Officers" who may not participate in the evening portion the hearings, and, after discussion with staff at the end of the conference, sent a letter January 24<sup>th</sup> suggesting a solution. The DEP's Third Procedural Ruling stated that:

*Due to the nature of its organizational structure, Trout Unlimited requested clarification on the issue of officers testifying during the pre-hearing conference. Trout Unlimited followed up with a letter submitted on January 24, 2019 explaining its organizational structure. In response to Trout Unlimited's questions, the Department has determined that the 33 people who comprise the Maine State Council of Trout Unlimited will not be allowed to testify as part of the general public because they are representative members of the organization having the decision-making capacity to petition for leave to intervene, which they achieved in this proceeding. Additionally, the Maine State Council's Executive Committee of Trout Unlimited and the staff assigned to this matter (Mr. Reardon) will also not be allowed to testify as a member of the general public. Other members may testify during the public testimony portion of the hearing.*

The LUPC's Third Procedural Order similarly stated that:

*At the pre-hearing conference and by letter addressed to the Presiding Officers for both the Department and Commission, dated January 24, 2019, Intervenor Trout Unlimited (TU) requested clarification regarding the participation of its members at the hearing. On January 31, 2019, CMP objected to "TU's proposal, to the extent it would allow members of TU's Maine Council to speak during the public comment sessions." The 33 members of TU who comprise TU's Maine State Council will not be allowed to testify as part of the general public because they are representative members of the organization having the decision-making capacity to petition for leave to intervene, which they achieved in this proceeding. Additionally, TU's Maine State Council's Executive Committee and the staff assigned to this matter (Mr. Reardon) may not testify as a member of the general public. Other members may testify as part of the general public.*

We are disappointed that the Department and the Commission are choosing to treat volunteers who attend several Maine Council Trout Unlimited meetings per year as "Directors" for purposes of the hearing. With the exception of Mr. Hedrick, and, potentially, the five members of the Maine Council Executive Committee we suggested as officers in our January 24<sup>th</sup> letter, none of these volunteer members will have any role in preparing testimony or presenting information as part of TU's case as an intervenor. The practical effect of your decision is to reduce the ability of active citizen volunteers to participate directly in an important public decision. Despite our disappointment, we will abide by these decisions.

We do not believe TU is the only organization with a large or complicated structure. For example, in his email on behalf of CMP objecting to TU's suggestion that treat only our Executive Committee as TU's Directors, Matt Manahan noted that:

*TU is not the only intervenor with a sizeable board of directors, which is the function of their Maine Council. The Lewiston/Auburn Metro Chamber Board, for example, exceeds that of TU's Maine Council, and the Maine Chamber board has over 80 members.*

In the interest of fairness, we would request the Commission and the Department treat other intervening organizations in the same manner, and construe board members and staff of each intervening organization as "Directors" for purposes of participating in the evening hearings.

Thank you,



Jeff Reardon