

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:)	
)	
CENTRAL MAINE POWER COMPANY)	APPLICATION FOR SITE LOCATION OF
25 Municipalities, 13 Townships/Plantations,)	DEVELOPMENT ACT PERMIT AND
7 Counties)	NATURAL RESOURCES PROTECTION
)	ACT PERMIT FOR THE NEW ENGLAND
L-27625-26-A-N)	CLEAN ENERGY CONNECT FROM
L-27625-TB-B-N)	QUÉBEC-MAINE BORDER TO LEWISTON
L-27625-2C-C-N)	AND RELATED NETWORK UPGRADES
L-27625-VP-D-N)	
L-27625-IW-E-N)	

MOTION FOR RECONSIDERATION

Intervenor Group 2 and Intervenor Group 10¹ (collectively, “Groups 2 and 10”) by and through their attorneys, BCM Environmental & Land Law, PLLC, file this Motion for Reconsideration of the procedural decisions announced during the Prehearing Conference held on January 17, 2019² (“Order”) and request that the Maine Department of Environmental Protection (“DEP”) and the Land Use Planning Commission (“LUPC”) reconsider their decision regarding deadlines and submission of briefs. In support of this Motion, Groups 2 and 10 state as follows:

PROCEDURAL HISTORY

Contrary to Central Maine Power’s (“CMP” or the “Applicant”) constant drumbeat that all efforts by the Intervenor are nothing more than “transparent” attempts to delay this proceeding, the real delay has been due to the Applicant’s own failure to provide complete

¹ Excepting Intervenor Courtney Fraley and Alison Quick.

² Recognizing the need to not create further delay, and in the interest of getting this Motion filed as promptly as possible, we are submitting this request to reconsider before the issuance of an Order memorializing the decisions made during the prehearing conference by the Presiding Officer.

information³ for the LUPC and DEP to comprehensively review the potential impacts of this 145 mile linear transmission line; the so called, New England Clean Energy Connect (NECEC) project. While CMP submitted its initial materials to the Department of Agriculture, Conservation and Forestry (the “Department”) on September 27, 2017, for a Natural Resources Protection Act (NRPA) permit and a Site Location of Development Law (Site Law) permit, the Department accepted the materials as complete for processing on October 13, 2017. Despite being deemed complete for processing, the flow of additional information to satisfy the Department and other agencies queries about the project’s significant impacts to Maine’s environment, has been virtually non-stop since. In large part due to the piece meal delivery of information, neither the Department nor the Intervenors have been able to adequately and comprehensively review the information. In fact, it was not until June 27, 2018, nine months after the initial filing, that the Department provided notice of intent to hold a public hearing and opportunity to intervene on the NRPA and Site Law applications. That said, what is missing in this procedural history is the back story and why CMP is now pushing this project. That back story is integral to understanding why CMP is so forcefully shoving this project forward, why CMP’s application was so deficient and had to be supplemented time and time again (up to and through today) since September 2017, and finally, why it would be a grave mistake to allow CMP to force this project on a fast tract now.

No doubt the Department is as aware of the motivation behind CMP’s project as the Opposition Intervenors, but it bears setting out the sequence of external events to ensure the public record on this project reflects those facts. This illustrates why the timeline should not be rushed when this state is being asked to sacrifice its environment for the benefit of a profit-making corporate enterprise:

³ CMP uploaded yet another load of information this week.

July 31, 2016: Massachusetts enacts the “Act to Promote Energy Diversity” (the “Act”)⁴.

March 27, 2017⁵: Pursuant to the Act, Massachusetts Department of Public Utilities (“MA DPU”) approved the Request for Proposals (“MA RFP”) timetable and method for solicitation as proposed by MA Department of Energy Resources (“MA DOER”) and the Massachusetts Electric Distribution Companies (“MA EDC”)⁶.

September 27, 2017: CMP files for a Natural Resources Protection Act (NRPA) permit and a Site Location of Development Law (Site Law) permit with the Department.

October 13, 2017: The Department deems CMP’s application complete for processing.

January 25, 2018: Eversource Energy’s Northern Pass Transmission Line Project (“Norther Pass”) is awarded the MA RFP.⁷

February 1, 2018: New Hampshire Site Evaluation Committee (“NH SEC”) denies Northern Pass a Certificate of Site and Facility.

February 14, 2018: MA EDC and MA DOER offered concurrent contract negotiations with CMP’s New England Clean Energy Connect project (CMP or “NECEC”). CMP accepted the following day.⁸

February 28, 2018: Northern Pass files Motion to Reconsider with NH SEC.⁹

March 28, 2018: MA EDC terminated the conditional selection of Northern Pass.¹⁰

March 30, 2018: NH SEC issues its written decision.¹¹

⁴ See <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter188> (last visited January 31, 2019)

⁵ See <https://macleanenergy.files.wordpress.com/2018/02/doer-statement-update-2-16-18.pdf> (last visited January 31, 2019)

⁶ The companies under consideration for selection were involved in defining the RFP.

⁷ See <https://macleanenergy.files.wordpress.com/2018/02/doer-statement-update-2-16-18.pdf> (last visited January 31, 2019).

⁸ See <https://macleanenergy.files.wordpress.com/2018/02/doer-statement-update-2-16-18.pdf> (last visited January 31, 2019)

⁹ See https://www.nhsec.nh.gov/projects/2015-06/motions-waivers/2015-06_2018-02-28_mtn_rehear_vacate.pdf (last visited January 31, 2019)

¹⁰ See <https://macleanenergy.com/83d/> (last visited January 31, 2019)

June 14, 2018: MA EDC announced selection of CMP's NECEC.¹²

DISCUSSION

The time line above illustrates why CMP is now so focused on gaining permit approval from the DEP and LUPC. CMP saw what happened to Eversource Energy's Northern Pass project when it failed to win state permit approval to run a very similar transmission line through a different host state. To avoid the same outcome, CMP is now rushing to complete this process. However, forcing the project through the review process without sufficient time for the Department and Intervenors to review the project impacts, all for the sake of gaining the coveted award of the MA RFP, does violence to the protections we have under the permit review standards. We must take the time to evaluate this project, carefully and thoroughly. Claiming, as CMP did in the prehearing conference, that because the application was submitted 18 months ago (it was in fact just 16 months ago) there is no need to delay now, simply ignores the volume of information and materials that have been submitted since then – in fact as recently as this week – for a project of such significant size and scope. Pursuant to Chapter 3 § 8 of the Department's *Rules Governing the Conduct of Licensing Hearings* Rule, "Every party has the right to present evidence and argument on all issues in contention, and at any hearing to call and examine witnesses and to make oral cross-examination." That right should not be rushed through with deadlines far too short, and a hearing schedule of one week. More time is needed – even an additional 30 days would give the Parties time to ensure better review and therefore a more complete assessment for the Department's review.

Finally, we respectfully request that in addition to extending the deadlines for all pre-hearing filings and the hearing itself, that the Department make provisions within the calendar

¹¹ See https://www.nhsec.nh.gov/projects/2015-06/orders-notices/2015-06_2018-03-30_order_deny_app_cert_site_facility.pdf (last visited February 1, 2019)

¹² See <https://macleanenergy.com/83d/> (last visited January 31, 2019)

pursuant to Chapter 8 § 23 of the Department's *Rules Governing the Conduct of Licensing Hearings* Rule, to permit the Parties to submit Post-hearing Briefs and Proposed Findings: "All parties have the *right* to submit briefs and proposed findings of fact in writing after the close of the close of the hearing and the record, within such time as specified by the Presiding Officer." (emphasis added). The Rule specifically states that the Parties have a right to submit briefs and proposed findings. To suggest that that the Parties may submit briefs merely as comments runs contrary to the dictate of the rule.

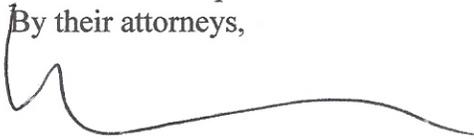
CONCLUSION

For all of the foregoing reasons, Intervenor Groups 2 and 10 respectfully request that the Department reconsider the deadlines for the pre-hearing filings and the hearing, extend those out at least 30 days, and include a deadline after the close of the hearing of an additional 30 days, for filing post-hearing briefs and proposed findings.

WHEREFORE, Intervenor Groups 2 and 10 respectfully ask that the Motion to Reconsider be GRANTED.

Dated: February 1, 2019

Respectfully Submitted,
Intervenor Group 2 and Intervenor Group 10
By their attorneys,



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