

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

and

**STATE OF MAINE
LAND USE PLANNING COMMISSION**

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
L-27625-TB-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)	

**GROUPS 2 AND 10’S OBJECTION TO CENTRAL MAINE POWER COMPANY’S
PETITION TO REOPEN RECORD**

Intervenor Group 2 and Intervenor Group 10 (collectively, “Groups 2 and 10”) by and through their attorneys, BCM Environmental & Land Law, PLLC, file this Objection to Central Maine Power Company’s (CMP) Petition to Reopen the Record (the “Petition”) and respectfully request denial, or in the alternative, approve but only with an opportunity for all intervenors to submit evidence, question the proffered new evidence, and take public comment.

CMP requests that the record be reopened for the “limited purpose of accepting evidence relevant to an alternative to the existing Project route that avoids the Recreation

Protection (P-RR) subdistrict at Beattie Pond.”¹ CMP’s stated failure to include what it has dubbed, the “Merrill Strip Alternative” as an alternative when Intervenor, the Commission, the Department, and the public could have given this route appropriate scrutiny, was because CMP deemed it too expensive. CMP gave this same reason for failing to consider underground alternatives to the Beattie Pond, Appalachian Trail and all other locations along the proposed route - and then only after the hearings began.² Only now, after the Applicant heard the concerns expressed by the Commissioners during their deliberations on September 11, has the expense impediment disappeared. This raises the obvious question: how many other alternatives might have been available, or might still be available, or could be available, if CMP hears similar concerns from the Commission or the Department about other locations? What other negotiations might be going on behind the scenes?

CMP argues that if this is a better route, then the record should be reopened. If an alternative such as the Merrill Strip can avoid the impacts in a location such as Beattie Pond, then the Commission and Department should not simply reopen the record to allow it in. CMP seems to suggest that all the Department and Commission need do is crack the door a bit, allow in what CMP has submitted, and then slam it shut again. No need to take further evidence, give the intervenors a chance to submit questions or rebuttal or let the public have a say – just take CMP’s word for it and accept CMP’s new evidence: “the Presiding Officers should reopen the record for the limited purpose of introducing this new evidence.”³ For many reasons this is contrary to the proscribed statutory process and contrary to the public’s interest.

¹ Petition of Central Maine Power Company to Reopen Record, p. 1.

² Tr. 04/01/19, Testimony of Mark Goodwin, p. 276, line 7 through 277, line 5.

³ Petition at 3.

Opening the record now is too little too late. CMP pushed hard for a tight and extremely constricted schedule accusing the Intervenors, time and again, of filing objections and motions merely to seek delays. That rush to complete the process and close the record is now showing how incomplete CMP's application truly was: alternatives were explored only after the hearings began, and now, it seeks to reopen and allow some limited extension of time for the Department's decision deadline for an alternative that has suddenly become viable – at least according to the Applicant. Putting forth an option now that CMP might have explored earlier in the process had they not been so anxious to get to the finish line, undermines the orderly process intended by NRPA and the Site Law Certification statute.

Perhaps a reminder to CMP is in order: NRPA and the Site Law Certification process are there to protect the public. If the record is reopened to review this new route section, then the public is entitled to a careful and considerate review of all evidence including submitting rebuttal testimony and evidence, just as it was entitled to do so before the record was closed.

CONCLUSION

For all of the foregoing reasons, Intervenor Groups 2 and 10 respectfully request that the DEP and LUPC deny CMP's Petition to Reopen or, grant the request with the following conditions:

- 1) Allow Intervenors an opportunity to submit rebuttal testimony and evidence; and
- 2) Hold a hearing so that the Department and Intervenors can question the new evidence and present rebuttal evidence; and
- 3) Allow the public to comment on the new evidence.

Respectfully Submitted,

Intervenor Group 2 and Intervenor Group 10
By their attorneys,



Dated: September 26, 2019

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