

Hinkel, Bill

From: DEP, NECEC
Sent: Thursday, February 21, 2019 10:36 AM
To: Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com); Matt Manahan; Goodwin, Mark (magoodwin@burnsmcd.com); Parker, Lauren; DEP, NECEC; Bensinger, Peggy; hawksnestlodge@gmail.com; twalkerfilm@gmail.com; info@kennebecriverangler.com; diblasi.tony@gmail.com; ebuzzel@hotmail.com; gcaruso@myfairpoint.net; dpubliccover@outdoors.org; mspils15@hotmail.com; Carrie_carpenter@rocketmail.com; courtneyfraley@gmail.com; eshermanbpr@gmail.com; kbraft@gmail.com; klyman9672@gmail.com; ABuxton@preti.com; manfarr1974@yahoo.com; mwagner@insourcerenewables.com; 1withwhitewaters@gmail.com; cjohnson@nrcm.org; Jeffrey.Reardon@tu.org; EBarrett@lewistonmaine.gov; caratunkselectmen@myfairpoint.net; mnovello@wagnerforest.com; jtourangeau@dwmlaw.com; Benjamin.Smith@SoltanBass.com; burgess@ibew104.org; Beckie@lometrochamber.com; Amarin@mainechamber.org; Nick Bennett; dhedrick@roadrunner.com; RBorowski@preti.com; bpw1@midmaine.com; leadley@myfairpoint.net; ashli.goodenow@gmail.com; oldcanadaroad@myfairpoint.net; robert.wood@tnc.org; sely@nrcm.org; Miller, Susanne; Bergeron, Mark; Hinkel, Bill; Stratton, Robert D; Puryear, Kristen; Rideout, Megan M; Jay.L.Clement@usace.army.mil; Melissa.Pauley@hq.doe.gov; Witham, Gayle; egreen@clf.org; pturner@clf.org; DEP, NECEC; boepple@nhlandlaw.com; Steven.Zuretti@brookfieldrenewable.com; jtalbert@preti.com
Subject: Motions to Strike Witnesses and Other Hearing Issues
Attachments: Intervenor Groups list for 2-21-19 email.docx

Motions to Strike Witnesses

Pursuant to the DEP's and the LUPC's respective Third Procedural Orders, CMP and the Intervenor Groups timely designated their respective witnesses. (The Office of the Public Advocate did not designate any witnesses.) CMP moved to strike Group 1 witnesses Haynes and Falzone and Group 4 witnesses Towle, Calhoun, and Joseph because it appears to CMP that those witnesses' testimony may not be confined to the hearing topics identified by the DEP and the LUPC. Groups 1 and 4 oppose CMP's motion to strike. Additionally, Groups 2 and 10 moved to strike Group 3 witnesses Poole, Connors, and Barrett because it appears to Groups 2 and 10 that Poole's, Connors's, and Barrett's testimony may not be confined to the hearing topics identified by the DEP and the LUPC. Pre-filed witness testimony is due Thursday, February 28. Objections to pre-filed testimony are due March 7. The Presiding Officers will not rule on any pending motions to strike prior to March 7.

The parties are reminded that all testimony they intend to provide at the public hearing must be confined to the specified hearing topics. The parties may address statutory and regulatory review criteria that are not hearing topics by submitting written comments to the Department and the LUPC while the record is open.

Service List

According to his email dated February 19, 2019, Attorney Petrucci is not receiving all emails pertaining to the project. The DEP and the LUPC have added Attorney Petrucci to its joint service list. Please be sure you are using the most recent version of the service list.

Designated Spokesperson

Attached to this email is a chart identifying each consolidated intervenor group and the spokesperson for that group. Each group must have only one designated spokesperson. Groups are reminded that any group submissions must come from the designated spokesperson. If the attached list misidentifies a Group's spokesperson, or a Group wishes to change their spokesperson, please let me know by February 28, 2019.

Back-up Hearing Dates

In the Third Procedural Order, Presiding Officers requested that parties set aside April 8, 10, and 11 as potential back-up hearing dates. Those dates are no longer available. The Presiding Officers are now requesting that parties set aside are now May 6, 7, 9, and 10, 2019, for back-up dates (e.g., in the event of inclement weather).

James R. Beyer
Regional Licensing and Compliance Manager
Bureau of Land Resources - Eastern Maine Regional Office
Maine Department of Environmental Protection
(207) 446-9026
www.maine.gov/dep

CMP-NECEC Intervenor Groups

Consolidated Groups	Intervenors	Designated Spokesperson
Group 1	Friends of Boundary Mountains Maine Wilderness Guides Old Canada Road	Bob Hayes
Group 2	West Forks Plantation Town of Caratunk Kennebec River Anglers Maine Guide Services Hawk's Nest Lodge Mike Pilsbury	Elizabeth Boepple, Esq.
Group 3	International Energy Consumer Group City of Lewiston International Brotherhood of Electrical Workers, Local 104 Maine Chamber of Commerce Lewiston/Auburn Chamber of Commerce*	Anthony Buxton, Esq.
Group 4	Natural Resources Council of Maine Appalachian Mountain Club Trout Unlimited	Sue Ely
Group 5	Brookfield Energy Wagner Forest	Jeff Talbert, Esq.
Group 6	The Nature Conservancy Conservation Law Foundation	Rob Wood
Group 7	Western Mountains and Rivers Corporation	Ben Smith, Esq.
Group 8	Next Era	Joanna Tourangeau, Esq.
Group 9	Office of the Public Advocate	Barry Hobbins
Group 10	Edwin Buzzell LUPC Residents and Recreational Users* Carrie Carpenter, Eric Sherman, Kathy Barkley, Kim Lyman, Mandy Farrar, Matt Wagner, Noah Hale, Taylor Walker, and Tony DiBlasi	Elizabeth Boepple, Esq.

The asterisks (*) show Intervenors in only the LUPC process. Others listed are either Intervenors in the DEP process only or both the DEP and LUPC processes.