

Hinkel, Bill

From: Hinkel, Bill
Sent: Monday, March 18, 2019 6:37 PM
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Subject: NECEC Groups 2 and 10 appeal

Dear Parties,

On March 15, 2019, Ms. Boepple, on behalf of Intervenor Groups 2 and 10, appealed to the Land Use Planning Commission (Commission), as a whole, certain decisions of the Presiding Officer in the Fifth Procedural Order, dated March 13, 2019. Specifically, Groups 2 and 10 appealed the decision to strike:

- the revised cover pages for Groups 2 and 10 witnesses' prefiled testimony;
- Robert Merchant's Supplemental Exhibit 7; and
- witness Greg Caruso's prefiled testimony.

The same appeal was made to the Commissioner of the Maine Department of Environmental Protection (Department).

Later that same day, and on behalf of Central Maine Power (CMP), Mr. Manahan, submitted a response to the appeal, stating that granting the appeal (and admitting these materials into the hearing record) would prejudice CMP and the other parties because there is insufficient time available to respond to these materials by the March 21 deadline for submission of rebuttal testimony.

Earlier today, the Department ruled on the March 15 appeal. Pursuant to 01-672 C.M.R. Ch. 5 § 5.11(4), all objections to rulings of the Commission's Presiding Officer and the grounds therefore shall be timely stated. If, during the course of the hearing, the Commission determines that the ruling of the Presiding Officer was in error, the Commission may reopen the hearing or take such other action as it deems appropriate to correct such error.

The next opportunity for the Commission to decide Ms. Boepple's appeal is at the Commission's regular meeting on the morning of April 2, 2019. The Commission is aware that the Department is conducting its portion of the public hearing on CMP's NECEC project on the morning of April 2. Although the parties are welcome to attend the Commission's meeting on the morning of April 2 to hear the appeal, the parties are not required to attend. As to the filing deadline for rebuttal testimony, the Commission, along with the Department, are extending the deadline from March 21, 2019 to March 25, 2019, at 5:00 p.m.

If the Commission votes to deny all or portions of the appeal and affirms all or part of the Chair's ruling striking the materials, these materials (and any rebuttal testimony thereto) will be not be considered by the Commission. Alternatively, if the Commission votes to grant any part of the appeal, those materials (and all related rebuttal testimony) will be allowed back into the record.

Regards,

Bill Hinkel

Regional Supervisor

Land Use Planning Commission

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