From: Murphy, Donald
To: "Colleen";
cc: Murphy, Donald;
Subject: LURC Bull Hill Wind Project
Date: Friday, February 25, 2011 6:28:05 PM

Coleen;

I wanted to call you before e-mailing but I want to respond with a suggestion. I appreciate the time you are taking to involve your information and viewpoints into the Bull Hill Wind Project Development Permit application. I want to reiterate that my purpose in calling or e-mailing you is to in no way offer legal advice but is my attempt as LURC Project Planner to facilitate an informed and thorough review of this wind power development project. I would also like to make you aware of the 'Interested Persons' recognition vs... the 'Intervenor Status' that you have applied for and give you the opportunity to consider this as an option. Please let me know early next week before the 3/2/11 Commission meeting of your preference.

LURC's Chapter 5 Rules for the Conduct of Public Hearings in Section 5.14 provides for an additional category of participation in the public hearing process that includes some of the activities for the Intervenor Status you've requested but without some of the more stringent expectations for participation to fulfill that obligation. Examples of this commitment are meeting, conference, and hearing attendance, as well as testimony, timely review submittals and comments throughout the entire process. 'Interested Persons' can track the process and upon notification to the LURC staff join in at the key times you choose.

However, I do want to emphasize that there is a difference from Intervenor Status in that the Presiding Officer of the public proceedings has discretionary authority to structure the input of 'Interested Persons' for the sake of conducting a thorough presentation of the facts and viewpoints in an efficient manner. For example, Intervenors are allowed oral cross-examination rights whereas 'Interested Persons' may have the same or be requested to put them in writing. Testimonies may be limited or combined by topic and given orally or in writing. I've included section 5.14 below for reference and encourage you to go to the State of Maine LURC webpage and refer to these Chapter 5 Rules for your own reference.

Chapter 5 of the Commission's rules, Section 5.14 'Participation by Interested Persons: Any person may, in the discretion of the Presiding Officer, be permitted to make oral or written statements on the issues, introduce documentary, photographic and real evidence, attend and participate in conferences and submit written or oral questions of other participants, within such limits and on such terms and conditions as may be fixed by the Commission or the Presiding Officer.'

You will notice that in the process of granting intervenor status that the Commission requires the filing of 'a petition under oath or affirmation for leave to intervene.' The following is point number 5 in a letter used to described the intervenor petitioning process. It is also a part of the basis that the LURC Commissioners use to decide on granting Intervenor Status. I would like to give you the opportunity to amend your initial e-mail request to more fully respond to these points and submit them back to me prior to the Commissioners meeting 3/2/11 when this decision will be made. Additionally, it is best if you attend that meeting in Bangor at the Spectacular Events Center, the agenda and the directions are also on the LURC website; which I have listed the address to below. In the event you are not at the meeting this information is particularly necessary. As it stands, your initial e-mail would suffice for recognition as an 'Interested Person' with the rights afforded for participation in the proceedings which is described above. However, a more detailed petition than the simple e-mail request I received is necessary for intervenor status consideration.

5. Persons who want to request intervenor status must submit a petition by the deadline and demonstrate in their petition the following:
   a) that the petitioner has a direct and substantial interest which may be affected by the proceedings;
   b) that the petitioner has reasonably specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria; and
   c) that the petitioner is prepared and capable of participation in the hearing in order to support such contentions.

I look forward to you providing me with this information listed above and a note on your ability to attend, or not attend, the LURC meeting this Wednesday 3/2/11 when your petition will come before the Commission during the agenda after lunch. All of which is important in order to consider you further for intervenor status. Otherwise, if I don't hear from you before the meeting I will assume you would prefer the Interested Persons recognition I've described as the form of participation you would consider.

Please understand that my goal in calling you to explain and discuss this topic and this e-mail is to facilitate your input into the LURC development permit application process for this wind power project. It is also to create an efficient process for all parties involved in the public proceedings so that all viewpoints and information make it into the public record. I do appreciate you taking the time to participate in this process. Please feel free to call or e-mail me with questions or requests for information. My contacts are below as well as the website address to access the Rules I referred to above as well as the development application and Commission agenda and schedule.

Sincerely;
Don Murphy

Donald E. Murphy, Project Planner
Land Use Regulation Commission
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