



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

August 12, 2021

Via E-mail Only

Thorn Dickinson, President & CEO
NECEC Transmission LLC
83 Edison Drive
Augusta, ME 04336

Gerry J. Mirabile, NECEC – Manager Permitting & Compliance
Central Maine Power Company
83 Edison Drive
Augusta, ME 04336

RE: New England Clean Energy Connect (NECEC) Transmission Line Project

Dear Messrs. Dickenson and Mirabile:

In Department Order # L-27625-26-A-N/L-27625-TB-B-N/L-27625-2C-C-N/L-27625-VP-D-N/L-27625-IW-E-N, dated May 11, 2020 (the Order), the Department approved the New England Clean Energy Connect (NECEC) project. The project involves 145 miles of high voltage direct current transmission line from Beattie Township to Lewiston, a converter station in Lewiston, a new substation in Pownal, additions to several other substations, and upgrades to existing transmission lines. The stated purpose of the project is to provide renewable electricity from Quebec to the New England grid.

On August 10, 2021, in its decision in *Black v. Cutko*, No. BCD-CV-2020-29, the Superior Court reversed the Director of the Bureau of Parks and Lands’ decision to enter into a lease in 2020 for a portion of the NECEC corridor located in Johnson Mountain Township and West Forks Plantation. Pursuant to the Court’s judgment, NECEC Transmission LLC and Central Maine Power Company (CMP) will not have a lease to construct the approximately 0.9 mile portion of the transmission line approved in this location. While this portion of the transmission line is only a small part of the overall project, this portion is necessary to the overall project purpose of delivering electricity from Quebec to the New England grid.

Pursuant to 38 M.R. S. § 342(11-B) and Chapter 2, § 25(A) of the Department’s rules, the Commissioner may revoke or suspend a license upon making certain findings, including a finding that: “There has been a change in condition or circumstance that requires revocation or suspension of a license.” 38 M.R.S. § 342(11-B)(E); Ch. 2, § 27(E). I have determined that the Court’s decision represents a change in circumstance that may warrant a suspension of the NECEC Order and I, therefore, am initiating this proceeding under the above-cited sections of

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the law and rule. If a suspension is imposed, it would be in effect until: (a) the Superior Court's decision is reversed on appeal and the lease is reinstated; (b) a new lease is entered into for the portion of the corridor in Johnson Township and West Forks Plantation that is at issue; or (c) the licensees obtain Department approval of an amendment to the Order rerouting this portion of the transmission line.

Chapter 2, § 25(A) & (C) establish that the Commissioner may not revoke or suspend a license without providing the licensee written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4. This letter shall serve as the required notice that I have decided to exercise my discretionary authority to initiate proceedings to consider the suspension of the NECEC Order based on the criterion set forth in 38 M.R.S. § 342(11-B) and Chapter 2, § 27(E) in light of the Superior Court's decision regarding NECEC Transmission LLC and CMP's lease for a portion of the project approved in the Order and the licensees' present ability to fulfill the stated project purpose.

Pursuant to Ch. 2, § 25(D), NECEC Transmission LLC and Central Maine Power Company have 15 days from the date of this letter to request a hearing.

A handwritten signature in blue ink, appearing to read "Melanie Loyzim", with a stylized flourish at the end.

Melanie Loyzim, Commissioner