



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

CENTRAL MAINE POWER CO.)
NECEC TRANSMISSION, LLC)
25 Municipalities, 13 Townships/Plantations,)
7 Counties (listed Appendix A))
L-27625-26- A-N) LICENSE SUSPENSION PROCEEDING
L-27625-TG-B-N) PUBLIC HEARING
L-27625-2C-C-N) FOURTH PROCEDURAL ORDER
L-27625-VP-D-N)
L-27625-IW-E-N)

This Fourth Procedural Order (Order) sets forth the Presiding Officer’s decisions with respect to expanding the scope of this proceeding, re-opening the hearing record, and setting a date for a re-opened hearing and associated deadlines.

- 1. On October 19, 2021, the Department conducted a hearing in this matter, which included taking testimony from Licensees, Central Maine Power Company and NECEC Transmission, LLC; and Intervenors, Industrial Energy Consumer Group; Natural Resource Council of Maine; Friends of the Boundary Mountains; and the group of entities and individuals referred to collectively as the “West Forks Group.” The hearing also included an evening session during which testimony from members of the public was heard.

Preliminary results indicate that, on November 2, 2021, Maine voters approved a referendum regarding the NECEC Transmission Line Project (Project). In a letter dated November 5, 2021, the Commissioner notified the Licensees that she had determined, pursuant to her authority under 38 M.R.S. § 342(11-B) and Chapter 2, § 25(A), that the referendum result, if certified such that it will become law, represents another change in circumstance that warrants expanding the scope of this proceeding to include consideration of whether the effect of the referendum result constitutes a change in condition or circumstance that requires revocation or suspension of the Licensees’ permit.

REPLY BRIEF DEADLINE

- 2. The deadline of November 9, 2021, for parties to file reply briefs following the October 19, 2021 hearing, on topics for that hearing and the evidence submitted in the proceeding to date, remains in effect.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

RE-OPENING OF THE RECORD

3. Pursuant to the authority vested in the Presiding Officer in Chapter 3, §24, the hearing record in this proceeding is hereby re-opened to hold a further public hearing and receive testimony limited to the topics set forth below.

PETITIONS FOR LEAVE TO INTERVENE

4. The Maine Administrative Procedure Act and Chapter 3, § 11 of the Department's rules provide that a petition for leave to intervene will be granted upon demonstration that the petitioner is a person who is or may be substantially and directly affected by the proceeding, or is a member of a class which is or may be substantially and directly affected by the proceeding, or is an agency of federal, state, or local government. 5 M.R.S. § 9054(1). The Department has discretion to allow other petitioners to intervene as a full or limited party to the proceeding. 5 M.R.S. § 9054(2); Ch. 3 § 11(B).
5. Any additional individuals or entities that wish to request intervenor status in this expanded matter must submit a request by close of business on November 18, 2021.
6. A petition for intervention must be accompanied by all pre-filed materials required under paragraphs 10 and 11 of this Order.
7. Parties that were previously granted intervenor status in this proceeding will continue as intervenors for the duration of this proceeding unless leave for withdrawal is requested in writing.

HEARING DATE AND TOPICS

8. The re-opened hearing in this proceeding will be held on Monday, November 22, 2021, via the Zoom Cloud Meetings teleconferencing platform. The daytime session of the hearing will begin at 9:00 a.m. and will be devoted to hearing evidence from the Licensees and Intervenors. Testimony will be provided orally at the hearing and written pre-filed testimony will not be required. The timing for direct testimony, cross-examination and rebuttal testimony will be established in a future Order.

The evening session of this second hearing will begin at 5:30 p.m. on Monday, November 22, 2021, and will be devoted to receiving evidence from members of the public. Members of the public wishing to testify are asked to register to speak by contacting Ruth Ann Burke at Ruth.A.Burke@maine.gov by 5:00 p.m. on November 15, 2021. Individuals who do not register in advance to speak may be allowed to testify, time permitting.

A more detailed agenda will be provided to the parties prior to the hearing date.

Pursuant to Chapter 3, § 19(B)(7), the Presiding Officer may set time limits for testimony, cross-examination, or rebuttal, and may adjust time limits during the course of the hearing.

9. Evidence presented at the hearing will be limited to the following topics:

- Given the results of the uncertified referendum vote, how L.D. 1295, an Act To Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region, might affect construction of the Project on the permitted route;
- The status and briefing schedule of the preliminary injunction and associated complaint in *NECEC Transmission LLC and Avangrid Networks, Inc. v. Bureau of Parks and Lands* litigation;
- Potential rerouting options that would not be eliminated by L.D. 1295;
- Status of the Secretary of State certification and Governor's proclamation regarding L.D. 1295; and
- Update of the status of construction activities and timetable for work locations going forward.

PRE-HEARING FILINGS

10. Proposed exhibits must be submitted by close of business on November 16, 2021. Written objections to proposed exhibits will not be considered. The parties may raise any objections to admittance of an exhibit when it is offered at the hearing.
11. The parties must provide a list of witnesses and topics to be covered by each witness by close of business on November 16, 2021. The list must include an estimate of total time required for direct testimony and identify the estimated time for each witnesses' direct testimony.

CLOSING ARGUMENTS

12. The Parties will be afforded an opportunity to deliver oral closing arguments at the end of the hearing in lieu of further post-hearing briefs.

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Dated: November 8, 2021



Marybeth Richardson
Presiding Officer