

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION



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GOVERNOR

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October 21, 2020

SENT VIA ELECTRONIC MAIL ONLY

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**Re: Central Maine Power Company, New England Clean Energy Connect
Department Order L-27625-26-A-N, L-27625-TB-B-N, L-27625-2C-C-N,
L27625-VP-D-N, L-27625-IW-E-N (“NECEC Order”)
Chair ruling regarding West Forks’ Supplement to Motion for Stay of Agency Decision**

Dear Participants:

On September 25, 2020, appellants Natural Resources Council of Maine (“NRCM”) and West Forks, et al. (“West Forks Group”) filed with the Board of Environmental Protection (“Board”) separate requests for a stay of the May 11, 2020, Order of the Commissioner of the Department of Environmental Protection (“Commissioner”) conditionally approving the application of Central Maine Power Company (“CMP”) to construct the New England Clean Energy Connect (“NECEC Order”). These renewed requests were made after the August 26, 2020, decision by the Commissioner denying NRCM’s and the West Forks Group’s initial requests for a stay of the NECEC Order.

By letter dated October 7, 2020, I provided other parties to the appeal of the NECEC Order an opportunity to submit legal arguments in support of, or in opposition to, the renewed requests for a stay.

On October 16, 2020, and by and through their respective attorneys, CMP, Industrial Energy Consumer Group, and, jointly, the Maine State Chamber of Commerce and City of Lewiston, filed timely legal arguments in opposition to the renewed requests for a stay. The West Forks Group also submitted – at 4:18 p.m. on the day of the deadline for responses by other parties – a supplement to its renewed motion for a stay and a memorandum in support of NRCM’s renewed application for a stay. CMP objected to the West Forks Group’s supplemental filing and asked that it be stricken in its entirety, or alternatively if the filing is allowed, that any supplemental evidence included in it be stricken.

Ruling

The purpose of my October 7, 2020, letter was to provide parties other than those requesting a stay the opportunity to submit legal arguments in response to the renewed requests for a stay. The West Forks Group, having already made its case for a stay, was not invited to supplement its renewed request. As a matter of procedural fairness and in consideration of CMP’s objection and motion to strike, the entirety of the West Forks Group’s October 16, 2020, Supplement to Motion for Stay of Agency Decision and Memorandum in support of NRCM’s Application for Stay is not admitted into the Board record.

If you have any questions, you may contact Board Analyst, William F. Hinkel, at bill.hinkel@maine.gov (207) 314-1458 or Assistant Attorney General, Peggy Bensinger, at peggy.bensinger@maine.gov (207) 626-8578.

Respectfully,



Mark C. Draper, Chair
Board of Environmental Protection

cc (via e-mail only): Service List (rev. October 19, 2020)