

From: [David M. Kallin](#)
To: "Matt Manahan"; [Hinkel, Bill](#); [Elizabeth Boepple](#); [Stacy Laughton](#)
Cc: [Burke, Ruth A](#); [Bertocci, Cynthia S](#); [Bensinger, Peggy](#); [Boak, Scott](#); [Parker, Lauren](#); [Miller, Susanne](#); [DEP, NECEC](#); [Livesay, Nick](#); [James T. Kilbreth](#); [Elizabeth C. Mooney](#); [Tynan J. Lawrence](#); [Joanna B. Tourangeau](#); [Mirabile, Gerry J. \(Gerry.Mirabile@cmpco.com\)](#); [Dave Publicover](#); [jreardon@tu.org](#); [Bob Weingarten](#); [Buxton, Anthony W.](#); [RBorowski@preti.com](#); [gpetruccelli@pmhlegal.com](#); [Tim Burgess](#); [Bob Haynes](#); [Ben Smith](#); [Sandra Howard](#); [Kelsey Peterson](#); [Burke, Ruth A](#); [Bensinger, Peggy](#); [Boak, Scott](#); [Parker, Lauren](#); [Miller, Susanne](#); [DEP, NECEC](#); [Livesay, Nick](#); [James T. Kilbreth](#); [Elizabeth C. Mooney](#); [Tynan J. Lawrence](#); [Joanna B. Tourangeau](#); ["boepple@nhlandlaw.com"](#); [Mirabile, Gerry J. \(Gerry.Mirabile@cmpco.com\)](#); [Dave Publicover](#); [jreardon@tu.org](#); [Bob Weingarten](#); [Buxton, Anthony W.](#); [RBorowski@preti.com](#); [gpetruccelli@pmhlegal.com](#); [Tim Burgess](#); [Bob Haynes](#); ["Ben Smith"](#)
Subject: RE: NECEC- West Forks et al. Response to NRCM and NextEra Appeals
Date: Friday, March 12, 2021 5:55:49 PM

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Bill, In response to CMP's objection:

NextEra and West Forks filed appeals in Superior Court pursuant to the Maine Administrative Procedures Act (MAPA) and Rule 80C. NRCM timely filed an appearance pursuant to MAPA Section 11005, which would have entitled NRCM to file a merits brief within 30 days after the merits briefs of the respective appellants pursuant to Rule 80C(g). Instead, the Department moved to remand and consolidate those two appeals before the Board, which motion was granted by the Court. The Department's remand motion cannot deprive NRCM of its statutorily protected party status within those appeals, and it would be entirely improper for the Department to shut out NRCM from participation in the appeals of NextEra and West Forks before the Board simply because its remand motion was granted.

Moreover, NRCM is not the appellant with regard to those appeals and NRCM submitted written comments on the underlying applications, and so falls squarely within the plain language of Chair Draper's order.

Thanks,
Dave

David M. Kallin
Attorney
Drummond Woodsum
207.253.0572 Direct | DKallin@dwmlaw.com

From: Matt Manahan <mmanahan@pierceatwood.com>
Sent: Friday, March 12, 2021 5:11 PM
To: 'Hinkel, Bill' <Bill.Hinkel@maine.gov>; [Elizabeth Boepple <boepple@nhlandlaw.com>](mailto:Elizabeth.Boepple@nhlandlaw.com); [Stacy Laughton <Laughton@nhlandlaw.com>](mailto:Stacy.Laughton@nhlandlaw.com)
Cc: [Burke, Ruth A <Ruth.A.Burke@maine.gov>](mailto:Ruth.A.Burke@maine.gov); [Bertocci, Cynthia S <Cynthia.S.Bertocci@maine.gov>](mailto:Cynthia.S.Bertocci@maine.gov); [Bensinger, Peggy <Peggy.Bensinger@maine.gov>](mailto:Peggy.Bensinger@maine.gov); [Boak, Scott <Scott.Boak@maine.gov>](mailto:Scott.Boak@maine.gov); [Parker, Lauren <Lauren.Parker@maine.gov>](mailto:Lauren.Parker@maine.gov); [Miller, Susanne <Susanne.Miller@maine.gov>](mailto:Susanne.Miller@maine.gov); [DEP, NECEC](#)

<NECEC.DEP@maine.gov>; Livesay, Nick <Nick.Livesay@maine.gov>; James T. Kilbreth <JKilbreth@dwmlaw.com>; David M. Kallin <DKallin@dwmlaw.com>; Elizabeth C. Mooney <EMooney@dwmlaw.com>; Tynan J. Lawrence <TLawrence@dwmlaw.com>; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com) <Gerry.Mirabile@cmpco.com>; Dave Publicover <dpublicover@outdoors.org>; jreardon@tu.org; Bob Weingarten <bpw1@midmaine.com>; Buxton, Anthony W. <ABuxton@preti.com>; RBorowski@preti.com; gpetruccelli@pmhlegal.com; Tim Burgess <burgess@ibew104.org>; Bob Haynes <oldcanadaroad@myfairpoint.net>; Ben Smith <bsmith@smithlawmaine.com>; Sandra Howard <sandrahowardnh@gmail.com>; Kelsey Peterson <peterson@nhlandlaw.com>; Burke, Ruth A <Ruth.A.Burke@maine.gov>; Bensinger, Peggy <Peggy.Bensinger@maine.gov>; Boak, Scott <Scott.Boak@maine.gov>; Parker, Lauren <Lauren.Parker@maine.gov>; Miller, Susanne <Susanne.Miller@maine.gov>; DEP, NECEC <NECEC.DEP@maine.gov>; Livesay, Nick <Nick.Livesay@maine.gov>; James T. Kilbreth <JKilbreth@dwmlaw.com>; David M. Kallin <DKallin@dwmlaw.com>; Elizabeth C. Mooney <EMooney@dwmlaw.com>; Tynan J. Lawrence <TLawrence@dwmlaw.com>; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; 'boepple@nhlandlaw.com' <boepple@nhlandlaw.com>; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com) <Gerry.Mirabile@cmpco.com>; Dave Publicover <dpublicover@outdoors.org>; jreardon@tu.org; Bob Weingarten <bpw1@midmaine.com>; Buxton, Anthony W. <ABuxton@preti.com>; RBorowski@preti.com; gpetruccelli@pmhlegal.com; Tim Burgess <burgess@ibew104.org>; Bob Haynes <oldcanadaroad@myfairpoint.net>; 'Ben Smith' <BSmith@SmithLawMaine.com>

Subject: RE: NECEC- West Forks et al. Response to NRCM and NextEra Appeals

Bill, CMP and NECEC LLC object to this filing by the West Forks petitioners, as well as today's filing by NRCM, because they are impermissible responses by Appellants to the consolidated appeals in this proceeding. Chair Draper's February 12, 2021 letter stated that "a written response to the merits of NRCM's, West Forks Group's, and NextEra's appeals of the NECEC Order may be filed by the Appellees and any person who submitted written comment on the underlying applications for the NECEC Order." That order did not provide for or allow further responses by the Appellants, which would make no sense because it would allow yet another opportunity for Appellants to make arguments supporting their own appeals, which the rules required them to make at the time they filed their appeals. CMP and NECEC LLC ask that these filings be rejected. Matt

Matthew D. Manahan

PIERCE ATWOOD LLP

PH 207.791.1189

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From: Hinkel, Bill <Bill.Hinkel@maine.gov>

Sent: Friday, March 12, 2021 4:22 PM

To: Elizabeth Boepple <boepple@nhlandlaw.com>; Stacy Laughton <Laughton@nhlandlaw.com>

Cc: Burke, Ruth A <Ruth.A.Burke@maine.gov>; Bertocci, Cynthia S <Cynthia.S.Bertocci@maine.gov>; Bensinger, Peggy <Peggy.Bensinger@maine.gov>; Boak, Scott <Scott.Boak@maine.gov>; Parker, Lauren <Lauren.Parker@maine.gov>; Miller, Susanne <Susanne.Miller@maine.gov>; DEP, NECEC <NECEC.DEP@maine.gov>; Livesay, Nick <Nick.Livesay@maine.gov>; jkilbreth@dwmlaw.com;

dkallin@dwmlaw.com; emooney@dwmlaw.com; tlawrence@dwmlaw.com; Joanna B. Tourangeau <jtourangeau@dwmlaw.com>; Matt Manahan <mmanahan@pierceatwood.com>; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com) <Gerry.Mirabile@cmpco.com>; Dave Publicover <dpublicover@outdoors.org>; jreardon@tu.org; Bob Weingarten <bpw1@midmaine.com>; Buxton, Anthony W. <ABuxton@preti.com>; RBorowski@preti.com; gpetruccelli@pmhlegal.com; Tim Burgess <burgess@ibew104.org>; Bob Haynes <oldcanadaroad@myfairpoint.net>; Ben Smith <bsmith@smithlawmaine.com>; Sandra Howard <sandrahowardnh@gmail.com>; Kelsey Peterson <peter@nhlandlaw.com>; Burke, Ruth A <Ruth.A.Burke@maine.gov>; Bensinger, Peggy <Peggy.Bensinger@maine.gov>; Boak, Scott <Scott.Boak@maine.gov>; Parker, Lauren <Lauren.Parker@maine.gov>; Miller, Susanne <Susanne.Miller@maine.gov>; DEP, NECEC <NECEC.DEP@maine.gov>; Livesay, Nick <Nick.Livesay@maine.gov>; jkilbreth@dwmlaw.com; dkallin@dwmlaw.com; emooney@dwmlaw.com; tlawrence@dwmlaw.com; Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; 'boepple@nhlandlaw.com' <boepple@nhlandlaw.com>; Matt Manahan <mmanahan@pierceatwood.com>; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com) <Gerry.Mirabile@cmpco.com>; Dave Publicover <dpublicover@outdoors.org>; jreardon@tu.org; Bob Weingarten <bpw1@midmaine.com>; Buxton, Anthony W. <ABuxton@preti.com>; RBorowski@preti.com; gpetruccelli@pmhlegal.com; Tim Burgess <burgess@ibew104.org>; Bob Haynes <oldcanadaroad@myfairpoint.net>; 'Ben Smith' <BSmith@SmithLawMaine.com>
Subject: RE: NECEC- West Forks et al. Response to NRCM and NextEra Appeals

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Ms. Boepple:

The service list for the appeals of the May 11, 2020, NECEC Order and to use in filing written responses to the merits of the appeal in accordance with the Chair's February 12, 2021, letter is attached. In responding, I have included all participants on the October 19, 2020, service list as well as those you copied on your email below.

Respectfully,

William F. Hinkel
Executive Analyst, Board of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
(207) 314-1458
bill.hinkel@maine.gov

From: Elizabeth Boepple <boepple@nhlandlaw.com>

Sent: Friday, March 12, 2021 2:59 PM

To: Stacy Laughton <Laughton@nhlandlaw.com>

Cc: Burke, Ruth A <Ruth.A.Burke@maine.gov>; Bertocci, Cynthia S <Cynthia.S.Bertocci@maine.gov>; Hinkel, Bill <Bill.Hinkel@maine.gov>; Bensinger, Peggy <Peggy.Bensinger@maine.gov>; Boak, Scott <Scott.Boak@maine.gov>; Parker, Lauren <Lauren.Parker@maine.gov>; Miller, Susanne <Susanne.Miller@maine.gov>; DEP, NECEC <NECEC.DEP@maine.gov>; Livesay, Nick

<Nick.Livesay@maine.gov>; jkilbreth@dwmlaw.com; dkallin@dwmlaw.com;
emooney@dwmlaw.com; tlawrence@dwmlaw.com; Joanna B. Tourangeau
<jtourangeau@dwmlaw.com>; Matt Manahan <mmanahan@pierceatwood.com>; Mirabile, Gerry J.
(Gerry.Mirabile@cmpco.com) <Gerry.Mirabile@cmpco.com>; Dave Publicover
<dpublicover@outdoors.org>; jreardon@tu.org; Bob Weingarten <bpw1@midmaine.com>; Buxton,
Anthony W. <ABuxton@preti.com>; RBorowski@preti.com; gpetruccelli@pmhlegal.com; Tim
Burgess <burgess@ibew104.org>; Bob Haynes <oldcanadaroad@myfairpoint.net>; Ben Smith
<bsmith@smithlawmaine.com>; Sandra Howard <sandrahowardnh@gmail.com>; Kelsey Peterson
<peter@nhlandlaw.com>

Subject: Re: NECEC- West Forks et al. Response to NRCM and NextEra Appeals

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Is this the correct service list? All letters have been going to the big service list.

Sent from my iPhone

On Mar 12, 2021, at 2:04 PM, Stacy Laughton <Laughton@nhlandlaw.com> wrote:

Good afternoon,

On behalf of West Forks Plantation, Town of Caratunk, Kennebec River Anglers, Maine Guide Service, LLC, Hawks Nest Lodge, Ed Buzzell, Kathy Barkley, Kim Lyman, Noah Hale, Eric Sherman, Matt Wagner, Mike Pilsbury, Mandy Farrar and Carrie Carpenter, please find attached a cover letter to the Board together with a Response to NextEra and NRCM's Appeals of the Commissioner of the Department of Environmental Protection's Order.

Original of the filing will be sent via FedEx today.

Thank you.

Stacy

Stacy B. Laughton, Paralegal

Offices in Concord and Keene, New Hampshire and Portland, Maine

laughton@nhlandlaw.com

Phone 603.225.2585

Cell 207.650.7783

<[image001.jpg](#)>

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<image002.jpg>

<2021-03-12 West Forks Response to NRCM NextEra Appeals.pdf>

<2021-03-12 Cover Letter to BEP.pdf>

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