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Admitted in: MA, ME, NH

November 6, 2018

Susanne Miller, Director
Eastern Maine Regional Office
Maine Department of Environmental Protection
106 Hogan Road, Suite 6, 3rd Floor
Bangor, ME 04401

RE: Response to November 2, 2018 NextEra Filing

Dear Presiding Officer Miller:

On behalf of Central Maine Power Company (CMP), this letter responds to the November 2, 2018 filing by NextEra Energy Resources, LLC. The NextEra filing states that it is in response to your Second Procedural Order, which you issued almost one month earlier, on October 5, 2018. NextEra's response comes too late; although NextEra could have appealed your order to Commissioner Mercer, pursuant to DEP Reg. 3.4(D), NextEra chose not to do so. In any case, even if you consider NextEra's requests you should deny them, for the following reasons.

First, NextEra requests that the Department consider at the hearing CMP's title, right, and interest (TRI) in the property that is proposed for development or use. NextEra's request comes too late. The First Procedural Order, issued on August 8, 2018, required that intervenors must submit "a specification of the statutory and regulatory criteria that they wish to address at the public hearing," by no later than August 27, 2018. NextEra submitted its issues list by that deadline, but its submission did not include TRI on its list. Nor did NextEra raise TRI as an issue during the issues list discussion at the prehearing conference on September 7, 2018. Thus, NextEra has missed its opportunity to raise this as a hearing issue now.

Further, NextEra does not even suggest a basis to question CMP's TRI, as you noted in your November 6, 2018 letter to NextEra's counsel. CMP's application materials clearly established CMP's TRI. It would make no sense to allow NextEra to seek to question CMP's TRI when NextEra has not provided any basis to do so.

Second, NextEra requests that you convene a prehearing conference prior to issuing a third procedural order, which, according to your Second Procedural Order, will include a date by which pre-filed testimony and exhibits, objections to pre-filed testimony and exhibits, and pre-filed rebuttal testimony are due. NextEra says that this request is "due to the size and scope" of CMP's October 19, 2018 submission, "so that a timetable can be devised that does not prejudice any party in its response to the Submission and other application documents previously submitted by CMP." This request appears to be nothing more than a tactic to delay the proceeding.

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There is no need to schedule a prehearing conference to provide you with comments on the timetable you will include in your third procedural order; NextEra could have done that in writing in its November 2 filing. And, in any case, the parties will have ample time to review and comment on the materials submitted prior to the hearing, especially given the Department's November 5, 2018 additional information request. Notably, Chapter 3 provides that if an applicant modifies a pending license application within 60 days prior to a scheduled hearing, "the Presiding Officer may provide an opportunity to submit written testimony in response to the proposed modification, postpone the hearing, or take any other appropriate action to ensure that all parties have a full and fair opportunity to address the modification and prepare for the hearing." DEP Reg. 3.17. In this case, the October 19, 2018 modifications were not submitted within 60 days of a scheduled hearing, so there is no basis to provide additional time to prepare pre-filed testimony; there will be ample time for all parties to prepare for the hearing.

Thank you for your consideration of this letter. Please let me know if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Manahan", with a long horizontal flourish extending to the right.

Matthew D. Manahan

cc: Service Lists