



JANET T. MILLS
GOVERNOR



GERALD D. REID
COMMISSIONER



AMANDA E. BEAL
COMMISSIONER

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY) APPLICATION FOR NATURAL
CONNECT) RESOURCES PROTECTION ACT
25 Municipalities, 13 Townships/Plantations,) AND SITE LOCATION OF
7 Counties) DEVELOPMENT ACT PERMITS
L-27625-26- A-N) AND SITE LAW CERTIFICATION SLC-9
L-27625-TB-B-N) PUBLIC HEARING
L-27625-2C-C-N) JOINT SIXTEENTH PROCEDURAL
L-27625-VP-D-N) ORDER
L-27625-IW-E-N)

This Sixteenth Procedural Order (Order) sets forth rulings of the Department of Environmental Protection (the Department) and the Land Use Planning Commission (the Commission) regarding the process and timeline for the submission of additional evidence from the Parties and members of the public in response to the reopening of the record on October 3, 2019.

1. On September 18, 2019, the Applicant submitted to the Department and the Commission a petition to reopen the record with attachments that describe an amendment to the Site Law and NRPA applications pertaining to the originally proposed route in the area near Beattie Pond.
2. On October 3, 2019, the Presiding Officers of the Department and the Commission reopened the record for the purpose of allowing the Applicant to amend its Site Law and NRPA applications and to gather additional evidence needed to evaluate the proposed alternative route outside of the Recreation Protection (P-RR) subdistrict at Beattie Pond.
3. On October 3, 2019, the Department sent to the Applicant a request for additional information.
4. The Commission and the Department have separate roles with regard to review of the proposed Project, including the proposed amendment. While the Department and the Commission will provide the same additional public process and opportunity for

Department of Environmental Protection
17 State House Station, Augusta, ME 04333-0017
207-287-7688 (Fax) 207-287-7826
WWW.MAINE.GOV/DEP

Land Use Planning Commission
22 State House Station, Augusta, ME 04333-0022
207-287-2631 (Fax) 207-287-7439
WWW.MAINE.GOV/DACF/LUPC

participation by the Parties, the amendment to the applications results in a proposed corridor that is outside of the Beattie Pond P-RR subdistrict; the Commission anticipates that not all of the additional evidence will be relevant to its Site Law Certification review. The Parties are asked to label all additional written submittals as relevant to the Department, the Commission, or both agencies.

5. The Department's Rules Governing the Conduct of Licensing Hearings, Chapter 3 §§ 17 & 24, provide that the Presiding Officer may provide an opportunity for the Parties, interested persons, and the public to respond and submit information following a modification of an application or a reopening of the record in a manner determined to be appropriate based on the nature and timing of the proposed modification. Given the short length of the newly proposed route reflected in the amendment to the applications, the Presiding Officers for the Department and the Commission have determined that additional hearing time is not necessary for adequate input from the Parties and the public and the agencies' analysis in their separate roles reviewing the Applicant's proposal. The Department and the Commission will provide the opportunity for the Parties and members of the public to analyze and submit evidence on the proposal in writing as described in paragraphs (6) through (8) of this Order.
6. The Department staff will notify the Parties in writing when the October 3 request for additional information is determined to be complete. In addition, the Department will publish a notice in the Portland Press Herald, the Kennebec Journal, and the Bangor Daily News newspapers which identifies the time period in which interested persons and the public may submit comments on the proposed amendment. Beginning the date of said notice, the Intervenor will be allowed 30 days (until 5:00 p.m.) to submit written responses to the amendment in the form of evidence and comments. Evidence and comments submitted by Intervenor as part of their response must be limited in scope to whether the amendment to the application meets the applicable statutory criteria in the Site Law, the NRPA, the Commission's statutes, and the applicable regulations of both agencies.
7. The Applicant will be allowed 14 days (until 5:00 p.m.), after the deadline for Intervenor's responses, to provide a written reply. The Applicant's reply shall be limited to addressing the responses filed by Intervenor.
8. The record will remain open until 5:00 p.m. on the date the Applicant's responses are due. During this period, members of the public may submit written comments and evidence on the amendment. Any public comment must be limited in scope to the application amendment as it relates to the statutory and regulatory criteria under which the Department and the Commission are evaluating the application.
9. Deadlines for additional evidence from the Parties and the public, as described in paragraphs (6) through (8) of this Order will be reiterated with dates and times in the notice from Department staff described in paragraph (6) of this Order. Additionally and in synchronization with the Department's notice, the Commission will provide notice of the opportunity for additional public comment on its webpage https://www.maine.gov/dacf/lupc/projects/site_law_certification/slc9.html and directly to all

persons who have subscribed to receive project updates through the GovDelivery subscription service for the proposed Project.¹

10. The Commissioner of the Department and the Commission members may not engage in any ex parte communication in connection with any issue of fact, law, or procedure which is the subject of the hearing. The Parties are cautioned to avoid any conduct that could give rise even to the appearance of improper contact with Commission members or the Commissioner of the Department.

Dated: October 7, 2019



Susanne Miller, Presiding Officer
Department of Environmental Protection



Everett Worcester, Chair and Presiding Officer
Land Use Planning Commission

¹ GovDelivery is a Maine government subscription service allowing citizens to sign up for free text and email updates about topics relevant to the subscriber. The GovDelivery subscription service for this project was created by the Commission in October 2017.