

## NOTICE OF PUBLIC HEARING

### MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### CENTRAL MAINE POWER COMPANY AND NECEC TRANSMISSION, LLC

#### NEW ENGLAND CLEAN ENERGY CONNECT PROJECT

#### LICENSE SUSPENSION PROCEEDING

On October 19, 2021, the Maine Department of Environmental Protection (Department) is holding a public hearing to receive evidence on whether the license issued by the Department to Central Maine Power Company (CMP) and NECEC Transmission, LLC (NECEC, LLC), authorizing construction of the New England Clean Energy Connect project (the NECEC Project), should be suspended in light of the recent Superior Court decision, dated August 10, 2021, in *Black v. Cutko*, No. BCD-CV-2020-29. On August 12, 2021, the Commissioner determined that the Superior Court's decision represents a change in circumstance that may warrant suspension of the license for the NECEC Project. That Superior Court decision has since been appealed to the Maine Law Court. The Commissioner may suspend a license if there has been a change in condition or circumstance that requires suspension of a license. The Department will receive evidence on whether, because of the Superior Court's decision, suspension of the license for the NECEC Project is required.

**LEGAL AUTHORITY:** The hearing is governed by the Maine Administrative Procedures Act (5 M.R.S. §§ 9051-9064), the Department's Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), and the Department's Rules Concerning the Conduct of Licensing Hearings (Chapter 3). The Commissioner's authority to suspend a license is established in 38 M.R.S. § 342(11-B) and Chapter 2, § 25(A). The Commissioner may revoke or suspend a license upon finding that: "There has been a change in any condition or circumstance that requires revocation or suspension of a license." 38 M.R.S. § 342(11-B)(E); Ch. 2, § 27(E). On August 12, 2021, the Commissioner notified CMP and NECEC, LLC that she was exercising her authority and initiating a proceeding to evaluate whether suspension is required pursuant to 38 M.R.S. § 342(11-B)(E) and Ch. 2, § 27(E). CMP and NECEC, LLC requested a hearing.

**PARTICIPATION:** The hearing will include both a daytime and evening session. The daytime session will be devoted to evidence from parties granted intervenor status and questioning of the parties' witnesses. An individual does not have to intervene to participate. Members of the public may attend, but not participate in, the daytime session. The evening session will be devoted to receiving evidence from members of the public. Members of the public are invited to offer testimony relevant to the hearing topic at the evening session. To accommodate all who wish to speak, the Presiding Officer may limit the amount of time a party or member of the public may speak. Members of the public also may submit written comments until the close of the record, which is anticipated to be at the close of the public hearing on October 19, 2021.

Persons seeking to intervene in the proceeding must file a petition for leave to intervene with the Department by September 13, 2021. Petitions to intervene are governed by 5 M.R.S. § 9053 and Chapter 3, § 11(A). The petition must include: identification of the petitioner, a description of the

effect a decision to suspend or not to suspend the permit would have on the petitioner; specific contentions regarding the possibility of a suspension and the relevant statutory criteria; the name and contact information of the spokesperson for the petitioner; and a statement regarding ability of the petitioner to participate in the proceeding. The petition also must list the topics proposed to be addressed through testimony. Petitions may be filed electronically at [NECEC.DEP@maine.gov](mailto:NECEC.DEP@maine.gov) or by mail at Maine DEP, 106 Hogan Road, Suite 6, Bangor, ME 04401 attn: James Beyer.

**Disabilities:** Any person with a disability who plans to participate in the hearing and requires specific accommodations should contact the Department in advance so that arrangements can be made. Please contact Ruth Ann Burke at the Department at 207-287-2811 or at [Ruth.A.Burke@maine.gov](mailto:Ruth.A.Burke@maine.gov).

**TIME & PLACE:** The hearing will be held on Tuesday, October 19, 2021. It will be conducted remotely, via the Zoom platform, due to Covid-19 public health concerns. The daytime session of the hearing will begin at 9:00 a.m. This session will be devoted to evidence from parties granted intervenor status and questioning of the parties' witnesses. Interested members of the public will be able to watch this session. The evening session of the hearing will begin at 5:30 p.m. This session 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](mailto:Ruth.A.Burke@maine.gov) by 5:00 p.m. on October 12, 2021. Individuals who do not register to speak in advance will be allowed to testify, time permitting.

Information on how to participate in or to watch the hearing via the Zoom platform will be made available on the Department's webpage at:  
<https://www.maine.gov/dep/land/projects/necec/index.html>.

The hearing may be continued after October 19 for reasonable cause and reconvened by the Presiding Officer. The Presiding Officer would notify the parties, interested persons, and the public of the time and place of a reconvened hearing in a manner appropriate to ensure that reasonable notice is provided.