



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

November 5, 2021

***Via E-mail Only***

Thorn Dickinson, President & CEO  
NECEC Transmission LLC  
83 Edison Drive  
Augusta, ME 04336

Gerry J. Mirabile, NECEC – Manager Permitting & Compliance  
Central Maine Power Company  
83 Edison Drive  
Augusta, ME 04336

RE: New England Clean Energy Connect (NECEC) Transmission Line Project

Dear Messrs. Dickinson and Mirabile:

In Department Order # L-27625-26-A-N/L-27625-TB-B-N/L-27625-2C-C-N/L-27625-VP-D-N/L-27625-IW-E-N, dated May 11, 2020 (the Order), the Department approved the construction of the New England Clean Energy Connect (NECEC) project. The project involves 145 miles of high voltage direct current transmission line from Beattie Township to Lewiston, a converter station in Lewiston, a new substation in Pownal, additions to several other substations, and upgrades to existing transmission lines. The stated purpose of the project is to provide renewable electricity from Quebec to the New England grid.

Based on preliminary results of the election on November 2, 2021, voters in Maine approved a referendum question which, among other things, contains a geographic prohibition that retroactively bans a high impact transmission line in a 43,300 acre portion of the Upper Kennebec Region, and requires approval of the Legislature for any high impact transmission line in the State. The referendum result could affect some or all of the NECEC project.

As stated in my letter of August 12, 2021, initiating the pending proceeding to consider suspension pursuant to 38 M.R.S. § 342(11-B) and Chapter 2, § 25(A) of the Department’s rules, the Commissioner may revoke or suspend a license upon making certain findings, including a finding that: “There has been a change in condition or circumstance that requires revocation or suspension of a license.” 38 M.R.S. § 342(11-B)(E); Ch. 2, § 27(E). The pending proceeding was initiated to consider whether the Superior Court’s decision in *Black v. Cutko*, No. BCD-CV-2020-29, is a change in circumstance that requires suspension of the Order. I have determined that the referendum result, if certified such that it will become law, represents an additional change in circumstance that may require suspension of the NECEC Order.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

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Chapter 2, § 25(A) & (C) require that, in order for the Commissioner to suspend a license, the licensee must be provided written notice and an opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4. This letter shall serve as the required notice that I have decided to exercise my discretionary authority to incorporate consideration of the referendum result in the pending proceedings to consider the suspension of the NECEC Order based on the criterion set forth in 38 M.R.S. § 342(11-B) and Chapter 2, § 27(E).

Recognizing that soliciting an additional request for hearing in this matter could create unnecessary delay, by this letter I am requesting that the Presiding Officer in the pending proceeding, Marybeth Richardson, reopen the record and schedule a public hearing on Monday, November 22, 2021, to hear testimony limited to this additional change in circumstance. Topics for presentation at the hearing will be set forth in a procedural order to be issued by the Presiding Officer. Closing arguments on this portion of the proceeding will be made orally at the end of the hearing in lieu of additional written briefs. The record for the proceeding will close at the end of the hearing, and I will consider the additional information presented prior to issuing a decision.

The existing deadline for reply briefs pertaining to the initial hearing and those hearing topics remains as set, on Tuesday, November 9, 2021.

I also note that the Department has received a renewed motion for a stay of the Order from the Natural Resources Council of Maine dated November 4, 2021. That renewed motion for a stay will be addressed separately from these suspension proceedings.

A handwritten signature in blue ink, appearing to read "Melanie Loyzim", with a stylized flourish at the end.

Melanie Loyzim, Commissioner

cc: Marybeth Richardson, DEP