

Testimony of Lincoln Jeffers, Freeport, Maine  
Regarding Public Hearing on  
New England Clean Energy Connect Project License Suspension  
November 22, 2021

Commissioner Loyzim and Presiding Officer Richardson:

Thank you for this opportunity to provide comment on the proposed suspension of the DEP license for New England Clean Energy Connect.

This project has had a long and winding road, playing out in regulatory hearing rooms, public hearings, court rooms, the media, and earlier this month, in the court of public opinion. With last week's request from Governor Mills, and NECEC's agreement to temporarily halt construction, the urgency that project opponents have been pushing for suspension of this license is moot.

The court of public opinion is not the one that should matter on this project. Regulatory bodies have clearly defined development criteria, a robust public engagement process, and NECEC spent 3 years running that gauntlet. After 3 years of regulatory review the project gained the permits needed by the PUC, MEDEP, LUPC, ACOE and DOE. These bodies are staffed by professionals the jobs of which are to make sure the public good and public interests are well served. The project is better than it was when first proposed, with Maine getting more direct benefits than it originally had, and better environmental protections put in place.

Despite being deeply involved in the regulatory process, opponents of the project did not prevail in the place where reason rules. However, they won in the recent election, where Question 1 prevailed 59% to 41%. Elections are decided by who can be persuaded to turn out and vote, and they often vote on sentiment and what can be conveyed in a 30 second sound bite with compelling images or people, rather than an exhaustive review of the realities of a project. I should also note that using poll numbers from the Secretary of State's web site, that 59% of voters who voted in favor of Question 1, represent just 22% of eligible voters in Maine.

Much has been made about the Constitutionality of Question 1. That is a decision that is before and should be decided by the courts. Orlando Delogu, the eminent and well regarded Maine Constitutional legal scholar has stated that the Maine Constitution does not give voters the right to overturn decisions of state and federal regulatory bodies. If they had that right, why not just put all projects out to popular votes and forget about all this regulatory nonsense? What good does it serve?

With construction temporarily halted, and the question of whether the outcome of Question 1 will have legal standing in the courts, suspending the license will only make it more complicated and time consuming to get this project back under construction if the courts decide Question 1 was unconstitutional. I encourage you to not suspend NECEC license.