

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

NECEC TRANSMISSION LLC)
NEW ENGLAND CLEAN ENERGY)
CONNECT) APPEAL OF TRANSFER ORDER
)
L-27625-26-K-T)

RESPONSE IN SUPPORT OF NRCM APPEAL OF TRANSFER ORDER

West Forks Plantation, Town of Caratunk, Kennebec River Anglers, Maine Guide Service, LLC, Hawks Nest Lodge, Ed Buzzell, Kathy Barkley, Kim Lyman, Noah Hale, Eric Sherman, Mike Pilsbury, Matt Wagner, Mandy Farrar and Carrie Carpenter (“West Forks”), by and through their undersigned counsel, submit this response in support of Natural Resources Council of Maine’s (“NRCM”) Appeal of Acting Commissioner’s approval of Central Maine Power Company’s (“CMP”) Partial Transfer Application of the New England Clean Energy Connect project (“NECEC”) to NECEC Transmission LLC (“NECEC Transmission”).

West Forks agrees with NRCM’s arguments that: 1) only the Board not the Commissioner can review projects of this scope and scale; 2) the Applicant does not have sufficient right, title or interest; and 3) NECEC Transmission has not proven its financial capacity to meet the conditions of the permit including the decommissioning requirement. Additionally, NECEC Transmission provided not a shred of information or evidence of its technical capability for *all* aspects of the project including the technical knowledge and capability to plan and implement a decommissioning of the project as is specifically required as a condition of the permit. The only evidence of NECEC Transmission’s technical capability can

be found in Attachment C to the Transfer Application. In that self-serving, unsigned statement NECEC Transmission asserts its technical ability is entirely based upon service agreements running between it and its sister companies, CMP and Avangrid Service Company, both of which are majority owned subsidiaries of the Spanish parent company, Iberdrola S.A. *See* Transfer Application Attachment C. However, there is not a scintilla of evidence in the Transfer Application or in the underlying project application that any of these companies has the technical know-how or ability to create or undertake a decommissioning plan, to say nothing of the technical capability to design and construct a project of this scale, scope and size that will be decommissioned in the future.

Further, NECEC Transmission's technical capability is attested to by Thorn Dickinson, *See* Transfer Application Attachment G, the same company spokesperson who, under oath, admitted neither he nor CMP had ever planned for nor undertaken implementation of a decommission plan for a transmission line. *See Hearing Transcript Day 1, page 223*. If anything, this illustrates not only that NECEC Transmission has not provided evidence of technical capability to fulfill a critical condition of the permit it will be assuming, but its reliance on the technical capability of CMP is unequivocally and equally insufficient evidence.

In sum, as requested by NRCM, West Forks respectfully requests the Board vacate the Transfer Order, assert original jurisdiction over the Transfer Application and consolidate review with the pending appeals of the underlying Permits. In the alternative, the Board should schedule a hearing on the appeal of the Transfer Order.

Respectfully Submitted,

West Forks Plantation, Town of Caratunk,
Kennebec River Anglers, Maine Guide Service,
LLC, Hawks Nest Lodge, Ed Buzzell, Kathy

Barkley, Kim Lyman, Noah Hale, Eric Sherman,
Mike Pilsbury, Matt Wagner, Mandy Farrar and
Carrie Carpenter

By their attorneys,



Dated: February 18, 2021

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Via USPS and Email

February 18, 2021

Mark Draper, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
17 State House Station
Augusta, ME 04333-0017

**RE: Central Maine Power Company, New England Clean Energy Connect
Appeal of Department Order L-27625-26-K-T**

Dear Chair Draper,

On behalf of my clients, West Forks Plantation, Town of Caratunk, Kennebec River Anglers, Maine Guide Service, LLC, Hawks Nest Lodge, Ed Buzzell, Kathy Barkley, Kim Lyman, Noah Hale, Eric Sherman, Mike Pilsbury, Matt Wagner, Mandy Farrar and Carrie Carpenter (“Petitioners” or “West Forks Plantation, et al.”), enclosed please find our Response in Support of Natural Resources Council of Maine’s January 4, 2021 Request to Vacate/Appeal of Order L-27625-26-K-T.

Service is being made electronically to the Service List and the original Response will be sent today via USPS.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

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Encl. (1)
cc: Service list (ver. 10/19/20)