

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

New England Clean Energy Connect)	
and)	
Central Maine Power Company)	PETITION TO INTERVENE
)	BY BROOKFIELD WHITE PINE
)	HYDRO, LLC
Application for:)	
Site Location of Development Act)	
Natural Resources Protection Act)	
Water Quality Certification)	
_____)	

Pursuant to Chapter 3 of the Department of Environmental Protection (the “Department” or “DEP”) rules governing the conduct of licensing hearings, Brookfield White Pine Hydro, LLC (“Brookfield”) hereby submits this Petition to Intervene as a party in the above proceeding involving Central Maine Power Company’s (“CMP”) New England Clean Energy Connect (“NECEC”) Project (Project No. 99382) Site Location of Development Act (“SLODA”), Natural Resources Protection Act (“NRPA”), and Water Quality Certification Applications.

Two of the three alternatives in CMP’s NRPA application for an overhead transmission line crossing the Kennebec River involve crossing FERC-licensed hydropower project areas owned by Brookfield. *See* NRPA Application at 2-29, 2-31, 2-32. One of the alternatives is even called the “Brookfield Alternative.” Moreover, preferred route “Segment 2” ends and “Segment 3” begins at a hydropower project area owned by Brookfield.

The Department should grant this Petition to Intervene because Brookfield: (1) has a direct and substantial interest that may be affected by the proceeding; (2) has reasonably specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria; and (3) is prepared and capable of participation in the hearing. *See* DEP Reg. Ch. 3 §11(A).

Brookfield has a direct and substantial interest that may be affected by this proceeding.

Brookfield is the owner of the Harris Dam Hydropower Project (“Harris Project”). The Project includes the Harris dam, power station, and land. Harris Project is regulated by the FERC pursuant to the Federal Power Act and has a FERC issued license.

Section 2 of CMP’s NRPA application presents three overhead transmission alternatives for crossing the Kennebec River. In addition to the Preferred Alternative, which involves crossing north of Moxie Stream between Moxie Gore and West Forks Plt, there is a “CMP Land Alternative” and a Brookfield Alternative. *See* NRPA Application at 2-29.

The CMP Land Alternative involves going over Brookfield land. Per CMP, the Brookfield Alternative is similar to the CMP Land Alternative, except that it contemplates a line crossing the river at the Harris Dam and either passing over a Brookfield owned power station or Brookfield land which is currently subject to a conservation easement. *See* NRPA Application at 2-32.

Because two of the three alternative routes directly implicate Brookfield property and potentially its FERC license, Brookfield has a direct and substantial interest in the evaluation and selection of routes.

Brookfield has specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria.

Under NRPA, the applicant must demonstrate that there is no practicable alternative to the activity that would be less damaging to the environment. “Practicable” is defined as “[a]vailable and feasible considering cost, existing technology and logistics based on the overall purpose of the project.” 06-096 CMR § 310(3)(R). Because the transmission line alternatives

involve Brookfield property, the Department should take into account, among other things, the following potential impacts in evaluating the costs and logistics of the alternatives:

- A. Impacts to Brookfield property, its workers, and its operations;
- B. Impacts in the event any alternative implicates one of Brookfield's FERC licenses or requires the reopening of a license. If any route impacts one of Brookfield's FERC issued licenses there will be cost and logistical timing implications for both Brookfield and CMP.
- C. Any other potential impacts to Brookfield as relevant under applicable statutes and regulatory standards.

Brookfield is prepared and capable of participation.

Brookfield will be represented by experienced counsel familiar with these types of proceedings. Brookfield and counsel have actively participated in similar proceedings in Maine and nationally, and are very familiar with these types of issues. Further, Brookfield operates in an industry that is all heavily regulated with DEP permits of the type being sought by CMP. Hence, it is knowledgeable about and capable of participating, and will, as necessary, actively participate in pre-hearing conferences, offer prefiled testimony, and present witnesses at the hearing to support its contentions. It is therefore prepared and capable of participating in these proceedings.

Conclusion

Because Brookfield has a direct and substantial interest, has specific contentions regarding the subject matter of the hearing, and is prepared and capable of participation, it has satisfied the requirements for intervention under the Department's regulations and should be granted Intervenor status.

DATED: July 19, 2018

Respectfully submitted,

On behalf of
BROOKFIELD WHITE PINE HYDRO, LLC



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