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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY)
CONNECT) APPLICATION FOR NATURAL
25 Municipalities, 13 Townships/Plantations,) RESOURCES PROTECTION ACT
7 Counties) AND SITE LOCATION OF DEVELOPMENT
L-27625-26- A-N) ACT PERMITS
L-27625-TB-B-N) AND SITE LAW CERTIFICATION SLC-9
L-27625-2C-C-N) PUBLIC HEARING
L-27625-VP-D-N) JOINT NINTH PROCEDURAL ORDER
L-27625-IW-E-N)

This Ninth Procedural Order (Order) sets forth rulings of the Department of Environmental Protection (Department) and the Land Use Planning Commission (Commission) on Intervenor Groups 2 and 10’s Motion for Additional Public Hearing.

A. Background

1. On April 1-2, 2019, the Department and the Commission received direct testimony from the Applicant in accordance with the respective hearing schedules provided to the Parties by the Department and the Commission. The Applicant opted to organize and present its testimony in two panels of witnesses, all of whom submitted pre-filed testimony. On these hearing dates, Intervenor Group 2 and Intervenor Group 10 were each provided an opportunity to cross-examine the two witness panels presented by the Applicant.
2. During cross-examination of the Applicant’s witness panels by Intervenor Groups 2 and 10, some witnesses responded to a question about possible alternatives by stating that the question would better answered by the Applicant’s engineers.

B. Motion for additional time for cross-examination

1. On April 3, 2019, Intervenor Groups 2 and 10 submitted to the Department and the Commission a motion requesting additional public hearing time to be scheduled for cross-examination of the Applicant's engineers to obtain answers to questions that the witness panels deferred.
2. On April 4, 2019, the Applicant submitted a response to Intervenor Groups 2 and 10's motion, in which it argued that witnesses are entitled to decline to answer questions that they believe they are not qualified to answer. The Applicant also noted that additional witnesses for the Applicant will be available on May 9, 2019, and they may be able to answer engineering questions about the undergrounding alternative. The Applicant requested that the motion be denied.

C. Presiding Officers' ruling on motion

1. Intervenor Groups 2 and 10 were provided an allotment of time on April 1 and April 2 to cross-examine the Applicant's witnesses. Additional time to cross-examine the Applicant's witnesses who submitted pre-filed rebuttal testimony and time to cross-examine the Applicant's new witnesses will be provided during the continuation of the hearing on May 9, 2019. The Applicant has stated that at least one of the new witnesses is an engineer. If witnesses do not answer pertinent questions on a licensing criterion an opposing party can address in its post-hearing brief whether the Applicant has met its burden of proof on that issue. The motion is denied.

Dated: April 10, 2019



Susanne Miller, Presiding Officer
Department of Environmental Protection



Everett Worcester, Chair and Presiding Officer
Land Use Planning Commission