

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

and

**STATE OF MAINE
LAND USE PLANNING COMMISSION**

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

GROUP 3'S OBJECTION TO GROUPS 2 AND 10'S MOTION TO STRIKE

Groups 2 and 10 have moved to strike the rebuttal testimony of Robert Meyers ("Motion"). The Motion should be denied because it is unfounded and superfluous.

Motions to strike in proceedings of this kind add an unnecessary layer of complexity. They are not a proper occasion to argue about the weight to be given to testimony. Mr. Meyers can be cross-examined and Groups 2 and 10 can argue their disapproval of his testimony in due course of the briefing.

It is well understood that the rules of evidence are not applicable in administrative proceedings because administrative proceedings take a more relaxed view of admissibility. It may be noted, in that context, that Mr. Meyers is unquestionably highly qualified to present

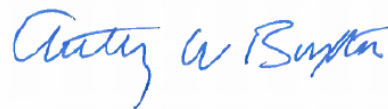
opinion testimony under either the Federal or the State Rules of Evidence as an expert witness based on his “knowledge, skill, experience, training, or education....” Much of the testimony unfairly attacking Mr. Meyers is not testimony at all, but argument (based on opinion) that he lacks a sufficient basis to opine in his testimony. That Groups 2 and 10 conflate evidence with argument that is not a reason for the witness to do so.

Ironically, the essence of the Motion appears to be that Mr. Meyers’ rebuttal adds nothing to his direct testimony. We respectfully disagree, otherwise we would not have filed it. For example, Mr. Meyers asserts his opinion, based on his credentials, that it appears to him several of Groups 2 and 10’s witnesses “are projecting or predicting ... with no real basis....” He further asserts their statements are “not consistent with his observations and experience.” But even if the challenged testimony adds nothing, this additional labor for us and the decision makers is pointless. The Motion should be denied.

DATED: March 28, 2019

Respectfully submitted,

Spokesperson for Intervenor Group 3



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