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Admitted in: MA, ME, NH

March 20, 2019

James R. Beyer  
Maine Dept. of Environmental Protection  
106 Hogan Road, Suite 6  
Bangor, ME 04401

Bill Hinkel  
Land Use Planning Commission  
22 State House Station  
Augusta, ME 04333-0022

RE: NECEC – Motion to Strike of Central Maine Power Company

Dear Jim and Bill:

Enclosed is CMP's Motion to Strike with respect to the testimony of Group 2 witness Greg Caruso.

Sincerely,



Matthew D. Manahan

Enclosure  
cc: Service Lists

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE  
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY )  
NEW ENGLAND CLEAN ENERGY CONNECT )  
#L-27625-26-A-N/#L-27625-TG-B-N/ )  
#L-27625-2C-C-N/#L-27625-VP-D-N/ )  
#L-27625-IW-E-N )

CENTRAL MAINE POWER COMPANY )  
NEW ENGLAND CLEAN ENERGY CONNECT )  
SITE LAW CERTIFICATION SLC-9 )  
Beattie Twp, Merrill Strip Twp, Lowelltown Twp, )  
Skinner Twp, Appleton Twp, T5 R7 BKP WKR, )  
Hobbs town Twp, Bradstreet Twp, )  
Parlin Pond Twp, Johnson Mountain Twp, )  
West Forks Plt, Moxie Gore, )  
The Forks Plt, Bald Mountain Twp, Concord Twp )

**MOTION TO STRIKE OF**  
**CENTRAL MAINE POWER COMPANY**

Central Maine Power Company (CMP) moves to strike those portions of the direct testimony of Group 2 witness Greg Caruso described below that exceed the scope of the hearing as set forth in the Second and Third Procedural Orders of the Maine Department of Environmental Protection (DEP) and the Maine Land Use Planning Commission (LUPC). This motion incorporates the arguments regarding the narrow focus of the hearing topics set forth at pages 1-4 and 13-14 of CMP's March 7, 2019, 2019 Motion to Strike.

In their Fifth Procedural Order, the presiding officers struck the entirety of Mr. Caruso's direct testimony on the grounds that it did not timely include a signed, dated, and notarized signature page. Fifth Procedural Order § II.6.b. Following the March 15, 2019 Appeal of Groups 2 and 10, DEP Commissioner Reid on March 18, 2019 reversed the ruling striking Mr. Caruso's direct testimony, accepting the representation "that a clerical error resulted in the omission of the signature page, and [finding] that the exclusion of the testimony is not necessary or appropriate under these circumstances."

Because DEP and LUPC struck Mr. Caruso's direct testimony on the grounds of this clerical error, and because the Commissioner reversed the ruling on those same grounds, CMP's substantive objections raised in its March 7, 2019 Motion to Strike with regard to Mr. Caruso's testimony have not been addressed. CMP hereby renews those objections, restated below, and asserts good cause to raise them again now, given the Commissioner's recent reversal and that the objections are unchanged.

## **Group 2**

- **Greg Caruso**
  - Page 4: Tourism is not a hearing topic.
  - Page 5: Noise is not a hearing topic.
  - Page 5: Vernal pools and herbicides are not hearing topics.
  - Page 5: Groundwater is not a hearing topic.
  - Page 6: Drainage ways are not a hearing topic.
  - Page 6: Water quality is not a hearing topic.
  - Page 6: Noise is not a hearing topic.
  - Page 7: Unusual natural areas is not a hearing topic.
  - Page 9-10: Personal financial harm is not a hearing topic.

For the foregoing reasons, CMP respectfully requests that the DEP and LUPC presiding officers strike the portions of Mr. Caruso's testimony identified above.

Dated this 20<sup>th</sup> day of March, 2019.



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Lisa A. Gilbreath

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Power Company*