

**Spencer-Famous, Marcia**

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**From:** Carroll, Catherine M.  
**Sent:** Tuesday, March 16, 2010 8:38 AM  
**To:** Spencer-Famous, Marcia  
**Cc:** Horn-Olsen, Samantha; Mills, Amy  
**Subject:** FW: new petition documents from TransCanada

Marcia,

For the file.

*Catherine M. Carroll*

Director, Maine Land Use Regulation Commission  
18 Elkins Lane, Harlow Building  
22 State House Station  
Augusta, Maine 04333-0022  
Telephone: Office(207) 287-4930 Cell (207) 592-4448  
[www.maine.gov/doc/lurc](http://www.maine.gov/doc/lurc)

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**From:** Carroll, Catherine M.  
**Sent:** Tuesday, March 16, 2010 8:38 AM  
**To:** 'Bob Weingarten'  
**Subject:** RE: new petition documents from TransCanada

Hi Bob,

Your points are well taken. I'm sure the Commission will want to clarify the rulemaking process at tomorrow's hearing. Thanks.

*Catherine M. Carroll*

Director, Maine Land Use Regulation Commission  
18 Elkins Lane, Harlow Building  
22 State House Station  
Augusta, Maine 04333-0022  
Telephone: Office(207) 287-4930 Cell (207) 592-4448  
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**From:** Bob Weingarten [mailto:bpw1@midmaine.com]  
**Sent:** Monday, March 15, 2010 5:58 PM  
**To:** Carroll, Catherine M.  
**Cc:** Tom Saviello  
**Subject:** RE: new petition documents from TransCanada

Catherine,

The over-riding question is what is the exact "rule" that LURC is promulgating in this rule-making process?

A specific rule change was advertised to the public in 5 Maine newspapers on Nov. 25, 2009 under the requirements of the Administrative Procedures Act (APA).

On the LURC website it states:

*RULE-MAKING PETITION*

*On July 1, 2009, TransCanada Maine Wind Development, Inc. submitted a rule-making petition to the Land Use Regulation Commission to add a **specific parcel of land** to the wind power expedited permitting area for the purpose of constructing a wind energy development in Chain of Ponds Twp and Kibby Twp. in Franklin County. On November 9, 2009, TransCanada revised the location of the development, but retained the request to expand the expedited permitting area as proposed.*

This rule-making petition is for a **specific parcel of land** on Sisk Mt. On March 11, 2010, 6 days prior to the public hearing, TransCanada claims to be able to change this specific parcel by over 70%, which changes the rule that LURC is considering under this APA rule-making process. And LURC seems to be acquiescing to this change.

There would be absolutely no purpose in the APA requiring that a state agency give advance notice to the public of a proposed rule change or in holding a public hearing, if the petitioner is able to completely change the rule at the last minute. Not only is this blatantly unfair and dictatorial, it cannot be procedural correct or logical, and needs to be challenged. It certainly is NOT in harmony with the Administrative Procedures Act.

Who is running the Land Use Regulation Commission- the citizens of Maine through their elected government or TransCanada Corporation through the Verrill Dana law firm?

I request that this email be immediately submitted to the LURC Commissioners.

Thank you,  
Bob

Bob,

I received your phone message this afternoon. I'm sorry that I didn't fully respond to the questions in the latter part of your email message. TransCanada's petition for a rulemaking is an ongoing process until the record is closed. All members of the interested public are free to submit any documents they wish during this process. All submittals will be subsequently responded to by the Commission. I don't see any affect that the recent submission by TransCanada or any other entity submitting materials has on the state's rulemaking procedures or this week's scheduled hearing. Surely, the Commission could clarify this at Wednesday's hearing. Finally, your inquiry to me last Saturday is included as part of the Commission's rulemaking record that is being developed. Thank you.

Catherine M. Carroll

Director, Maine Land Use Regulation Commission  
18 Elkins Lane, Harlow Building  
22 State House Station  
Augusta, Maine 04333-0022  
Telephone: Office(207) 287-4930 Cell (207) 592-4448  
www.maine.gov/doc/lurc

-----Original Message-----

From: Carroll, Catherine M.  
Sent: Sunday, March 14, 2010 12:46 PM  
To: 'bpw1@midmaine.com'  
Cc: Spencer-Famous, Marcia; Horn-Olsen, Samantha  
Subject: Re: new petition documents from TransCanada

Hi bob, I'm sure these materials are available. I will check into it tomorrow morning. Thanks and take care.

Sent from BlackBerry

----- Original Message -----

From: Bob Weingarten <bpw1@midmaine.com>  
To: Carroll, Catherine M.  
Cc: Spencer-Famous, Marcia; Emerson Dyer <solsticeglass@earthlink.net>; Dick Fecteau <rfecteau@hciwireless.net>; Nancy oToole <npatu@hotmail.com>; Greg Perkins <gregperkins096@yahoo.com>; Dain Trafton <dtrafton@tdstelme.net>  
Sent: Sat Mar 13 22:43:46 2010  
Subject: new petition documents from TransCanada

Dear Catherine,

On March 11, 2010, I learned that Verrill Dana, on behalf of TransCanada, distributed documents on March 10, 2010 to various parties involved in the Sisk Mountain APA rulemaking process labelled " exhibits to TransCanada's Supplement to Petition to Add to the Windpower Expedited Permitting Area." These Documents were NOT distributed to Friends of the Boundary Mountains nor has Friends of the Boundary Mountains received any notification from LURC as to the existence of these Documents.

Friends of the Boundary Mountains requests clarification from LURC as to the legal status of these Documents, the affect of these Documents on the APA rulemaking process, the effect of these Documents on the public hearing that has been long scheduled for March 17, 2010, and why Friends of the Boundary Mountains and other interested parties were not notified about the existence of these Documents by LURC.

I request that my questions also be submitted to the LURC Commissioners.

Thank you very much,

Bob

--

Bob Weingarten

President, Friends of the Boundary Mountains

29 Davis Road

Vienna, ME 04360

207-293-2630

[bpw1@midmaine.com](mailto:bpw1@midmaine.com)

**Spencer-Famous, Marcia**

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**From:** carolynrae@conscious-possibilities.org  
**Sent:** Wednesday, November 25, 2009 11:04 AM  
**To:** Spencer-Famous, Marcia  
**Subject:** Re: Notice of Agency Rulemaking, TransCanada proposal

Marcia,

Thank you for keeping me abreast of the hearings and on your list for contacts. I wish you and yours a wonderful holiday tomorrow.

Best Regards,  
Carolyn R. Dodge  
Citizen's Task Force on Wind Power  
207 944-3454  
P.O. Box. 44  
Dixmont, Maine. 04932

Sent from my BlackBerry® wireless device from U.S. Cellular

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**From:** "Spencer-Famous, Marcia" <Marcia.Spencer-Famous@maine.gov>  
**Date:** Wed, 25 Nov 2009 10:12:51 -0500  
**To:** Spencer-Famous, Marcia<Marcia.Spencer-Famous@maine.gov>  
**Cc:** Mills, Amy<Amy.Mills@maine.gov>; Horn-Olsen, Samantha<Samantha.Horn-Olsen@maine.gov>; Carroll, Catherine M.<Catherine.M.Carroll@maine.gov>; Rollins, Scott<Scott.Rollins@maine.gov>  
**Subject:** Notice of Agency Rulemaking, TransCanada proposal

To all Interested Persons:

The Notice of Agency Rule-making for the TransCanada Maine Wind Development, Inc. proposal to expand the windpower expedited permitting area has been posted on the Secretary of State's website: <http://www.maine.gov/sos/cec/rules/notices/2009/112509.htm> , and on LURC's website: <http://www.maine.gov/tools/whatsnew/index.php?topic=lurcnews&id=85212&v=tp1event>

Additional information on TransCanada's proposal can be found by going to LURC's website at: <http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner  
Maine Land Use Regulation Commission  
207-287-4933

**Spencer-Famous, Marcia**

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**From:** Spencer-Famous, Marcia  
**Sent:** Wednesday, November 25, 2009 2:04 PM  
**To:** Wendy Glenn  
**Cc:** Spencer-Famous, Marcia  
**Subject:** RE: Notice of Agency Rulemaking, TransCanada proposal

The following are excerpted from LURC's statute (Title 12), and from Title 35-A.

Title 12, section 685-A(13) –

**13. Additions to expedited permitting area for wind energy development.** The commission may add areas in the State's unorganized and deorganized areas to the expedited permitting area for wind energy development in accordance with Title 35-A, Section 3453.

Title 35-A, section 3453 -

§ 3453. **Additions to the expedited permitting area**

The Maine Land Use Regulation Commission may, by rule adopted in accordance with Title 5, chapter 375, add a specified place in the State's unorganized or deorganized areas to the expedited permitting area. In order to add a specified place to the expedited permitting area, the Maine Land Use Regulation Commission must determine that the proposed addition to the expedited permitting area:

1. **Geographic extension.** Involves a logical geographic extension of the currently designated expedited permitting area;
2. **Meets state goals.** Is important to meeting the state goals for wind energy development established in section 3404; and
3. **Principal values and goals.** Would not compromise the principal values and the goals identified in the comprehensive land use plan adopted by the Maine Land Use Regulation Commission pursuant to Title 12, section 685-C.

Rules adopted by the Maine Land Use Regulation Commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A

**From:** Wendy Glenn [mailto:maineproperty@roadrunner.com]  
**Sent:** Wednesday, November 25, 2009 1:46 PM  
**To:** Spencer-Famous, Marcia  
**Subject:** Re: Notice of Agency Rulemaking, TransCanada proposal

Marcia: I believe that amend means change.

I am also curious why the parcel is referred to as "a certain parcel of land in Chain of Ponds Township" instead of actually naming the location as the top of Sisk Mountain?

I would appreciate it if you would send me the list of criteria that LURC must consider when considering additions to the expedited permitting area.

Thank you,

W. Glenn

----- Original Message -----

**From:** Spencer-Famous, Marcia  
**To:** Wendy Glenn  
**Cc:** Spencer-Famous, Marcia  
**Sent:** Wednesday, November 25, 2009 12:36 PM  
**Subject:** RE: Notice of Agency Rulemaking, TransCanada proposal

Dear Ms. Glenn;

The process that must be followed according to state law for any change to an existing rule is referred to as "rule-making". In this case, a party (TransCanada) outside of state government has petitioned LURC to amend one of its rules by adding a specified parcel to the existing list of land areas within the expedited permitting area. This list of areas, which was established in law by Legislature, was placed into LURC's rules in Appendix F to Chapter 10 in 2008. Legislature also placed into law criteria that LURC must consider when considering additions to the expedited permitting area. I hope this answers your question and clarifies this rule-making

12/11/2009

process.

Sincerely,

Marcia Spencer Famous

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**From:** Wendy Glenn [mailto:maineproperty@roadrunner.com]  
**Sent:** Wednesday, November 25, 2009 12:25 PM  
**To:** Spencer-Famous, Marcia  
**Subject:** Re: Notice of Agency Rulemaking, TransCanada proposal

Marcia: I have a question. Is this rule making or rule changing.... for the benefit of TransCanada?

W. Glenn

----- Original Message -----

**From:** Spencer-Famous, Marcia  
**To:** Spencer-Famous, Marcia  
**Cc:** Mills, Amy ; Horn-Olsen, Samantha ; Carroll, Catherine M. ; Rollins, Scott  
**Sent:** Wednesday, November 25, 2009 10:12 AM  
**Subject:** Notice of Agency Rulemaking, TransCanada proposal

To all Interested Persons:

The Notice of Agency Rule-making for the TransCanada Maine Wind Development, Inc. proposal to expand the windpower expedited permitting area has been posted on the Secretary of State's website: <http://www.maine.gov/sos/cec/rules/notices/2009/112509.htm> , and on LURC's website: <http://www.maine.gov/tools/whatsnew/index.php?topic=lurcnews&id=85212&v=tplevent>

Additional information on TransCanada's proposal can be found by going to LURC's website at: <http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner  
Maine Land Use Regulation Commission  
207-287-4933



**Spencer-Famous, Marcia**

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**From:** Bob Weingarten [bpw1@midmaine.com]  
**Sent:** Friday, November 27, 2009 9:31 AM  
**To:** Spencer-Famous, Marcia  
**Cc:** Mills, Amy; Horn-Olsen, Samantha; Carroll, Catherine M.; Rollins, Scott; Rufus Brown; Steve Bien; Emerson Dyer; Dick Fecteau; Nancy oToole; Bob Weingarten; Greg Perkins  
**Subject:** Re: Notice of Agency Rulemaking, TransCanada proposal

Marcia,

Please tell us who will be on the panel that is testifying at the LURC hearing on Dec. 16 at 9:30.

Thank you,  
Bob Weingarten

At 10:12 AM -0500 11/25/09, Spencer-Famous, Marcia wrote:

To all Interested Persons:

The Notice of Agency Rule-making for the TransCanada Maine Wind Development, Inc. proposal to expand the windpower expedited permitting area has been posted on the Secretary of State's website: <http://www.maine.gov/sos/cec/rules/notices/2009/112509.htm> , and on LURC's website:

<http://www.maine.gov/tools/whatsnew/index.php?topic=lurcnews&id=85212&v=tplevent>

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<http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner

Maine Land Use Regulation Commission

207-287-4933

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Bob Weingarten  
Consulting for Creative Options

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29 Davis Road  
Vienna, ME 04360  
phone: 207-293-3798  
fax: 207-293-3732  
<mailto:bpw1@midmaine.com>  
<mailto:bpw@fairpoint.net>

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## Spencer-Famous, Marcia

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**From:** Jennifer Burns Gray [jgray@maineaudubon.org]  
**Sent:** Monday, November 30, 2009 11:15 AM  
**To:** Spencer-Famous, Marcia  
**Cc:** Carroll, Catherine M.; Horn-Olsen, Samantha  
**Subject:** public comment on TransCanada's petition

Marcia,

The public notice document clearly reflects the substantial time and effort that you put into crafting the petition's hearing and comment process. As we had mentioned in our letter regarding the process, we are interested (together with AMC and NRCM) in submitting comments in advance of the Dec. 16th hearing to help move the discussion forward. We've done a lot of thinking on the issue of interpreting the criteria and can testify during the public portion. I didn't see an actual start date to the comment period so I assume we can just submit our comments in advance of the hearing and the Commissioner will be able to review them prior to the hearing? We think that the comments would be helpful to have prior to the panel discussion. Thanks for your help.  
Jenn

Jenn Burns Gray  
Staff Attorney and Advocate  
Maine Audubon  
20 Gilsland Farm Rd.  
Falmouth, ME 04105  
207-781-6180 ext. 224  
jgray@maineaudubon.org

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## Spencer-Famous, Marcia

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**From:** Carroll, Catherine M.  
**Sent:** Monday, November 30, 2009 11:45 AM  
**To:** 'Jennifer Burns Gray'  
**Cc:** Horn-Olsen, Samantha; Spencer-Famous, Marcia; Mills, Amy  
**Subject:** RE: public comment on TransCanada's petition

Jenn,

I'll double check with Amy, but I don't see why there would be objections to receiving panelists' comments in advance. In fact, the Commission and others may find it very helpful in preparing for the 16<sup>th</sup>. Thank you.

*Catherine M. Carroll*

Director, Maine Land Use Regulation Commission  
18 Elkins Lane, Harlow Building  
22 State House Station  
Augusta, Maine 04333-0022  
Telephone: Office(207) 287-4930 Cell (207) 592-4448  
[www.maine.gov/doc/lurc](http://www.maine.gov/doc/lurc)

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**From:** Jennifer Burns Gray [mailto:jgray@maineaudubon.org]  
**Sent:** Monday, November 30, 2009 11:15 AM  
**To:** Spencer-Famous, Marcia  
**Cc:** Carroll, Catherine M.; Horn-Olsen, Samantha  
**Subject:** public comment on TransCanada's petition

Marcia,

The public notice document clearly reflects the substantial time and effort that you put into crafting the petition's hearing and comment process. As we had mentioned in our letter regarding the process, we are interested (together with AMC and NRCM) in submitting comments in advance of the Dec. 16th hearing to help move the discussion forward. We've done a lot of thinking on the issue of interpreting the criteria and can testify during the public portion. I didn't see an actual start date to the comment period so I assume we can just submit our comments in advance of the hearing and the Commissioner will be able to review them prior to the hearing? We think that the comments would be helpful to have prior to the panel discussion. Thanks for your help.

Jenn

Jenn Burns Gray  
Staff Attorney and Advocate  
Maine Audubon  
20 Gilsland Farm Rd.  
Falmouth, ME 04105  
207-781-6180 ext. 224  
[jgray@maineaudubon.org](mailto:jgray@maineaudubon.org)

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## Spencer-Famous, Marcia

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**From:** Amber Engel [ambere@statenet.com]  
**Sent:** Monday, November 30, 2009 2:30 PM  
**To:** Spencer-Famous, Marcia  
**Cc:** Amber Engel  
**Subject:** Text of Proposed Regulation

Good afternoon,

I am trying to get a hold of the text for a proposed regulation, for which you are listed as the contact person. Please do not hesitate to contact me with any questions or concerns you may have.

Citation Code:	Title:	Publish Date:
04-061-10	Land Use Districts	11/25/2009

Thanks again for all your time, I understand you must be very busy. Please let me know if I have left out any information you may need or if I need to forward this request to someone other than yourself.

Best Regards,  
Amber Engel  
Regulations Analyst  
State Net  
916.444.0840

## Spencer-Famous, Marcia

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**From:** Linda Stewart [walksfar@nnei.net]  
**Sent:** Saturday, December 12, 2009 7:13 AM  
**To:** Spencer-Famous, Marcia  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello,

All of my people think that the right way to approach wind energy is to have smaller windmills on personal property as they did years ago and make people more energy independant. The large turbines are being pushed by big business. Big business is the downfall of America.

Are you with American People or Big Business?

What good is bringing those huge turbines etc. to our lands, we cannot maintain them.

Its all specialized. We need to be able to repair and maintain our new systems and not have them in the hands of large business.

You are either with logic or not. Don't continue to sell us out.

Linda Stewart  
Woolwich Maine

**Spencer-Famous, Marcia**

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**From:** Lapointe, Jeannine on behalf of LURC  
**Sent:** Monday, December 14, 2009 8:29 AM  
**To:** Spencer-Famous, Marcia  
**Subject:** FW: Sisk Mountain, Transcanada proposal  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

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**From:** dan mckay [mailto:mckaydan2@gmail.com]  
**Sent:** Saturday, December 12, 2009 9:52 AM  
**To:** LURC  
**Subject:** Sisk Mountain, Transcanada proposal

just read Transcanada's proposal to LURC to construct a wind farm on Sisk Mountain. One aspect never brought up in their proposal is the value of character. Does a geographical feature have character? I have worked for developers in Rangeley and Bethel, constructing subdivision roads. In Rangeley, the prime concern for any developer is being able to locate a subdivision which creates lots with a view of Rangeley Lake and backdrop views of the mountains beyond. The overall scene appeals to so many people for so many different reasons, how can it not have a character.

In Bethel, lots with view of Sunday River Ski Area are sought by land buyers. The ski area and the lake in Rangeley both bring people who want to be "right there" amidst the recreational adventures and the magnificent scenes that surround them.

Would the addition of wind turbines along the horizons of such scenes change the character features of these two areas? I would not call it a complimenting feature, or something that fits in.

As we contemplate our mountains of Western Maine, do we realize the character change about to take place with the many dominating structures just months away from overtaking our god given geographical character?

