

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. _____

NECEC TRANSMISSION LLC,

and

AVANGRID NETWORKS, INC.,

Plaintiffs,

v.

BUREAU OF PARKS AND LANDS,
MAINE DEPARTMENT OF
AGRICULTURE, CONSERVATION AND
FORESTRY,

MAINE PUBLIC UTILITIES
COMMISSION,

MAINE SENATE,

and

MAINE HOUSE OF REPRESENTATIVES,

Defendants.

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

NOW COME Plaintiffs NECEC Transmission LLC (“NECEC LLC”) and Avangrid Networks, Inc. (“Avangrid”), and hereby complain against Defendants the Bureau of Parks and Lands, Maine Department of Agriculture, Conservation and Forestry (“BPL”); the Maine Public Utilities Commission (“PUC”); the Maine Senate; and the Maine House of Representatives, and seek declaratory and injunctive relief regarding “An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain

Transmission Lines in the Upper Kennebec Region” (hereafter, the “Initiative”), enacted on November 2, 2021, as follows:

1. After years of regulatory proceedings resulting in the issuance of all necessary siting, environmental, and land use permits, NECEC LLC undertook physical construction of the New England Clean Energy Connect transmission line corridor (“NECEC” or “Project”) in January 2021. The NECEC represents a billion dollar investment in the clean energy future of New England. It will reduce greenhouse gas (“GHG”) emissions by the equivalent of removing 700,000 cars from the road each year the Project is in service. To date, NECEC LLC has expended approximately \$449.8 million dollars on the Project, and substantial physical construction has occurred: approximately 124 miles of right-of-way along the corridor for the direct current (“DC”) line has been cut (over 80%); clearing along the corridor for the alternating current (“AC”) is complete; over 120 structures have been erected along the DC, AC, or network upgrade portions of the Project, collectively; over 3 miles of conductor has been strung along the network upgrade line; and site preparation and component construction for a converter station is well advanced. Despite the granting of permits for the Project, the environmental and economic benefits of the Project, and the substantial progress in transmission line construction, opponents of the Project – funded by electric generators in New England who burn fossil fuels – have now successfully pursued passage of legislation via direct initiative specifically targeted at the Project that would, if enforced, retroactively ban the completion and operation of the NECEC.

2. This Initiative represents an extraordinary attempt to deprive a private party of vested rights in the construction and operation of a multi-year development project. “[A] statute which has retrospective application is unconstitutional if it impairs vested rights.” *Fournier v. Fournier*, 376 A.2d 100, 101-02 (Me. 1977). NECEC LLC has commenced significant, physical

VERIFICATION

I, Thorn C. Dickinson, as the authorized agent of NECEC Transmission LLC, declare under penalty of perjury that the factual allegations of the foregoing Complaint are true and correct, based on my personal knowledge, except where alleged on information and belief in which case I believe them to be true. Such personal knowledge includes information from records of the regularly conducted activities of Avangrid Networks, Inc., NECEC Transmission LLC, and Central Maine Power Co., made at or near the time of such activities, by or from information transmitted by persons with knowledge, kept in the regular course of such activities, and of which it is the regular practice of Avangrid Networks, NECEC LLC, and CMP to make such records.

Executed on November 3, 2021, at Portland, Maine.

NECEC Transmission LLC.

By: 
Thorn C. Dickinson
President & CEO
As its authorized agent

STATE OF MAINE
Cumberland, ss

Personally appeared before me the above-named Thorn C. Dickinson, as the duly authorized representative of NECEC Transmission LLC, and made oath that the statements made and verified by him herein are true.

DATED: November 3, 2021


Notary Public
My Commission Expires: _____

HEATHER JAYNE STEVENS
NOTARY PUBLIC - State of Maine
My Commission Expires
October 25, 2023