

November 30, 2020

**Via Electronic Mail Only**

Mr. James R. Beyer  
Regional Licensing & Compliance Manager  
Bureau of Land Resources  
Maine Department of Environmental Protection  
106 Hogan Road, Suite 6  
Bangor, ME 04401

RE: New England Clean Energy Connect, License Condition Compliance Application:  
NextEra Energy Resources, LLC Comments

Dear Mr. Beyer:

Enclosed please find the comments of NextEra Energy Resources, LLC in reference to the  
CMP/NECEC Transmission LLC Condition Compliance Application.

Sincerely,



Joanna B. Tourangeau

cc: Service List (by email only)

**STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

CENTRAL MAINE POWER COMPANY )  
Applications Pursuant to SLODA and NRPA for )  
the New England Clean Energy Connect )  
Consisting of the Construction of a 1,200 MW )  
HVDC Transmission Line from the Quebec-Maine )  
Border to Lewiston (NECEC) )  
And Related Network Upgrades )  
)

**COMMENTS OF  
NEXTERA ENERGY  
RESOURCES, LLC**

On November 9, 2020, Central Maine Power Company (“CMP”) and NECEC Transmission, LLC filed a Condition Compliance Application (“Application”), which includes an Updated Post-Construction Vegetation Maintenance Plan (“VMP”) to comply with Condition No. 12 of the Department of Environmental Protection (“Department”) Order Conditionally Approving the New England Clean Energy Connect (“NECEC”) transmission line (“Order”). Condition No. 12 reads:

The applicant shall update its . . . VMP to be consistent with the requirements of this Order, including but not limited to the vegetation management required in Appendix C, and submit the updated plans to the Department for review and approval prior to the start of construction (which includes clearing) within the corridor.

Order at 110. On November 11, 2020, the Department requested that comments on the Application be filed by November 30, 2020. Consistent with NextEra Energy Resources, LLC’s (“NextEra”) September 25, 2020 appeal of the Order,<sup>1</sup> now comes NextEra and files these comments to: (1) preserve its challenges to the legality of the Order in the context of the updated VMP; and (2) aver that the VMP perpetuates the legal errors in the Order.

For example, the VMP claims that one of its objectives is to be consistent with a technical reference issued by North American Electric Reliability Corporation (“NERC”) on vegetation management. Application at 3, n.1. However, the VMP fails to address the fundamental issue raised in NextEra’s appeal which is the nexus between a need to increase transmission pole heights to comply with NERC Reliability Standard FAC-003-4 in light of the Department’s narrowing of certain corridors to a width to 54-feet. As set forth in the appeal, the Department’s narrowing of corridors was ordered without any evidence on whether CMP could simultaneously comply with the Department’s narrowed corridors and NERC’s mandatory requirements, given the pole heights on the record. The absence of information addressing pole heights in the recently filed VMP, therefore, compounds the Department’s error of unilaterally ordering narrowed corridors without

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<sup>1</sup>NextEra appealed the Order to Kennebec County Superior Court and, on remand to the Board of Environmental Protection (“Board”), submitted a restated appeal. See NextEra’s Appeal of the Department’s Order Conditionally Approving NECEC (Sept. 25, 2020).

an understanding of whether CMP can both comply with NERC FAC-003-4 and the Order. Simply put, the VMP is devoid of information sufficient to reconcile the Department's narrowing of the corridor with compliance with federally mandated reliability standards.

Accordingly, NextEra requests that prior to approving the VMP, the Department should order CMP to provide sufficient information to demonstrate compliance with the Department's ordering of narrowed corridors and NERC FAC-003-4, including the specifications on the transmission pole heights needed to ensure compliance; or, in the alternative, hold the Application in abeyance pending adjudication of NextEra's appeal. Consistent with the intent of Condition No. 12, construction of NECEC cannot start until the VMP is approved. In all circumstances, the Department should also clarify that any action it takes on the Application does not constitute a finding that the Application meets the substantive requirements of the Order and is not intended to afford CMP and NECEC Transmission, LLC resolution of NextEra's appeal outside of the Board of Environmental Protection's appeal process.

Date: November 30, 2020



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*Attorney for NextEra Energy Resources, LLC*