

STATE OF MAINE
CUMBERLAND, ss

BUSINESS AND CONSUMER COURT
LOCATION: PORTLAND
DOCKET NO. BCD-CIV-2021-00058

NECEC TRANSMISSION LLC, and)
AVANGRID NETWORKS, INC.,)
)
Plaintiffs)
)
v.)
)
BUREAU OF PARKS AND LANDS,)
et al.,)
)
Defendants)

**ORDER GRANTING MOTION TO
REPORT INTERLOCUTORY
RULING PURSUANT TO RULE 24(c)
OF THE MAINE RULES OF
APPELLATE PROCEDURE**

On November 3, 2021, Plaintiffs filed a Verified Complaint for Declaratory Judgment and Injunctive Relief seeking to prevent the retroactive application of a recently-enacted citizens’ initiated referendum (the “Initiative”) to the New England Clean Energy Connect Project (“NECEC”). The same day, Plaintiffs filed a Motion for Preliminary Injunction (the “Motion”), with supporting evidence, asserting that they had demonstrated a substantial possibility of prevailing on the merits of three claims: (1) that retroactive enforcement of the Initiative to the NECEC deprives Plaintiffs of their vested rights in violation of due process because Plaintiffs completed actual, physical construction and made substantial expenditures to construct the NECEC in good faith, in reliance on valid permits; (2) that retroactive enforcement of the Initiative to the NECEC violates the separation of powers doctrine in the Maine Constitution; and (3) that retroactive enforcement of the Initiative impairs Plaintiffs’ lease with the Bureau of Public Lands in violation of the Contract Clauses of the Maine and United States Constitutions.

Following an expedited schedule for briefing and argument, this Court denied the Motion by Order dated December 16, 2021. The Court determined that Plaintiffs had not shown a

substantial possibility of prevailing on any of their legal arguments. As this Court noted in its Order, however, “[t]he applicable law . . . is uncertain on many disputed points” and “this case presents many difficult questions.” Order at 2. It was and remains the Court’s view that “Plaintiffs have legitimate counter arguments on all disputed points of law,” *id.*, and that “the questions of law presented by this case are important and ought to be determined by the Law Court,” *id.* at 3 (internal quotation marks omitted). To that end, Plaintiffs have now moved this Court to report its Order to the Law Court for determination of the legal questions pursuant to M.R. App. P. 24(c). For the reasons discussed below, the Court grants the Motion.

Rule 24(c) of the Maine Rules of Appellate Procedure provides as follows: “If the trial court is of the opinion that a question of law involved in an interlocutory order or ruling made by it ought to be determined by the Law Court before any further proceedings are taken, it may on motion of the aggrieved party report the case to the Law Court for that purpose.” In making this determination, this Court has considered the following factors:

(1) whether the question reported is of sufficient importance and doubt to outweigh the policy against piecemeal litigation; (2) whether the question might not have to be decided because of other possible dispositions; and (3) whether a decision on the issue would, in at least one alternative, dispose of the action.

Littlebrook Airpark Condo. Ass’n v. Sweet Peas, LLC, 2013 ME 89, ¶ 8, 81 A.3d 348 (quotation marks omitted). Although Rule 24 operates as an exception to the final judgment rule and should not be lightly invoked, *see Payne v. Sec’y of State*, 2020 ME 110, ¶ 12, 237 A.3d 870, these factors all support a report of this case to the Law Court.

First, this case presents questions of law of “sufficient importance and doubt to justify the report.” *Despres v. Moyer*, 2003 ME 41, ¶ 14, 827 A.2d 61 (internal quotation marks omitted). For instance, this case presents questions regarding (1) whether the vested rights doctrine applies to state laws, and (2) whether and to what extent knowledge of pending changes in law prevents

the vesting of property rights during the pendency of permit appeals. The answers to these and the other legal questions addressed in the Court’s Order will determine whether construction can continue on a billion-dollar infrastructure project, or whether the Initiative will prevail. As expressed in this Court’s Order, Plaintiffs present legitimate arguments on numerous areas of unsettled law – issues that must ultimately be addressed by the Law Court to resolve this case. *See Liberty Ins. Underwriters, Inc. v. Estate of Faulkner*, 2008 ME 149, ¶ 7, 957 A.2d 94. Although discreet aspects of the NECEC are currently the subject of separate pending legal proceedings in the Superior Court, the Law Court, the Board of Environmental Protection, and the U.S. District Court for the District of Maine, all these cases are interrelated with this proceeding, counseling for departure from the normal strictures of the final judgment rule. *See generally Roque Island Gardner Homestead Corp. v. Town of Jonesport*, 2021 ME 21, ¶ 6, 248 A.3d 953. In this Court’s view, the legal questions are of sufficient importance to outweigh the policy against piecemeal litigation. Finally, the issues presented in this case are capable of repetition. *See Bank of Am., N.A. v. Cloutier*, 2013 ME 17, ¶ 9, 61 A.3d 1242. Vested rights cases recur before the Law Court with some regularity, and it is entirely likely, if not certain, that future projects will be affected by the scope and applicability of retroactive legislation.

Second, while the possibility that “factfinding or determination of a preliminary issue . . . may render” a reported question moot weighs against a report, *Littlebrook Airpark Condo. Ass’n*, 2013 ME 89, ¶ 12, 81 A.3d 348, no such threshold issues exist here. No fact finding will render the issues addressed in the Order irrelevant; and no other legal issues, such as statute of limitations issues, will moot the primary merits questions presented. This Court has created the factual record on which to decide the legal issues, and Plaintiffs do not dispute this Court’s findings of fact.

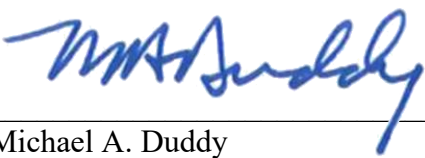
Third, a decision by the Law Court on report would in at least one alternative dispose of the action. *Id.* ¶ 13. There is no plausible basis on which Plaintiffs can prevail on the pending claims assuming that the legal conclusions set forth in the Order are correct as a matter of Maine law. Thus, a decision affirming the legal conclusions contained in Court's Order will dispose of the matter. It is only if Plaintiffs prevail on report, in whole or in part, that the case as currently pleaded will proceed. But even in that latter scenario, the Law Court's determination of the legal issues would likely bring the litigation to a swift conclusion.

Accordingly, this Court determines that it is appropriate to "report the case to the Law Court," M.R. App. P. 24(c), in its entirety, *see State ex rel. Tierney v. Ford Motor Co.*, 436 A.2d 866, 870 (Me. 1981), for the Law Court to determine the questions of law presented in the Order before any further proceedings are taken.¹ The Motion to Report Interlocutory Ruling filed by Plaintiffs NECEC Transmission LLC and Avangrid Networks, Inc. in the above-captioned matter is hereby GRANTED.

SO ORDERED.

The clerk is directed to make the following entry in the civil docket pursuant to M.R. Civ. P. 79(a): "This Order is incorporated into the docket by reference at the specific direction of the Court."

Dated: 12/28/2021



Michael A. Duddy
Judge, Business and Consumer Court

¹ The legal questions are embodied in this Court's Order, and thus the Court does not separately specify the questions of law as it would for a report pursuant to M.R. App. P. 24(a).

MAINE JUDICIAL BRANCH

NECEC Transmission, LLC, et al

☐ Superior Court ☐ District Court

County: Cumberland

Location (Town): Portland

Docket No.: BCD-CIV-2021-00058

V.

Bureau of Parks and Lands, et al

HEARING / CONFERENCE RECORD

Date of hearing (mm/dd/yyyy): 12/28/2021 Time: 11:30 a.m. Place: Telephonic

☐ Justice ☒ Judge: Michael Duddy

☐ Court reporter: ☒ E.R. ☐ No record

All counsel notified on (mm/dd/yyyy): 12/23/2021 By: D. Young

Type of hearing: By telephone XXX at court number

Call to be initiated by: BCD Conference Line

Chambers: ☐ In court oral argument: ☐ Testimonial: ☐ Yes ☐ No

Type of motion or request

- ☐ Discovery dispute
- ☐ Motion hearing
- ☒ Status conference
- ☐ Settlement conference
- ☐ Other

Nature or subject

Discussion as to Plaintiffs' Motion to Report Interlocutory Ruling Pursuant to M.R.APP.P.24(c)

Parties participating:

- ☐ See Attached
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Counsel:

- ☒
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Court findings or rulings: The entry will be:

The Court heard argument and discussion on reporting its Order to the Law Court, and on the possibility of a limited injunction. The Court determined to report its Order, and has since signed an Order reporting the decision to the Law Court. The Court indicated it was not likely to grant a limited injunction, on the grounds that it was more appropriate for the Law Court to consider the request. Plaintiffs withdrew the request from this Court's consideration.

Date (mm/dd/yyyy): 12-28-2021

MA Duddy
☒ Judge ☐ Justice

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CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058

NECEC Transmission, LLC, Inc., et al. V. Bureau of
Parks & Lands, ME Dept of Agriculture, Conservation and
Forestry, et al.

§
§
§
§
§

Location: **Business Court**
Judicial Officer: **Duddy, Michael**
Filed on: **11/03/2021**
Other: **PORSC-CV-2021-00400**

CASE INFORMATION

Case Type: **Civil**
Subtype: **Declaratory Judgment**
Case Status: **11/03/2021 Pending - Active**

DATE

CASE ASSIGNMENT

Current Case Assignment

| | |
|------------------|--------------------|
| Case Number | BCD-CIV-2021-00058 |
| Court | Business Court |
| Date Assigned | 11/03/2021 |
| Judicial Officer | Duddy, Michael |

PARTY INFORMATION

Plaintiff

Avangrid Networks, Inc.

Lead Attorneys

Aromando, John

Retained

207-791-1350(F)

207-791-1100(W)

PIERCE ATWOOD

MERRILLS WHARF

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PORTLAND, ME 04101

NECEC Transmission LLC

Aromando, John

Retained

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207-791-1100(W)

PIERCE ATWOOD

MERRILLS WHARF

254 COMMERCIAL ST

PORTLAND, ME 04101

Defendant

**Bureau of Parks & Lands, Maine Department of Agriculture,
Conservation and Forestry**

Bolton, Jonathan R

Retained

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207-626-8800(W)

ATTORNEY GENERAL

OFFICE OF AG

111 SEWALL STREET

6 STATE HOUSE

STATION

AUGUSTA, ME 04333-

0006

Maine House of Representatives

Bolton, Jonathan R

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207-626-8812(F)

207-626-8800(W)

ATTORNEY GENERAL

OFFICE OF AG

111 SEWALL STREET

6 STATE HOUSE

CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058









STATION
AUGUSTA, ME 04333-
0006

Maine Public Utilities Commission













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OFFICE OF AG
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6 STATE HOUSE
STATION
AUGUSTA, ME 04333-
0006

Maine Senate















Bolton, Jonathan R
Retained
207-626-8812(F)
207-626-8800(W)
ATTORNEY GENERAL
OFFICE OF AG
111 SEWALL STREET
6 STATE HOUSE
STATION
AUGUSTA, ME 04333-
0006

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|------------|--|-------|
| 11/03/2021 |  Filing Document - Complaint - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 9:37 AM | |
| 11/03/2021 |  Motion - Motion for Preliminary Injunction - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 9:52 AM | |
| 11/03/2021 |  Filing Document - Affidavit - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 9:58 AM | |
| 11/03/2021 |  Filing Document - Affidavit - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 10:00 AM | |
| 11/03/2021 |  Filing Document - Affidavit - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 10:03 AM | |
| 11/03/2021 |  Other Filing - Request for Hearing - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 10:06 AM | |
| 11/03/2021 |  Motion - Motion to Enlarge Page Limit - Filed Party: Plaintiff NECEC Transmission LLC Created: 11/10/2021 10:09 AM | |
| 11/03/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor Industrial Energy Consumer Group Created: 11/10/2021 10:27 AM | |





CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058

| | |
|------------|--|
| 11/04/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor H.Q. Energy Services (U.S.) Inc. Created: 11/10/2021 10:48 AM |
| 11/08/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor Maine State Chamber of Commerce Created: 11/10/2021 10:53 AM |
| 11/08/2021 |  Other Filing - Entry of Appearance - Filed Party: Defendant Bureau of Parks & Lands, Maine Department of Agriculture, Conservation and Forestry; Defendant Maine Public Utilities Commission; Defendant Maine Senate; Defendant Maine House of Representatives Created: 11/10/2021 1:39 PM |
| 11/09/2021 |  Order - Recommendation to Transfer to BCD - Entered (Judicial Officer: Warren, Thomas D.) Created: 11/10/2021 10:59 AM |
| 11/09/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor International Brotherhood of Electrical Workers Local 104 Created: 11/10/2021 11:02 AM |
| 11/09/2021 | Pretrial/Status (11:00 AM) Created: 11/10/2021 1:52 PM |
| 11/09/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/10/2021 11:20 AM |
| 11/09/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/10/2021 11:39 AM |
| 11/09/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/10/2021 11:43 AM |
| 11/09/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/10/2021 11:44 AM |
| 11/09/2021 |  Order - Court Order - Entered (Judicial Officer: Warren, Thomas D.) Created: 11/10/2021 1:46 PM |
| 11/10/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/10/2021 11:46 AM |
| 11/10/2021 |  Certify/Notification - Legacy Case Docket Record - Received Created: 11/10/2021 11:48 AM |
| 11/10/2021 | Case Management Conference (2:30 PM) (Judicial Officer: Duddy, Michael) |













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CASE NO. BCD-CIV-2021-00058

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| | Created: 11/12/2021 2:25 PM |
| 11/12/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:28 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:29 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:49 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:50 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:50 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:51 PM |
| 11/12/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/12/2021 2:52 PM |
| 11/12/2021 |  Supplemental Filing - Complaint - Filed Party: Intervenor Industrial Energy Consumer Group Created: 11/16/2021 3:16 PM |
| 11/12/2021 |  Supplemental Filing - Complaint - Filed Party: Intervenor H.Q. Energy Services (U.S.) Inc. Created: 11/16/2021 3:23 PM |
| 11/12/2021 |  Supplemental Filing - Complaint - Filed Party: Intervenor Maine State Chamber of Commerce Created: 11/16/2021 3:26 PM |
| 11/12/2021 |  Supplemental Filing - Complaint - Filed Party: Intervenor International Brotherhood of Electrical Workers Local 104 Created: 11/16/2021 3:30 PM |
| 11/15/2021 |  Letter - From Party - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 11/15/2021 1:59 PM |
| 11/16/2021 |  Service - Acknowledgement of Service - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 11/17/2021 4:28 PM |
| 11/16/2021 |  Service - Acknowledgement of Service - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 11/17/2021 4:28 PM |
| 11/18/2021 | Proof of Service Bureau of Parks & Lands, Maine Department of Agriculture, Conservation and Forestry Served: 11/04/2021 Maine Senate Served: 11/04/2021 Maine House of Representatives |













CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058

| | |
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| | Served: 11/04/2021 Created: 11/18/2021 8:37 AM |
| 11/18/2021 | Proof of Service Maine Public Utilities Commission Served: 11/04/2021 Created: 11/18/2021 8:43 AM |
| 11/19/2021 |  Motion - Motion To Intervene - Filed Created: 11/19/2021 3:09 PM |
| 11/19/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Cianbro Corporation Created: 11/19/2021 3:09 PM |
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| 11/19/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Cianbro Corporation Created: 11/19/2021 3:09 PM |
| 11/22/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/22/2021 11:53 AM |
| 11/22/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/22/2021 11:55 AM |
| 11/22/2021 |  Supplemental Filing - Complaint - Filed Party: Intervenor Cianbro Corporation Created: 11/22/2021 11:58 AM |
| 11/22/2021 |  Motion - Motion To Intervene - Filed Created: 11/22/2021 2:55 PM |
| 11/23/2021 |  Granted (Judicial Officer: Duddy, Michael) Created: 11/23/2021 8:53 AM |
| 11/23/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/23/2021 8:54 AM |
| 11/24/2021 |  Responsive Pleading - Opposing Memorandum - Filed Party: Defendant Bureau of Parks & Lands, Maine Department of Agriculture, Conservation and Forestry; Defendant Maine Public Utilities Commission; Defendant Maine Senate; Defendant Maine House of Representatives Created: 11/30/2021 12:59 AM |
| 11/24/2021 |  Other Filing - Affidavit - Filed Party: Defendant Bureau of Parks & Lands, Maine Department of Agriculture, Conservation and Forestry; Defendant Maine Public Utilities Commission; Defendant Maine Senate; Defendant Maine House of Representatives Created: 11/30/2021 1:03 PM |
| 11/24/2021 |  Brief - Brief - Filed Party: Intervenor International Brotherhood of Electrical Workers Local 104 Created: 11/24/2021 10:40 AM |

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CASE NO. BCD-CIV-2021-00058

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| 11/24/2021 |  Other Filing - Affidavit - Filed Party: Intervenor International Brotherhood of Electrical Workers Local 104 Created: 11/24/2021 10:40 AM |
| 11/24/2021 |  Brief - Brief - Filed Party: Intervenor Maine State Chamber of Commerce Created: 11/24/2021 12:44 AM |
| 11/24/2021 |  Other Filing - Affidavit - Filed Party: Intervenor Maine State Chamber of Commerce Created: 11/24/2021 12:46 AM |
| 11/24/2021 |  Other Filing - Memorandum of Law - Filed Party: Intervenor Cianbro Corporation Created: 11/24/2021 2:31 PM |
| 11/24/2021 |  Other Filing - Affidavit - Filed Party: Intervenor Cianbro Corporation Created: 11/24/2021 2:31 PM |
| 11/24/2021 |  Responsive Pleading - Opposing Memorandum - Filed Party: Intervenor NextEra Energy Resources, LLC Created: 11/24/2021 2:51 PM |
| 11/24/2021 |  Brief - Brief - Filed Party: Intervenor Industrial Energy Consumer Group Created: 11/24/2021 3:56 PM |
| 11/24/2021 |  Brief - Brief - Filed Party: Intervenor H.Q. Energy Services (U.S.) Inc. Created: 11/24/2021 5:33 PM |
| 11/24/2021 |  Brief - Opposition Brief - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/29/2021 9:51 AM |
| 11/24/2021 |  Other Filing - Affidavit - Filed Party: Intervenor Saviello, Thomas B.; Intervenor Geisser, Christine M; Intervenor Huish, Wendy A; Intervenor Hull, Jonathan T.; Intervenor York, Theresa E; Intervenor Yorks, Robert C; Intervenor Natural Resources Council of Maine Created: 11/29/2021 9:51 AM |
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| 11/24/2021 | |

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| 11/24/2021 |  Motion - Motion To Intervene - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 10:01 AM |
| 11/24/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 10:03 AM |
| 11/24/2021 |  Other Filing - Entry of Appearance - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 10:03 AM |
| 11/24/2021 |  Responsive Pleading - Opposing Memorandum - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 11/29/2021 10:24 AM |
| 11/24/2021 |  Motion - Motion to Admit Pro Hac Vice - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 1:34 PM |
| 11/24/2021 |  Motion - Motion to Admit Pro Hac Vice - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 1:34 PM |
| 11/29/2021 |  Denied (Judicial Officer: Duddy, Michael) Created: 11/30/2021 11:45 AM |
| 11/29/2021 |  Motion - Motion For Leave - Filed Party: Intervenor NextEra Energy Resources, LLC Created: 11/29/2021 1:18 PM |
| 11/29/2021 |  Responsive Pleading - Reply Memorandum - Filed Party: Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 1:24 PM |

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| 11/29/2021 |  Other Filing - Other Document - Filed Party: Intervenor Ahern, Brian; Intervenor Calpine Corp.; Intervenor Bragdon, Holly; Intervenor Vistra Corp. Created: 11/29/2021 1:24 PM |
| 11/29/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/30/2021 11:54 AM |
| 11/30/2021 |  Moot (Judicial Officer: Duddy, Michael) Created: 11/30/2021 11:56 AM |
| 11/30/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/30/2021 11:58 AM |
| 11/30/2021 |  Moot (Judicial Officer: Duddy, Michael) Created: 11/30/2021 12:00 AM |
| 11/30/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/30/2021 12:01 AM |
| 11/30/2021 |  Moot (Judicial Officer: Duddy, Michael) Created: 11/30/2021 12:02 AM |
| 11/30/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 11/30/2021 12:04 AM |
| 12/02/2021 |  Order - Court Order - Entered (Judicial Officer: Duddy, Michael) Created: 12/02/2021 11:06 AM |
| 12/08/2021 |  Brief - Opposition Brief - Filed Party: Defendant Bureau of Parks & Lands, Maine Department of Agriculture, Conservation and Forestry; Defendant Maine Public Utilities Commission; Defendant Maine Senate; Defendant Maine House of Representatives Created: 12/09/2021 9:18 AM |
| 12/08/2021 |  Responsive Pleading - Reply Memorandum - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 12/09/2021 11:26 AM |
| 12/08/2021 |  Other Filing - Affidavit - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 12/09/2021 11:26 AM |
| 12/10/2021 |  Motion - Motion to Admit Pro Hac Vice - Filed Party: Intervenor International Brotherhood of Electrical Workers Local 104 Created: 12/13/2021 1:40 PM |
| 12/14/2021 |  Letter - From Party - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 12/14/2021 9:37 AM |
| 12/14/2021 |  Letter - From Party - Filed Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc. Created: 12/15/2021 1:30 PM |
| 12/15/2021 |  Granted (Judicial Officer: Duddy, Michael) |

CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058

Created: 12/15/2021 10:05 AM

12/15/2021



Order - Court Order - Entered (Judicial Officer: Duddy, Michael)
Created: 12/15/2021 10:06 AM

12/15/2021



Motion for Preliminary Injunction Hearing (1:00 PM) (Judicial Officer: Duddy, Michael)

| | |
|---|------------------------------|
| <i>Parties Present: Attorney - Retained</i> | <i>Woodcock, Timothy</i> |
| <i>Attorney - Retained</i> | <i>Coffin, Philip M, III</i> |
| <i>Attorney - Retained</i> | <i>Kilbreth, James</i> |
| <i>Attorney - Retained</i> | <i>Aromando, John</i> |
| <i>Assistant Attorney General</i> | <i>Bolton, Jonathan R</i> |
| <i>Attorney - Retained</i> | <i>Roach, Christopher</i> |
| <i>Attorney - Retained</i> | <i>Schutz, Sigmund D</i> |
| <i>Visiting Attorney</i> | <i>Cheverie, Robert</i> |

Created: 11/15/2021 12:11 AM

12/16/2021



Denied (Judicial Officer: Duddy, Michael)
Created: 12/16/2021 12:29 AM

12/16/2021



Order - Court Order - Entered (Judicial Officer: Duddy, Michael)
Created: 12/16/2021 12:32 AM

12/22/2021



Letter - From Party - Filed
Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc.
Created: 12/23/2021 12:20 AM

12/22/2021



Motion - Other Motion - Filed
Party: Plaintiff NECEC Transmission LLC; Plaintiff Avangrid Networks, Inc.
Created: 12/23/2021 12:20 AM

12/27/2021



Responsive Pleading - Opposing Memorandum - Filed
Party: Intervenor NextEra Energy Resources, LLC
Created: 12/27/2021 4:12 PM

12/28/2021

Case Management Conference (11:30 AM) (Judicial Officer: Duddy, Michael)

| | |
|---|-----------------------------|
| <i>Parties Present: Attorney - Retained</i> | <i>Petrucelli, Gerald F</i> |
| <i>Attorney - Retained</i> | <i>Woodcock, Timothy</i> |
| <i>Attorney - Retained</i> | <i>Kilbreth, James</i> |
| <i>Attorney - Retained</i> | <i>Hamilton, Andrew P</i> |
| <i>Attorney - Retained</i> | <i>Aromando, John</i> |
| <i>Attorney - Retained</i> | <i>Kallin, David</i> |
| <i>Assistant Attorney General</i> | <i>Bolton, Jonathan R</i> |
| <i>Attorney - Retained</i> | <i>Roach, Christopher</i> |
| <i>Attorney - Retained</i> | <i>Schutz, Sigmund D</i> |
| <i>Attorney - Retained</i> | <i>Walton, Oliver</i> |
| <i>Attorney - Retained</i> | <i>Olesen, Casey</i> |

Created: 12/28/2021 2:07 PM

12/28/2021



Granted (Judicial Officer: Duddy, Michael)
Created: 12/28/2021 2:12 PM

12/28/2021



Order - Court Order - Entered (Judicial Officer: Duddy, Michael)
Created: 12/28/2021 2:18 PM

12/28/2021



Order - Hearing/Conference Record - Entered (Judicial Officer: Duddy, Michael)
Created: 12/28/2021 2:53 PM

DATE

OTHER DOCUMENTS

CIVIL CASE SUMMARY
REGISTRY OF ACTIONS
CASE NO. BCD-CIV-2021-00058



| | | | |
|------------|------------|---|---------|
| 11/09/2021 | Non-Public | Proposed Order of International Brotherhood of Electrical Workers Motion To Intervene | 1 Pages |
| 11/22/2021 | Public | Proposed Order for NextEra | 1 Pages |
| 12/13/2021 | Public | Proposed Order on Pro Hac Vice Motion | 1 Pages |
| 12/13/2021 | Public | Pltf's Motion for Admission of Visiting Counsel Pro Hac Vice | 3 Pages |

| DATE | FINANCIAL INFORMATION | | |
|------------|---|--|-------------|
| | Intervenor Calpine Corp. | | |
| | Total Charges | | 1,400.00 |
| | Total Payments and Credits | | 1,400.00 |
| | Balance Due as of 12/28/2021 | | 0.00 |
| 11/29/2021 | Charge | Calpine Corp. | 1,400.00 |
| 11/29/2021 | Business Court E- Receipt # 2021-00050972 | Calpine Corp. | (1,400.00) |
| | File Payment Type | | |
| | Intervenor International Brotherhood of Electrical Workers Local 104 | | |
| | Total Charges | | 705.00 |
| | Total Payments and Credits | | 705.00 |
| | Balance Due as of 12/28/2021 | | 0.00 |
| 11/24/2021 | Charge | Intervenor International Brotherhood of Electrical Workers Local 104 | 5.00 |
| 11/24/2021 | Business Court E- Receipt # 2021-00050528 | Intervenor International Brotherhood of Electrical Workers Local 104 | (5.00) |
| 12/13/2021 | File Payment Type | | |
| 12/13/2021 | Charge | Intervenor International Brotherhood of Electrical Workers Local 104 | 700.00 |
| 12/13/2021 | Business Court E- Receipt # 2021-00053072 | Intervenor International Brotherhood of Electrical Workers Local 104 | (700.00) |
| | File Payment Type | | |