Alafat, Beth

From: Timmermann, Timothy
Sent: Monday, April 27, 2020 8:02 AM
To: LeClair, Jacqueline; Marsh, Michael; Alafat, Beth; Margason, Nathan
Subject: CMP NECEC

In case you missed this on Friday

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CMP corridor proponents appeal decision to allow anti-powerline ballot question

Bangor Daily News | 04/24/2020

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Opponents of a referendum aiming to defeat Central ***Maine*** Power Co.'s proposed transmission corridor are appealing the Secretary of State office's and a Kennebec County Superior Court judge's decisions to validate the referendum to ***Maine***'s highest court.

Former CMP employee Delbert Reed, along with the Industrial Energy Consumer Group and the ***Maine*** State Chamber of Commerce, filed briefs appealing the decision Thursday with the ***Maine*** Supreme Judicial Court. The parties are expected to hold oral arguments on Tuesday via teleconference, said Preti Flaherty partner Sigmund Schutz, who is representing the Industrial Energy Consumer Group.

The appeal is unsurprising, as CMP is working to defeat the referendum on multiple fronts. It spent $5 million during the first quarter of 2020 and $2.3 million during the final months of 2019, mostly on ads, through its political committee Clean Energy Matters. Attorneys hired to represent Clean Energy Matters are also representing Reed.

Opponents of the referendum will argue Secretary of State Matt Dunlap -- and, by upholding his decision, Kennebec County Superior Court Judge Michaela Murphy -- misinterpreted the intent of a 2017 state law that prohibits notaries from performing other duties for a referendum's signature-gathering campaign, according to filed briefs.

The Secretary of State's office, solar and ***wind power*** company NextEra Energy Resources and anti-powerline political action committee Mainers for Local Power -- funded primarily by two Texas-based gas generator companies -- will argue to uphold the court's decision.

Dunlap upheld his prior certification of the referendum earlier this month. He ultimately invalidated more than 16,000 signatures, leaving the campaign with 66,000 valid signatures -- enough to clear the roughly 63,000 threshold needed to get on the November ballot.

While Dunlap found some signatures were duplicates or collected illegally, he weighed specifically whether some notaries were in the process of engaging in non-notarial services to the referendum effort when they administered oaths to circulators.

He validated the signatures notarized by those who weren't providing other services to the referendum campaign at the time they notarized the signatures.

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