



April 20, 2022

Candice Easley
8404 N McCassey Dr.
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Amber McDonough
200 W. 34th Avenue, Unit 371
Anchorage, AK 99503

Dear Ms. Easley and Ms. McDonough:

Thank you for your email dated April 11, 2022, regarding MEA's appeals process for the Fishhook to Pittman Power Improvement Project Decisional Document. Your questions have been reviewed and responses are below. In the interest of full transparency, we will also post this letter to our website to ensure the clarifying information requested can benefit other members of the public.

1) Do Appellants have to be MEA members or can any member of the public submit an appeal?

Appellants do not have to be MEA members, although it may be helpful to the Appeals Committee for the Appellant to disclose the nature of their involvement.

2) Do Support Signers for an Appellant have to be MEA members?

To clarify, support signers must meet the requirements to be Appellants, which are listed below in the response to question three. Appellants do not have to be an MEA member (see answer to #1 above).

3) Does an Appellant have to be an individual person or can they be an organization, such as a Corporation, Licensed Business, Recognized Community Group, etc.?

Appellants may be individuals, families, corporations, partnerships, limited liability companies, associations, joint ventures, governments, governmental subdivisions, governmental agencies, public corporation, or another legal or commercial entity. An Appellant counts for one signature on an appeal. To ensure the integrity of the process, an individual cannot sign both as an individual and as another entity that they represent.

4) "Individuals are limited to signing one appeal." Does this mean limited to sign once as an Appellant or to sign once as a Supporter of an Appellant?

Appellants are limited to signing one Appeal, regardless of whether they are in a leading or supportive role. See clarification on the explanation regarding support signers in answer #2 above.

- 5) **“Individuals are limited to signing one appeal.” Why would individuals be limited to signing just one appeal? Why can they not sign/participate in multiple appeals that affect different route options and/or different objections?**

The purpose for requesting additional signatories to an appeal is to ensure the concern has adequate public support to warrant the robust, community-led appeal process. Individuals signing multiple appeals is therefore cross-purpose with the goal of the support signature requirement. Since an Appeal should include all objections or route alternatives from the group of Appellants, it should not limit an individual’s ability to raise and have concerns addressed by the Appeals Committee.

- 6) **“Support for the objection signed by a minimum of five persons over the age of 18 that are not immediate family.” What is MEA’s definition of immediate family?**

“Immediate family member” means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, or stepsibling.

- 7) **“Support for the objection signed by a minimum of five persons over the age of 18 that are not immediate family.” Why shouldn’t adult family members be allowed to be signatory supporters of an Appellant when participating in a Democratic process?**

An Appeal must be supported by 5 different entities, see clarification regarding Appellants in #3 above. A family is considered a single entity. This maintains the integrity of the process and does not provide unfair advantage to appellants with large families.

- 8) **21 days is very short time for an appeal given the ~800-page length of the DD. Can this be extended to at least a standard appeal period of 30 – 45 days?**

MEA is following past precedent with this appeals process and timeline. This Appeals duration has historically been used by MEA on past transmission line routing studies of similar nature with no concerns raised by members or the Borough. MEA has extended the study period several times based on requests from the public and, due to the long process ahead and the immediate demands on our system coupled with supply chain and anticipated right-of-way acquisition delays, we must continue to move forward with the process.

- 9) **May an Appellant submit an amendment to their appeal after it is submitted, but before the Appeals submission deadline?**

Yes, amendments will be accepted up until the Appeals Committee hearing. Amendments or withdrawals of Appeals must be received in writing by 5:00 p.m. on the date of the hearing, April 28, 2022.

- 10) **Will each of the project appeals be made public and available to MEA Coop Members?**

Yes, Appeals that are accepted as complete will be posted to the MEA website preceding the hearing as soon as practical. For an Appeal to be accepted, it must meet requirements of Section 7.0 of the Decisional Document. All resulting decisions will be posted on MEA’s website following the release of the decision to the Appellants and to the Borough.

11) What is the internal MEA process for Appeals once they are submitted and how will the integrity of this process be maintained?

Maintaining integrity of the appeals process is critical to MEA. MEA will review the Appeals for completeness per section 7.0 of the Decisional Document and may request any additional information that is required from the Appellants in order to accept an appeal. All appeals that meet the completeness criteria will be considered accepted. All accepted appeals will be provided in their entirety to the Appeals Committee prior to the hearing.

12) Will MEA provide audio/visual equipment & technical set up to facilitate the discussion of Appellants on-screen visual appeal attachments to Committee Members at the hearing?

Yes, MEA will have audio-visual equipment and technical staff available to share written Appeals, maps, and pictures at the Appeals Hearing and via Zoom. Materials must be submitted with the written Appeal in order for them to be presented at the hearing. In addition, other reasonable accommodations will be provided as requested.

13) Do graphical attachments, such as a route maps, graphs, photos, etc. count in the 5-page Appeal submission limit?

No, non-narrative attachments do not count towards the 5-page limit, however time for displaying attachments at the hearing will be limited to the allotted time for each Appeal.

14) Who has been elected as the members of the Appeals Committee? If member's names and short bios are not disclosed well in advance of the Appeals submission deadline, when will they be disclosed?

MEA's goal is to conduct a public appeals process that allows appealing parties to have their voice heard, respected and considered. In appointing Appeals Committee members, MEA prioritized MEA members with a high level of integrity, knowledge and respect of public process, objectivity, including no material conflicts of interest and with a preference to people with subject matter expertise in one or more of the areas of concern that have been raised by the public. To ensure the integrity of the process and the objectivity of the committee members, MEA will not disclose the Appeals Committee members names to the public in advance of the hearing. Any attempt to contact a member of the Appeals Committee before the hearing, during the course of the hearing outside of testimony time, or while a written decision on Appeals is being produced, will be considered ex parte communications and a violation of the integrity of the process and will result in an immediate rejection of the Appeal.

15) "Public attendance will be limited to persons signatory to an appeal." To confirm, is it truly MEA's intent to ban the public, including the general MEA Membership, from attending a public hearing in a Democratic process?

No, MEA does not wish to ban the public from observing the proceedings. However, to maintain the integrity of the hearing, in-person public participation is limited to those who are Appellants; Appellants may also participate by registering to speak via Zoom. To ensure transparency to the public and our members, the hearing will be live streamed with a link available to the public by registering on the MEA website before the hearing. In

addition, a full recording of the hearing will be posted to the MEA website following the hearing.

16) May an attorney representing Appellants be present and/or speak on behalf of an Appellant during their allotted 3 minutes of testimony?

Yes, an Appellant may elect to have someone speak on their behalf.

17) May expert witness testimony be presented on behalf of an Appellant during their allotted 3 minutes of testimony?

Please see response to #16 above.

18) Why does an appeal require a “proposed alternative route” when the appeal may only be centered around an appeal of the MEA Decision?

MEA requests that Appeals contain an alternative route as an example that is less objectionable, based on the objections described by the Appellants, to allow the Appeals Committee to consider if the routing study was deficient in analysis.

19) “Questions from the Appeals Committee to clarify an appeal may be asked during the hearing.” To confirm, such questions and answers would not be made until the end of the Appellant's testimony and not included in their testimony time allotment?

Questions from the Appeals Committee are not included in the allotted time; the timer will be paused if interruption is required to answer questions.

20) May the Appellant ask questions of the Appeal Committee?

Appellant may use their three minutes however they chose, but the Appeals Committee will not be responding to questions from Appellants.

21) Does the three-person appeals committee decision have to be unanimous or majority?

The decisions of the Appeals Committee are required to be by a majority vote on any issue, two panel members must support a decision.

22) What happens to the status of an Appeal if the Appeals committee is undecided or cannot come to a unanimous decision?

The Appeals Committee will not be required to make a unanimous decision (please see #21 above). The Appeals Committee will decide whether MEA is deficient in one or more areas of the study based on Appeals received. If deficiencies are found, MEA will be required to address those deficiencies.

23) What is the Appeals Committee actually tasked with deciding about an Appeal?

The Appeals Committee will read and become familiar with the Decisional Document, read the Appeals, and hear testimony from the Appellants. The Appeals Committee shall be tasked with deciding whether MEA is deficient in any area of the study or Mat-Su Borough

(MSB) process, based on Appeals received. If deficiencies are found, the Appeals Committee will state in writing the nature of the deficiency and provide the response to the Appellants, the MSB, and MEA.

24) If an Appellant suggests a route modification that the Committee agrees is reasonable what are the detailed next steps in MEA's internal process?

If the routing study is found to be deficient, MEA shall address those deficiencies as appropriate to the specific case.

25) Does the Committee's decision mandate that MEA's Administration incorporate the change into the DD and design of the project? If not, why not?

The Committee is not charged with evaluating or incorporating design changes; they are charged with evaluating the process and will determine whether there is a deficiency in the routing study based on the Appeals received. The Appeals Committee will charge MEA with addressing any deficiency and can make any other additional comments they feel are necessary for the resolution of the appeal. MEA will address whether changes are required to the Decisional Document, route, or design once deficiencies are addressed.

26) What other limitations are there on the power of this Appeals Committee to affect MEA to make DD design changes?

The Appeals Committee is limited to determining if there are deficiencies in the routing study based on the Appeals accepted. If deficiencies are found, MEA shall address them.

27) Can Appellants appeal the committee decision for cause? And if yes, what are the parameters? If not, why not?

There are no additional steps required in MEA's appeals process. Appellants have the individual choice to decide how to proceed after a decision is made on an Appeal.

We appreciate your participation in this process and hope the responses above are helpful.

Sincerely,



Anthony M. Izzo
Chief Executive Officer

cc: Edna DeVries, Mat-Su Borough Mayor
Mike Brown, Borough Manager
Alex Strawn, MSB Planning & Land Use Director
Peggy Horton, MSB Planner II
MSB Assembly
MEA Board of Directors



April 21, 2022

Amber McDonough
200 W. 34th Avenue, Unit 371
Anchorage, AK 99503

Dear Ms. McDonough:

Thank you for your email dated April 20, 2022, regarding MEA's appeals process for the Fishhook to Pittman Power Improvement Project Decisional Document. Your additional questions have been reviewed and responses are below. In the interest of full transparency, we will also post this letter to our website to ensure the clarifying information requested can benefit other members of the public.

28) Given that the Appeal deadline is next Tuesday 4/26/22 and we have not yet received answers to our questions submitted on 4/11/22, will MEA proportionally extend the Appeals deadline?

Responses to your initial questions were sent on April 20, 2022. As indicated in that response, MEA is not planning to extend the appeals deadline.

29) Are actual ink or electronic signatures of the Appellants required or can their names and contact information simply be listed on the Appeal?

The requirement is that an appeal must have at minimum five signatures (we will accept those as ink or electronic signatures). The signature page is not counted toward the five-page maximum of appeals content.

You can also refer to the information that was outlined in the Decisional Document below for what must be included in an appeal.

What appeal must contain:

- Clear and concise statement of the objection to MEA routing decision.
- Basis for the objection.
- Support for the objection signed by a minimum of five persons over the age of 18 that are not within the same immediate family. Individuals are limited to signing one appeal.
- Proposed alternative route.
- Contact information for persons signatory to the appeal where written decision can be provided: name, address and/or email address.

30) If a title page is added to the Appeal, are we correct that it will NOT count toward the 5-page narrative limit?

A title page is not part of the appeal requirement, however, if you would like to include a title page, it will not count toward the five-page, double-spaced appeal narrative.

31) May Appellant names with contact information be included as an Attachment that will NOT count toward the 5-page narrative limit?

Per the instructions in the Decisional Document, you will need to include the signatures and contact information for persons signatory to an appeal as part of the appeal document. The signature page and their contact information will not count toward the five-page, double-spaced appeal narrative.

32) Is there any reason that the Appeals Hearing is scheduled for 4/28/22, only 2 days after the Appeals submission deadline instead of giving the Appeal Committee adequate time to read, digest, and research the information provided from all sides?

The Appeals Hearing is an opportunity for Appellants to provide verbal testimony of their appeal to the committee and participating in the appeals hearing is not mandatory. All written appeals will be reviewed and evaluated by the appeals committee. Please refer to the Decisional Document for additional guidelines regarding the Appeals Hearing.

Following the Appeals Hearing, the MEA Appeals Committee will issue a final written decision on an appeal to persons signatory to the appeal and to the Mat-Su Borough Director of Planning within 30 days of the Appeal Hearing (not later than 5/28/22). The obligations of the Appeals Committee members were fully communicated, and all are prepared to fulfill their duties within the posted timeline.

33) What are MEA's criteria when selecting community representatives for the Appeals Committee? Are there any standard minimum qualifications? Would MEA consider hiring a professional arbitrator to serve on the Appeals Committee?

Please see response to Question 14 in the April 20, 2022 letter.

34) Will Committee Members be required to disclose and/or recuse themselves from deciding on any Appeals that represent a personal, professional or financial conflict of interest? Who makes the decision on whether a Committee Member should recuse themselves due to a conflict of interest on any Appeal? If a Committee Member is recused, what is the process for the Committee to make an Appeal determination with only two remaining Committee Members to ensure a fair hearing can still proceed, especially in the event of a split decision?

Committee members will be requested to recuse themselves from any appeal that creates a conflict of interest.

35) How will MEA provide assurances that the MEA Appeals Hearing Moderator has no personal, professional or financial conflict of interest with any Appeals submitted? Will the MEA Moderator be required to disclose such conflicts of interest to the Committee and Appellants prior to the hearing of each Appeal?

Please refer to response to Question 14 in the April 20, 2022 letter and Question 34 above.

36) Has MEA established any written framework or guidance on what objections, procedural, substantive, or both, may be the grounds for an Appeal?

Please refer to responses to Questions 25 and 26 in the letter dated April 20, 2022.

- 37) What MEA decisional structure and rules does the Appeals Committee have to follow during its decisional hearing to ensure a fair due process? What appellate procedures and/or policies dictate what objections can be raised by Appellants or responded to by MEA and what process does the Appeals Committee have to use to reach its decision?**

MEA is following past precedent with this appeals process. This appeals process has historically been used by MEA on past transmission line routing studies of similar nature with no concerns raised by members or the Borough. As stated in the Decisional Document, the Appeals Committee will issue a final written decision on an appeal to persons signatory to the appeal and to the Mat-Su Borough Director of Planning within 30 days of the Appeals Hearing (no later than 5/28/22).

- 38) In lieu of double-spaced paragraphs, can there be the option of 1-1/2 spaced paragraphs?**

The requirements outlined in the Decisional Document include up to five pages, double-spaced, with route maps attached (the map attachments do not count towards the five pages).

Please follow the instructions as provided in the Decisional Document, an excerpt of which is below.

“In writing and limited to five pages, double-spaced, with route maps attached.”

- 39) When can we expect MEA to post the necessary Appeal Process amendments in response to objections, comments, and questions?**

MEA does not plan to amend the appeal process.

- 40) Will Appellants who have already submitted their Appeal be allowed to amend and resubmit their Appeal after any MEA Appeal Process amendments?**

MEA does not plan to amend the appeal process.

We appreciate your participation in this process and hope these additional responses are helpful.

Sincerely,



Jon Sinclair, P.E.
Director of Engineering

cc: Candice Easley
Edna DeVries, Mat-Su Borough Mayor
Mike Brown, Borough Manager
MSB Planning Department
MSB Assembly
MEA Board of Directors