



Kennebunk Light & Power District
4 Factory Pasture Lane
Kennebunk, Maine 04043
(207) 985-3311
www.klpd.org

BOARD OF TRUSTEES BUSINESS MEETING AGENDA
TUESDAY AUGUST 29, 2023
DISTRICT OFFICES @ 5:00 PM

- I. CALL TO ORDER
- II. 5:00 – 5:30 COLE HARRISON AGENCY INSURANCE REVIEW
- III. 5:30 – 6:00 EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. § 405(6)(e) FOR CONSULTATION WITH LEGAL COUNSEL TO DISCUSS TITLE 35-A: PUBLIC UTILITIES
- IV. REVIEW AND APPROVE PREVIOUS MEETING MINUTES; JULY 25, 2023, AUGUST 02, 2023, AUGUST 07, 2023, AUGUST 09, 2023, AUGUST 15, 2023 (MOTION)
- V. REVIEW AND APPROVE JULY 2023 FINANCIAL STATEMENTS (MOTION)
- VI. OPERATIONS REPORT
 - a. REVISE CURRENT RATES FOR ENERGY, RNS AND TRANSMISSION TO MITIGATE UNDERCOLLECTION (MOTION)
 - b. FERC HYDRO INSPECTION RESPONSE
 - c. OTHER FERC FILINGS
 - d. WRIGHT PIERCE DSSMR INSPECTION
 - e. ASPLUNDH TREE TRIMMING CONTRACT
 - f. WATER STREET TRANSFORMER MAINTENANCE
 - g. METERING SYSTEM DEPLOYMENT
 - h. ADOPTION OF REMOTE BOARD MEETING POLICY
 - i. END OF INTERIM GENERAL MANAGER AND TREASURER EFFECTIVE AT THE CLOSE OF AUGUST 31, 2023 (MOTION)
- VII. PUBLIC COMMENT PERIOD OF 15 MINUTES
- VIII. DATE OF NEXT REGULAR BOARD MEETING IS SEPTEMBER 26, 2023
- IX. SET DATE OF SPECIAL MEETING FOR EXECUTIVE SESSION TO FORMULATE FIRST YEAR GOALS FOR GENERAL MANAGER AND TREASURER
- X. ADJOURN

Topic: Kennebunk Light and Power District Board of Trustees Meeting

Time: Aug 29, 2023 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83882303426?pwd=eXJlSTBVOW9jVjZiV0tldFdCaXNRdz09>

Meeting ID: 838 8230 3426

Passcode: 637568

One tap mobile

+16465588656,,83882303426#,,,,*637568# US (New York)

+16469313860,,83882303426#,,,,*637568# US

Dial by your location

- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)

Meeting ID: 838 8230 3426

Passcode: 637568

Find your local number: <https://us02web.zoom.us/j/ker8zF0Q0M>

KENNEBUNK LIGHT & POWER DISTRICT
COUNTY OF YORK
STATE OF MAINE

BOARD OF TRUSTEES MEETING MINUTES
(Zoom Video Conference)

KENNEBUNK LIGHT & POWER DISTRICT
4 FACTORY PASTURE LANE
KENNEBUNK, ME 04043
TUESDAY, JULY 25, 2023
5:00 PM

BOARD MEMBERS:

PRESIDENT: ROBERT EMMONS - (PRESENT)

VICE-PRESIDENT: BEVERLY FREUDENREICH - (PRESENT)

INTERIM GENERAL MANAGER: MATT RANCOURT – (PRESENT)

CLERK: DAVID CLUFF - (PRESENT)

TRUSTEE: CURTIS MILDNER (PRESENT)

TRUSTEE: WAYNE BERRY (PRESENT)

ALSO PRESENT:

Kevin Vezina, General Foreman
Don Gerrish, Eaton Peabody Consulting Group

(Other individuals may have been present but not identified.)

I. Call to Order

II. Elect Board Officers: President, Vice-President, Clerk, Treasurer

Motion by President Robert Emmons to elect Vice-President Beverly Freudenreich as President.

Motion Seconded by Clerk David Cluff

Vote: 5/0

Motion by newly elected President, Beverly Freudenreich, to elect Trustee Wayne Berry as vice-president.

Motion Seconded by Clerk David Cluff

Vote: 5/0

Motion by newly elected Vice-President, Wayne Berry, to re-elect David Cluff as Clerk.

Motion Seconded by newly elected President, Beverly Freudenreich.

Vote: 5/0

Motion by newly elected President, Beverly Freudenreich, to re-elect the General Manager as Treasurer.

Motion seconded by Trustee Emmons

Trustee Cluff dissented

Vote: 4/1

III. Review of Previous Board Minutes:

- a. June 27, 2023 – Board Meeting Minutes
- b. July 12, 2023 – Board Meeting Minutes
- c. July 17, 2023 – Board Meeting Minutes
- d. July 19, 2023 – Board Meeting Minutes

Motion by newly elected Vice-President, Wayne Berry, to approve the minutes as presented.

Motion seconded by Trustee Emmons

Vote: 5/0

IV. June, 2023 Financials Review

Motion by newly elected Vice-President, Wayne, Berry, to accept June, 2023 Financials.

Motion seconded by Clerk Cluff

Vote: 5/0

V. Operations Report

a. Maine Department of Environmental Protection Letter Response

Motion by Clerk Cluff to accept the District's response from Todd Griset, Esquire, from Preti, Flaherty, Beliveau & Pachios, Chartered, LLP, dated July 20, 2023.

Motion seconded by Trustee Mildner

Vote: 5/0

(Whereupon, a discussion occurred and the following motion occurred at approximately 5:22 p.m.)

Motion by Clerk Cluff to follow Trustee Mildner's advice to pursue hydro funding pursuant to the Maine DEP Response in the fall of 2023 and only after the GM position has been filled.

Motion seconded by Trustee Mildner

Vote: 5/0

b. FERC Dam Inspection Response

c. Wright-Pierce Proposal for Dam Safety Surveillance and Monitoring Report (DSSMR) Update

(Whereupon, a discussion occurred at and the following motion occurred at approximately 5:40 p.m.):

Motion by Clerk Cluff to authorize the Interim GM to engage Wright-Pierce to inspect the District's dams at a cost not to exceed \$31,000.

Motion seconded by Trustee Mildner

Vote: 5/0

d. Solar Farm Proposal Update

e. Tree Trimming Contract Update

f. Water Street Transformer Update

g. Review of Current Rates in Relation to Overcollection

h. Metering System Update

VI. Public Comment Period (Limited to 15 Minutes Total)

VII. Executive Session Pursuant to 1 MRSA § 405(6)(A) to Discuss a Personnel Matter; Hiring of General Manager.

(Thereupon, Executive Session began at 6:06 p.m. and concluded at 7:33 p.m.)

VIII. Next Meeting: August 29, 2023

IX. Board Recommendations for Agenda Items for Next Meeting

X. Adjourn

Motion by Trustee Emmons

Motion seconded by Clerk Cluff

Vote: 5/0

(Thereupon, with no further items to discuss, the meeting adjourned at approximately 7:34 p.m.)

Attest: David Cluff, Clerk

KENNEBUNK LIGHT & POWER DISTRICT
COUNTY OF YORK
STATE OF MAINE

BOARD OF TRUSTEES MEETING MINUTES
(Zoom Video Conference)

KENNEBUNK LIGHT & POWER DISTRICT
4 FACTORY PASTURE LANE
KENNEBUNK, ME 04043
WEDNESDAY, AUGUST 2, 2023
5:00 PM

BOARD MEMBERS:

PRESIDENT: BEVERLY FREUDENREICH - (PRESENT)

VICE-PRESIDENT: WAYNE BERRY - (PRESENT)

INTERIM GENERAL MANAGER: MATT RANCOURT – (PRESENT)

CLERK: DAVID CLUFF - (PRESENT)

TRUSTEE: CURTIS MILDNER (PRESENT)

TRUSTEE: ROBERT EMMONS (PRESENT)

ALSO PRESENT:

Don Gerrish, Eaton Peabody Consulting Group (VIA Zoom)

Ben Smith, Esquire (VIA Zoom)

(Other individuals may have been present but not identified.)

I. Call to Order

II. Executive Session Pursuant to 1 MRSA § 405(6)(e) for consultation with legal counsel

Motion by Vice-President Berry

Motion seconded by Clerk Cluff

Vote: 5/0

(Thereupon, Executive Session began at 5:01 p.m. and concluded at 5:39 p.m., with Ben Smith, Esquire then leaving the meeting)

III. Executive Session Pursuant to 1 MRSA § 405(6)(A) to Discuss a Personnel Matter; Hiring of General Manager.

Motion by Clerk Cluff

Motion seconded by Trustee Emmons

Vote: 5/0

(Thereupon, Executive Session began at 5:40 p.m. and concluded at 6:35 p.m., with Don Gerrish then leaving the meeting.)

IV. Next Meeting: August 29, 2023

V. Adjourn

Motion by Clerk Cluff

Motion seconded by Trustee Emmons

Vote: 5/0

(Thereupon, with no further items to discuss, the meeting adjourned at approximately 6:36 p.m.)

Attest: _ David Cluff, Clerk

KENNEBUNK LIGHT & POWER DISTRICT
COUNTY OF YORK
STATE OF MAINE

BOARD OF TRUSTEES MEETING MINUTES
(Zoom Video Conference)

KENNEBUNK LIGHT & POWER DISTRICT
4 FACTORY PASTURE LANE
KENNEBUNK, ME 04043
MONDAY, AUGUST 7, 2023
5:00 PM

BOARD MEMBERS:

PRESIDENT: BEVERLY FREUDENREICH - (PRESENT)

VICE-PRESIDENT: WAYNE BERRY - (PRESENT)

INTERIM GENERAL MANAGER: MATT RANCOURT – (PRESENT)

CLERK: DAVID CLUFF - (PRESENT)

TRUSTEE: CURTIS MILDNER (EXCUSED)

TRUSTEE: ROBERT EMMONS (PRESENT)

ALSO PRESENT:

Don Gerrish, Eaton Peabody Consulting Group

(Other individuals may have been present but not identified.)

I. Call to Order

II. Executive Session Pursuant to 1 MRSA § 405(6)(A) to Discuss a Personnel Matter; Hiring of General Manager.

Motion by Clerk Cluff
Motion seconded by Trustee Emmons
Vote: 4/0

(Thereupon, Executive Session began at 5:01 p.m. and concluded at 7:12 p.m., with Don Gerrish then leaving the meeting.)

III. Next Meeting: August 09, 2023, 7:30 a.m.

IV. Adjourn

Motion by Trustee Emmons
Motion seconded by Clerk Cluff
Vote: 4/0

(Thereupon, with no further items to discuss, the meeting adjourned at approximately 7:13 p.m.)

Attest: _ David Cluff, Clerk

KENNEBUNK LIGHT & POWER DISTRICT
COUNTY OF YORK
STATE OF MAINE

BOARD OF TRUSTEES MEETING MINUTES
(Zoom Video Conference)

KENNEBUNK LIGHT & POWER DISTRICT
4 FACTORY PASTURE LANE
KENNEBUNK, ME 04043
WEDNESDAY, AUGUST 9, 2023
7:31 AM

BOARD MEMBERS:

PRESIDENT: BEVERLY FREUDENREICH - (PRESENT)

VICE-PRESIDENT: WAYNE BERRY - (PRESENT)

INTERIM GENERAL MANAGER: MATT RANCOURT – (PRESENT)

CLERK: DAVID CLUFF - (PRESENT)

TRUSTEE: CURTIS MILDNER (EXCUSED)

TRUSTEE: ROBERT EMMONS (PRESENT)

I. Call to Order

II. Executive Session Pursuant to 1 MRSA § 405(6)(A) to Discuss a Personnel Matter; Hiring of General Manager.

Motion by Clerk Cluff
Motion seconded by Trustee Emmons
Vote: 4/0

(Thereupon, Executive Session began at 7:32 a.m. and concluded at 7:45 a.m.)

III. The following motion was made and voted upon:

Motion by Clerk Cluff to enter into a five-year employment contract for the position of General Manager for Kennebunk Light & Power District with Anna Henderson of Anchorage, AK

Motion seconded by Trustee Emmons

Vote: 3/2 (with Vice-President Wayne Berry abstaining and Trustee Mildner absent)

IV. Next Meeting: August 15, 2023, 5:00 PM

V. Adjourn

Motion by Clerk Cluff
Motion seconded by Trustee Emmons
Vote: 4/0

(Thereupon, with no further items to discuss, the meeting adjourned at approximately 7:46 a.m.)

Attest: _ David Cluff, Clerk

KENNEBUNK LIGHT & POWER DISTRICT
COUNTY OF YORK
STATE OF MAINE

BOARD OF TRUSTEES MEETING MINUTES
(Zoom Video Conference)

KENNEBUNK LIGHT & POWER DISTRICT
4 FACTORY PASTURE LANE
KENNEBUNK, ME 04043
TUESDAY, AUGUST 15, 2023
5:00 PM

BOARD MEMBERS:

PRESIDENT: BEVERLY FREUDENREICH - (PRESENT)

VICE-PRESIDENT: WAYNE BERRY - (PRESENT)

INTERIM GENERAL MANAGER: MATT RANCOURT – (PRESENT)

CLERK: DAVID CLUFF - (PRESENT)

TRUSTEE: CURTIS MILDNER (ABSENT)

TRUSTEE: ROBERT EMMONS (PRESENT)

ALSO PRESENT:

Todd Griset, Preti, Flaherty, Beliveau & Pachios, Chartered, LLP

(Other individuals may have been present but not identified.)

I. Call to Order

II. Executive Session Pursuant to 1 MRSA § 405(6)(e) For Consultation with Legal Counsel Pertaining to the District's Hydro Facilities.

Motion by Clerk Cluff
Motion seconded by Trustee Emmons
Vote: 4/0

(Thereupon, Executive Session began at 5:01 p.m. and concluded at 5:32 p.m.)

III. The following motion was made and voted upon:

Motion by President Freudenreich to authorize Legal Counsel, Todd Griset, to submit a response to FERC's letter to KLPD of July 10, 2023.

Motion seconded by Clerk Cluff

Vote: 4/0

IV. Next Meeting: August 29, 2023, 5:00 PM

V. Adjourn

Motion by Clerk Cluff
Motion seconded by Trustee Emmons
Vote: 4/0

(Thereupon, with no further items to discuss, the meeting adjourned at approximately 5:35 p.m.)

Attest: _____
David Cluff, Clerk

KENNEBUNK LIGHT & POWER DISTRICT
STATEMENT OF REVENUES AND EXPENSES
July 2023

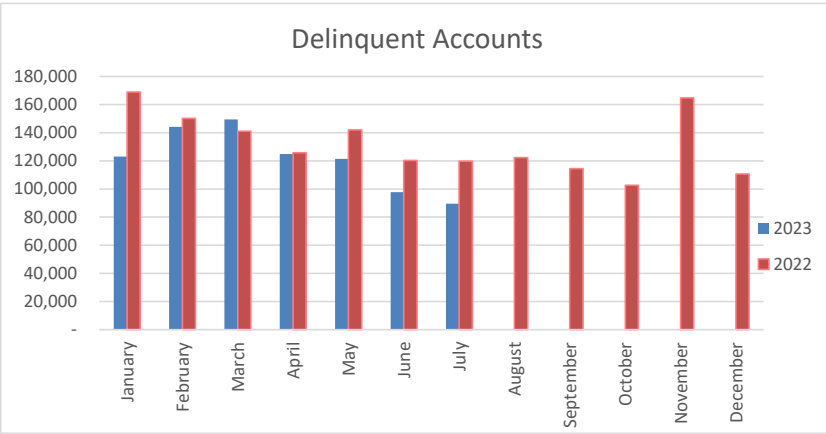
Revenue	MONTHLY			YTD			ANNUAL 2023 Budget
	July 2023 Actual	July 2023 Budget	July 2022 Actual	2023 Actual	2023 Budget	2022 Actual	
Energy revenue	\$ 584,013	\$ 598,505	\$ 530,227	\$ 4,185,111	\$ 4,147,445	\$ 3,863,656	\$ 7,264,894
Energy expense	(826,837)	(598,505)	(648,564)	(4,973,082)	(4,147,445)	(4,376,640)	(7,264,894)
Net energy revenue	(242,824)	-	(118,337)	(787,971)	-	(512,984)	-
RNS revenue	205,691	217,804	190,085	1,473,907	1,461,945	1,392,846	2,563,653
RNS expense	(177,073)	(217,804)	(182,506)	(1,417,814)	(1,461,945)	(1,365,398)	(2,563,653)
Net RNS revenue	28,617	-	7,579	56,093	-	27,447	-
Transmission revenue	49,099	50,147	44,230	333,724	334,239	316,475	576,560
Transmission expense	(22,811)	(50,147)	(39,162)	(165,534)	(334,239)	(269,742)	(576,560)
Net transmission revenue	26,288	-	5,068	168,190	-	46,733	-
Net Energy/Transmission Revenue	(187,919)	-	(105,690)	(563,688)	-	(438,803)	-
Delivery revenue	214,562	206,077	202,322	1,458,254	1,458,337	1,448,946	2,536,022
Minimum charge revenue	51,615	51,477	51,282	360,142	361,190	356,311	619,914
Other revenue	16,040	7,807	10,457	111,491	62,683	95,134	108,848
Total Operating Revenue	282,217	265,361	264,060	1,929,887	1,882,210	1,900,391	3,264,784
Expenses							
General Operations	32,370	73,250	49,108	402,931	485,205	287,597	840,000
Customer Collections	21,027	21,011	21,212	144,723	149,792	142,323	256,677
Administration	113,731	112,470	91,960	824,927	823,835	757,974	1,418,253
Other expense	40,388	41,450	39,279	282,714	271,301	271,930	430,208
Total Operating Expense	207,514	248,181	201,559	1,655,296	1,730,133	1,459,825	2,945,138
Net Operating Gain/(Loss)	74,702	17,180	62,501	274,591	152,077	440,566	319,646
Total Gain/Loss	\$ (113,216)	\$ 17,180	\$ (43,189)	\$ (289,097)	\$ 152,077	\$ 1,763	\$ 319,646

	July 2023	2023 YTD
Photovoltaic Credits	\$ 7,578	\$ 39,257
KLPD electrical usage	\$ 1,050	\$ 14,828

**KENNEBUNK LIGHT & POWER DISTRICT
STATEMENT OF FINANCIAL POSITION**

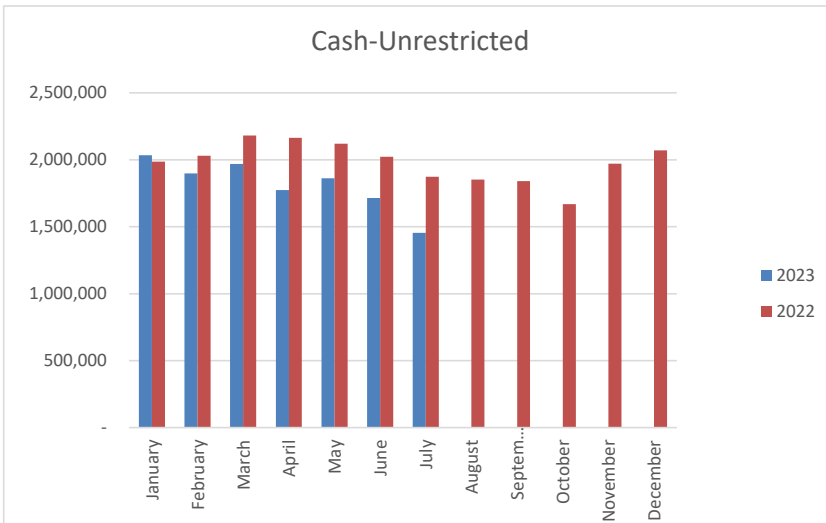
	July 2023	July 2022
Assets		
Cash and short-term investments	2,352,445	2,827,789
Accounts receivable	939,891	910,740
Fixed assets and property	11,698,233	11,016,273
Other assets	882,214	526,060
Total assets	15,872,784	15,280,863
Liabilities		
Accounts payable	1,087,999	1,006,896
Payroll liabilities	14,987	16,403
Long-term liabilities	1,077,326	1,317,205
Other liabilities	841,439	239,103
Total liabilities	3,021,752	2,579,608
Equity		
Surplus	13,140,129	12,699,493
Current year excess revenue	(289,097)	1,763
Total equity	12,851,032	12,701,255
Total liabilities & equity	15,872,784	15,280,863

Kennebunk Light & Power District
July 2023



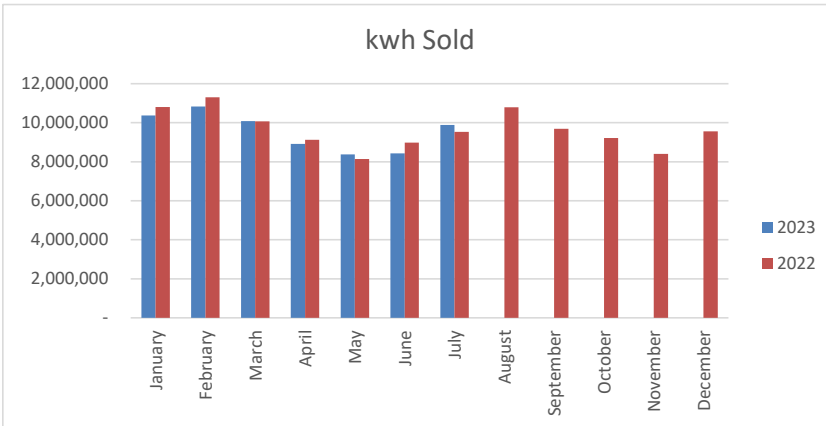
Aging	2023	2022
29 to 60 days	49,726	65,899
61 to 90 days	11,049	14,801
91 days +	28,801	38,999
Total	89,576	119,699

Delinquent accounts as a % of current month's sales:	7.99%	11.64%
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Days of Cash on Hand	
Required	90
Actual	41
Variance	-49

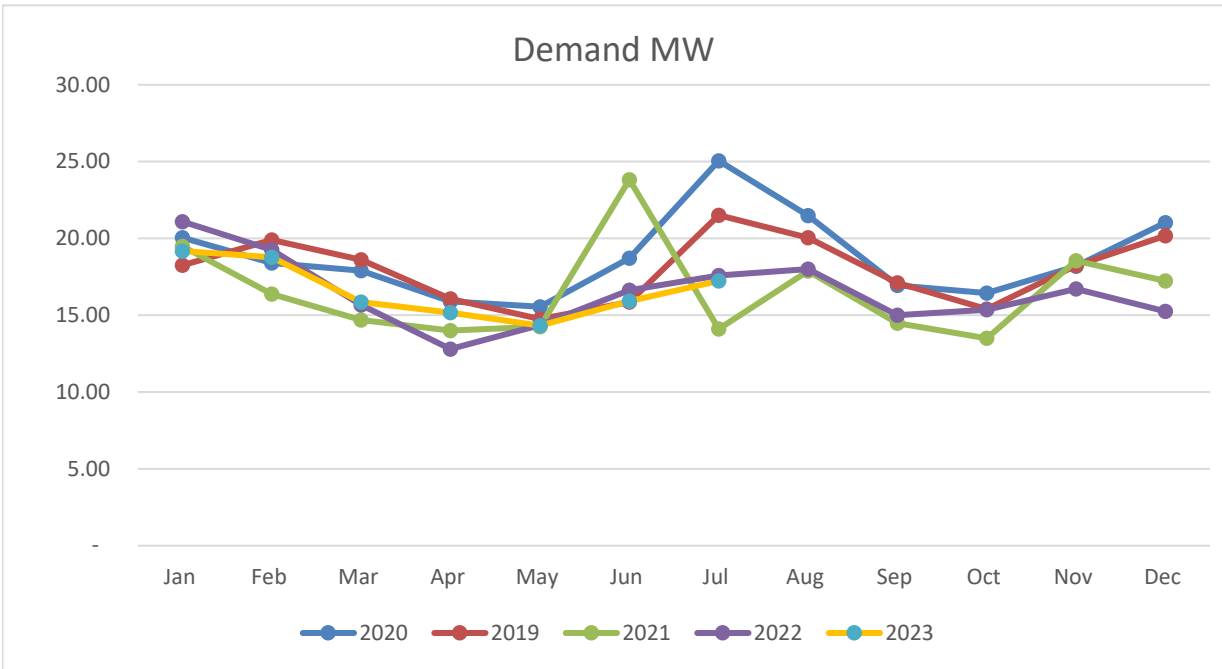
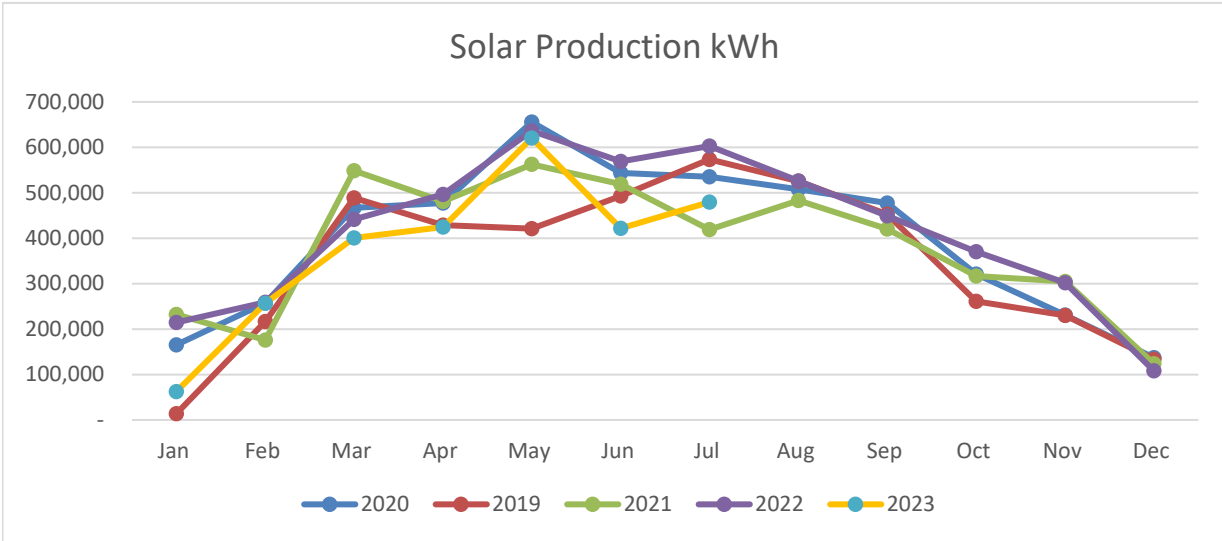
Cash required:	\$ 3,200,000
Cash unrestricted	\$ 1,453,679
Cash-deposits	\$ 109,063
Cash-capital	\$ 627,354
Cash-Efficiency ME	\$ 162,349
Cash-Total	\$ 2,352,445
Variance	\$ (1,746,321)



July 2023	9,889,252
July 2022	9,533,826
Variance	355,426

Variance % 3.73%

Kennebunk Light & Power District
July 2023



**KENNEBUNK LIGHT & POWER DISTRICT
HYDRO STATEMENT OF ACTIVITY**

Revenue	July 2023	YTD 2023	2023 Budget
Electrical Production	\$ -	\$ -	\$ -
Total Revenue	-	-	-
Expenses			
Labor	-	639	5,800
Benefits	-	332	2,610
Supplies	96	874	6,000
Electrical Use	39	268	600
Liability/Property Insurance	600	4,200	7,200
Depreciation	1,250	8,750	16,119
Legal & Professional Fees	-	-	30,000
Total Expenses	1,985	15,064	68,329
Gain/ (Loss)	\$ (1,985)	\$ (15,064)	\$ (68,329)

Todd J. Griset
tgriset@preti.com
207.623.3280

August 24, 2023

Mr. John Spain, P.E.
Regional Engineer
FERC Division of Dam Safety and Inspection-NYRO
19 West 34th St., Suite 400
New York, New York 10001

**RE: P-5362-ME Lower Mousam NATDAM # ME00035
2023 Dam Safety Inspection**

Dear Mr. Spain:

Thank you for your letter of July 10, 2023, describing the results of your June 7, 2023 inspection, in which you found that the Kennebunk Light & Power District's (District) Lower Mousam facilities were in satisfactory condition. The District is in the process of working with the Wright-Pierce engineering firm to develop a comprehensive schedule and plan to address the comments raised in your July 10 letter and looks forward to providing requested follow-up information in a timely manner.

1. The District has completed the repair and replacement of the fencing on the left abutment of the Dane Perkins Dam (see Attachment A).
2. The District has contacted a maintenance and repair contractor to assess the source of the siphon pump discharge and develop a suitable plan and schedule to address any needed repairs.
3. The District has contacted a maintenance and repair contractor to assess the Twine Mill Powerhouse foundation cement blocks and develop a suitable plan and schedule for any needed repairs.
4. The District has attached photographs of the Dane Perkins and Twine Mill developments' right abutments (see Attachments A and B).
5. The District does not have hardcopies of Annual Dam Safety Surveillance & Monitoring Reports ("DSSMR") since 2018 or the 2016 dive inspections (but see Attachment C). The District has attached a copy of the 2017 dive inspection (see Attachment D). Planned dive operations described in the District's previous letter have not yet occurred. In addition to disruptions caused by the Covid-19 pandemic, the District's former general manager has recently departed employment with the District, and the District is seeking a new general manager under the interim guidance of its finance director. The District is diligently contracting with appropriate personnel to perform the services necessary to provide the Commission with an updated DSSMR, as well as records and reports relating to dive operations and their findings (see Attachment E). The District considers dam safety to be

August 24, 2023

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of the utmost importance and holds its licensing obligations in the highest regard, as demonstrated by the actions described herein. Despite not being able to produce the requested records, the District has continued to perform regular and comprehensive surveillance and monitoring of all project works.

6. The district has contracted with a vendor to do a DSSMR inspection with divers in the fall of 2023, weather permitting, including of the void below the penstock and auxiliary spillway gate (see Attachment E). This 2023 DSSMR dive inspection will provide an assessment of current conditions, from which the District will formulate a repair plan and schedule. The District will provide that updated schedule and plan for repairs as soon as practicable after the inspection.

Should additional information or clarification be required please do not hesitate to contact myself or Mr. Rancourt via telephone or email, and thank you for your attention to this matter.

Sincerely,



Todd J. Griset
Nicholas P. Janzen
Preti Flaherty Beliveau & Pachios, LLP
45 Memorial Circle
P.O. Box 1058
Augusta, ME 04332-1058
Phone: 207-623-5300
Email: tgriset@preti.com
njanzen@preti.com

*Counsel for Kennebunk Light & Power
District*

Attachments: Attachment A: Dane Perkins and Twine Mill Photographs (2023)*

* Pursuant to part 388 of the Commission's rules, the District requests that Attachments A, B, C, and D be treated as CEII. The information contained within those attachments qualifies as CEII under section 388.113(c)(2) because it includes specific engineering, vulnerability, and detailed design information about existing critical infrastructure that release details about the generation of energy, could be useful to a person in planning an attack on critical infrastructure, is exempt from mandatory disclosure under the Freedom of Information Act, and does not simply give the general location of the critical infrastructure. Specifically, the attachments contain photographs of facility infrastructure and previous DSSMs (which have already been designated as CEII) that would allow a person planning an attack to do the most harm. The District respectfully requests that the CEII designation for these

August 24, 2023

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Attachment B: Dane Perkins and Twine Mill Photographs (2018)*

Attachment C: Dane Perkins, Twine Mill, and Kessler DSSMs (2016)*

Attachment D: Dive Inspection (2017)*

Attachment E: DSSM Proposal (2023)

materials should last five years and be re-designated every five years thereafter until the CEII Coordinator determines the designation is no longer necessary. A protective agreement has already been filed in this proceeding that applies to the filed material. It is not feasible to file public versions of these documents.

July 27, 2023

Kyle Olcott, Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
VIA EMAIL

RE: Federal License Surrender-Lower Mousam Hydro Project (P-5362)

Dear Mr. Olcott,

As President of Maine Rivers, I have reviewed your letter of June 23, 2023, to Todd Shea, then General Manager of the Kennebunk Light & Power District (“KLPD”) regarding the evidence on file in connection with the KLPD application to the Federal Energy Regulatory Commission for surrender of the license of the Lower Mousam Hydroelectric Project (P-5362). The water quality information on file with the Commission, which was compiled by a prior applicant for a new license for the project, does not include information about the water quality of the impoundment of the Kesslen dam, the first dam on the river.

In that connection, Dave Courtemanch, a member of the Maine Rivers Board, and an environmental biologist, has analyzed publicly available data compiled by the Mousam and Kennebunk River Alliance and reached the conclusion that the Kesslen impoundment is persistently in violation of the dissolved oxygen concentration criteria. Dr. Courtemanch’s analysis is attached.

Sincerely,

Chuck Verrill, President, Maine Rivers

9 Magean Street, Brunswick, Maine 04011

Statement of Dr. Dave Courtemanch, environmental biologist, July 27, 2023

While the applicant has not provided data to indicate the attainment status of the Kesslen impoundment, there is data in the public record indicating that the waters in that impoundment do not attain Class B dissolved oxygen criteria. A report filed by the Mousam and Kennebunk River Alliance/Wells National Estuarine Research Reserve (MKRA/Wells NERR) with the MEDEP and certified through the DEP's Volunteer River Monitoring Program (VRMP) provides water quality data from 2009-2020 for two river sites within the project area.

https://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/reports/2020/Mousam%202020%20Report.pdf

Site MOUR39 (Berry Ct) is in the Kesslen impoundment and MOUR80 (Mill St.) in the Dane Perkins impoundment. Monitoring at both sites indicates repeated annual violations of both the dissolved oxygen concentration criterion and % saturation criterion (9 out of 12 years at MOUR39 and 10 out of 12 years at MOUR80). Also many years have repeated violations (1-5 violations) within a given year. Number of samples collected within any year varies from 5-9 events which is a small number to have so many violations recorded indicating that dissolved oxygen levels are repeatedly and persistently low, and probably for long duration within any year. By extrapolation, using the number of violations within a year divided by the number of samples collected, it can be estimated that nonattainment events may occur for up to 83% of the days within the June to September sampling period indicating a serious, persistent water quality stress. It should also be noted that at the monitoring site downstream of Kesslen (MOUR35 – Rogers Park), there has been only a single dissolved oxygen violation recorded between 2009-2020 indicating that without the effect of impounding the water, the free flowing river can be expected to attain its Class B criteria.