

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7250

Amended Petition of Deerfield Wind, LLC, for a)
certificate of public good authorizing it to construct and)
operate a 17-turbine, 34-35.7 MW wind generation)
facility, and associated transmission and interconnection)
facilities, on approximately 80 acres in the Green)
Mountain National Forest, located in Searsburg and)
Readsboro, Vermont, with 7 turbines to be placed on the)
east side of Route 8 on the same ridgeline as the existing)
GMP Searsburg wind facility (Eastern Project Area), and)
10 turbines along the ridgeline to the west of Route 8 in)
the northwesterly orientation (Western Project Area))

Order entered: 6/20/2008

ORDER REVISING SCHEDULE

On June 10, 2008, Deerfield Wind, LLC ("Deerfield Wind") filed a motion requesting a modification to the schedule in this proceeding. Deerfield Wind asks that the Public Service Board ("Board") extend the current schedule by approximately two weeks to enable Deerfield Wind to conduct supplemental field work in conjunction with potential adjustments to the project to address concerns raised by other parties. Deerfield Wind proposes that most deadlines be extended by two weeks, except that its time for discovery on other parties' surrebuttal testimony would be extended by one week. The start of hearings would be postponed by one week (with the first week rescheduled).

Deerfield Wind represents that the Department of Historic Preservation, Agency of Natural Resources, Save Vermont Ridgelines, Inc., Windham Regional Commission, Green Mountain Power Corporation, the Town of Readsboro, the Town of Searsburg, the Town of Wilmington, Conservation Law Foundation, the Industrial Wind Action Group and the Duncans are not opposed. The Department of Public Service ("Department") agreed to the change, except that it preferred that the second week of testimony be rescheduled to the week of September 29, rather than the week of October 6.

Thomas Shea raised concerns with the extension.¹ In particular, Mr. Shea highlighted the difficulty of commuting to the rescheduled hearings which would be held nearer the height of leaf-viewing season. Mr. Shea also states that Deerfield Wind's need for additional time should not have the effect of shortening the time for other parties or causing undue burden.

We grant Deerfield Wind's motion to revise the schedule, with minor revisions. First, as pointed out by the Department, we have adjusted the deadline for other parties to file surrebuttal testimony to August 18, rather than the August 15 date proposed by Deerfield Wind, because the earlier date is a state holiday. Second, we have rescheduled the first week of hearings (originally set for the week of September 15) to October 2–3 and 6–7. We note that, contrary to Mr. Shea's suggestion, the revised schedule does not shorten the time for other parties; the adjusted dates retain all of those intervals. And while we recognize Mr. Shea's concerns about the increase in tourist traffic, we are not persuaded that it is appropriate to avoid holding hearings in late September and early October simply because of the potential for inconvenience.

The revised schedule is as follows:

Petitioner files Rebuttal Testimony	July 3, 2008
Discovery of Petitioner's Rebuttal Testimony	Rolling through July 28, 2008, with responses due within 10 business days
Other Parties file Surrebuttal Testimony	August 18, 2008
Discovery on Other Parties' Surrebuttal Testimony	Rolling through September 2, 2008, with responses due within 10 business days
Petitioner files request for live sur-surrebuttal (if necessary)	September 9, 2008

1. Mr. Shea originally expressed his concern that he had insufficient time to respond to Deerfield Wind's request for a schedule modification, since Deerfield Wind's attempt to contact him had consisted of a telephone call and voice message left on his home answering machine during working hours. Deerfield Wind responded that there was no reason to give Mr. Shea additional time to respond, since its motion sought a short delay and it had made efforts to contact Mr. Shea at the only phone number available to Deerfield Wind. Given the manner and timing of Deerfield Wind's contact with Mr. Shea, Deerfield Wind's objection to Mr. Shea's request is troubling. Mr. Shea's request for a short period in which to consider Deerfield Wind's motion was reasonable.

Technical Hearings	September 22–26, October 2–3, and 6–7, 2008
Initial Briefs	Three weeks after close of hearings
Reply Briefs	Three weeks after direct briefs

SO ORDERED.

DATED at Montpelier, Vermont, this 20th day of June, 2008.

<u>s/James Volz</u>	)	
	)	
	)	
<u>s/David C. Coen</u>	)	
	)	
	)	
<u>s/John D. Burke</u>	)	

PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: June 20, 2008

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)