

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: 1/10/2008

ORDER RE REVISED SCHEDULE

On September 20, 2007, the Public Service Board ("Board") issued an Order establishing the schedule for these proceedings. The schedule included a December 21, 2007, deadline for parties other than Deerfield Wind, LLC ("Deerfield Wind") to submit prefiled testimony.

Several parties filed requests to extend the deadline for filing testimony, with the requested extensions varying in duration from two weeks to seven months. The only parties to file testimony by the December 21 deadline were the Department of Public Service ("Department") and the Agency of Natural Resources ("ANR").

Save Vermont Ridgelines, Inc. ("SVR") and Industrial Wind Action Group ("IWAG") filed requests for extensive modifications to the schedule: pursuant to IWAG's proposed schedule, direct testimony would not be due until March 7, 2008, while SVR's proposed schedule would have parties file direct testimony on July 1, 2008, with technical hearings beginning in June, 2009.

Duncan Cable Television ("Duncan Cable") filed a request for a 90-day extension, claiming that Deerfield Wind failed to provide notice to two adjoining landowners, as required by Board Rule 5.400.

On January 3, 2008, Deerfield Wind, LLC ("Deerfield Wind") filed a proposed compromise schedule that would extend the schedule for filing prefiled testimony and other actions in this Docket. Deerfield Wind represents that SVR and IWAG have consented to the January 3 schedule. Deerfield Wind's proposed schedule would allow SVR and IWAG to file direct testimony on April 28, 2008; however, other parties would not be awarded this same extension of time with respect to filing direct testimony. Instead, some parties would be allowed the two week extension requested, while parties that did not request extensions would be granted no additional time to file testimony. Despite the large differences in filing dates for parties, the next action under Deerfield Wind's January 3 schedule is the submission of rebuttal testimony by Deerfield Wind on June 20, 2008.

Deerfield contends that parties other than SVR and IWAG are not entitled to the April 28 extension for direct testimony because the parties did not file testimony and did not request extensions of time.

On January 3, 2008, the Department of Public Service ("Department") filed a proposed schedule that is similar, in large part, to Deerfield Wind's proposed schedule. The primary difference is that all parties requesting an extension of time to file direct testimony would file direct testimony on April 28, 2008. In addition, the Department's schedule would allow SVR and IWAG the opportunity to promulgate discovery on Deerfield Wind, the Department, and ANR.

The Board accepts the revisions proposed by Deerfield and the Department, with some modifications. First, Deerfield Wind has not presented a compelling case as to why parties other than SVR and IWAG should not be granted an extension until April 28 to file direct testimony. The schedule proposed by Deerfield Wind provides for sufficient time for parties to conduct discovery and there has been no showing that Deerfield Wind would be prejudiced by this modification. Accordingly, the Board will allow any party to file direct testimony on April 28, 2008.

Further, the Department's proposed schedule provides SVR and IWAG the opportunity to promulgate discovery on the Department's and ANR's December 21 testimony. The Department does not explain why these two groups are allowed this opportunity while other parties are not. Allowing all parties to promulgate discovery on the Department's and ANR's testimony does not

appear to prejudice either state entity. Consequently, the Board's schedule allows for all parties to promulgate discovery on the Department's and ANR's December 21 testimony.

The Board adopts the schedule set forth below:

Discovery on Petitioner, Department, and ANR	Rolling through February 29, 2008, with responses due within 10 business days
Other Parties file Direct Testimony	April 28, 2008
Discovery on Other Parties' Direct Testimony	Rolling through June 4, 2008, with responses due within 10 business days
Petitioner files Rebuttal Testimony	June 20, 2008
Discovery of Petitioner's Rebuttal Testimony	Rolling through July 14, 2008, with responses due within 10 business days
Other Parties file Surrebuttal Testimony	August 1, 2008
Discovery on Other Parties' Surrebuttal Testimony	Rolling through August 22, 2008, with responses due within 10 business days
Petitioner files request for live sur-surrebuttal (if necessary)	August 29, 2008
Technical Hearings	September 15 - 26, 2008
Initial Briefs	October 17, 2008
Reply Briefs	November 7, 2008

The above schedule addresses Duncan Cable's request for an extension. The Board notes that Deerfield produced tax maps purportedly showing that Duncan Cable's assertions regarding notice to adjoining landowners is incorrect. Based upon these filings, it does not appear that further notice is necessary. If Duncan Cable believes this is incorrect, it may, within one week of this Order, submit additional information, such as deeds or surveys, showing that the owners abut the project area.

We are also concerned that, if Deerfield is correct, Duncan Cable's initial filing does not appear to have been supported by the facts. In the future, Duncan Cable and other parties must verify the assertions they make prior to filing them with the Board.

SO ORDERED.

Dated at Montpelier, Vermont, this 10th day of January, 2008.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: January 10, 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)