

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7628

Joint Petition of Green Mountain Power Corporation,)
Vermont Electric Cooperative, Inc., and Vermont)
Electric Power Company, Inc. for a certificate of public)
good, pursuant to 30 V.S.A. Section 248, to construct up)
to a 63 MW wind electric generation facility and)
associated facilities on Lowell Mountain in Lowell,)
Vermont, and the installation or upgrade of)
approximately 16.9 miles of transmission line and)
associated substations in Lowell, Westfield and Jay,)
Vermont)

Order entered: 8/30/2011

**ORDER RE ALBANY AND CRAFTSBURY MOTION FOR RECONSIDERATION
OF JULY 12, 2011 ORDER**

On August 15, 2011, the Towns of Albany and Craftsbury (the "Towns") filed a Motion for Reconsideration of the Board's July 12 Order (the "Motion").

On August 17, 2011, Green Mountain Power Corporation ("GMP") filed a letter in response to the Motion.

On August 18, 2011, the Towns filed a reply to GMP's response.

On August 18, 2011, the Public Service Board ("Board") issued a Memorandum through the Board Clerk's Office in which it sought comments from the parties on whether the Board had jurisdiction to consider the Motion given that the Towns filed with the Board on July 25, 2011, a Notice of Appeal to the Vermont Supreme Court of the Board's May 31 and July 12, 2011, Orders in this Docket.

On August 25, 2011, the Towns filed comments stating that the Board was divested of jurisdiction to entertain the motion due to their appeal. The Towns requested that the Board issue a memorandum stating whether it is denying the Motion or is inclined to grant it.

On August 26, 2011, GMP filed comments stating that the Board is without jurisdiction to entertain the Motion as a result of the appeal.

Based on the Vermont Supreme Court's holding in *Kotz v. Kotz* we conclude that we are without jurisdiction to consider the Motion.¹

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of August, 2011.

<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: August 30, 2011

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)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.

1. *Kotz v. Kotz*, 134 Vt. 36, 38-39 (1975).