

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: 2/23/2012

ORDER RE: ANR MOTION TO EXTEND DEADLINE AND HEARING DATE

On February 16, 2012, the Public Service Board ("Board") issued its Order Re: Motion for Reconsideration and Notice of Hearing (the "Order"), granting in part a Motion for Reconsideration filed by the Towns of Albany and Craftsbury, and Lowell Mountains Group, Inc. (the "Movants"). Specifically, the Board granted the Movants' request for a technical hearing to take evidence on the potential for impacts from the presence of East Hill Road as well as certain activities allowed within the conserved Boomhour Brook and Eden's Echo land parcels. The Order established February 27, 2012, as the deadline for parties with standing to file expert testimony addressing these two specific issues. The Order also provided an opportunity for discovery by deposition after the filing of any such testimony, established March 7, 2012, as the date for the technical hearing, and directed parties to submit cross-examination estimates no later than noon on March 5, 2012.¹

On February 17, 2012, the Agency of Natural Resources ("ANR") electronically submitted to the Board a Motion to Extend the Filing Deadline and Hearing Date (the "Motion"). In the Motion, ANR asks the Board to extend the deadline for filing expert testimony to a date no earlier than March 5, 2012, and that the technical hearing take place sometime after March 9,

1. Docket 7628, Order of 2/16/12 at 7-8.

2012. ANR asserts that the extension is necessary because of conflicts in the schedules of the two witnesses it intends to present on the issues identified in the Order. ANR represents that it has consulted with counsel for the Towns of Albany and Craftsbury (the "Towns"), Lowell Mountains Group, Inc. ("LMG"), and Green Mountain Power Corporation ("GMP") and that these parties do not object to ANR's request.

On February 21, 2012, GMP filed a letter indicating that it did not object to the Motion, but noted that it still intends to file its testimony on February 27, 2012, the date originally established in the Order.²

On February 21, the Towns and LMG submitted a letter electronically stating that they had no objection to ANR's request.

Based on ANR's representations, we are granting the Motion and establish the following amended schedule for proceeding on the issues identified in the Order.

DATE	EVENT
March 30, 2012	Prefiled expert testimony due
April 6, 2012	Discovery on prefiled testimony served
April 20, 2012	Responses to discovery served
April 27, 2012	Cross-examination estimates due
May 1, 2012	Technical hearing

In preparing prefiled testimony and cross-examination estimates, the parties should keep in mind that this hearing is not an opportunity to relitigate issues that were already decided by the Board in this proceeding, and evidence and cross-examination must be limited to the two specific topics described in the Order. Any party that fails to submit a cross-examination estimate by April 27, 2012, will not be permitted to cross-examine witnesses during the technical hearing.

2. This Order extends the deadline for filing testimony to March 30, 2012. GMP is, of course, free to file its testimony early.

The Board would have preferred to hold the technical hearing sooner than May 1, 2012. However, given the Board's current schedule and the rather significant amount of unavailability of party witnesses or counsel expressed in the filings related to ANR's request, May 1, 2012, is the earliest date that appears to work. Given that no parties indicated unavailability for a May 1, 2012, hearing, and given the amount of time between now and that date, the Board fully expects that the May 1, 2012, date will work for all parties, or that they will resolve in advance any scheduling conflicts that they may have but did not alert the Board to in their recent filings.

The Clerk of the Board will issue a Notice of Hearing confirming the date, time and location of the technical hearing.

SO ORDERED.

Dated at Montpelier, Vermont, this 23rd day of February, 2012.

<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: February 23, 2012

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)