

MEMORANDUM

To: Parties in PSB Docket No. 7628 (In re: GMP/Lowell Mountain Wind Project)

From: Susan M. Hudson, Clerk of the Board

Re: Agency of Natural Resources motion to extend deadline for filing its surrebuttal

Date: January 7, 2011

On January 7, 2011, the Agency of Natural Resources ("ANR") filed with the Public Service Board ("Board") a Verified Motion for a Brief Extension to File Surrebuttal Testimony. In its motion, ANR asks the Board to extend the deadline for its surrebuttal testimony from January 10, 2011, to January 12, 2011. ANR asserts that the extension is necessary because the petitioners failed to serve the public attachments to their discovery responses in a timely fashion. According to ANR's motion, the narrative discovery responses were served on December 23, 2010, per the docket schedule, but the public attachments to those responses were not served until December 27, 2010. Additionally, ANR asserts that counsel for the petitioners originally asked whether ANR would require a brief extension as a result of the failure to deliver the attachments in a timely fashion. However, ANR asked counsel for petitioners for an extension on January 3, 2011, and the parties have been unable to reach agreement since ANR's request. If the requested extension is granted, ANR is amenable to allowing the petitioners some extra time to propound discovery requests on its surrebuttal testimony, changing the date for service of requests from January 18, 2011, to January 20, 2011, and the response date from January 31, 2011 to February 1, 2011.

At the request of the Board, one of the petitioners, Green Mountain Power Corporation ("GMP"), filed electronically a reply to the ANR motion on January 7, 2011. In its reply, GMP stated that the ANR motion was accurate in its description of the late delivery of the discovery attachments, that counsel for GMP did originally inquire if ANR would require an extension for filing its surrebuttal, that the parties had conferred a number of times since January 3, 2011, but have been unable to reach agreement on an extension, and that GMP takes no position on the ANR motion.

The Board has asked the Clerk's Office to inform the parties that it is granting ANR the requested two-day extension due to the petitioners' failure to deliver the discovery attachments in a timely fashion. In granting the request the Board noted that it was unopposed by GMP. ANR's surrebuttal testimony is now due no later than the close of business on Wednesday, January 12, 2011. With respect to any amendments to the schedule for propounding discovery on the surrebuttal testimony, the Board directs the parties to confer amongst themselves and to submit a proposal if they determine an amendment is needed.