

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7867

Application of Seneca Mountain Wind, LLC, for)
authority, pursuant to 30 V.S.A. §§ 246 and 248, to)
install four temporary meteorological stations, two)
in the Town of Brighton, Vermont, and one each in)
the towns of Ferdinand and Newark, Vermont)

Order entered: 8/18/2014

PROCEDURAL ORDER RE: REMAND BRIEFS

On August 9, 2013, the Public Service Board ("Board") issued an Order (the "August 9 Order") authorizing the installation of four temporary meteorological stations, two in the Town of Brighton, Vermont, and one each in the Towns of Ferdinand and Newark, Vermont, by the petitioner, Seneca Mountain Wind, LLC ("Seneca").

On September 6, 2013, the Town of Newark, the Town of Brighton, Mark Whitworth and Noreen Hession, and Newark Neighbors United, intervenors in this proceeding ("Appellants"), filed with the Board a Notice of Appeal of the Board's August 9 Order to the Vermont Supreme Court.

On July 28, 2014, the Vermont Supreme Court issued an Order requesting the parties to the appeal to show cause why the appeal should not be dismissed as moot in light of recent developments indicating that Seneca had abandoned its meteorological tower project.¹

On August 12, 2014, after reviewing written arguments from Seneca and the Appellants, the Vermont Supreme Court issued the Remand Order remanding to the Board the appeal of the Board's August 9 Order "for a period not to exceed ninety days for the Board to consider, given the current circumstances, whether appellee's CPG should be revoked or declared void with respect to the towers located in the Town of Newark and the Town of Brighton." If the Board

1. *See In Re Seneca Mountain MET Tower Project*, Docket No. 2013-372, Order of 8/12/14 ("Remand Order").

either revokes or declares void Seneca's CPG for those towers, then the appeal will be dismissed as moot.²

Because there do not appear to be any material facts at issue, the question posed for the Board's consideration by the Vermont Supreme Court involves a legal issue only. Parties that wish to submit briefs on the issue posed in the Remand Order must file them with the Board no later than close of business on September 3, 2014. Reply briefs must be filed no later than close of business on September 10, 2014.

SO ORDERED.

Dated at Montpelier, Vermont, this 18th day of August, 2014.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Margaret Cheney</u>	)	

OFFICE OF THE CLERK

FILED: August 18, 2014

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)

2. *Id.*