

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: 1/17/2012

ORDER RE: CROSS-EXAMINATION TIME ESTIMATES

On January 16, 2013, Seneca Mountain Wind, LLC ("SMW") filed cross-examination time estimates for each witness and a list of cross-examination exhibits and the Town of Newark ("Newark") and Newark Neighbors United ("NNU") filed joint cross-examination time estimates and a joint list of cross-examination exhibits, along with the actual exhibits. On the same day, the Vermont Department of Public Service ("DPS") filed a letter stating that it did not intend to cross-examine any witnesses during the technical hearing. No other parties filed information regarding the cross-examination.

The cross-examination time estimates submitted by SMW total 2 hours and 30 minutes. The joint cross-examination time estimates submitted by Newark and NNU total 7 hours and 15 minutes. In addition, Newark and NNU each estimated 30 minutes for the cross-examination of the others' witnesses. In total, the current time estimates for cross-examination equal 10 hours and 45 minutes.

Given the limited scope of the evidentiary proceedings and permissive interventions in this Docket, the October 19 *Scheduling Order* scheduled one day for the technical hearing to occur, January 23, 2012.¹

The purpose of cross examination is to assist the Hearing Officer in rendering a decision in this Docket. Parties should be aware that cross-examination should be limited to questions regarding a witness's prefiled testimony and matters affecting a witness' credibility as they relate to the limited scope of this proceeding. Intervenor's cross-examination is further limited to the issues within the scope of their interventions. In addition, friendly cross-examination, in which a party cross-examines a witness of a party with similar interests in an attempt to either bolster that witness's testimony or have the witness introduce new testimony that should have been submitted in prefiled testimony prior to the hearings, is not allowed.

I realize that SMW, Newark, and NNU did not have the opportunity to review the *Objections Order*, which clearly defines the limited scope of the evidentiary proceedings and interventions, prior to filing their cross-examination time estimates. Therefore, based on the clarifications above and the recently issued *Objections Order*, I am requesting that SMW, Newark, and NNU resubmit their estimates for cross-examination **by 1:00 p.m. on Tuesday, January 22, 2013.**

SO ORDERED.

1. Docket 7867, Order of 10/19/12 at 2. See also *Order re Objections to Prefiled Testimony and Requests for Attorney's Fees ("Objections Order")*; Docket 7867, Order of 7/30/12 at 5–7; Docket 7867, Order of 6/29/12 at 11–12).

Dated at Montpelier, Vermont, this 17th day of January, 2013.

s/ Bridgette Remington
Bridgette Remington, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: January 17, 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)