

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: 11/16/2012

PROCEDURAL ORDER RE: NEWARK NEIGHBORS UNITED REQUEST FOR ENTRY

On November 13, 2012, Newark Neighbors United ("NNU") filed an Expedited Request for Entry Upon Land for Inspection and Other Purposes ("Request"). On November 16, 2012, Seneca Mountain Wind, LLC ("SMW") filed an Opposition to Newark Neighbors United's Expedited Request for Entry Upon Land for Inspection and Other Purposes ("Opposition"), including a request that SMW be awarded its attorneys fees in responding to the Request.

I have reviewed NNU's Request and determined that it is not a motion to compel discovery from SMW. Rather, it is a request for entry served on SMW under V.R.C.P. 34. The Request specifically states that it is being made pursuant to "V.R.C.P. 34 **to Applicant Seneca Mountain Wind, LLC**" (emphasis added). Because the Request is not a motion, I will not be taking any action in response to the Request. As a result, I have also determined that SMW's Opposition, including its request for attorney's fees, is unresponsive to any pending motion, is therefore not ripe, and will not be considered.

It appears that a lack of communication between the parties in this instance has caused unnecessary expenditures of resources, including those of the Public Service Board ("Board"). I emphasize here that the parties are required under applicable rules of discovery to engage in good faith efforts to resolve these types of disagreements before turning to the Board for relief. Failure to do so as this docket progresses may expose the non-compliant party to the risk of sanctions under those same rules.

SO ORDERED.

Dated at Montpelier, Vermont, this 16th day of November, 2012.

s/Bridgette Remington
Bridgette Remington, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: November 16, 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)