

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: 10/19/2012

SCHEDULING ORDER

On September 20, 2012, I issued a Scheduling Order adopting an interim schedule.

Pursuant to the September 20 Order, on October 12, 2012, the Town of Newark ("Newark") and Newark Neighbors United ("NNU") filed a joint proposed schedule and Seneca Mountain Wind, LLC ("Seneca"), the Vermont Department of Public Service ("DPS"), and the Vermont Agency of Natural Resources ("ANR") filed a joint proposed schedule.

On October 18, 2012, I held a status conference in this docket to discuss the schedule for the remainder of the docket. Appearances were entered by: Andrew N. Raubvogel, Esq., of Dunkiel Saunders Elliott Raubvogel & Hand PLLC, on behalf of Seneca; Aaron Kisicki, Esq., on behalf of DPS; Donald J. Einhorn, Esq., on behalf of ANR; L. Brooke Dingledine, Esq., of Valsangiacomo, Detora & McQuesten, P.C., on behalf of Newark; Deborah T. Bucknam, Esq., of The Law Office of Bucknam Black Brazil, P.C., on behalf of NNU, Noreen Hession, *pro se*, and Mark Whitworth, *pro se*.

At the status conference, the parties discussed the proposed schedules. Based on the discussion between the parties, I am adopting the following schedule for the remainder of the docket:

October 31, 2012	Discovery served on Seneca by new intervenors ¹
November 7, 2012	Responses to discovery requests
November 14, 2012	Seneca files testimony and exhibits (case-in-chief)
November 21, 2012	Other parties file testimony and exhibits (case-in-chief) ²
December 5, 2012	Discovery served on Seneca by all other parties ³ and Discovery served on other parties by Seneca
December 19, 2012	Responses to discovery requests
January 10, 2013	All parties file rebuttal testimony and exhibits
January 16, 2013	All parties file list of cross-examination exhibits and estimated time necessary for cross examination of each witness
January 23, 2013	Technical Hearing
February 5, 2013	Post-Hearing Briefs
February 12, 2013	Reply Briefs

SO ORDERED.

1. Discovery requests shall be limited to the issues identified in the June 29, 2012, *Procedural Order*, which are the possibly adverse effect of: the Hawk Rock MET tower installation on black bear food sources and peregrine falcon habitat; the Hawk Rock MET tower installation on rare, threatened, or endangered species or natural communities; the Bull Mountain MET tower installation on black bear food sources; and the Brighton MET tower installation on black bear food sources. Docket 7867, Order of 6/29/12 at 11–12.

2. Prefiled testimony and exhibits shall be limited to the issues identified in the June 29, 2012, *Procedural Order*. See footnote 1.

3. Parties that previously served discovery on Seneca shall limit discovery requests to requests related to any new testimony or exhibits submitted by Seneca on November 14, 2012 and shall not be related to Seneca's original, April 12, 2012, application and supporting materials.

Dated at Montpelier, Vermont, this 19th day of October, 2012.

s/Bridgette Remington
Bridgette Remington, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: October 19, 2012

ATTEST: s/Judith C. Whitney
Deputy 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)