

STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 8887

Petition of Dairy Air Wind, LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, for the installation of a single turbine, 2.2 MW wind-powered electric generation facility in Holland, Vermont	
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Order entered: 03/17/2017

PREHEARING CONFERENCE ORDER

This case concerns a petition filed by Dairy Air Wind, LLC (“Dairy Air” or “Petitioner”), for a certificate of public good, pursuant to 30 V.S.A. § 248, for the installation of a single turbine, 2.2 MW wind-powered electric generation facility in Holland, Vermont (the “Project”).

On March 8, 2017, I held a prehearing conference in this matter. Appearances were entered by Jeanne Elias, Esq., Vermont Department of Public Service; Alison Milbury Stone, Esq., Legal Counselors & Advocates, PLC, on behalf of Dairy Air; David J. Mullett, Esq., Lynn, Lynn, Blackman & Manitsky, P.C., on behalf of Dairy Air; Randy J. Miller, Esq., Vermont Agency of Natural Resources; Cindy Ellen Hill, Esq., Hill Attorney PLLC, on behalf of Town of Holland (“Holland”); David Snedeker, Northeastern Vermont Development Association (“NVDA”); Dale Azaria, Esq., Vermont Division for Historic Preservation; Angela and Hollis Thresher, pro se; and Melanie Kehne, Esq., Office of the Vermont Attorney General, on behalf of the Vermont Agency of Agriculture, Food and Markets; In addition, the prehearing conference was attended by Mr. and Mrs. Bruce Wilkie, pro se; Annette Smith, Vermonters for a Clean Environment (by telephone); Vicky Farrand-Lewis, Citizens for Responsible Energy in Holland (by telephone). The intervention motions of Holland, NVDA, and the Threshers were granted.

At the prehearing conference, the parties developed the following proposed procedural schedule, which I hereby adopt:

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| 3/15/17 | Deadline for responses to Threshers’ objections to prefiled testimony and exhibits; |
| 3/30/17 | Site visit and public hearing; |

4/21/17	Deadline for motions to intervene;
5/05/17	Deadline for responses to motions to intervene;
5/26/17	Deadline for first round of discovery served on Petitioner;
6/21/17	Deadline for Petitioner's first round discovery responses;
6/30/17	Deadline for second round of discovery served on Petitioner;
7/21/17	Deadline for Petitioner's second round discovery responses;
8/15/17	Deadline for other parties' prefiled testimony;
8/30/17	Deadline for Petitioner's first round of discovery on other parties;
9/20/17	Deadline for responses to Petitioner's discovery;
10/13/17	Deadline for Petitioner's rebuttal prefiled testimony;
10/25/17	Deadline for other parties' discovery on Petitioner's rebuttal testimony;
11/15/17	Deadline for Petitioner's discovery responses;
11/22/17	Deadline for filing any stipulations; and
Week of 12/11/17	Technical Hearings.

The site visit shall commence at 3:00 P.M. at the proposed Project location. Parties are encouraged to coordinate in advance of the site visit and to file a suggested itinerary for visiting any off-site locations by no later than March 28, 2017.

Official notice of the time and location of the public hearing will be issued by the Clerk of the Board.

Several participants observed that under Vermont law and Board procedures, adjoining landowners are not required to be provided with a complete paper copy all petition materials, and that this may be particularly problematic for those adjoining landowners who may not have high-speed internet and whose ability to access materials via ePSB may be limited. As a potential solution to this problem, the Department suggested that the Petitioner could, voluntarily, provide paper copies of the petition to all adjoining landowners. The Petitioner is free to adopt this suggestion, or in the alternative, may provide a paper copy of the petition to an adjoining landowner upon request.

Parties are reminded that documents submitted in .pdf format should be in an “unlocked” format, i.e., searchable and extractable, rather than in an image format.

SO ORDERED.

Dated at Montpelier, Vermont, this 17th day of March, 2017.



Thomas Knauer
Hearing Officer

OFFICE OF THE CLERK

Filed: March 17, 2017

Attest: Holly R. Anderson
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@vermont.gov)

PSB Case No. 8887 - SERVICE LIST

Parties:

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Markets
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Markets)

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*Notice of appearance to be filed.
^Motion to Intervene pending.

Interested Persons:

Thomas Knauer, Hearing Officer, Lars Bang-Jensen, Esq., David Watts

Statutory Interested Persons:

Office of the Vermont Attorney General
c/o Mary-Kay Swanson, Executive Assistant
Pavilion Building - 109 State Street
Montpelier, VT 05609

Mark Levine, M.D., Commissioner
Vermont Department of Health
108 Cherry Street - P.O. Box 70
Burlington, VT 05402

James Duggan
Scott Dillon
Vermont Historic Preservation Division
One National Life Drive - Floor 6
Montpelier, VT 05620-0501

Joe Flynn, Secretary
Vermont Agency of Transportation
National Life Building - Drawer 33
Montpelier, VT 05633-5001

Town of Derby Select Board
124 Main Street
Derby, VT 05829

Town of Derby Planning Commission
124 Main Street
Derby, VT 05829

Village of Derby Center
428 Main Street – P.O. Box 137
Derby Center, VT 05829

Village of Derby Line
104 Main Street – P.O. Box 209
Derby Line, VT 05830

Town of Morgan Select Board
41 Meade Hill Road
Morgan, VT 05853

Town of Morgan Planning Commission
41 Meade Hill Road
Morgan, VT 05853

Town of Norton Select Board
12 VT Route 114E
Norton, VT 05907

Town of Norton Planning Commission
12 VT Route 114E
Norton, VT 05907

Unified Towns and Gores
Avery's Gore, Warren's Gore, & Warner's Grant
Island Pond, VT 05846

Town of Charleston Select Board
5063 VT Route 105
West Charleston, VT 05872

Town of Charleston Planning Commission
5063 VT Route 105
West Charleston, VT 05872

City of Newport Select Board
222 Main Street
Newport, VT 05872

City of Newport Planning Commission
222 Main Street
Newport, VT 05872

Municipal Council, Stanstead
Township/Canton de Stanstead
778, Chemin Sheldon
Canton de Stanstead, QC J1X 3W4
CANADA

Municipal Council, Ogden
70 Ogden Road
Ogden, QC J0B 3E3
CANADA

Municipal Council, Town of Stanstead/
Ville de Stanstead
425 Dufferin Street
Stanstead, QC, J0B 3E2
CANADA

Municipal Council, Stanstead-East/
Stanstead-Est
7015, Route 143
Stanstead-Est, QC, J0B 3E0
CANADA

Municipal Council, Barnston-West/
Barnston-Quest
741 Chemin Hunter
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Municipal Council, Coaticook
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