


112 State Street
4th Floor
Montpelier, VT 05620-2701
TEL: 802-828-2358



TTY/TDD (VT: 800-253-0191)
FAX: 802-828-3351
E-mail: puc.clerk@vermont.gov
Internet: <http://puc.vermont.gov>

**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in PUC Case No. 18-3231-PET
From: Micah Howe, Staff Attorney 
Re: Schedule, procedures, and logistics for evidentiary hearings
Date: September 26, 2019

Evidentiary hearings are currently scheduled in the above-referenced proceeding for October 11, 2019, and October 14, 2019 (if needed). In preparation for these hearings, the Vermont Public Utility Commission requests that parties submit a proposal containing the information specified below **by Wednesday, October 2, 2019**. The parties are encouraged to work collaboratively to prepare a joint proposal.

The proposal should include a schedule and order of witnesses, each party's estimate of the time it needs for cross-examination of each witness, and identify any days and times during the scheduled hearing days that any witness will not be available to testify.

Following receipt of the parties' proposal(s), the Commission will establish a schedule for witnesses and, if necessary and subject to any final revised estimates, set limits on the amount of time for cross-examination.

The Commission also asks that the parties be advised of the following procedures and daily schedules that the Commission plans to adopt in connection with the evidentiary hearings:

Pre-evidentiary hearing conference and daily meetings

- An informal meeting with Commission staff will be held at 9:00 A.M. in the Commission's hearing room prior to the start of the evidentiary hearing. Commission staff will use this time to meet with the parties' representatives to review and discuss any procedural or logistical issues that might arise that day. All parties intending to present evidence or conduct examination of witnesses on that day *must* attend.
- Issues to be discussed at the informal meetings will include: the schedule for the day; any stipulations or objections to the admission of testimony or exhibits; any corrections to testimony; any use of exhibits that were not prefiled with testimony; any use of prefiled testimony or exhibits that were filed under seal; and any other procedural, logistical, or scheduling matters.

Preparation and procedures before and at the evidentiary hearing

- Prior to the start of hearings:
 - The parties shall file as an exhibit in ePUC a **stipulated joint list of all the prefiled testimony and exhibits** for which there is no objection into the evidentiary record such that it is available for viewing in ePUC by **Tuesday, October 8, 2019**. The stipulated joint list and all referenced exhibits will be pre-admitted as a group at the evidentiary hearing so that the parties will not have to individually identify exhibits and prefiled testimony for admission at the evidentiary hearing.
 - Any **motions *in limine*** for issues beyond the scope of this proceeding should be filed the same date as the stipulated joint list of exhibits.
- Prior to the start of hearings on each hearing day:
 - A party that plans that day to use or seek admission of any exhibit that was not previously filed as an exhibit in ePUC should prepare and bring to the hearing room sufficient copies of such cross-exhibits for distribution to the Commissioners, Commission staff, the representatives of the other parties, the court reporter, and, as applicable, the witness(es).
 - Parties should distribute copies of any cross-exhibits to other parties prior to the commencement of hearings on that day.
 - Parties should mark for identification any exhibits that they plan to introduce into evidence that were not previously filed in ePUC.
 - Parties should mark each document as a separate exhibit, rather than introducing all of a witness's exhibits or a collection of different documents as a single exhibit.
- At the evidentiary hearings:
 - A witness should arrive at the hearing at least one-half hour prior to the scheduled time of their examination unless the witness is the first witness of the day.
 - Parties must provide the Commission with a copy of any corrected prefiled testimony that they move to admit (with corrections clearly marked in ink on a prefiled copy).
 - The Commission will not permit witnesses to orally summarize their testimony.
 - Time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.
 - Parties should provide copies of any admitted prefiled testimony to their testifying witnesses and have relevant exhibits on hand to facilitate cross-examination and redirect.

Daily schedule for evidentiary hearings

- Hearings will commence at 9:30 A.M. and generally conclude at 5:00 P.M. Nevertheless, the parties should be prepared for hearing days that conclude later than 5:00 P.M.
- The Commission will schedule a one-hour break for lunch around 12:30 P.M. on hearing days. The Commission currently anticipates that there will also be a 15-minute morning and afternoon break around 10:30 A.M. and 3:00 P.M. on most hearing days.

PUC Case No. 18-3231-PET - SERVICE LIST

Parties:

Sarah L. J. Aceves
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
sarah.aceves@vermont.gov

(for Vermont Department of Public Service)

Debra L. Bouffard, Esq.
Sheehey Furlong & Behm
30 Main Street, 6th Floor
P.O. Box 66
Burlington, VT 05402-0066
dbouffard@sheeheyvt.com

(for Consolidated Communications, Inc.)

James Porter, Esq.
Vermont Department of Public Service
112 State St
Montpelier, VT 05620
james.porter@vermont.gov

(for Vermont Department of Public Service)

Michael Shultz
Consolidated Communications, Inc.
770 Elm Street
Manchester, NH 03101
michael.shultz@consolidated.com

(for Consolidated Communications, Inc.)