

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 8585

Investigation into Meteorological Tower at 700 Kidder Hill Road in Irasburg, Vermont	
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Order entered: 04/10/2020

PROCEDURAL ORDER RE SCHEDULE

On March 12, 2020, I issued an order seeking recommendations from the parties to this proceeding on how to proceed in light of my February 28, 2020, order denying a motion to compel discovery filed by the respondent, David Blittersdorf.

On March 27, 2020, the respondent and the Department of Public Service each filed recommendations.¹

The Department proposes a schedule that envisions an evidentiary hearing via video conference in mid-April with briefs and reply to briefs to follow.

The respondent recommends that a hearing be scheduled only after the Governor's current Stay Home/Stay Safe order is lifted.² The respondent raises several other issues with respect to the process employed in this investigation and states his intent to subpoena witnesses from both the Department of Public Service and the Agency of Natural Resources.

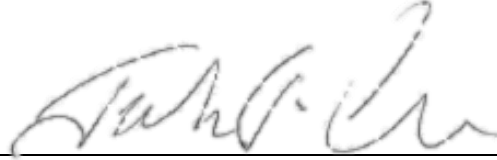
At this time, however, there remains pending the respondent's motion for reconsideration of my February 28 denial of his motion to compel discovery from the Department of Public Service. Until the Commission rules on that motion, it would be premature to establish a schedule for the remainder of this proceeding. I will revisit the parties' recommendations at that time.

¹ On April 8, 2020, the Agency of Natural Resources filed a letter in this matter. The Agency states that it "takes no position on the remaining schedule and at this time defers to the other parties on scheduling matters." The Agency states that it was filing its letter to take the "opportunity to address two misrepresentations made by Respondent's counsel in the letter filed on March 27, 2020. The Agency wishes to correct the record." Letter from Kane Smart, Esq. to Judith Whitney, Clerk of the Commission, dated April 7, 2020. The Agency's concerns will be addressed at an appropriate time if necessary.

² The Stay Home/Stay Safe order is the March 24, 2020, Addendum 6 to the Governor's March 13, 2020, Executive Order 20-01 declaring a state of emergency due to the spread of the COVID-19 virus.

SO ORDERED.

Dated at Montpelier, Vermont, this 10th day of April, 2020.



John J. Cotter, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: April 10, 2020

Attest: 
Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 8585 - SERVICE LIST

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