STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-1611-INV

Investigation pursuant to 30 V.S.A. §§ 30 and 209 into whether the petitioner initiated site preparation at Apple Hill in Bennington, Vermont, for electric generation in violation of 30 V.S.A. § 248(a)(2)	

Order entered: 08/26/2020

ORDER DENYING DEVELOPER'S MOTION TO VACATE PRELIMINARY INJUNCTION HEARING AND NOTICE OF RESCHEDULED PRELIMINARY INJUNCTION HEARING

I. INTRODUCTION

On July 1, 2020, Apple Hill Solar LLC, with related entities Allco Renewable Energy Limited, and its affiliates, which include Chelsea Solar LLC, Apple Hill Solar LLC, and PLH LLC (collectively, the "Developer") filed a motion with the Vermont Public Utility Commission ("Commission") to vacate the injunction hearing scheduled for July 9, 2020. We had scheduled that hearing following our issuance of a temporary restraining order ("TRO") on June 26, 2020, to provide the Developer with the earliest opportunity to challenge the TRO.

On July 2, 2020, in response to the Developer's motion, the Commission postponed the injunction hearing and set a briefing schedule on the Developer's motion.

On August 17, 2020, the Developer submitted a motion to dissolve the TRO.

In today's Order, we deny the Developer's motion to vacate and provide notice to the parties that an oral argument and evidentiary hearing to address whether to grant an injunction or dissolve the TRO will be held by videoconference on September 8, 2020, at 1 P.M. The hearing will be before all three members of the Commission. Comments in response to the Developer's motion to dissolve the TRO are due by noon on August 31, 2020. A status conference in preparation for the September 8, 2020, evidentiary hearing will be conducted by videoconference at 3:00 P.M on August 31, 2020, with the Commission staff.

II. BACKGROUND

On May 16, 2013, the Commission approved the Developer's petition for a standard-offer contract for the electrical energy to be generated by the "Bennington" facility, which is one of two proposed 2.0 MW solar electric generation facilities to be located on a 27-acre parcel on Apple Hill in Bennington, Vermont. The Commission also denied the Developer's request for a standard-offer contract for the second proposed facility, the adjacent Apple Hill facility.

On June 20, 2013, the Developer executed a standard-offer contract for the Bennington facility. Paragraph 7 of that contract contained development milestones, including a requirement that the Petitioner commission the project by no later than June 19, 2015.[1] In later orders, the Commission extended the deadlines for these development milestones.[2]

After the Commission's denial of a standard-offer contract for the Apple Hill facility, the Developer successfully appealed that determination to the Vermont Supreme Court, which reversed the Commission's determination.[3]

On May 13, 2014, Apple Hill Solar LLC, on behalf of the Developer, was awarded a standard-offer contract for the electrical energy to be generated by the second of the two solar facilities proposed for the Apple Hill site. Paragraph 7 of that contract contained development milestones, including a requirement that the Developer commission the project by no later than May 12, 2016. In later orders, the Commission extended the deadlines for these development milestones.[4]

[1] The Vermont Standard Offer Purchase Power Agreement is between Ecos Energy, LLC and VEPP Inc., a Vermont nonprofit corporation.

[2] *In re request of Sudbury Solar, LLC and Chelsea Solar, LLC for an extension of time to commission their respective solar electric generating projects*, Order of 1/8/15; ***Error! Main Document Only.*** *In re request of Chelsea Solar LLC for an extension of time to commission a solar electric generating project in Bennington, Vermont*, Order of 3/31/16; *Petition of Chelsea Solar, LLC for relief from standard-offer contract milestone*, Case No. 17-4695-PET, Order of 3/15/18; *Petition of Chelsea Solar, LLC for relief from standard-offer contract milestone*, Case No. 19-2179-PET, Order of 8/20/19.

[3] *In re Programmatic Changes to the Standard-Offer Program and Investigation into the Establishment of Standard-Offer Prices under the Sustainably Priced Energy Enterprise Development (SPEED) Program*, 2014 VT 29.

[4] ***Error! Main Document Only.****In re request of Apple Hill Solar LLC for an extension of time to commission a solar electric generating project in Bennington, Vermont*; Order of 3/31/16; *Petition of Apple Hill Solar LLC for relief from standard-offer contract milestone*, 18-3727-PET, Order of 12/27/18; *Petition of Apple Hill Solar LLC for relief from standard-offer contract milestone*, 20-0185-PET, Order of 03/12/20.

On February 16, 2016, in Docket 8302, the Commission denied the Developer's request for a certificate of public good ("CPG") for the Chelsea Solar facility located on the site of the Bennington facility for which a standard-offer contract was executed on June 20, 2013.[5]

On September 26, 2018, in Docket 8454, the Commission approved the Developer's request for a CPG for the Apple Hill solar facility for which a standard-offer contract was issued on May 13, 2014.[6] Neighbors appealed the Commission's approval of the Apple Hill facility. The Vermont Supreme Court then reversed the Commission's approval determination in part and remanded the case to the Commission for further action consistent with its remand.[7]

On December 27, 2018, the Commission issued an order extending the commissioning deadline in the standard-offer contract for the proposed Apple Hill facility a second time.[8] The commissioning deadline in the Developer's May 13, 2014, standard-offer contract for Apple Hill was extended to twelve months after the date the Vermont Supreme Court issues a mandate letter for any appeal taken with respect to the Commission's final order in Docket 8454.

On June 12, 2019, in Case No. 17-5024-PET, the Commission denied an amended petition for the Bennington facility, now referred to as the Willow Road facility, for which a standard-offer contract was executed on June 20, 2013.[9] The Willow Road determination has been appealed to the Vermont Supreme Court, where that matter is still pending.

On August 20, 2019, the Commission issued an order extending the commissioning deadline in the standard-offer contract for the Bennington/Chelsea/Willow Road facility a fourth time.[10] In this fourth extension, the commissioning deadline in the Developer's June 20, 2013, standard-offer contract was extended to twelve months after the date the Vermont Supreme

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[5] *Petition of Chelsea Solar LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 2.0 MW solar electric generation facility at 500 Apple Hill Road, Bennington, Vermont*, Docket 8302, filed 6/19/14.

[6] *Petition of Apple Hill Solar LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 2.0 MW solar electric generation facility at 1133 Willow Road in Bennington, Vermont*, Docket 8454.

[7] *In re Petition of Apple Hill Solar LLC*, 2019 VT 64.

[8] *Petition of Apple Hill Solar LLC for relief from standard-offer contract milestone*, Case No. 18-3727-PET, Order of 12/27/18.

[9] *Petition of Chelsea Solar LLC, pursuant to 30 V.S.A. § 248, for a certificate of public good authorizing the installation and operation of the "Willow Road Project," a 2.0 MW solar electric generation facility on Willow Road in Bennington, Vermont*, Case No. 17-5024.

[10] *Petition of Chelsea Solar, LLC for relief from standard-offer contract milestone*, Case No. 19-2179-PET, Order of 8/20/19.

Court issues a mandate letter for an appeal taken with respect to the Commission's final order in Case No. 17-5024-PET.

On March 12, 2020, the Commission issued an order extending the commissioning deadline for the proposed Apple Hill facility a third time to twelve months after the Commission issued its decision on remand in Docket 8454.[11]

On May 7, 2020, the Commission issued a final order on remand denying a CPG for the proposed Apple Hill facility in Docket 8454.

On Friday, June 26, 2020, in this proceeding (Case No. 20-1611-INV), the Commission conducted an evidentiary hearing into whether the Developer initiated site preparation for electric generation in violation of 30 V.S.A. § 248(a)(2) at Apple Hill in Bennington, Vermont. During the hearing the Developer testified that it still plans to build a combined 4.0 MW of solar electric generation at the Apple Hill site using two facilities, that it had engaged a forester to clear-cut trees at the Apple Hill site that is the subject of the two standard-offer contracts, and that the clear-cutting was occurring.[12]

On the same day as the hearing, the Commission issued the TRO against the Developer and the Developer's subsidiaries and contractors. The TRO prohibited any further tree clearing at the Apple Hill site. This includes the proposed sites of the Bennington and Apple Hill facilities that are the subject of the Developer's two standard-offer contracts, as well as the proposed Chelsea, Apple Hill, and Willow Road facilities, including any and all property identified in the applications for those facilities as being part of the proposed project. The Commission scheduled a hearing on July 9, 2020, into whether to issue a preliminary or permanent injunction under Commission Rule 2.406, and whether an injunction is necessary to avoid irreparable harm.[13]

On July 1, 2020, the Developer filed the motion to vacate the injunction hearing scheduled for July 9, 2020 (the "Developer's Motion").

On July 2, 2020, the Commission issued an order postponing the injunction hearing. The Commission interpreted the Developer's Motion as indicating that the Developer did not object

[11] *Petition of Apple Hill Solar LLC for relief from standard-offer contract milestone*, 20-0185-PET, Order of 03/12/20.

[12] Tr. 6/26/20, at 11, 64-70, 81, 82, 89, 90 (Melone).

[13] TRO at 1 and 7.

to a later scheduling of the injunction hearing in this matter so that the Commission could rule upon the Developer's pending motion. The Commission set a deadline of July 15, 2020, for the parties to respond to the Developer's Motion.

On July 15, 2020, the Apple Hill Homeowners Association, Libby Harris, and the Mount Anthony Country Club (collectively, the "Intervenors"), the Vermont Department of Public Service ("Department"), and the Vermont Agency of Natural Resources ("ANR") filed comments opposing the Developer's Motion (the "Intervenors' Comments," the "Department's Comments," and "ANR's Comments," respectively).

On July 16, 2020, the Developer filed a reply to the parties' comments (the "Developer's Reply"). The Developer did not challenge the Commission's July 2, 2020, conclusion that the Developer did not object to a later scheduling of the injunction hearing in this matter so that the Commission could rule upon the Developer's pending motion.

III. Positions of the Parties

The Developer

In the Developer's Motion, the Developer contends that "the Commission has no authority to issue preliminary or permanent injunctive relief in this matter."[14] The Developer argues that the Commission's statutory authority is limited and that it may not issue a temporary restraining order in this circumstance because the Developer is not a "company" as defined under Title 30.[15]

The Developer asserts that, if it were a company, Title 30 only allows for the Department to seek injunctive relief "in Superior Court, not before the Commission."[16] The Developer contends that if the Developer were "some entity that violated section 248's prohibition on site preparation," such an allegation "would fall squarely with within 30 V.S.A. § 30(h)," which does not allow the Department to seek injunctive relief.[17]

Finally, in its motion the Developer argues, without support, that the "Commission only attains jurisdiction over the operation of those facilities and the petitioners once the CPG is

[14] Developer's Motion at 1.
[15] *Id.* at 5.
[16] *Id.*
[17] *Id.* at 6.

issued" and that, because no CPG has been issued, the Commission has no jurisdiction over the Developer.[18]

In the Developer's Reply, the Developer responds to the parties' comments by reiterating the arguments made in the Developer's Motion. The Developer also asserts that the parties do not "explain how their view is remotely consistent with section 7061, which is the only provision of Title 30 that authorizes the Commission to take action to pursue injunctive relief."[19] The Developer argues that its clear-cutting activities on Apple Hill are being done to allow for sheep grazing incidental to solar electric generation and concludes with the assertion that:

> The filing of [a] section 248 application does not provide the Commission general jurisdiction over either the applicant, connected persons, or the land. The Commission's jurisdiction is limited to making a decision on the application itself. Only if a CPG is issued might there attach conditions to the use of the land on which the solar facility sits, but until then the Commission has no jurisdiction and no authority to issue an injunction to prevent a landowner from using its land for farming.[20]

The Department

In its comments, the Department argues that "the Commission has the authority to grant injunctive relief where such an extraordinary measure is merited" because the Commission is a court of record under 30 V.S.A. § 9 and because the procedure for the Commission to issue a TRO is stated in Commission Rule 2.406, which is "analogous" to Vermont Rule of Civil Procedure 65.[21] The Department contends that the Commission's ability to issue a TRO has been reviewed and recognized by the federal district court for the District of Vermont.[22]

The Department asserts that the Developer's argument provides an incomplete picture because the authority referenced by the Developer applies only when the Department is seeking injunctive relief, not when other parties seek that relief. The Department observes that the

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[18] *Id.* at 7.

[19] Developer's Reply at 6.

[20] Developer's Reply at 8-9 (citing 10 V.S.A. 6081(s)(1) ("No permit amendment is required for farming that: (A) will occur on primary agricultural soils preserved in accordance with section 6093 of this title; or (B) will not conflict with any permit condition issued pursuant to this chapter. (2) Permits shall include a statement that farming is permitted on lands exempt from amendment jurisdiction under this subsection.")).

[21] Department's Comments at 1-2.

[22] *Id.* at 3 (citing *Global NAPS, Inc.*, No. 2:09-CV-292, 2010 WL 11537869).

Commission has a long history of relying on different statutory authority to provide injunctive relief.[23]

The Department argues that the Developer made itself subject to the jurisdiction of the Commission when it filed its petition for a CPG because that action made the Developer a "company" along with its affiliates and subordinate entities doing business at the Apple Hill site.[24] The Department therefore recommends that the Commission amend the TRO to accurately reflect the respondent's parent company name of Allco Renewable Energy Limited "over which the Commission has regulatory authority."[25]

ANR

ANR agrees with the Department's position that the Commission has jurisdiction to issue a TRO in this matter. ANR asserts that "the Commission's jurisdiction in this matter extends to the entire 27-acre parcel on which the Apple Hill and Willow Road (formerly Chelsea) solar projects have been proposed, and to all entities affiliated with the petitioners for those two projects."[26] ANR recommends that the "TRO be amended to reflect that the Commission has

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[23] *Id*. (citing *Application of Green Mountain Power Corp. for A Certificate of Pub. Good for an Interconnected Grp. Net-Metered Wind Turbine.,* No. NM-1646, Order of 7/11/13 (where petitioners requesting preliminary injunction were adjacent landowners); *Vermont Legal Aid Request for Moratorium on Util. & Telecommunications Shutoffs During State of Emergency,* Case No. 20-0703-PET, Order of 3/18/20 (where petitioner requesting temporary relief under Commission Rule 2.406 was Vermont Legal Aid)). The Department also noted that where circumstances call for it, the Commission has waived the procedural requirements of Rule 2.406. *Id.* (citing NM-1646, Order of 7/11/13 at 11. ("While they have not termed it as such, the Mammolitis' request is properly treated as a motion for preliminary injunction pursuant to [Commission] Rule 2.406(A)(2)"); Case No. 20-0703-PET, Order of 3/18/20 at 2 ("While Rule 2.406(B) ordinarily requires affidavits or a verified petition, we waive this requirement in light of the emergency situation presented to us today.")).

[24] *Id*. at 4. The Department asserts that PLH LLC as the parcel landowner submitted itself to the jurisdiction of the Commission upon the filing of its sister company Apple Hill's petition for a certificate of public good to install and operate a solar facility on the same parcel. *Id.* (citing 30 V.S.A. § 201(a) ("[T]he word "company" or "companies" means and includes individuals, partnerships, associations, corporations, and municipalities *owning or conducting any public service business or property* used in connection therewith and covered by the provisions of this chapter.") (emphasis added); 10 V.S.A. § 6001(14)(A)(iii) (""Person"…includes individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from the partition or division of land…")).

[25] Department Comments at 5 (citing *Petition of Chelsea Solar LLC*, Case No. 17-5024-PET, Order of 6/12/19 at 56 nn.70, 71).

[26] ANR Comments at 1.

regulatory jurisdiction over PLH LLC, PLH Vineyard Sky, LLC, Allco Renewable Energy Limited, Chelsea Solar LLC and Apple Hill Solar LLC."[27]

The Intervenors

The Intervenors assert that the Commission has the authority to issue injunctive relief because it is a court of record under 30 V.S.A. § 9 and can issue orders under Commission Rule 2.406, which "clarifies that the Commission has the authority to issue injunctions and provide procedural direction on the decision-making process."[28] The Intervenors also argue that "the notion that Apple Hill Solar LLC is not subject to the jurisdiction of the [Commission] when they are a party in interest seeking the CPG is totally without merit."[29]

IV. DISCUSSION

We are not persuaded by the Developer's arguments that the Commission does not have jurisdiction over the Developer and its associated entities.[30] We have the authority to provide injunctive relief in this matter to address any violations of the prohibition in 30 V.S.A. § 248(a)(2)(A) against site preparation without a certificate of public good.

The Commission has Jurisdiction over the Developer

We have jurisdiction over the Developer pursuant to 30 V.S.A. §§ 209(a)(8) and 248(a)(2)(A). The Developer has two standard-offer contracts and it is in active pursuit of CPG authorization to build two 2.0 MW solar electric generation facilities on Apple Hill in Bennington, Vermont, to take advantage of those standard-offer contracts. Having submitted two petitions for CPGs for the proposed Chelsea Solar/Willow Road facilities and an original petition that was later amended for the proposed Apple Hill facility, the Developer has been continuously engaged in seeking CPG authorization to build these facilities since it acquired the standard-offer contracts in 2013 and 2014. The Developer's actions on Apple Hill continue to be

[27] *Id*. at 2.
[28] Intervenors' Comments at 4.
[29] *Id*.
[30] The respondents in this investigation include PLH LLC, PLH Vineyard Sky, LLC, Allco Renewable Energy Limited, Chelsea Solar LLC and Apple Hill Solar LLC.

part of the Developer's plan to develop the site for the two facilities that are the subject of its standard-offer contracts.

Section 209 of Title 30 addresses the Commission's jurisdiction, in part, as follows:

> (a) General jurisdiction. On due notice, the Commission shall have jurisdiction to hear, determine, render judgment, and make orders and decrees in all matters provided for in the charter or articles of any corporation owning or operating any plant, line, *or property subject to supervision under this chapter*, and shall have like jurisdiction in all matters respecting:
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> (8) the sale to electric companies of electricity generated by facilities:
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> (A) that produce electric energy solely by the use of biomass, waste, renewable resources, cogeneration, or any combination thereof; and
> (B) that are owned by a person not primarily engaged in the generation or sale of electric power, excluding power derived from facilities described in subdivision (A) of this subdivision (8).[31]

In 2013 and 2014, the Developer signed standard-offer contracts to sell electricity derived from solar electric generation facilities on Apple Hill in Bennington, Vermont. By doing so, the Developer became subject to the Commission's jurisdiction. As long as the Developer does not relinquish the two standard-offer contracts at the Apple Hill site and abandon development of the facilities to be located there, the Developer is subject to the Commission's jurisdiction pursuant to 30 V.S.A. § 209(a)(8).

The Developer is incorrect in its unsupported argument that the Commission's jurisdiction over the Apple Hill site would only arise after a CPG is issued. As long as the Developer's actions are part of its plan to sell renewable energy generated on Apple Hill to an electric company using the standard-offer contract, the Developer is subject to the Commission's jurisdiction. Such actions by the Developer include both the filing and amendment of any CPG petitions for the Apple Hill facilities, the clear-cutting activities that the Developer was engaging

[31] 30 V.S.A. § 209 (emphasis added); *see also, Amended Petition of Vermont Gas Systems, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248 authorizing the construction of the "Addison Natural Gas Pipeline" consisting of approximately 43 miles of new natural gas transmission pipeline in Chittenden and Addison Counties, approximately 5 miles of new distribution mainlines in Addison County, together with three new gate stations in Williston, New Haven and Middlebury, Vermont*, Docket 7970, Order of 8/4/14 at 3 (Commission temporarily halted all soil-disturbing activity of pipeline project pending completion of soil management plan pursuant to its general supervisory jurisdiction as a precautionary measure to protect public health and safety).

in here and that would have an impact on rare plants on the site, and any other acts in preparation of the site for electric generation.

Additionally, Section 248(a)(2)(A) provides the Commission with the authority to oversee and limit preparation of the Apple Hill site by the Developer:

> (A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility, energy storage facility, or electric transmission facility within the State that is designed for immediate or eventual operation at any voltage.

The Developer is a "person" as defined in 10 V.S.A. § 6001(14):

> "Person":
> (i) shall mean an individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership; …
> (iii) includes individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from the partition or division of land.

If 30 V.S.A. § 248(a)(2)(A)'s prohibition on site preparation in advance of obtaining a CPG is to have any meaning, then: (1) the Commission's jurisdiction over a "proposed site" attaches as soon as that site is designed for immediate or eventual operation of an electric generation facility, and (2) a "proposed site" remains within the Commission's jurisdiction until there is a "ceasing and abandoning" of the proposed use of the site for an electric generation facility, supported by sufficient evidence, that negates the use of the land for that purpose, and, thus, the need for Commission review.[32] The general jurisdiction conferred under Section 209 over "property subject to supervision under this chapter" further enhances the Commission's particular jurisdiction over pre-construction site preparation on the property proposed for siting an electric generation facility, such as those proposed by the Developer here.

Otherwise, developers could submit an application and, while it is pending, begin site preparation in advance of receiving Commission approval, thereby mooting out ANR, the Agency of Agriculture Foods & Markets, and other agencies' review of such facilities under the Section 248 criteria. Agency-proposed conditions or objections would be meaningless and facilities that would otherwise present an undue impact under the Section 248 criteria could

[32] *In re Audet,* 2004 VT 30, ¶ 13, 176 Vt. 617, 850 A.2d 1000 (mem.) (providing analysis of abandonment in Act 250 context).

perform the work that creates that impact before approval. Contrary to statute, the Commission would then be reviewing the site for a proposed facility not at the time it is filed, but instead, at the moment before the CPG is issued. Thus, jurisdiction must attach, at the latest, at the time a developer submits an application for a proposed facility.

Further, the denial of the Chelsea Solar, Apple Hill Solar, and Willow Road Solar facilities by the Commission is not evidence of ceasing and abandoning those projects. In addition, in this instance, there is sufficient evidence to demonstrate a commitment to proceed, including the following: the Developer still has standard-offer contracts for two 2.0 MW solar electric generation facilities on Apple Hill, the Developer is actively pursuing reconsideration and appeal of denials of its petitions, and clearing the trees from the 27-acre plot would serve to prepare the site for development of the proposed solar electric generation facilities.

The Developer admitted at the hearing that it intends to pursue these electric generation facilities and has not abandoned those proposals. The Developer acknowledges that the act of clear-cutting trees on Apple Hill would be a necessary action to prepare the site for a solar facility. The Developer also states that it plans to build solar facilities on the Apple Hill site in order that it may sell the renewable electricity generated by those facilities pursuant to the terms of its standard-offer contracts. Therefore, the Commission has the jurisdiction to oversee the Developer and has the jurisdiction to take the extraordinary step of providing injunctive relief pursuant to Commission Rule 2.406, if appropriate.

The Commission has the Authority to Grant Injunctive Relief

As discussed by the parties, pursuant to 30 V.S.A. § 9:

> The Commission shall have the powers of a court of record in the determination and adjudication of all matters over which it is given jurisdiction. It may render judgments, make orders and decrees, and enforce the same by any suitable process issuable by courts in this State.

As observed by the Department and ANR, Commission Rule 2.406 has long been used by the Commission to address requests by parties for injunctive relief, like the case here.

The Developer's arguments that Section 30(h) and Section 7061 of Title 30 limit the Commission's authority are wholly misplaced. That statutory guidance in Title 30 is

inapplicable to the Commission but instead applies to the Department and the Enhanced E911 Board, respectively.

Section 7061 is in Chapter 87 of Title 30, which applies to Enhanced 911; Emergency Services. The Developer refers to Section 7061(a), which states: "The Board may file a civil action for injunctive relief in Washington County Superior Court to enforce a provision of this chapter or a rule adopted by the Board under this chapter. The court shall award the Board its costs and reasonable attorney's fees in the event that the Board prevails in an action under this subsection." Under Chapter 87 of Title 30, the "Board" means the Vermont Enhanced 911 Board established under section 7053 of Title 30.[33] Contrary to the Developer's arguments, this reference to the "Board" is not a reference to the Public Utility Commission.

V. Conclusion

We are not persuaded by the Developer's arguments and deny its motion to vacate the order scheduling an injunction hearing. An oral argument and evidentiary hearing to address whether to grant an injunction or dissolve the TRO will be held by videoconference before the Commission on September 8, 2020, at 1 P.M. The hearing will be before all three members of the Commission. Comments in response to the Developer's motion to dissolve the TRO are due by noon on August 31, 2020. A status conference in preparation for the September 8, 2020, evidentiary hearing will be conducted by videoconference at 3:00 P.M on August 31, 2020, with the Commission staff. With the exception of the time and date, the guidance for the injunction hearing provided in our procedural order of July 1, 2020, remains applicable.

So Ordered.

[33] *See* 30 V.S.A. § 7051 Definitions at (4).

Dated at Montpelier, Vermont, this 26th day of August, 2020.

Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
Margaret Cheney	)	COMMISSION
	)	
Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: August 26, 2020

Attest: ______________________________
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. 20-1611-INV - SERVICE LIST

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