



DOCKETING STATEMENT
Vermont Rule of Appellate Procedure (V.R.A.P.) 3(e)

Supreme Court Docket No. (if known): 2020-242
Investigation pursuant to 30 V.S.A. §§ 30 & 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)

Case Name: _____

Filed by or on behalf of: Vermont Department of Public Service
(party name)

Choose One: ☐ Appellant
☒ Appellee

Appellee need not complete Sections A or B unless Appellee disagrees with Appellant's answers.

A. Original Court/Board Information

1. Court/Board Name: Vermont Public Utility Commission
2. Court/Board Docket No.: 20-1611-INV
3. Judge Name (if applicable): _____
4. Date of Decision Being Appealed: 6/26/20, 8/26/20
5. Date Notice of Appeal Filed: Appears to have been filed with ePUC 9/8/20

B. Brief Description of Case. (Separate sheet may be attached)

Appellants commenced site-clearing activities on the 27-acre parcel where Appellants propose to construct two solar generating facilities (the "Apple Hill" project and the "Chelsea" or "Willow Road" project). Appellants do not have certificates of public good for these facilities. The Public Utility Commission (PUC) issued a temporary restraining order on June 26, 2020 and scheduled a preliminary injunction (PI) hearing for July 9, 2020. Appellants moved to vacate that hearing, which was continued. The PUC denied the motion to vacate and reset the PI hearing for September 8, 2020. At an August 31, 2020 status conference, Appellants requested discovery before the PI hearing, and the PI hearing was continued. Appellants then filed this appeal.

C. Statement of Issues to be Raised on Appeal. (Separate sheet may be attached)

Whether the PUC had authority and basis to issue a temporary restraining order against appellants' site-clearing activities on proposed solar generation sites.

Whether appellants conducted site clearing activities in violation of 30 V.S.A. § 248(a)(2).

- D. Is the decision being appealed a written order? ☒ Yes ☐ No
(If yes, please attach)

E. Transcripts

Are transcripts necessary for the appeal?

☐ Yes ☐ No

If yes, have you ordered transcripts?

☐ Yes ☐ No

If ordered, attach a copy of the receipt from the transcription company.

If you have already ordered and received transcripts that you want to include in the record on appeal, you must list those hearing dates below and arrange to have the transcription service transmit the transcript to the Court.

For Appellee Only:

Do you agree as to which transcript(s) are necessary for the appeal?

☒ Yes ☐ No

If not, see V.R.A.P. 10(b)(5).

F. Expedited Resolution

Is this matter appropriate for expedited disposition by a three-Justice panel?

☐ Yes ☒ No

See criteria in V.R.A.P. 33.2(b).

Please Explain. *(Separate sheet may be attached)*

If the Court reaches the merits, this appeal will not be appropriate for expedited disposition because it involves a matter of substantial public interest; that is, the PUC's authority to restrain site-clearing activities on proposed solar generation sites that have not obtained construction approval.

Signature: /s/ Sarah L. J. Aceves

Date: 9/22/2020

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