

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30)
and 209 into whether the petitioner initiated)
site preparation at Apple Hill in Bennington,) Case No. 20-1611-INV
Vermont, for electric generation in violation)
of 30 V.S.A. § 248(a)(2))

**DEPARTMENT OF PUBLIC SERVICE RESPONSE TO NOTICE OF PRELIMINARY
INJUNCTION HEARING**

On November 13, 2020, the Public Utility Commission (“Commission”) issued a Notice of Preliminary Injunction Hearing wherein it ordered the parties to this case to file statements identifying the witnesses they intend to call at the December 4, 2020 preliminary injunction hearing, the time expected for direct examination of each witness and a brief description of the nature of the witness’ testimony.

The Department of Public Service (“Department”) hereby notifies the Commission that it will not be calling any witnesses at the hearing but does reserve approximately 10 minutes for direct examination of any witnesses called by other parties to this proceeding. The Department does not object to the Commission’s proposal that all materials filed to date in this proceeding be admitted as evidence. The Department further notifies the Commission that it will rely on its filings to date as well as testimony and exhibits given and filed by the parties to this proceeding to support the Department’s conclusion that that the site clearing that is the subject of this proceeding violates 30 V.S.A. § 248(a)(2). Finally, in order to avoid irreparable harm, the Department supports issuance of a preliminary injunction under Commission Rule 2.406.

Dated at Waterbury, Vermont, this 25th day of November, 2020.

Vermont Department of Public Service

By: /s/Sarah L. J. Aceves
Sarah L. J. Aceves, Special Counsel
O: 802-828-3167
C: 202-423-3363
sarah.aceves@vermont.gov

cc: Service List