

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30 and 209 ) Case No. 20-1611-INV  
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) )

**VERMONT AGENCY OF NATURAL RESOURCES MOTION TO MODIFY  
SCHEDULE**

On December 8, 2020, the Vermont Public Utility Commission (“Commission”) issued a procedural order concerning post-hearing deadlines and “requirements for the parties to observe that were established in the hearing” held on December 4.<sup>1</sup> The order recited the deadlines established for post-hearing briefs (January 8, 2021) and reply briefs (January 19, 2021). As indicated in the order, the briefing schedule “was premised on the timely completion of additional discovery as discussed at the hearing,” which necessitated the development of a “reasonable and timely schedule for ANR to respond to the Developer’s pending discovery requests.”<sup>2</sup>

Since the time of the hearing, the Agency and the Developer have been working diligently and in good faith on a mutually agreeable approach to allow for the completion of discovery as referenced in the December 8 order. The Developer and the Agency reached agreement yesterday, the essence of which is the Agency will respond to revised

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<sup>1</sup> Case No. 20-1611, Order dated December 8, 2020, at page 1.

<sup>2</sup> *Id.* at page 1.

and limited discovery requests from the Developer and, in addition to those responses, the parties will also file in this matter the Agency's first and second round discovery responses (including all documents produced with those responses) from the Warner Solar matter (Case No. 19-0516). The Developer agreed that the Agency will have until January 8 to respond to the Developer's revised discovery requests. The Agency and the Developer further agreed to propose, for Commission approval, modifications to the briefing deadlines in accordance with the following schedule.

**January 8, 2021** – ANR Responds to Developer's revised discovery requests.

**January 29, 2021** – Initial post-hearing briefs due.

**February 12, 2021** – Reply briefs due.

Good cause exists for these modifications as they will allow the parties to accomplish the requirements established at the hearing in a reasonable and timely fashion. Further, this approach avoids a potential discovery dispute which would only result in additional expenditure of the parties' and Commission's resources and add further delay to the resolution of this matter.

Undersigned counsel has discussed this proposed schedule with counsel for the Department of Public Service and counsel for the Intervenors and is authorized to represent that all parties consent to these proposed schedule modifications.

Dated December 17, 2020, at Waterbury, Vermont.

Respectfully submitted,  
State of Vermont  
Agency of Natural Resources



By:

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