

II. ARGUMENT

The Commission has been divested of jurisdiction on all matters relating to the scope of the Appeal. *Kotz v. Kotz*, 134 Vt. 36 (1975) id. at 38 (“the lower court is divested of jurisdiction as to all matters within the scope of the appeal.”). The Commission no longer has jurisdiction over the penalty phase of the investigation as the merits of the Final Order are within the scope of the Appeal and could be overturned if Allco is successful.

III. CONCLUSION

Given that the Commission no longer has jurisdiction while the Appeal is pending, Allco respectfully moves the Commission to stay the penalty phase of these proceedings pending resolution of the Appeal.

Respectfully submitted on April 16, 2021,

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