



**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in Commission Case Number 21-4060-PET
From: Micah Howe, Staff Attorney 
Re: Schedule, procedures, and logistics for evidentiary hearing
Date: April 27, 2022

An evidentiary hearing is scheduled in the above-referenced proceedings to begin at 9:30 A.M. on Thursday, May 5, 2022. The hearing will take place remotely. Information on how to access the remote hearing may be found in the Notice of Hearing issued in this case on April 19, 2022.

In preparation for the hearing, the Vermont Public Utility Commission requests that the parties file proposals, or preferably a collaboratively prepared joint proposal, containing the information specified below by **Tuesday, May 3, 2022**. The proposal should include a schedule and order of witnesses, each party's estimate of the time it needs to cross examine each witness, and any times during the scheduled hearing days that any specific witness will not be available to testify. If the parties do not file a joint proposal, the Commission will establish a schedule for witnesses and, if necessary, set limits on the amount of time for cross examination.

The Commission requests that the parties file a stipulated joint list of prefiled testimony and exhibits to be entered into the evidentiary record.¹ The list shall be filed by **8:00 A.M. on the day during which the exhibits are intended to be used**. The stipulated joint list will be marked as an exhibit, and the list along with all referenced exhibits will be pre-admitted as a group at the hearing so that the parties will not have to individually identify exhibits and prefiled testimony for admission at the hearing.

The Commission also asks that the parties be advised of the following procedures and schedule that the Commission plans to adopt in connection with the evidentiary hearing.

- Pre-evidentiary hearing conference:
 - An informal meeting with Commission staff will be held at **9:15 A.M.** via the same Go To Meeting link as the hearing **before the beginning of the evidentiary hearing**.

¹ The stipulated joint list should follow the conventions established in the Commission's March 12, 2018, and May 8, 2018 memoranda, available at: http://puc.vermont.gov/sites/psbnew/files/doc_library/MemoReExhibitLists.pdf; http://puc.vermont.gov/sites/psbnew/files/doc_library/ePUC-MemoReDocumentNumbersForTestimony-Exhibits.pdf.

Commission staff will use this time to meet with the parties' representatives to review and discuss any procedural or logistical issues that might arise that day. All parties who intend to conduct examination of witnesses on that day *must* attend.

- Issues to be discussed at the informal meeting will include: the schedule for the day; any stipulations or objections to the admission of testimony or exhibits; any corrections to testimony; any use of exhibits that were not prefiled with testimony; any use of prefiled testimony or exhibits that were filed under seal; and any other procedural, logistical, or scheduling matters.
- Immediately before the evidentiary hearing begins:
 - A party that plans to use or seek admission of any exhibit that was not previously filed as an exhibit should file a copy of that exhibit in ePUC prior to the hearing so that participants may view the exhibit. The party seeking to admit the exhibit should be prepared to show the exhibit on their screen during the hearing via Go To Meeting.
 - Parties should file copies of any cross-exhibits in ePUC before the commencement of hearings on that day and be prepared to show the cross-exhibits on their screen during the hearing via Go To Meeting.
 - Parties should mark for identification any exhibits that they plan to introduce into evidence that were not previously filed.
 - Parties should mark each document as a separate exhibit, rather than introducing all of a witness's exhibits or a collection of different documents as a single exhibit.
- At the evidentiary hearing:
 - A witness should log in to the hearing at least one-half hour before the scheduled time of their examination unless the witness is the first witness of the day.
 - Parties must file in ePUC a copy of any corrected prefiled testimony that they move to admit (with corrections clearly marked).
 - Time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.
 - Witnesses should have readily available copies of any admitted prefiled testimony and have relevant exhibits on hand to facilitate cross-examination and redirect.
 - A one-hour lunch break will be provided. Additionally, 10- to 15-minute morning and afternoon breaks will be provided, as necessary.
 - Hearings generally conclude by 5:00 P.M. However, parties should be prepared to conclude later than 5:00 P.M, if necessary.

If parties have any issues regarding the procedures and logistics that need to be addressed before the morning of the hearing, parties shall make appropriate filings no later than **Tuesday, May 3, 2022**. If parties have an objection with holding this hearing remotely, they shall file an objection no later than **Tuesday, May 3, 2022**.

PUC Case No. 21-4060-PET - SERVICE LIST

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