

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7770

Amended Joint Petition of Central Vermont Public Service )  
Corporation ("CVPS"), Danaus Vermont Corp., Gaz Métro )  
Limited Partnership ("Gaz Metro"), Gaz Métro inc., Northern )  
New England Energy Corporation ("NNEEC") for itself and as )  
agent for Gaz Métro's parents, Green Mountain Power )  
Corporation ("GMP") and Vermont Low Income Trust for )  
Electricity, Inc. ("VLITE"), for approval of: (1) the merger of )  
Danaus into and with CVPS; (2) the acquisition by NNEEC of )  
the common stock of CVPS; (3) the amendment to CVPS's )  
Articles of Association; (4) the merger of CVPS into and with )  
GMP; and (5) the acquisition by VLITE of a controlling )  
interest in Vermont Electric Power Company, Inc. )

Order entered: 12/9/2011

**ORDER REJECTING DEFECTIVE MOTION TO ALTER BOARD'S PROCEDURAL ORDER**

On October 17, 2011, a motion to intervene in this proceeding, together with a petition to appoint independent counsel, was filed with the Public Service Board ("Board") by Vincent Illuzzi. In addition to Mr. Illuzzi's signature on the filing, attachments to the filing included an agreement to the filing by and the signatures of 45 other Vermont residents and ratepayers of CVPS, GMP and other Vermont utilities (collectively, the "Group"). The Board granted the Group's intervention motion in its Order of November 1, 2011. In that Order, the Board recognized Mr. Illuzzi as the Group's spokesman or representative and stated the Board's expectation "that all actions of the Group of 46 Ratepayers as a party to this proceeding will be coordinated through Mr. Illuzzi or counsel designated by him." <sup>1</sup>

On November 7, 2011, the Group filed a request with the Board to defer a ruling on the Group's motion to appoint independent counsel. In this filing, the Group concurred with the position of the Vermont Department of Public Service ("Department"), set forth in a surreply of November 7, and requested that a ruling on the independent counsel motion be delayed until the Department had set forth its position on the Amended Joint Petition. Because of practical considerations and the need for procedural clarity, the Board in its Procedural Order of

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1. Order (11/1/11) at 10 (fn. 17).

November 14, 2011, treated the Group's filing of November 7 as an implicit withdrawal without prejudice of the motion to appoint independent counsel. The Board stated that the Group could file a new motion requesting the Board to appoint independent counsel once the Group had had an opportunity to review the Department's position on the Amended Joint Petition or at another time of its choosing.

On November 29, 2011, Mr. Randall Koch submitted a letter to the Board with which he enclosed a document titled Motion to Alter the Board's Order re: Motion to Appoint Independent Counsel. In that document, Mr. Koch indicated that he and other signatories are members of the Group and that they were not consulted about, and did not agree to, the Group's November 7 filing, which was made by Vincent Illuzzi on behalf of the Group.

Under the requirements of Board Rule 2.203, Mr. Koch's submission does not qualify as a properly filed motion in this docket because it was not signed by the Group's representative of record in this proceeding, and therefore it is not accepted for filing under Board Rule 2.208.

In its role as a formal party, the Group may participate in this proceeding only through its designated representative. It would be inappropriate for the Board to (i) entertain motions from individual Group members or from different factions within the Group, or (ii) to monitor, or evaluate the appropriateness of, the consultative and decision-making process within the Group.<sup>2</sup> It is the responsibility of the Group to develop appropriate procedures if the Group wishes to ensure that positions taken by the Group before the Board adequately reflect the consensus of the Group. Although the Board is unable to accept Mr. Koch's motion as a proper filing by a party in this docket, the Board welcomes the submission as a public comment by him and the other signatories to his submission and will afford it the consideration that is due all comments from the public in Board proceedings

**SO ORDERED.**

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2. Furthermore, it would be impractical for the Board to do so given the need for the orderly management of the process in this important, complex and multiple-party proceeding.

Dated at Montpelier, Vermont, this 9<sup>th</sup> day of December, 2011.

s/James Volz )

) PUBLIC SERVICE

s/David C. Coen )

) BOARD

s/John D. Burke )

) OF VERMONT

OFFICE OF THE CLERK

FILED: December 9, 2011

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*