

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: 5/22/2012

**ORDER RE: AARP REQUEST FOR LEAVE TO FILE A SUR-REPLY BRIEF**

On the morning of May 16, 2012, AARP filed a letter with the Vermont Public Service Board ("Board") inquiring as to whether the Board would permit additional briefing regarding an issue preclusion argument raised in the Reply Brief of the Vermont Department of Public Service (the "Department").<sup>1</sup> AARP's query was prompted by the fact that the existing procedural schedule does not provide for a round of sur-reply briefing by the parties.

In the afternoon on May 16, 2012, the Department responded to AARP's inquiry by filing a letter with the Board stating that it "withdraws the [issue preclusion] argument as a basis and relies on the other arguments presented in its Initial Brief and Reply Brief and the briefs of the Petitioners . . . ."<sup>2</sup>

In light of the Department's decision to withdraw its issue preclusion argument, this question is no longer pending before us for consideration. Accordingly, we find AARP's request for leave to file a sur-reply brief on this matter of issue preclusion is now moot. Thus, we perceive no need to amend the procedural schedule to set a date for filing any sur-reply briefs.

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1. Letter from James E. Dumont, Esq., on behalf of AARP, to Susan M. Hudson dated May 14, 2012. The issue preclusion argument to which AARP objects appears at pages 4-5 of the *Reply Brief of the Department of Public Service* dated May 4, 2012.

2. Letter from John Beling, on behalf of the Department, to Susan M. Hudson dated May 16, 2012.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 22<sup>nd</sup> day of May, 2012.

s/James Volz )

PUBLIC SERVICE

s/David C. Coen )

BOARD

s/John D. Burke )

OF VERMONT

OFFICE OF THE CLERK

FILED: May 22, 2012

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)*