

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: 1/30/2012

ORDER RE REQUEST TO WITHDRAW AS REPRESENTATIVE OF GROUP OF 46 RATEPAYERS

In the Public Service Board's ("Board") Order of November 1, 2011, the Board granted a motion to intervene in this proceeding filed by Vincent Illuzzi on behalf of himself and 45 other Vermont residents and ratepayers of Central Vermont Public Service Corporation, Green Mountain Power Corporation and other Vermont utilities (collectively, the "Group of 46 Ratepayers" or "Group"). 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."¹ On January 20, 2011, Mr. Illuzzi made a filing with the Board titled "Request to Change Ratepayers' Spokesperson."

In his January 20 request, Mr. Illuzzi indicates that as a result of differences between his position and that of other members of the Group of 46 Ratepayers, he does not believe it is appropriate for him to continue to represent the Group. Accordingly, Mr. Illuzzi requests that the Board permit Barbara Shapiro to replace him as the Group's spokesperson. The Board will treat Mr. Illuzzi's filing as request to withdraw as the Group's representative in favor of Ms. Shapiro.

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

The Board notes that Mr. Illuzzi is a licensed attorney in Vermont. Under Board Rule 2.201(D), "[a]n attorney who has appeared on behalf of a party may withdraw only upon permission of the Board." Mr. Illuzzi did not indicate in his filing whether Ms. Shapiro is also an attorney.

If the Group of 46 Ratepayers were formally organized as an association or a non-profit corporation, the Board pursuant to Board Rule 2.201(B) could allow a non-attorney officer or employee designated by an officer to represent such association or corporation.² However, this rule does not apply to ratepayer groups that are not so organized. In addition, even in the case of an association or corporation, the Board has discretion to deny representation by non-attorneys if:

because of [the proceeding's] factual or legal complexity or because of the number of parties, the Board is of the opinion that there is a substantial possibility that the participation of a pro se representative will unnecessarily prolong such proceeding or will result in inadequate exposition of factual or legal matters.³

This proceeding is both legally and factually complex and has 18 separate parties in addition to the Petitioners. Therefore, there is a substantial possibility of both unnecessary delay and inadequate exposition of legal and factual matters if the Group of 46 Ratepayers is not represented by an attorney. Furthermore, based on the Group's filings to date, it appears that the matters of greatest concern to the Group involve important legal issues that would be best presented to the Board by an attorney.

Assuming that Ms. Shapiro is an attorney and that she files a notice of appearance with the Board at her earliest convenience, the Board will accept Mr. Illuzzi's withdrawal as the Group's representative. If Ms. Shapiro is not an attorney, the Board will not permit Mr. Illuzzi to withdraw as the Group's representative until another attorney representative is designated by him on behalf of the Group and files an appearance.

The Board also notes that Mr. Illuzzi filed direct testimony with the Board on January 20, 2012. Once Mr. Illuzzi's withdrawal is approved, the Group's new representative shall advise the

2. Board Rule 2.201(B) provides in applicable part:

In its discretion, the Board may permit persons who are not attorneys to appear before it as follows: a partnership may be represented by a partner, and a corporation, cooperative or association may be represented by an officer thereof or by an employee designated in writing by an officer thereof.

3. Board Rule 2.201(B).

Board as to whether Mr. Illuzzi's direct testimony is adopted in whole or in part as the prefiled testimony of the Group of 46 Ratepayers.

In his filing to change the Group's representative, Mr. Illuzzi states that "I will represent my own interests in this proceeding by filing testimony and otherwise participating to the extent I can." However, upon the acceptance by the Board of his withdrawal as the representative of the Group of 46 Ratepayers, Mr. Illuzzi will not have the legal authority to file testimony on his own behalf or to otherwise participate in the proceeding as he will not be a party or a representative of a party to this proceeding. Mr. Illuzzi could, of course, be a witness for the Group of 46 Ratepayers if the Group chooses to sponsor his January 20 direct testimony. If the Group does not sponsor Mr. Illuzzi's direct testimony, the Board will treat his January 20 testimony as a public comment. Mr. Illuzzi would also be welcome to submit additional comments to the Board during the course of this proceeding as any member of the public is entitled to do.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of January 2012.

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)	<u>s/James Volz</u>
)	
)	<u>s/David C. Coen</u>
)	
)	<u>s/John D. Burke</u>
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PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: January 30, 2012

ATTEST: s/Judith C. Whitney
Deputy 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)