

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 DENYING PETITIONERS' REQUEST FOR LEAVE TO FILE A SUR-REPLY BRIEF

On May 17, 2012, the Petitioners filed a motion with the Vermont Public Service Board ("Board") seeking leave to file a sur-reply brief in this Docket to an argument which the Petitioners believe was raised for the first time in AARP's Reply Brief. Specifically, the Petitioners request an opportunity to respond to AARP's contention that the Petitioners "are effectively seeking an advance prudency determination with respect to the recovery of investments" in conjunction with obtaining regulatory authorization to establish the proposed Community Energy & Efficiency Development Fund.¹

Board Rule 2.206 provides that the Board "may decline to consider a motion not made within a reasonable time after the issue first arises with respect to the moving party." In keeping with the procedural schedule in this Docket, the parties filed their reply briefs on May 4, 2012. The Petitioners have waited nearly two weeks to request permission to file a sur-reply brief. This delay strikes us as unreasonable, given the many efforts that have been made by all of the parties to accommodate the Petitioners' request for a final order by mid-June. Accordingly, the Petitioners' request to file a sur-reply brief is denied. We note that our ruling is without prejudice

1. *Petitioners' Motion for Leave to File Sur-Reply Brief* dated May 17, 2012, at 1. The detailed argument to which the Petitioners object appears at pages 5-10 of *AARP's Reply Brief* dated May 4, 2012.

to the Petitioners' right to file a motion for reconsideration, as warranted, once our final order has been issued.

SO ORDERED.

Dated at Montpelier, Vermont, this 22nd day of May, 2012.

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

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)