




State of Vermont
Public Service Board

MEMORANDUM

To: Parties in PSB Docket No. 7770 (GMP/CVPS Merger)

From: Susan M. Hudson, Clerk of the Board 

Re: Proposed Witness Schedule and Other Matters Related to Technical Hearings

Date: March 8, 2012

Technical Hearings in this proceeding are scheduled to begin on March 21, 2012. In preparation for those hearings, the Public Service Board ("Board") hereby asks that the parties submit, by March 15, 2012, a proposed order of witnesses. Parties are encouraged to prepare this proposed order of witnesses collaboratively.

The witness schedule should identify the specific day on which each witness will testify. The schedule should also identify specific days that each witness is not available. In addition, each party should identify the amount of time that party anticipates using to cross-examine each witness. Any proposed witness schedule should also allow time for questions from the Board.

In putting together witness schedules, the Board believes, to the extent practical, it may be helpful for the parties to organize some hearing dates around disputed issues. For example, it may be appropriate to set aside one or two days for all testimony and cross-examination related to VELCO ownership and governance issues and a day for "windfall fund" issues related to the Board's Order of June 26, 2001, in Dockets 6460/6120.¹

The Board strongly encourages parties to focus their cross-examination, wherever possible, to optimize the use of hearing time. Following receipt of these filings, the Board

1. In the case of some witnesses, particularly some of the Petitioners' witnesses, this may lead to testimony and cross-examination on multiple days depending on the topic area. However, for most witnesses it may be possible to avoid the need for witnesses to testify on more than day, by allowing some testimony and cross-examination on issues unrelated to the day's topic focus. The Board is only proposing this arrangement of witnesses as a suggestion and would defer to the parties to the extent such proposed arrangement would be impractical.

will establish a schedule for witnesses and, if necessary, set limits on the amount of time for cross-examination.

At the present time, the Board anticipates the following schedule for hearings:

- On March 21, 22, 26, 27 & 28 and April 3 & 4, hearings will begin at 9:30 A.M. and end at 5:00 P.M.
- On March 29, 2012, hearings will begin at 1:00 P.M. and end at 5:00 P.M.
- To the extent additional days of technical hearings are necessary, hearings will begin at 9:30 A.M. and end at 5:00 P.M. on April 12, 13, 20, 23 & 24.
- Hearings will recess for lunch from 12:00 P.M. to 1:15 P.M., and the Board plans to schedule 15-minute breaks around 10:30 A.M. and 3:00 P.M., as applicable.

To facilitate the hearings, the Board intends to adopt the following procedures:

-- Each day, one-half hour before the commencement of hearings, a member of the Board's staff will be available to meet with parties' representatives in the hearing room to discuss procedural issues that may arise that day. All parties intending to present evidence or conduct examination that day *must* attend. Issues to be discussed will include the schedule for the day, marking of exhibits, identification of any allegedly confidential information that may be presented that day, objections to testimony or exhibits, and other matters.

-- Parties are encouraged to stipulate to the admission of any prefiled testimony and prefiled exhibits to which no party has objected.

-- The Board does not want witnesses to orally summarize their testimony.

-- At the beginning of the day, parties should mark for identification any exhibits that they plan to introduce (including those to be used in cross-examination). To the extent feasible, parties should plan to 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. Parties should also prepare a written list of all exhibits (an electronic version would also be appreciated). Parties should ensure they have sufficient copies of the exhibits that were not prefiled and of their exhibit list to distribute to the Board, Board staff, and other parties.

-- Prior to the commencement of hearings each day, parties should distribute exhibit lists and exhibits that were not prefiled to the other parties.

-- Witnesses should arrive at the hearing at least one-half hour prior to their scheduled starting time, unless the witness is the first witness of the day.

-- The time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.