

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30 and 209	)	Case No. 20-1611-INV
into whether the petitioner initiated site	)	
preparation at Apple Hill in Bennington, Vermont,	)	
for electric generation in violation of 30 V.S.A. §	)	
248(a)(2)	)	

STATE PARTIES PROPOSED SCHEDULE FOR PENALTY PHASE

On December 14, 2022, the Vermont Public Utility Commission (“Commission”) issued a procedural order denying the motion filed by Allco Renewable Energy Limited and its affiliates (collectively, “Allco”) to stay these proceedings. The Commission requested that the Vermont Agency of Natural Resources (“Agency”) confer with the parties and file a proposed schedule for the penalty phase of this proceeding by Friday, December 29, 2022. On December 21, 2022, the Agency requested that the date for filing a proposed schedule for the penalty phase of this proceeding be changed to Friday, January 13, 2023. The Commission granted the request and extended the filing deadline to January 13, 2023.

The Agency has consulted with the parties and now files the following proposed schedule on behalf of itself and the Vermont Department of Public Service (“Department”).

Agency and Department penalty recommendations	March 2, 2023
Reply comments to recommendations	March 16, 2023
Commission issues proposal for decision	TBD

Comments on proposal for decision

Three weeks after issued

The Agency and Department believe that there is adequate evidence in the record in this matter for the Commission to evaluate the factors under 30 V.S.A. § 30(c) and assess a penalty under 30 V.S.A. § 30(a)(1). Therefore, the Agency and Department believe that it is appropriate to proceed directly to penalty recommendations.

Undersigned counsel understands that Respondent intends to file its own schedule proposal as the state parties and Respondent have not been able to agree on a joint proposal.

Dated January 13, 2023, at Waterbury, Vermont.

Respectfully submitted,
State of Vermont
Agency of Natural Resources



By:

Donald J. Einhorn, Esq.
Senior Environmental Litigation Attorney
Office of General Counsel
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
802-249-1720
Donald.Einhorn@vermont.gov