

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-2797-PET

Petition of Vermont Renewable Gas, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, to construct and operate a 2.2 MW electric generation facility in Lyndon, Vermont	
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Order entered: 09/17/2026

ORDER ADDRESSING PRE-HEARING OBJECTIONS

This case concerns a petition filed by Vermont Renewable Gas, LLC (“VRG”) requesting a certificate of public good (“CPG”), under 30 V.S.A. § 248, to construct and operate a 2.2 MW generation facility in Lyndon, Vermont (the proposed “Facility”).

In today’s order, I rule on VRG’s objections to certain testimony and exhibits.

I. PROCEDURAL HISTORY

On May 15, 2026, Ernest and Madeline Hastings filed prefiled testimony.

On May 15, 2026, Steven Dolgin filed prefiled testimony and two exhibits, NI-SD-1 and NI-SD-2.

On August 10, 2026, VRG filed objections, under Commission Rule 2.216(D), to exclude the entirety of the testimony and exhibits submitted by Steven Dolgin and Ernest and Madeline Hastings.

On August 24, 2026, Steven Dolgin and Ernest and Madeline Hastings (collectively “Intervenors”) filed a joint response to VRG’s motion.

On August 24, 2026, the Vermont Department of Public Service (“Department”) filed a response to VRG’s motion. The Department states in its response that the exclusion of evidence is not necessary because under the Administrative Procedures Act, the Commission may admit evidence where the rules would otherwise preclude it, reflecting “the need of agencies to consider any evidence which may illuminate the case.”¹ The Department further states that the

¹ Citing 3 V.S.A. § 810; *Petition of Cent. Vermont Pub. Serv. Corp.*, 141 Vt. 284, 292, 449 A.2d 904, 909 (1982).

Commission can take a permissive approach and give the evidence the weight it deserves in reaching a decision.

The evidentiary hearing was conducted on August 24, 2026. For purposes of the hearing, VRG's objections were noted and taken under advisement.

In an August 31, 2026, order, I suspended the briefing schedule to allow for more time to prepare my order ruling on VRG's objections. The deadline for briefs is 14 days from the date this order issues and the deadline for reply briefs is 21 days from the date this order issues.

II. LEGAL STANDARD

In ruling on an objection to the admissibility of testimony, the Commission does not determine the persuasive weight to be given to that testimony. Rather, the Commission decides the narrower question of whether the testimony may be admitted into the evidentiary record pursuant to the Vermont Rules of Evidence ("V.R.E.") and the discretion accorded to the Commission in making admissibility decisions under 3 V.S.A. § 810. The Commission's review of a facility under Section 248 is as an expert body that is engaged in a "legislative, policy-making process."² In this capacity, the Commission serves as the trier of fact, and there is no jury to protect from exposure to unreliable evidence.³

The Commission has traditionally favored a general presumption that each party's evidence should be admitted for consideration. The Commission may then exercise its discretion in weighing the admitted evidence as appropriate.⁴

The following rules are implicated by my ruling.

V.R.E. 402 addresses the admissibility of evidence and states:

All relevant evidence is admissible, except as limited by constitutional requirements or as otherwise provided by statute or by these rules or by other rules prescribed by the Supreme Court. Evidence which is not relevant is not admissible.

V.R.E. 403 addresses the grounds for the exclusion of evidence and states:

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading

² *In re Amended Petition of UPC Vermont Wind*, 2009 VT 19, ¶ 2 (citing *In re Vermont Electric Power Co.*, 2006 VT 69, ¶ 6).

³ *Petition of Barton Solar LLC*, Docket 8148, Order of 5/9/14 at 2.

⁴ *See, e.g., Petition of Randolph Davis Solar LLC*, Case No. 21-2939-NMP, Order 10/31/22 at 3.

the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

V.R.E. 602 addresses the requirement that a witness not speculate when testifying, and states:

The testimony of a witness may be excluded or stricken unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of testimony from the witness.

V.R.E. 701 addresses opinion testimony by a lay witness and states:

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical or other specialized knowledge within the scope of Rule 702.

V.R.E. 702 addresses testimony by experts and states:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

V.R.E. 703 establishes the factual bases of opinion testimony by experts and states:

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted.

V.R.E. 801 defines hearsay in the following manner:

- (a) Statement. A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by him as an assertion.
- (b) Declarant. A "declarant" is a person who makes a statement.
- (c) Hearsay. "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

V.R.E. 802 states the “hearsay rule” and, with some exceptions, disallows the admission of hearsay:

Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court or by statute.

The Vermont Administrative Procedures Act provides such an exception. Section 810(1) of Title 3 of the Vermont Statutes Annotated states that, in contested cases, the Commission may deviate from the V.R.E., including the hearsay rule as follows:

Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Rules of Evidence as applied in civil cases in the Superior Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

III. THE OBJECTIONS AND DISCUSSION

VRG objects, under Commission Rule 2.216(D), to the entirety of the testimony and exhibits submitted by Steven Dolgin and Ernest and Madeline Hastings. I take up the objections to Intervenors’ testimony and exhibits below.

A. Objections to Testimony of Madeline Hastings

The Hastings were granted permissive intervention limited to 30 V.S.A § 248(b)(1) (orderly development) and 30 V.S.A § 248(b)(5) (aesthetics, historic sites, air and water purity, the natural environment, and public health and safety). Madeline Hastings provided the prefiled testimony.

Pursuant to V.R.E. 403, 602, and 701, VRG maintains that Ms. Hastings’s testimony is inadmissible because it lacks foundation and constitutes improper non-expert opinion testimony. Further, pursuant to 3 V.S.A. § 810, VRG argues that Ms. Hastings lacks sufficient facts or data to reach her conclusions, and moreover that reasonably prudent persons would not rely upon her opinions in the conduct of their affairs.

VRG argues that Ms. Hastings’s testimony should be excluded under V.R.E. 602 because Ms. Hastings has not provided the basis for her personal knowledge of the underlying facts supporting her concerns. Ms. Hastings’ testimony addresses the purpose of her testimony and

familiarity with the Facility parcel.⁵ Ms. Hastings' testimony explains that the Hastings have lived in their home for more than 50 years and that their property abuts the Facility property. Ms. Hastings testifies that her husband suffers from asthma and that she is worried about air pollution because of her husband's health issues. She testifies that her water supply is obtained from a spring and that she has previous experience with impacts to water flows on her property from work occurring in the vicinity of the Facility site. In addition, Ms. Hastings testifies that she is sensitive and aware of noise and testifies that the proximity to the Facility raises questions of danger from fire and/or explosions.⁶ I find that Ms. Hastings's testimony demonstrates her personal knowledge of facts — based on first-hand observations — underlying her contentions.⁷ This objection is overruled.

Next, VRG asserts that Ms. Hastings's testimony should be excluded, under V.R.E. 403 and 701, because it constitutes non-expert opinion testimony in an area where expert testimony is necessary.

Under V.R.E. 403, relevant evidence may only be excluded “if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” VRG's objection focuses solely on whether Ms. Hastings's testimony “will be an inefficient use of the Commission's resources.”⁸ Absent any demonstration under the Vermont Rules of Evidence that the probative value of Ms. Hastings's testimony is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence, I overrule the objection on this basis.⁹

V.R.E. 701 establishes the criteria for determining whether a lay witness may offer opinion testimony:

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, (b) helpful to a clear

⁵ Hastings pf. at 2.

⁶ Hastings pf. at 3.

⁷ See V.R.E. 602; *Ohio Env't Prot. Agency v. Lowry*, 2013-Ohio-2779, ¶ 14, 994 N.E.2d 912, 917 (“‘Personal knowledge’ is knowledge of the truth in regard to a particular fact or allegation, which is original, and does not depend on information or hearsay.” (quotations and citations omitted)).

⁸ VRG Objections at 2.

⁹ See *Application of Vt. AllSun Solar XII, LLC*, Case No. NMP-6314, Order of 12/9/15 at 4.

understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical or other specialized knowledge within the scope of Rule 702.

As explained above, Ms. Hastings' testimony is rationally based on her perception (personal knowledge) and use of her property as an adjoining property owner. The testimony is helpful to a clear understanding of her concerns about air and water purity, sound, and public health and safety, which are also facts in issue for the Commission to render a determination on the 30 V.S.A. § 248 criteria. Ms. Hastings provides opinion testimony as a lay witness and does not provide testimony based on technical or other specialized knowledge. VRG's further objection to the admissibility of Ms. Hastings' testimony based on V.R.E. 710 is overruled.

Finally, as to Ms. Hastings's testimony, VRG argues that Ms. Hastings's testimony does not meet the 3 V.S.A. § 810 standard to admit evidence that is otherwise inadmissible under the V.R.E. Given that I conclude that Ms. Hastings's testimony is admissible under the V.R.E., I do not address VRG's additional contention under the Vermont Administrative Procedures Act.

Accordingly, Ms. Hastings's entire testimony filed on May 15, 2026, is admitted into the record. In its post-hearing briefs, VRG may argue the weight that this testimony should be afforded.¹⁰

B. Objections to Testimony and Exhibits of Steven Dolgin

Steven Dolgin owns rental property near the Facility site and was granted permissive intervention limited to 30 V.S.A § 248(b)(1) (orderly development), 30 V.S.A § 248(b)(4) (economic benefit to the state and its residents), and 30 V.S.A § 248(b)(5) (aesthetics, historic sites, air and water purity, the natural environment, and public health and safety). On the issue of economic benefit, Mr. Dolgin's intervention was limited to the local and regional economic benefit. Mr. Dolgin asserts that the Facility will affect traffic, noise, and safety for the tenants who reside on his property.

Pursuant to 3 V.S.A. § 810(1) and V.R.E. 402, 403, 602, and 701, VRG argues that the entirety of Steven Dolgin's testimony and two exhibits are inadmissible. VRG advances general

¹⁰ Cf. *Irving v. Agency of Transp.*, 172 Vt. 527, 529, 768 A.2d 1286, 1289-90) (2001) ("The duration of the witnesses' observations, however (elicited in the course of their testimony), goes to the weight their opinions are to be accorded, not whether their conclusions are admissible as lay opinion.").

arguments, that are not specific to particular parts of Mr. Dolgin's testimony, arguing that the testimony is irrelevant, lacks foundation, and constitutes non-expert opinion testimony. Further, VRG argues that three specific sections of Mr. Dolgin's are hearsay and should be excluded.

I address the specific objections first.

Specific Objections

VRG alleges that three portions of Mr. Dolgin's testimony constitute hearsay without an exception and should be excluded. Hearsay is defined as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted."¹¹ In Commission proceedings, we accept prefiled testimony, so such statements can be contained in written, sworn testimony filed in advance of an evidentiary hearing.

First, VRG argues that Mr. Dolgin's testimony on pages 3 through 5 should be excluded because the testimony relies on a third-party report. VRG maintains that Mr. Dolgin's testimony on pages 4 and 5 should be excluded as hearsay without an exception and lacking expert witness foundation. VRG also argues that exhibit NI-SD-2 constitutes inadmissible hearsay and lacks proper expert foundation because Mr. Dolgin is a lay witness who is unqualified to authenticate the report, assess its credibility, or explain the scientific data and information contained in the report.

Mr. Dolgin's testimony on pages 4 and 5, question and response 11 (except for the first two paragraphs of his response) addresses his concerns about safety and references exhibit NI-SD-2, which is a report by the Partnership for Policy Integrity. Mr. Dolgin's testimony quotes from the report to explain his concerns about the Facility and public safety. His testimony further states that VRG's petition has not adequately addressed public safety issues.

With respect to exhibit NI-SD-2, the Intervenor's argue that the exhibit should not be excluded as hearsay because Mr. Dolgin is not offering the exhibit for the truth of the matter asserted in the document, but instead to show that there are widely known safety issues with biomass plants that VRG does not adequately address in its filings.

¹¹ V.R.E. 801.

Exhibit NI-SD-2 is hearsay because it is a statement, other than one made by the declarant, offered in evidence to prove the truth of the matter asserted.¹² The exhibit is not admissible because the report was not developed by Mr. Dolgin and Mr. Dolgin is not testifying as an expert or as a witness with other specialized knowledge addressed by the report.

Further, Mr. Dolgin's testimony quoting the report constitutes hearsay to the extent the quotation is offered for the truth of the matters asserted in the report — the list of problems associated with biomass plant development. To the extent the quoted report is offered, as Intervenor suggests, to establish Mr. Dolgin's concerns with the Facility, the only portion of the quoted material that is potentially relevant to those concerns or the areas for which Mr. Dolgin was granted intervention is the last paragraph of the quoted material on page 5, which lists "health and environmental hazards." The quoted material on page 4 through the first list in the quoted material on page 5 concerns general background about biomass plant development and cost overruns (an area that has no relevance to Mr. Dolgin's listed concerns or the scope of his intervention). To be relevant, the list of concerns on page 5 must be factually true, which would mean the list constitutes hearsay without an exception.

As to this evidence and testimony, I decline to find that 3 V.S.A. § 810(1) provides a basis for deviating from the V.R.E. Pursuant to 3 V.S.A. § 810(1), the Commission is required to follow the V.R.E. as applied by the superior courts of Vermont in civil cases. However, this statutory obligation is tempered by the Commission's authority to relax the rules of evidence pursuant to Section 810(1), which states in relevant part: "When necessary to ascertain facts not reasonably susceptible of proof under [the V.R.E.], evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs." The report is not necessary to ascertain facts not reasonably susceptible of proof and it is not evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Intervenor could cross-examine VRG witnesses and testify about safety concerns without the need to rely on the quoted report material.

¹² Cf. *Amended petition of Entergy Nuclear Vt. Yankee, LLC, and Entergy Nuclear Operations, Inc.*, Docket No. 7862, Order of 2/8/13 at 4 (stating that newspaper articles generally constitute hearsay and do not fall within any hearsay exceptions).

Thus, VRG's hearsay objection to Exhibit NI-SD-2 is sustained and the report is not admitted. Additionally, VRG's objection to the portion of Mr. Dolgin's testimony beginning "New report reveals" on page 4 through the end of the quoted report on page 5 is sustained and that portion of the testimony is stricken.

VRG further objects to Mr. Dolgin's testimony on the grounds that it relies on impermissible hearsay of unidentified tenants. Mr. Dolgin's testimony states that one tenant has told him "that with this new Biomass Plant possibly moving to within a half mile of his residence and with all the uncertainty, he would definitely be vacating."¹³ The testimony also states that two other tenants "have both told me the same story."¹⁴ The quoted tenant statements are offered for the truth of the matter asserted: tenants are threatening to or will leave the apartments that Mr. Dolgin rents if the Facility is built in the area. Those "facts" are necessary to reach the conclusion that Mr. Dolgin offers that the Facility would have an effect on the local economy.

Pursuant to 3 V.S.A. § 810(1), the Commission is required to follow the V.R.E. as applied by the superior courts of Vermont in civil cases. However, this statutory obligation is tempered by the Commission's authority to relax the rules of evidence pursuant to Section 810(1), which states in relevant part: "When necessary to ascertain facts not reasonably susceptible of proof under [the V.R.E.], evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs."

The discretion that the Legislature has afforded the Commission in crafting its evidentiary record reflects a recognition of "the need of agencies to consider any evidence which may illuminate the case."¹⁵ This need arises from the very nature of the Commission's CPG determinations, which are made in the context of a "legislative, policy-making process."¹⁶ As a quasi-judicial administrative tribunal, the Commission is the trier-of-fact charged with applying its experience, technical competence, and specialized knowledge to evaluate the evidence presented in a given case.¹⁷ Unlike in civil court, in Commission proceedings there is no jury to

¹³ Dolgin pf. at 6.

¹⁴ *Id.*

¹⁵ *In re Central Vt. Public Service Corp.*, 141 Vt. 284, 292, 449 A.2d 904, 909 (1982) (citing B. Schwartz, ADMINISTRATIVE LAW § 115 at 336 (1976)).

¹⁶ *In re UPC Vt. Wind, LLC*, 2009 VT 19, ¶ 2, 185 Vt. 296, 969 A.2d 144 (quotations and citations omitted).

¹⁷ 3 V.S.A. § 810(4).

protect from unreliable evidence. Assuming the tenants' statements constitute hearsay, I will exercise the discretion afforded under 3 V.S.A. § 810(1) and admit the hearsay evidence as part of Mr. Dolgin's testimony. VRG's objection to the admissibility of the testimony on pages 5 and 6 is overruled. In its post hearing briefs, VRG may argue to the weight that this testimony should be afforded.

Finally, VRG objects to Mr. Dolgin's reference to public comments submitted during the Vermont Department of Environmental Conservation's air quality permitting process as impermissible hearsay. Mr. Dolgin's testimony on page 7, question and response 13, addresses his concerns about air purity and the Facility's exterior flare. Mr. Dolgin's testimony states that the VRG has received an air permit and has entered into a memorandum of understanding with the Vermont Agency of Natural Resources. Mr. Dolgin's testimony further states that some "public comments at the public hearing raise concerns about the types of and volume of contaminants that have been approved for release into the atmosphere, including formaldehyde."

The Intervenors contend that Mr. Dolgin's testimony about comments made at a public hearing are not hearsay because the statement is not being offered for the truth of the matter asserted and is instead offered to show that concerns have been raised about the Facility's impacts on air pollution. The quoted public comment statements are offered for the truth of the matter asserted: the types of and volume of contaminants that have been approved for release into the atmosphere. Those "facts" are necessary to reach the conclusion that Mr. Dolgin offers that the Facility would have an effect on air quality.

Assuming the comments made at public hearing constitute hearsay, I will exercise the discretion afforded under 3 V.S.A. § 810(1) and admit the hearsay evidence as part of Mr. Dolgin's testimony. VRG's objection to the admissibility of the testimony on page 7 is overruled. In its post hearing briefs, VRG may argue to the weight that this testimony should be afforded.

General Objections

VRG argues, without specific references, that Mr. Dolgin's testimony should be excluded under V.R.E. 602 because Mr. Dolgin has not provided the basis for his personal knowledge of the underlying facts supporting his concerns. Mr. Dolgin's testimony provides his education background and professional experience, his familiarity with the Facility parcel, and the purpose

of his testimony.¹⁸ I find that Mr. Dolgin’s testimony demonstrates his personal knowledge of facts — based on first-hand observation — underlying his contentions.¹⁹ This objection is overruled.

Next, VRG asserts that Mr. Dolgin’s testimony should be excluded, under V.R.E. 403 and 701, because it constitutes non-expert opinion testimony in an area where expert testimony is necessary.

Under V.R.E. 403, relevant evidence may only be excluded “if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” VRG’s objection focuses solely on whether Mr. Dolgin’s testimony “will be an inefficient use of the Commission’s resources.”²⁰ Absent any demonstration under the Vermont Rules of Evidence that the probative value of Mr. Dolgin’s testimony is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence, I overrule the objection on this basis.²¹

V.R.E. 701 establishes the criteria for determining whether a lay witness may offer opinion testimony:

If the witness is not testifying as an expert, the witness’ testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness’ testimony or the determination of a fact in issue, and (c) not based on scientific, technical or other specialized knowledge within the scope of Rule 702.

Mr. Dolgin’s testimony is rationally based on his perception (personal knowledge) and use of his property as a tenant-landowner in the area. The testimony is helpful to a clear understanding of his concerns about traffic, noise, and public safety, which are also facts in issue for the Commission to render a determination on the 30 V.S.A. § 248 criteria. Mr. Dolgin provides opinion testimony as a lay witness and does not provide testimony based on technical or

¹⁸ Dolgin pf. at 2.

¹⁹ See V.R.E. 602; *Ohio Env’t Prot. Agency v. Lowry*, 2013-Ohio-2779, ¶ 14, 994 N.E.2d 912, 917 (“‘Personal knowledge’ is knowledge of the truth in regard to a particular fact or allegation, which is original, and does not depend on information or hearsay.” (quotations and citations omitted)).

²⁰ VRG Objections at 3.

²¹ See *Application of Vt. AllSun Solar XII, LLC*, Case No. NMP-6314, Order of 12/9/15 at 4.

other specialized knowledge. VRG contends that the topics on which Mr. Dolgin offers testimony require an expert to render an opinion, but VRG does not identify with any particularity factual statements or opinions that require such expertise. VRG's objection to the admissibility of Mr. Dolgin's testimony based on V.R.E. 710 is overruled.

Further, VRG argues that Mr. Dolgin's testimony does not meet the 3 V.S.A. § 810 standard to admit evidence that is otherwise inadmissible under the V.R.E. Given that I conclude that Mr. Dolgin's testimony is admissible under the V.R.E. as to VRG's non-expert opinion objection, I do not address VRG's additional contention under the Vermont Administrative Procedures Act in this context.

VRG advances an additional argument against Mr. Dolgin's testimony based on his reliance on tenant concerns. Citing V.R.E. 402, VRG argues that Mr. Dolgin's testimony is not relevant because the tenants are not parties to this proceeding. V.R.E. 402 provides that all relevant evidence is admissible. Relevance is defined by V.R.E. 401 as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probably than it would be without the evidence." Mr. Dolgin's testimony on pages 5 and 6, question and response 12, addresses his concerns about the Facility's effect on traffic, noise, and public safety for the tenants who reside in the apartment complex that he owns. The Section 248 criteria that the Commission must address when determining whether to award a CPG include public safety, noise, and traffic.²² Therefore, testimony regarding these topics is relevant.

VRG conflates its relevancy objection with an objection based on personal knowledge or hearsay. To the extent that VRG's objection is based on a lack of personal knowledge of the underlying facts supporting his concerns, this constitutes a V.R.E. 602 objection, not a V.R.E. 402 objection. Although VRG has not articulated such an objection, I nonetheless find Mr. Dolgin has substantiated — through his familiarity with the Facility parcel and the area — sufficient personal knowledge of the facts underlying his contentions.²³ The relevancy objection is overruled.

²² See 30 V.S.A. § 248(b)(5).

²³ Dolgin pf. at 2.

Exhibit NI-SD-1

Mr. Dolgin's testimony on page 4, the second paragraph of the response to question 11 references Exhibit NI-SD-1, which is a copy of VRG's responses to the first set of information requests from Steven Dolgin, Ernest and Madeline Hastings, and John Ling. VRG objects to the entirety of the exhibits submitted by Steven Dolgin but does not explain or provide specific objections addressing Exhibit NI-SD-1. VRG's objection to the admissibility of Exhibit NI-SD-1 is overruled.

IV. CONCLUSION

In summary, Madeline Hastings's entire testimony filed on May 15, 2026, is admitted into the record. In its post-hearing briefs, VRG may argue the weight that the testimony should be afforded.

Steven Dolgin's testimony, except the portion beginning "New report reveals" on page 4 through the end of the quoted report on page 5, filed on May 15, 2026, is admitted into the record. Exhibit NI-SD-1 is admitted into the record. Exhibit NI-SD-2 is not admitted into the record. In its post-hearing briefs, VRG may argue the weight that the admitted testimony and exhibit should be afforded.

SO ORDERED.

Dated at Montpelier, Vermont, this 17th day of September, 2026.

Mary Jo Krolewski

Mary Jo Krolewski
Hearing Officer

OFFICE OF THE CLERK

Filed: September 17, 2026

Attest: *Holly R. Anderson*
Clerk of the Commission

PUC Case No. 24-2797-PET - SERVICE LIST

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