

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-1611-INV

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Investigation pursuant to 30 V.S.A. §§ 30 and 209 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)	
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Order entered: 07/02/2020

**PROCEDURAL ORDER POSTPONING INJUNCTION HEARING AND SETTING BRIEFING SCHEDULE  
FOR PENDING MOTION TO VACATE THE INJUNCTION HEARING**

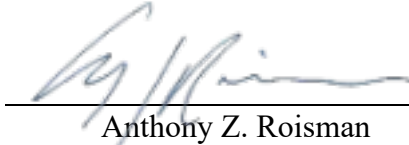
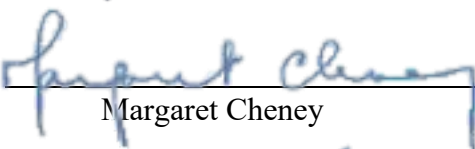
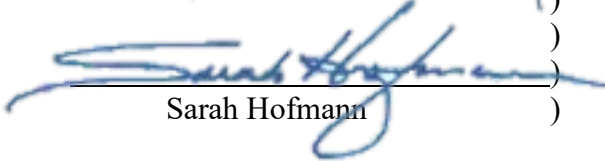
On July 1, 2020, Apple Hill Solar LLC (with related entities, the “Developer”) filed a motion to vacate the injunction hearing scheduled for July 9, 2020. We had scheduled that hearing following our issuance of a temporary restraining order (“TRO”) on June 26, 2020, to provide the Developer with the earliest opportunity to challenge the TRO. Any TRO, including our July 26, 2020, TRO in this case, remains in effect until the Commission issues an order vacating the TRO or issues a ruling on whether to grant a preliminary or permanent injunction. Thus, the subject of a TRO normally seeks an immediate hearing. This is consistent with Commission Rule 2.406, which requires that, in general, after a TRO is issued, “a hearing upon such preliminary or permanent injunction shall be held within forty-five days and a decision rendered within sixty days.” However, Rule 2.406 also provides for a later scheduling of a hearing or decision if “the existing scheduling of other matters” necessitates a delay or if the party that has been enjoined (the Developer here) “does not object to longer scheduling.”

We interpret the Developer’s July 1, 2020, motion as indicating that the Developer does not object to a later scheduling of the injunction hearing in this matter so that we can rule upon the Developer’s pending motion. The issues raised in the Developer’s July 1, 2020, motion require further briefing before they can be resolved, and that briefing will not be concluded before the current hearing date of July 9, 2020. Further, if the Developer is correct that we do not have jurisdiction to hold a hearing on this matter, then we obviously should not go forward with such a hearing. We therefore postpone the July 9, 2020, hearing, as well as the related deadlines that we set in our July 1, 2020, order on procedural matters for that hearing.

Regarding the Developer's pending motion to vacate the injunction hearing, any responses to that motion shall be filed **no later than July 15, 2020**. Any reply brief by the Developer shall be filed **no later than July 22, 2020**.

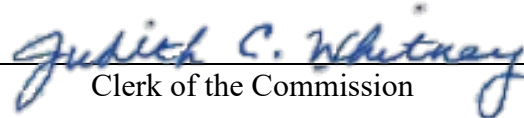
**SO ORDERED.**

Dated at Montpelier, Vermont this 2nd day of July, 2020.

 _____ )	) PUBLIC UTILITY
Anthony Z. Roisman )	
_____ )	
 _____ )	) COMMISSION
Margaret Cheney )	
_____ )	
 _____ )	) OF VERMONT
Sarah Hofmann )	

OFFICE OF THE CLERK

Filed: July 2, 2020

Attest:   
Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)*

PUC Case No. 20-1611-INV - SERVICE LIST

Sarah L. J. Aceves  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620  
sarah.aceves@vermont.gov

(for Vermont  
Department of Public  
Service)

Merrill E Bent  
Woolmington, Campbell, Bernal & Bent, P.C.  
PO Box 2748  
Manchester Center, VT 05255  
merrill@greenmtlaw.com

(for Town of  
Bennington)

Lora Block  
AppleHill Homeowners Association  
34 McIntosh La  
Bennington, VT 05201  
lblock@sover.net

(for Apple Hill  
Homeowners Assoc)

L. Brooke Dingledine, Esq.  
Valsangiacomo, Detora & McQuesten, P.C.  
P.O. Box 625  
Barre, VT 05641  
lbrooke@vdmlaw.com

(for Libby Harris) (for  
Mt. Anthony Country  
Club) (for Apple Hill  
Homeowners Assoc)

Donald J. Einhorn, Esq.  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
donald.einhorn@vermont.gov

(for Vermont Agency of  
Natural Resources)

Kimberly K. Hayden, Esq.  
Paul Frank + Collins PC  
One Church Street 05402  
P.O. Box 1307  
Burlington, VT 05401  
khayden@pfclaw.com

(for Apple Hill Solar  
LLC) (for Chelsea Solar  
LLC)

Maru Leon  
Mt. Anthony Country Club  
180 Country Club Rd  
Bennington, VT 05201  
maru@mtanthonycc.com

(for Mt. Anthony  
Country Club)

Michael Melone, Esq.  
Allco Renewable Energy Limited  
1740 Broadway  
15th Floor  
New York, NY 10019  
mjmelone@allcous.com

(for Apple Hill Solar  
LLC) (for Chelsea Solar  
LLC)

Thomas Melone, Esq.  
Allco Renewable Energy Limited  
1740 Broadway  
15th Floor  
New York, NY 10019  
thomas.melone@gmail.com

(for Apple Hill Solar  
LLC) (for Chelsea Solar  
LLC)

James Porter, Esq.  
Vermont Department of Public Service  
112 State St  
Montpelier, VT 05620  
james.porter@vermont.gov

(for Vermont  
Department of Public  
Service)

Alison Milbury Stone, Esq.  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
alison.stone@vermont.gov

(for Vermont Agency of  
Agriculture, Food and  
Markets)

Robert E. Woolmington, Esq.  
Woolmington, Campbell, Bernal & Bent, P.C.  
P.O. Box 2748  
4900 Main Street  
Manchester Center, VT 05255  
rob@greenmtlaw.com

(for Town of  
Bennington)