

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket No. 8585

Investigation into Meteorological Tower at 700
Kidder Hill Road in Irasburg, Vermont

THE DEPARTMENT OF PUBLIC SERVICE'S RESPONSE TO RESPONDENT'S OBJECTION

On December 14, 2020, the Hearing Officer issued a Procedural Order directing Mr. Blittersdorf ("Respondent") to file his objections to the Department of Public Service's (the "Department") request for admission of documents into evidence by February 1, 2021. In its November 24, 2020 filing, the Department identified several documents it intends on moving into evidence for consideration by the Commission.

On February 1, 2021, the Respondent filed an objection to the Hearing Officer's Order, asserting the Respondent objects to "having to sift through the facts and statements in the documents that the Departments wants. . . to admit into the record."

Under Commission Rule 2.216(c), objections to the admissibility of prefiled testimony or exhibits must be filed within thirty days after prefilings or five days before the date on which the testimony or exhibits are to be offered, whichever is earlier. The Hearing Officer provided the Respondent approximately forty-nine days to submit objections to the Department's proposed evidence for admission. Each document the Department is seeking to admit was submitted by the Respondent, including the Respondent's prefiled testimony and discovery responses.

At no point during this period did the Respondent request clarification from the Department or from the Hearing Officer on the issues it is now raising. The Respondent's objection filing does not provide specific objections to any of the documents the Department is seeking to admit. Rather, Respondent's filing remains unresponsive to the Hearing Officer's request and is instead an objection to the Order itself. As such, the Respondent has missed two deadlines set within the Hearing Officer's Order: (i) the deadline for Respondent to serve his subpoena on Mr. Perchlik by January 15, 2021 and (ii) the February 1, 2021 deadline for filing objections to the Department's proposed evidence.

Without waiving the Department's right to now challenge the Respondent's objections by failing to meet the deadline set by the Hearing Officer, the Department will file an updated evidence list to identify the discovery responses it intends on offering into evidence. To ensure these issues are addressed prior to the scheduled evidentiary hearing, the Department proposes to submit the identified discovery responses by February 22, 2021.

DATED at Montpelier, Vermont this 9th day of February 2021.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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