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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 SUPPLEMENTAL RESPONSE  
TO THE RESPONDENT'S OBJECTION AND REQUEST FOR CLARIFICATION**

On December 14, 2020, the Hearing Officer issued a Procedural Order (the "Order") directing Mr. Blittersdorf ("Respondent") to serve a subpoena on the Department of Public Service's (the "Department") employee Mr. Perchlik by January 15, 2021. The Order further stated an evidentiary hearing would be held on March 18, 2021 via video conference and "[a] separate notice of hearing will be issued by the Clerk of the Commission confirming the date and time of the hearing."

On February 8, 2021, the Department submitted a response to the Respondent's objection to the Order, noting that the Respondent failed to submit a subpoena on Mr. Perchlik by January 15, 2021 as required by the Order.

Following the Department's response, Respondent's counsel contacted the Department noting that a notice of hearing was not issued in this matter. Respondent's counsel indicated that while a date for the evidentiary hearing was noted in the Order, a notice of hearing was not issued regarding the time and place. Respondent argues that for this reason, Respondent was incapable of meeting the Order's deadline to serve a valid subpoena in accordance with the form requirements under V.R.C.P. 45(a)(1)(C).

The Department is not persuaded by the Respondent's argument. The Respondent was provided 30 days to serve a subpoena on the Department. As a matter of practice, the Respondent should have made diligent efforts to meet the deadline outlined in the Order, including seeking clarification on the time and place from the Hearing Officer or Clerk of the Commission prior to the deadline or request an extension of the deadline upon discovery of the Respondent's inability to meet V.R.C.P. 45(a)(1)(C). To the Department's knowledge, no efforts were made. Furthermore, the Respondent is now raising this issue over three weeks after the subpoena deadline.

The Department respectfully requests clarification regarding the Respondent's obligations under the Order and, if necessary, a status conference to resolve these issues and their potential impact on the current evidentiary hearing date.

DATED at Montpelier, Vermont this 10th day of February 2021.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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