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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in PUC Case Number 21-2939-NMP
From: Andrea Poppiti, Hearing Officer *AP*
Re: Schedule, procedures, and logistics for November 15 evidentiary hearing
Date: November 7, 2022

An evidentiary hearing in the above-referenced proceeding is scheduled for **9:30 A.M. on Tuesday, November 15, 2022**. The hearing will take place remotely. Information on how to access the remote hearing may be found in the Notice of Rescheduled Hearing issued in this case on October 7, 2022.

The purpose of the evidentiary hearing is for parties to ask questions of the witnesses (“cross-examination”). The opportunity to submit testimony and new evidence in this case has passed, and parties may not submit new testimony or evidence during the hearing.

Parties should make their witnesses available at the hearing for cross-examination by the other parties and questions from the Hearing Officer and Commission staff. Generally, witnesses for the Petitioner are cross-examined by the other parties first; then the Petitioner will have an opportunity to ask any follow-up questions of their own witness (“redirect”). Next, witnesses for the other parties are cross-examined by the Petitioner; then the other parties will have an opportunity to ask and follow-up questions of their own witness (“redirect”).

Please note that discovery questions and responses are not part of the evidentiary record unless a party moves to enter them into the record during the hearing and the Hearing Officer allows it to be entered. If parties wish to move the admittance of discovery responses into the record, they should do so during the cross-examination of the witness who authored the response. It is generally common practice to admit very few discovery responses into the record and is only necessary when they are relevant to the cross-examination of the witness. If you wish to enter any discovery responses or other cross-exhibits into the record, file them labeled as individual exhibits in ePUC by 8 a.m. the morning of the hearing.

The landowner intervenors in this proceeding are Joan Allen and Michael Binder (“Intervenors”). On September 25, 2022, L. Brooke Dingleline, Esq., filed a notice of limited appearance for the purpose of acting as counsel on behalf of Joan Allen at the evidentiary. On October 2, 2022, Attorney Dingleline clarified that Joan Allen is appearing *pro se*. Attorney Dingleline states that she has been engaged as trial counsel to represent Joan Allen only.

On November 1, 2022, the Petitioner filed a response to the Intervenors' October 2 filing stating its concerns regarding combined cross-examination by Attorney Dingledine and Mr. Binder.

Michael Binder and Attorney Dingledine are directed to coordinate their cross examination of the Petitioner's witnesses to ensure that their questions are not duplicative. Mr. Binder and Attorney Dingledine may conduct separate cross examinations, but no duplicative questions will be allowed.

In preparation for the hearing, the Hearing Officer requests that the parties file proposals, or preferably a collaboratively prepared joint proposal, containing the information specified below by **1:00 P.M. on Monday, November 14, 2022**. The proposal should include:

- a schedule and order of witnesses;
- each party's estimate of the time it needs to cross examine each witness;
- time for redirect and Commission staff's questions;
- 10-minute morning and afternoon breaks and 45-minute lunch break; and
- any times during the scheduled hearing that any specific witness will not be available to testify.

If the parties do not file a joint proposal, the Hearing Officer will establish a schedule for witnesses and, if necessary, set limits on the amount of time for cross examination.

On October 3, 2022, the Petitioner filed an evidence list on behalf of all parties in this proceeding. I request the Petitioner to file an updated evidence list by **1:00 P.M. on Monday, November 14, 2022**, that reflects the decisions in the Order Granting in Part and Denying in Part the Petitioner's Motion to Strike issued on October 31, 2022.

The parties are advised of the following procedures and schedule that the Hearing Officer plans to adopt in connection with the evidentiary hearing.

1. Immediately before the evidentiary hearing begins:
 - a. All parties should plan to show testimony and exhibits used for each witness on the screen during the hearing via Go To Meeting.
 - b. Parties should file copies of any cross-exhibits in ePUC before the commencement of hearings on that day and be prepared to show the cross-exhibits on their screen during the hearing via Go To Meeting.
 - c. Parties should mark for identification any exhibits that they plan to introduce into evidence that were not previously filed.
 - d. Parties should mark each document as a separate exhibit, rather than introducing all of a witness's exhibits or a collection of different documents as a single exhibit.

2. During the evidentiary hearing:
 - a. A witness should log in to the hearing at least one-half hour before the scheduled time of their examination unless the witness is the first witness of the day.
 - b. Parties must file in ePUC a copy of any corrected prefiled testimony that they move to admit (with corrections clearly marked).
 - c. Time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.
 - d. Witnesses should have readily available copies of any admitted prefiled testimony and have relevant exhibits on hand to facilitate cross-examination and redirect.

If parties have any issues regarding the foregoing procedures and logistics that need to be addressed before the morning of the hearing, parties shall make appropriate filings no later than **Thursday, November 10, 2022**.

PUC Case No. 21-2939-NMP - SERVICE LIST

Parties:

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