

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7970

Petition of Vermont Gas Systems, Inc. for a)
certificate of public good, pursuant to 30 V.S.A.)
§ 248, authorizing the construction of the)
"Addison Natural Gas Project" consisting of)
approximately 43 miles of new natural gas)
transmission pipeline in Chittenden and)
Addison Counties, approximately 5 miles of)
new distribution mainlines in Addison County,)
together with three new gate stations in)
Williston, New Haven and Middlebury,)
Vermont)

Order entered: 2/21/2013

SECOND SCHEDULING ORDER

This proceeding concerns the petition filed with the Vermont Public Service Board ("Board") by Vermont Gas Systems, Inc. ("VGS") for a certificate of public good under 30 V.S.A. § 248 to construct and operate the "Addison Natural Gas Project" ("Project"), consisting of approximately 43 miles of natural gas transmission pipelines in Chittenden and Addison Counties, approximately 5 miles of new distribution mainlines in Addison County, and new gate stations in Williston, New Haven and Middlebury. The Board conducted a prehearing conference on January 30, 2013, and issued a prehearing conference memorandum and scheduling order on February 5, 2013.

The February 5 Order adopted a preliminary schedule and directed the parties to submit proposed schedules to govern the remainder of the docket. On February 19, 2013, VGS

submitted a scheduling proposal to which the Department of Public Service ("DPS"), the Agency of Natural Resources ("ANR") and the Town of Monkton assented.¹

As was discussed at the prehearing conference and in the February 5 Order, on January 29, 2013, VGS made a filing describing certain changes to the proposed route of the Project as it passes through Monkton and Hinesburg. VGS described these changes at the prehearing conference as "potential realignments" and noted they were still under discussion with the two affected municipalities as well as the DPS, ANR and the U.S. Army Corps of Engineers. VGS affirmatively indicated at the prehearing conference that it would be filing an amendment to its petition on or before February 28, 2013. However, in both its filing of January 29 and its (now-superceded) scheduling proposal dated February 8, VGS has characterized what it intends to submit on February 28 as "potential route adjustments."

In these circumstances, we deem it necessary to clarify that the schedule we approve today presupposes that what will be before us as of the February 28 filing by VGS is a petition (1) that meets the requirements for completeness as set forth in PSB Rule 5.402(C), (2) that is compliant with the notice provisions of PSB Rule 5.402(B) as to owners of property adjoining the new route, and (3) that we will evaluate in the first instance as a proposed amendment pursuant to PSB Rule 2.204(G).² We are mindful that it is sometimes appropriate and even desirable for a petitioner to make changes to its proposal over the course of a Section 248 proceeding in light of information exchanged via prefiled testimony and discovery, concerns raised at public hearings, and otherwise. However, to evaluate a project under the criteria of 30 V.S.A. § 248, and to allow other parties to participate meaningfully in a Section 248

1. This superceded two earlier scheduling proposals submitted by VGS and the Town of Monkton, respectively.

2. PSB Rule 2.204(G) authorizes the submission of "[p]roposed amendments" to any filing at any time. Absent objection within ten days of the filing (or at the commencement of any hearing in which the amended matter is at issue, whichever is earlier), the amendment is deemed effective. In the event of an objection to such a filing here, Rule 2.204(G) would require us to determine whether allowing the amendment would not "unreasonably delay any proceeding or unreasonably adversely affect the rights of any party."

proceeding, there must be "sufficient information as to actual project location" if the case is to move forward based on whatever is before us as of February 28.³

We adopt the assented-to scheduling proposal before us with one exception. We have adjusted the schedule to allow for two weeks rather than one week between the deadline for responses to intervention requests and the deadline for propounding initial discovery requests to VGS.

At the request of the parties, we included a final date for depositions, subject to the parties' understanding that ANR witnesses would not be available to be deposed during August. The parties did not propose a beginning date for the period in which depositions may be conducted; we deem the appropriate date to be the one specified for first-round discovery requests (April 19, 2013).

Accordingly, the schedule for the remainder of the proceeding is as follows:

February 28, 2013	Petitioner to file amendments to petition with revised pipeline route
March 21, 2013	Public hearing in Hinesburg, 7:00 p.m.
March 29, 2013	Date for filing motions to intervene
April 5, 2013	Date for filing responses to motions to intervene
April 19, 2013	Discovery begins First round of discovery requests to petitioner
May 3, 2013	Responses from petitioner to first round discovery requests
May 17, 2013	Second round of discovery requests to petitioner
May 30, 2013	Responses from petitioner to second round discovery requests
June 14, 2013	Prefiled testimony due from non-petitioners
June 21, 2013	Discovery requests to non-petitioners

3. *Petition of Deerfield Wind*, Docket 7250, Order of 3/9/07 at 3. We note that the scheduling proposal contemplates that VGS will make a filing on June 28, 2013, comprised of new natural resources mapping and supplemental testimony. At the prehearing conference, VGS explained the practical necessity of deferring this aspect of its submission given the need to conduct relevant field work during the growing season. Other parties will thereafter have a full opportunity to conduct discovery on the results of the revised mapping.

June 28, 2013	Petitioner to file rebuttal testimony, supplemental testimony and natural resources mapping
July 12, 2013	Responses from non-petitioners to discovery requests Discovery requests to petitioner on rebuttal testimony, supplemental testimony and natural resources mapping
July 26, 2013	Responses from petitioner to discovery on supplemental testimony, rebuttal testimony and natural resources mapping
August 14, 2013	Non-petitioners to file rebuttal testimony
August 23, 2013	Discovery requests to non-petitioners on rebuttal testimony Petitioner to file list of issues to be raised in live surrebuttal testimony
September 6, 2013	Last day to conduct depositions
September 11, 2013	Responses due from non-petitioners to discovery on rebuttal testimony Site visit, 2:00 p.m. Public hearing in Middlebury, 7:00 p.m.
Sept. 16-20, 2013	Technical hearings
October 11, 2013	Parties to file briefs
October 25, 2013	Parties to file reply briefs

In our February 8 Order, we stated that we would schedule a public hearing on March 21, 2013, at a location to be determined. We also raised the possibility of scheduling a second public hearing. Given the complexity of this proceeding and the length of the pipeline, we believe it is appropriate to schedule a second public hearing, in a community located at a different point on the Project's route. We will conduct the first public hearing in Hinesburg and the second in Middlebury, on which date we will also conduct a site visit.

Finally, the assented-to scheduling proposal contains a recommendation from VGS for a workshop prior to or during the initial discovery phase of the proceeding. VGS is free to convene such a gathering of the parties if it believes such an informal exchange of information would be useful.

SO ORDERED.

Dated at Montpelier, Vermont, this 21st day of February, 2013.

s/James Volz)

) PUBLIC SERVICE

s/David C. Coen)

) BOARD

s/John D. Burke)

) OF VERMONT

OFFICE OF THE CLERK

FILED: February 21, 2013

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)