

112 State Street
4th Floor
Montpelier, VT 05620-2701
TEL: 802-828-2358



TTY/TDD (VT: 800-253-0191)
FAX: 802-828-3351
E-mail: puc.clerk@vermont.gov
Internet: <http://puc.vermont.gov>

**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in PUC Case Number 22-2954-PET
From: Tom Knauer, Policy Director *TK*
Re: Evidentiary Hearing Logistics
Date: June 23, 2023

A remote evidentiary hearing is scheduled for June 27, 2023, at 9:30 A.M. in this case. The parties have submitted a proposed order of witnesses and each party's estimate of the time it needs for cross-examination of each witness. The parties have also filed a joint exhibit list identifying all evidence filed as of June 20, 2023, that the parties wish to be included in the record.

To facilitate the hearing, the Commission will use the following procedures. These procedures are based, in part, on the hearing procedures recommended by Efficiency Vermont, with the concurrence of the parties, on June 23, 2023.

Exhibit List

- The parties have filed in ePUC a stipulated joint list of all the prefiled testimony and exhibits for which there is no objection into the evidentiary record. The parties are requested to file an updated list by Monday, June 26, 2023, reflecting any additions (discovery responses to be admitted as cross-examination exhibits or responses to Commission information requests). Parties are requested to file the updated list as an exhibit in ePUC.

Witness List

- The parties have filed a witness list and proposed cross-examination times. The Commission will plan to issue a memorandum by Monday afternoon identifying any witnesses for whom the parties and the Commission have no questions.

Pre-Hearing Conference

- On June 27, 2023, a member of the Commission's staff will meet with parties' representatives in the GoToMeeting videoconference to discuss procedural issues that may arise during the hearing. This meeting will take place at **9:15 A.M.** Staff will use

this time to review and discuss any procedural or logistical issues that might arise that day. This time will also allow the parties to identify any technical issues with the remote hearing platform that need to be resolved before the hearing. All parties intending to present evidence or argument or conduct examination of witnesses must attend.

- Issues to be discussed at the informal meeting will include: the schedule for the day; any stipulations or objections to the admission of testimony or exhibits; any corrections to testimony; any use of exhibits that were not prefiled with testimony; any exhibits that were not identified in the joint evidence list; and any other procedural, logistical, or scheduling matters.

Preparation and procedures before and at the hearing:

- Prior to the start of the hearing:
 - **By 9 a.m. on the morning of the hearing**, parties should file any cross-exhibits in ePUC.
 - Parties should download copies of the prefiled testimony, exhibits, and cross exhibits and be prepared to share those documents on the GoToMeeting platform to facilitate cross-examination and redirect.
- At the hearing:
 - The stipulated joint list of evidence and all referenced exhibits will be pre-admitted as a group at the evidentiary hearing so that the parties will not have to individually identify exhibits and prefiled testimony for admission at the evidentiary hearing.
 - The Commission will not permit witnesses to orally summarize their testimony.
 - Time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.

Using GoToMeeting Platform

For any parties, witnesses, or members of the public that are not familiar with the Commission's procedures for conducting remote hearings, I have included a detailed description of the process and instructions below. I encourage the parties, witnesses, and any interested members of the public to become familiar with these instructions and the GoToMeeting software before the hearing to limit any technical challenges during the hearing. If any party, witness, or member of the public has questions on these hearing procedures, please contact the Clerk of the Commission by email at puc.clerk@vermont.gov.

The hearing will be held remotely via a GoToMeeting videoconference. Participants and members of the public may access the evidentiary hearing online at <https://meet.goto.com/419897973>, or call in by telephone using the following information: phone number: +1 (571) 317-3116; access code: 419-897-973. The hearing will use some special procedures uniquely related to using a web-based platform. The parties' representatives and attorneys should keep their cameras on during the entire hearing. Witnesses should have their cameras on and microphones unmuted when called to testify. All other attendees at the hearing are requested to keep their cameras off and microphones muted during the hearing to allow for the pictures of active speakers to appear larger on participants' screens and to reduce background

noises. Commission staff other than the Hearing Officer may choose whether to leave their cameras on or off. Parties and their representatives are requested to either unmute their microphones or raise their hands to indicate that they want to speak. Each time you begin talking, please identify yourself by name for the court reporter. Please do not speak over one another. During breaks in the hearing, all participants will be asked to turn their cameras off and mute their microphones.

If your internet connection cuts out during the hearing, please try to rejoin the GoToMeeting or call in to the hearing using the GoToMeeting telephone number that was provided in the hearing notice. If the audio or video from the hearing has cut out for a party's representative or witness, please let the Commission know when you are able to rejoin, and the Commission will summarize what happened and we will revisit any questions on which an objection may have been allowed, including any admission of an exhibit. If a party's representative or witness is unable to call in or rejoin, notify the platform manager immediately via email, or the Clerk of the Commission's office immediately via email or phone, and we will pause the hearing until the issue is resolved. If it cannot be resolved, we will take a temporarily break or reschedule the hearing if necessary. Similarly, if at any point you become aware of another party, participant, or a member of the public having trouble accessing the video or audio feeds of this remote hearing, please let me or the Clerk of the Commission know immediately. It is very important that parties and their representatives avoid talking over one another. However, if a party has an objection, then it must raise it at the moment the objection arises. That type of interruption is allowed and required. When objections or issues are raised, the Commission will ask each representative, one by one.

A party's representative will be made a presenter when questioning a witness. If you refer to any documents during your questioning, you must share the documents on your screen by clicking the "share screen" icon. Alternatively, you may allow for someone else to show the documents for you during your questioning. That person will be made the presenter during the examination. The questioner must wait to ask questions about a document until the document is being shared. Please verbally identify the document you are showing for the court reporter. For example, clearly state: "I'm showing Department-Cross-1." When you are done with the document, please click "stop sharing screen." Whenever you are sharing your screen, I advise you to close out of any unnecessary applications, such as email, to avoid notifications being visible to others in the hearing.

Any members of the public that plan to attend the evidentiary hearing should understand that the evidentiary hearing will be conducted for the purpose of taking testimony by the parties and developing the formal evidentiary record for this case. Evidentiary hearings before the Commission do not include time for public comments. If a member of the public would like to file public comments with the Commission on this case, they are requested to do so electronically using the Commission's ePUC filing system at <https://epuc.vermont.gov/>. Click on "Search by Case Number," enter 22-2954-PET, then select "Add Public Comment" from the drop-down menu at the top of the page. Alternatively, public comments can be filed by email to puc.clerk@vermont.gov or by mail to: Clerk of the Commission, Public Utility Commission, 112 State Street, 4th Floor, Montpelier, VT 05620.

PUC Case No. 22-2954-PET - SERVICE LIST

Parties:

Mary Bouchard
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
mbouchard@vermontgas.com

(for Vermont Gas Systems, Inc.)

Debra L. Bouffard, Esq.
Sheehey Furlong & Behm
30 Main Street, 6th Floor
P.O. Box 66
Burlington, VT 05402-0066
dbouffard@sheeheyvt.com

(for Vermont Gas Systems, Inc.)

William F. Ellis
McNeil, Leddy & Sheahan
271 South Union Street
Burlington, VT 05401
wellis@mcneilvt.com

(for City of Burlington Electric Department)

William F. Ellis
McNeil, Leddy & Sheahan
271 South Union Street
Burlington, VT 05401
wellis@mcneilvt.com

(for Vermont Public Power Supply Authority)

James Gibbons
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
jgibbons@burlingtonelectric.com

(for City of Burlington Electric Department)

Megan Ludwig, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601
megan.ludwig@vermont.gov

(for Vermont Department of Public Service)

Jill Pfenning
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
jpfenning@vermontgas.com

(for Vermont Gas Systems, Inc.)

Morris L. Silver, Esq.
Law Offices of Morris L. Silver, Esq.
P.O. Box 606
Benson, VT 05731-0606
mlsilver@sover.net

(for Efficiency Vermont - Vermont Energy
Investment Corporation)

Darren Springer
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
dspringer@burlingtonelectric.com

(for City of Burlington Electric Department)

Emily Stebbins-Wheelock
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
estebbins-wheelock@burlingtonelectric.com

(for City of Burlington Electric Department)

Matthew J. Walker
Efficiency Vermont-Vermont Energy
Investment Corporation
20 Winooski Falls Way
5th Floor
Winooski, VT 05404
mjwalker@veic.org

(for Efficiency Vermont - Vermont Energy
Investment Corporation)

David C. Westman
Efficiency Vermont - Vermont Energy
Investment Corporation
20 Winooski Falls Way
5th Floor
Winooski, VT 05404
dwestman@veic.org

(for Efficiency Vermont - Vermont Energy
Investment Corporation)