

VERMONT PUBLIC
SERVICE BOARD

2015 OCT 28 PM 12:53



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October 28, 2015

Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Comments re: (4) X

Re: Docket No. 8585
Appearance of Dr. Robert R. Holland for the Town of Irasburg

Dear Mrs. Hudson:

The Select Board for the Town of Irasburg seeks to appear in the above-referenced proceeding through Dr. Robert R. Holland, a non-lawyer who is not a member of the Select Board. While the respondent welcomes the Town's participation as a party in this proceeding, the Select Board should be required to demonstrate that its participation is being undertaken consistent with State law.

To that end, the Select Board should be required to demonstrate that it has the legal authority to appoint a third party like Dr. Holland as its *pro se* representative in a legal proceeding. At a minimum, the Board should require the Town to explain why it cannot appear through (1) a licensed attorney; (2) a duly elected member of the Select Board itself; or (3) the duly elected Town Agent per 17 V.S.A. § 2646(11).

Furthermore, it has been reported that the Select Board violated Vermont's Open Meeting Law, 1 V.S.A. § 312, by meeting to discuss this docket with Dr. Holland and other selected members of the public in a closed executive session on October 19, 2015. Therefore, it would be prudent for the Board to inquire as to whether the Irasburg Select Board's appointment of Dr. Holland was done pursuant to a duly noticed Select Board meeting in compliance with Vermont's Open Meeting Law. If it was not, the Board should condition the Select Board's participation in this docket on its appearance

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through counsel. Such a condition will ensure that the Town receives competent legal advice on how to effectively and lawfully participate as a party in this proceeding.

Given the public importance of these issues, we would appreciate your assistance in bringing this filing to the hearing officer's attention as soon as possible.

Very truly yours,



Leslie A. Cadwell

Cc: Geoff Commons & Aaron Kisicki, Department of Public Service
Dr. Robert R. Holland
Town of Irasburg Select Board
Leslie Welts, Agency of Natural Resources



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