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VERMONT PUBLIC
SERVICE BOARD

July 11, 2016

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Leslie Cadwell, Esq.
Alison Milbury Stone, Esq.
Legal Counselors & Advocates, PLC
PO Box 827
Castleton, VT 05735

Re: Docket No. 8585 – Irasburg/Blittersdorf MET Tower Investigation

Dear Leslie and Alison:

The Department of Public Service (“Department”) is in receipt of your notice of deposition of Andrew Perchlik, and notice of deposition *deces tecum* of unnamed Department representatives, both dated June 29, 2016 and filed in the above-referenced proceeding. I write to inform you that no Department representative will be made available for deposition until August 5, 2016. Likewise, no documents listed in the notice of deposition – to the extent that any of the requested documents are not privileged, are relevant to the subject matter of the proceeding, and appear reasonably calculated to lead to the discovery of admissible evidence – will be made available until August 5, 2016.

Vermont Rule of Civil Procedure 26(d), as applied by Vermont Public Service Board Rule 2.214(A), makes clear that the Hearing Officer may order the sequencing of discovery used in the proceeding, and that “discovery” as understood in V.R.C.P. 26(d) includes depositions. As you are aware, the Hearing Officer established a schedule for the latest phase of the proceeding in his Scheduling Order dated June 16, 2016. The Scheduling Order sets a deadline for the Department (and all other non-respondents) to file responses to your first round discovery requests by August 5, 2016. The Hearing Officer has therefore ordered the sequencing of the use of and obligations under discovery requests issued under the Scheduling Order, and we will respond to your discovery requests consistent with that order.

In sum, Mr. Perchlik and/or unnamed Department representatives will not be available for deposition until August 5, 2016, pursuant to the schedule established by the Hearing Officer in the proceeding.



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Sincerely,



Geoffrey Commons
Director of Public Advocacy
Aaron Kisicki
Special Counsel

cc: Vermont Public Service Board
Docket 8585 Service List