



LEGAL COUNSELORS & ADVOCATES PLC
P.O. Box 194 • Burlington, VT • 05402

VERMONT PUBLIC
SERVICE BOARD

2016 AUG 11 AM 9 01

JW
✓ 67

Alison Milbury Stone
alison@lac-lca.com
802-342-3114

(CD/DM)

U.S. Priority Mail Express & Email

August 10, 2016

Judith C. Whitney, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05602-2701

Re: Docket No. 8585; Respondent's Supplemental Memorandum on Summary Judgment

Dear Ms. Whitney:

Enclosed for filing in the above-referenced matter, please find an original and 3 copies of Respondent's Supplemental Memorandum on Summary Judgment, along with supporting documents and a DVD with transcripts of the deposition testimony of Andrew Perchlik and Dr. Robert Holland, as well as the Department of Public Service's Answers to Respondent's First Set of Discovery Requests. I am filing this Supplemental Memorandum pursuant to the Hearing Officer's Order Re: Request for Extension issued in this docket on August 4, 2016. Respondent requested the extension after not having received any discovery from the other parties by July 29th due to their effort to quash Respondent's deposition notices issued on June 29, 2016.

I also want to correct a mistaken representation made in a letter to you dated August 9, 2016 from the Agency of Natural Resources. The letter represents that I "agreed to grant ANR a one-day extension" of time for the Agency to answer Respondent's discovery requests. I did not give my consent to a late filing, but simply agreed that, in light of the fact that the Agency, like the Department of Public Service, was not prepared to timely file discovery responses, it would be appropriate for the state agencies to represent that Respondent should be granted additional time to respond the Department's summary judgment motion. Nonetheless, Respondent has made every effort to file this Supplemental Memorandum on Summary Judgment by the August 10, 2016 extension

Judith C. Whitney, Clerk
August 10, 2016
Page 2

date set by the Hearing Office in this docket. While I wanted the record to correctly reflect the facts, I am not asking for any relief from the Board at this time.

Thank you for your assistance and attention to this filing.

Best regards,



Alison Milbury Stone

Enclosures

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

