

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Petition of Swanton Wind LLC for a certificate of public )  
good, pursuant to 30 V.S.A. § 248, for the construction )  
of an up to 20 MW wind-powered electric generation )     Docket No. 8816  
plant powered by up to 7 wind turbines located along )  
Rocky Ridge in Swanton, Vermont )

**MOTION FOR ENLARGEMENT OF SCHEDULE**

Now comes Annette Smith of Vermonters for a Clean Environment, *pro se*, and moves for an enlargement of the schedule in this docket.

**The schedule for the second round of discovery should be revised so it is due two weeks after the PSB has ruled on the Motions to Intervene**

As the schedule stands now, the second round of Discovery is due before the PSB has ruled on the motions to intervene. This puts the individuals and groups that have requested intervention in an untenable position. Preparing discovery questions involves substantial time and potentially substantial money. The time and money invested in doing discovery would be entirely wasted should the PSB not grant intervention on all or specific issues requested. Yet should these individuals and groups ultimately be granted intervention, it would then be necessary for them to conduct discovery. Thus to provide a fair schedule for all parties, the date for the second round of discovery should be changed so that it is due two weeks after the Board issues its rulings on the Motions to Intervene.

In setting the schedule for this docket, the Public Service Board did not consider the interests of parties who did not participate in the pre-hearing conference. This results in unfairness to the individuals and groups that have met the Board's deadline of Feb. 16 for filing Motions to Intervene. The Board created a further dilemma for those

individuals and groups, including VCE, by setting the same deadline for the first round of discovery to begin.

**Responses to the first round of Discovery are not required to be submitted via ePSB and there is insufficient time in the schedule to receive responses by mail and prepare the second round by the deadline**

Because the Board does not require discovery responses to be filed via ePSB, the Petitioner's responses will likely be mailed via U.S. Mail on the deadline of March 2. Parties, including those with pending Motions to Intervene whose status is unknown at this time, will not receive those responses for a number of unknown days after mailing, and will have less than a week to review the likely voluminous amount of paper containing the first round of discovery responses, and prepare questions for the second round of Discovery which the Board scheduled for March 9. Less than one week is insufficient time to review the large number of discovery questions and answers served already on the Petitioner, and prepare new questions that consider the responses from the first round.

**The second round of discovery should not begin until pending Motions to Intervene have been decided by the Board, and should be due a minimum of two weeks from issuance of decisions on Intervention**

Parties with pending Motions to Intervene, including VCE, have already been effectively barred from participating in the first round of Discovery. VCE and others with pending Motions to Intervene need to know the issues on which they have been granted intervention prior to participating in the second round of Discovery.

**The schedule in this docket must be enlarged**

Therefore, VCE respectfully requests that the Board enlarge the schedule in this docket to set the deadline for the second round of discovery to begin two weeks after it

issues its decisions on pending Motions to Intervene. VCE requests that the rest of the schedule be pushed out by two weeks to address the problem that was built into the schedule that prejudices the interests of parties who have participated according to the Board's scheduled deadline for intervening in this docket. VCE reserves the right to request further enlargement of the schedule should similar problems occur as the project advances through the Board's process.

Respectfully submitted this 27<sup>th</sup> day of February.

By:



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