

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7490

Petition of Vermont Electric Cooperative, Inc.)
for approval of an Alternative Regulation Plan,)
to take effect July 1, 2009)

Order entered: 12/30/2009

ORDER CLOSING DOCKET

On November 25, 2008, Vermont Electric Cooperative, Inc. ("VEC") petitioned the Public Service Board ("Board") for approval of an Alternative Regulation Plan pursuant to 30 V.S.A. § 218d (the "ARP Petition").

On October 21, 2009, VEC filed a letter with the Board indicating that it wishes to voluntarily dismiss its ARP Petition. As grounds, VEC cited its conclusion that the Section 218d criteria for approving an alternative regulation plan have only a limited applicability to cooperative utilities such as VEC.

On November 16, 2009, the Vermont Department of Public Service ("Department") filed a letter with the Board stating that it has no objection to VEC's proposal to voluntarily dismiss its ARP Petition.

VEC's letter of October 21, 2009 is an unequivocal request to voluntarily dismiss this docket. That request is supported by the Department, the only other party concerned. The voluntary dismissal of an action is governed by Rule 41 of the Vermont Rules of Civil Procedure, which is applicable to Board proceedings pursuant to Board Rule 2.105. In the absence of a stipulation of dismissal signed by all the parties who have appeared in this proceeding, we will treat VEC's letter as a motion pursuant to V.R.C.P. 41(a)(2), which provides for voluntary dismissal by order of court. Because the Department, the only other participant in this case, has indicated that it supports discontinuing this proceeding, we hereby grant, without prejudice, VEC's request to voluntarily dismiss this action, and we further order that this docket shall be closed.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of December, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 30, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.