

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8643

Petition of Vermont Gas Systems, Inc. for authority to)
condemn easement rights in property interests of the)
Town of Hinesburg, Vermont, at Shelburne Falls Road,)
Hinesburg, Vermont, for the purpose of constructing the)
pipeline authorized in Docket 7970)

Order entered: 7/22/2016

ORDER CLARIFYING LOGISTICS FOR TECHNICAL HEARING

The Vermont Public Service Board (“Board”) issues this Order to clarify that the technical hearing scheduled in this Docket for August 4, 2016, will be open to members of the news media and that the Board now expects that there will be live streaming of the proceeding on the internet.

On July 15, 2016, we issued an Order in which we reluctantly concluded that it would be necessary to hold the August 4 technical hearing at a state-owned facility outside Montpelier and to close the premises to members of the general public who are not parties to the case (while inviting the general public to listen to the proceedings live via telephone access).¹ We undertook these unusual actions to preserve the due process rights of the parties who will be participating in the hearing – the Town of Hinesburg, seven members of the public who use Geprags Park, the Vermont Department of Public Service, and Vermont Gas Systems, Inc. By proceeding in this manner, we will be able to meet our responsibility to provide these parties with a fair and orderly hearing in which to present their witnesses and cross-examine the witnesses of the other parties.

As we detailed in our July 15 Order, the decisions to hold the technical hearing at another location and to close the premises to the general public were not taken lightly but were based on:

1. In the Board’s earlier Order of March 17, 2016, the Board sought recommendations from the parties as to how to ensure the orderly conduct of the technical hearings in this Docket and in Dockets 8641, 8642, and 8645.

- a history over the last six months of disruptive behavior by many individuals present at several preliminary hearings involving the condemnation of easement rights for the Vermont Gas pipeline and at a recent Board public hearing;²

- concerns expressed by other tenants who occupy premises in the same privately-owned building as the Board;

- discussions with law enforcement officials indicating that, in the face of large scale protests at the technical hearing, there would be significant personnel and resource challenges associated with restoring order in the hearing room so as to allow the parties to be heard.

Since issuing the July 15 Order, the Board has received inquiries from news organizations about attending the technical hearing. We hereby clarify that the technical hearing premises will be open to the news media. However, the size of the premises may limit the number of reporters, camera operators, and other technical personnel who can be present. News media representatives will have to comply with the site access procedures established in our July 15 Order based on recommendations we received from law enforcement officials. News media representatives who wish to attend the technical hearing should contact the Board by e-mail by the close of business on July 29, 2016. Depending on the number of media requests to attend the proceeding, arrangements for pool coverage may need to be established because of the space limitations.

In addition, the Board has continued to pursue the possibility of providing a live video stream of the technical hearing. Through the diligent efforts of people inside and outside of state government, the Board now believes it will be able to provide a live video stream of the proceedings on YouTube. We expect there to be a link on the Board's website to the Orca Media YouTube channel on which the live stream of the technical hearing will be available.

SO ORDERED.

2. In our March 17 and July 15 Orders, we described the disruptive behavior that burdened the conduct of proceedings in prehearing conferences convened in three of those condemnation cases during the winter of 2016 and at a more recent public hearing.

Dated at Montpelier, Vermont, this 22nd day of July, 2016.

s/James Volz)

) PUBLIC SERVICE

s/Margaret Cheney)

) BOARD

s/Sarah Hofmann)

) OF VERMONT

OFFICE OF THE CLERK

FILED: July 22, 2016

ATTEST: s/Holly R. Anderson
Deputy 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@vermont.gov)