

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6681

Petition to impose penalties upon White)
Mountain Cable Company re: probable Dig Safe)
violation involving a Green Mountain Power)
Corporation utility line located in Vergennes,)
Vermont -)

Order entered: 5/9/2003

I. REPORT AND RECOMMENDATION

On December 4, 2001, the Vermont Department of Public Service ("Department") filed with the Public Service Board ("Board") a Notice of Probable Violation of Underground Utility Damage Prevention System Pursuant to V.P.S.B. Rule 3.807 ("Notice"). The Notice alleged that, on May 7, 2001, at Booth Woods Road in Vergennes, Vermont, White Mountain Cable Company ("WMC") violated the provisions of 30 V.S.A. § 7006b. The Notice further sought the following remedial action: imposition of a civil penalty in the amount of Two Hundred Dollars (\$200.00).

On January 3, 2002, WMC requested that an informal conference concerning the Notice be scheduled.¹

On May 9, 2002, I convened a hearing for the purpose of determining how the parties wished to proceed in this docket. In attendance were John Cotter, Esq., representing the Department, and George W. Russell, IV representing WMC. During that hearing, the Department represented that it and WMC had conflicting information concerning the incident that was the subject of the Notice, and that the Department wished to withdraw the Notice.²

On June 5, 2002, the Department filed a motion for dismissal of this docket, without prejudice. No party has objected to this motion.

1. Letter of George W. Russell IV, filed 1/3/02.

2. Tr. 5/9/02, at p. 6.

Therefore, I recommend that the Public Service Board dismiss this docket, without prejudice.

Consistent with the provisions of 3 V.S.A. § 811, this Proposal for Decision has not been served on the parties because it is not adverse to the interests of any party.

Dated at Montpelier, Vermont, this 9th day of May, 2003.

s/Judith M. Kasper

Judith M. Kasper, Esq.

Hearing Officer

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Hearing Officer's Report and Recommendation is accepted.
2. This docket is dismissed, without prejudice.

Dated at Montpelier, Vermont, this 9th day of May, 2003.

s/Michael H. Dworkin)	PUBLIC SERVICE
)	
)	
s/David C. Coen)	BOARD
)	
)	
s/John D. Burke)	OF VERMONT

OFFICE OF THE CLERK

FILED: May 9, 2003

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: Clerk@psb.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.