

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6799

Investigation into distributed utility planning in)
the Lamoille County Loop DUP Target Area)

Order entered: 5/21/2003

ORDER APPROVING AGREEMENT

I. INTRODUCTION

In this Order we approve the agreement among the Vermont Department of Public Service ("DPS"), the Mount Mansfield Company, Inc., a/k/a Stowe Mountain Resort ("Stowe Mountain"), and Green Mountain Power Corporation ("GMP") that was filed with the Public Service Board ("Board") on March 17, 2003 ("Agreement"), with the correction of a typographical error identified by the signatories.¹ The Agreement provides that, in return for the agreement of the DPS and GMP to allow representatives of Stowe Mountain to participate in the Lamoille County Loop Area-Specific Collaborative that is taking place in this Docket, Stowe Mountain agrees to the Memorandum of Understanding and the Supplemental Agreement between GMP and DPS concerning the Lamoille County Loop DUP [Distributed Utility Planning] Target Area, both of which were approved by the Board in its January 15, 2003, Order in Docket 6290. In addition, the Agreement provides that each of Stowe Mountain's representatives participating in the Lamoille County Loop Area-Specific Collaborative will sign the Collaborative's information ground rules. Finally, the Agreement states that Stowe Mountain does not assume any obligation under the Memorandum of Understanding or Supplemental Agreement approved in Docket 6290 to perform actions which by their nature would be performed by an electric transmission or distribution utility.

1. This error is described below.

II. BACKGROUND

At the February 10, 2003, prehearing conference in this Docket, the DPS noted that the Area-Specific Collaborative that is taking place in this Docket is a negotiation, and all the participants to that negotiation have signed the Memorandum of Understanding and a Supplemental Agreement in Docket 6290. The DPS stated that it wanted all participants in the Area-Specific Collaborative to sign those documents as well as agree to any ground rules for the Area-Specific Collaborative that may be developed. The DPS, GMP, and Stowe Mountain agreed to work together toward this goal.

On March 17, 2003, Stowe Mountain filed the Agreement among the DPS, Stowe Mountain, and GMP.²

On May 1, 2003, I sent the parties a memorandum asking whether the parties were requesting Board approval of the Agreement.

On May 7, 2003, the DPS filed a letter requesting Board approval of the Agreement.³ In addition, the DPS indicated that there was a typographical error in the Agreement. Specifically, the DPS stated that the phrase "Phase I Stipulation" in the second sentence of the paragraph numbered (1) in the Agreement is an error, and the parties intend to refer back to the Memorandum of Understanding mentioned in the first sentence of that paragraph.

Also on May 7, 2003, Stowe Mountain filed a letter stating that if it is customary for the Board to approve documents like the Agreement, it would like to follow that practice.⁴

III. DISCUSSION AND CONCLUSION

I am pleased that Stowe Mountain, the DPS, and GMP were able to reach an agreement that addresses the DPS's concerns regarding Stowe Mountain's participation in the Lamoille County Loop Area-Specific Collaborative. I expect Stowe Mountain's participation in this Collaborative will be helpful as the Collaborative participants negotiate regarding the

2. Stowe Mountain's filing included a signature page for Stowe Mountain only. The DPS filed its signature page with the Board on March 20, 2003. GMP filed its signature page with the Board on May 2, 2003.

3. Letter from Aaron Adler, Esq., DPS, to Susan M. Hudson, Clerk, Public Service Board, filed May 7, 2003.

4. Letter from David F. Kelley, Esq., Vermont Ski Areas Association on behalf of Stowe Mountain, to Ann Bishop, Public Service Board, filed May 7, 2003.

implementation of distributed utility planning in the Lamoille County Loop DUP Target Area. Therefore, I recommend that the Board approve the Agreement, with the correction of the typographical error identified above.

Because this Proposal for Decision is not adverse to the interests of any party to this proceeding,⁵ it has not been served on the parties, pursuant to 3 V.S.A. § 811.

at Montpelier, Vermont this 19th day of May, 2003.

s/Ann Bishop _____

Ann Bishop
Hearing Officer

5. Although not all parties have filed comments on the correction, because it appears to be a typographical error, I recommend the Board make the correction. If any party disagrees with the correction, it may file a motion for reconsideration.

IV. ORDER

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

1. The recommendations of the Hearing Officer are adopted.

2. The agreement among the Vermont Department of Public Service, the Mount Mansfield Company, Inc., a/k/a Stowe Mountain Resort, and Green Mountain Power Corporation that was filed with the Public Service Board on April 25, 2003, ("Agreement") is approved, with the following correction: in the paragraph numbered (1) in the Agreement, the phrase "Phase I Stipulation" is replaced by the phrase "Memorandum of Understanding."

3. This Docket is remanded to the Hearing Officer for future proceedings.

Dated at Montpelier, Vermont, this 21st 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 21, 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)