

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6800

Investigation into distributed utility planning in     )  
the Mount Snow 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"), Mount Snow Ltd, a/k/a Mount Snow Ski Resort ("Mount Snow"), and Green Mountain Power Corporation ("GMP") that was filed with the Public Service Board ("Board") on April 25, 2003 ("Agreement"), with the correction of three typographical errors identified by the signatories.<sup>1</sup> The Agreement provides that, in return for the agreement of the DPS and GMP to allow representatives of Mount Snow to participate in the Mount Snow Area-Specific Collaborative that is taking place in this Docket, Mount Snow agrees to the Memorandum of Understanding and the Supplemental Agreement between GMP and DPS concerning the Mount Snow 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 Mount Snow's representatives participating in the Mount Snow Area-Specific Collaborative will sign the information ground rules developed by agreement of the parties in the Collaborative. Finally, the Agreement states that Mount Snow 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.

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1. These errors are 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 Mount Snow agreed to work together toward this goal.

On April 25, 2003, the DPS filed the Agreement among the DPS, Mount Snow, and GMP.<sup>2</sup>

On May 1, 2003, I sent the parties a memorandum regarding what I believed to be typographical errors in the Agreement. On May 7, 2003, the DPS and Mount Snow independently filed confirmation that there were in fact typographical errors in the document.<sup>3</sup> Specifically, the DPS and Mount Snow agreed that the Agreement should have referred to the Mount Snow Area-Specific Collaborative and the Mount Snow DUP Target Area, not the Lamoille County Loop Area Specific Collaborative and Lamoille County DUP Target Area. In addition, the DPS indicated 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.

## **III. DISCUSSION AND CONCLUSION**

I am pleased that Mount Snow, the DPS, and GMP were able to reach an agreement that addresses the DPS's concerns regarding Mount Snow's participation in the Mount Snow Area-Specific Collaborative. I expect Mount Snow's participation in this Collaborative will be helpful as the Collaborative participants negotiate regarding the implementation of distributed utility

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2. The DPS's filing included signature pages for the DPS and Mount Snow. GMP filed its signature page with the Board on May 5, 2003.

3. Letter from Aaron Adler, Esq., DPS, to Susan M. Hudson, Clerk, Public Service Board, filed May 7, 2003; letter from David F. Kelley, Esq., Vermont Ski Areas Association on behalf of Mount Snow, to Ann Bishop, Public Service Board, filed May 7, 2003.

planning in the Mount Snow DUP Target Area. Therefore, I recommend that the Board approve the Agreement, with the correction of the three typographical errors identified above.

Because this Proposal for Decision is not adverse to the interests of any party to this proceeding,<sup>4</sup> it has not been served on the parties, pursuant to 3 V.S.A. § 811.

DATED at Montpelier, Vermont this 19<sup>th</sup> day of May, 2003.

s/Ann Bishop  
Ann Bishop  
Hearing Officer

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4. Although not all parties have filed comments on the three corrections, because they appear to be typographical errors, I recommend the Board make the corrections. If any party disagrees with the corrections, 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, Mount Snow Ltd, a/k/a Mount Snow Ski Resort, and Green Mountain Power Corporation that was filed with the Public Service Board on April 25, 2003, is approved, with the correction of the following three typographical errors: the phrase "Lamoille County Loop Area-Specific Collaborative" is replaced by "Mount Snow Area-Specific Collaborative," the phrase "Lamoille County Loop DUP Target Area" is replaced by the phrase "Mount Snow Area-Specific Collaborative", and 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 21<sup>st</sup> 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)*