

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6011

Petition of Charles Martin for a Board Order compelling )  
Rochester Electric Light & Power Company to enter into )  
a Power Sale and Purchase Agreement for Petitioner's )  
proposed cogeneration project )

Order entered: 8/31/2004

**REPORT AND RECOMMENDATION**

On July 14, 1997, Charles Martin filed a petition with the Vermont Public Service Board ("Board") for a certificate of public good, pursuant to 30 V.S.A. § 248(j), for the installation and operation of a residential cogeneration system in his primary residence located in Rochester, Vermont. This petition was not accepted as complete by the Clerk of the Board because it lacked information needed by the Board to review the petition, including an interconnection agreement with Rochester Electric Light and Power Company ("Rochester").

On October 2, 1997, Mr. Martin petitioned the Board to issue an order compelling Rochester to enter into a power sale and purchase agreement with the petitioner. The Board opened this Docket to consider Mr. Martin's October 2, 1997, petition.

Since 1997, there have been several status conferences and discussions in this Docket. It appears that the only unresolved issue remaining in this Docket is the purchase price to be paid by Rochester. However, the last correspondence in this Docket is from June 30, 2003, at which time Mr. Martin's attorney stated that negotiations on the issue of purchase price were ongoing.

This Docket has not seen any activity in over one year. The Petitioner's failure to advance his case demonstrates that he has not made a serious commitment to resolve this Docket. Therefore, I recommend that the Board dismiss Mr. Martin's petition without prejudice and close this Docket.

This report and recommendation has been served upon the parties in this case, pursuant to 3 V.S.A. § 811.

Dated at Montpelier, Vermont, this 23<sup>rd</sup> day of August, 2004.

s/Ed McNamara

Edward McNamara  
Hearing Officer

**ORDER**

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

1. The Report and Recommendation of the Hearing Officer is adopted.
2. The petition of Charles Martin is dismissed without prejudice and this Docket is closed.

Dated at Montpelier, Vermont, this 31<sup>st</sup> day of August, 2004.

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

OFFICE OF THE CLERK

FILED: August 31, 2004

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.*