STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. NM-297

Application of the Foundation for a Sustainable)
Future requesting a Certificate of Public Good)
for an interconnected net metered wind turbine)

Order entered: 3/2/2007

PREHEARING CONFERENCE MEMORANDUM and SCHEDULING ORDER

This Docket concerns an application filed by the Foundation for a Sustainable Future ("Applicant") requesting the Vermont Public Service Board ("Board") to issue a Certificate of Public Good ("CPG") for an interconnected net metered wind turbine electrical generation system to be located in Huntington, Vermont. On February 8, 2007, I convened a prehearing conference. Parties appearing at the prehearing were: Brian S. Dunkiel, Esq., for the Applicant; David Rath, Esq., on behalf of E. Miles Prentice, an adjoining landowner; and James Porter, Esq., for the Vermont Department of Public Service.

At the prehearing conference, non-adjoining neighboring landowner Dhyan Nirmegh requested to intervene in the proceedings pursuant to Vermont Public Service Board Rule 2.209(B). No objection to the intervention request was raised and, therefore, I granted the request. Mr Nirmgh's intervention is limited to the criteria described below.

Some of the parties have raised issues regarding possible adverse impacts of the proposed project. Pursuant to the Board's Order of April 19, 1999, in PSB Docket No. 6181, *"Investigation into the Use of a Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies,"* parties with objections or concerns must make a showing that the application raises a significant issue with respect to one or more substantive criteria applicable to the proposed net metering system. The Board may determine to hear evidence on the issue if it concludes that the petition does raise a significant issue with respect to one or more of those substantive criteria. I conclude that the parties have shown that the pending application raises a significant issue with respect to the

following criteria: 30 V.S.A § 248(b)(1) with respect to the proposed project's compliance with the recommendations of the municipal legislative bodies; and 30 V.S.A § 248(b)(5) with respect to the visual impact of the project upon aesthetics.

The parties agreed to file a stipulated schedule for the remainder of this proceeding by February 22, 2007. The parties were, however, unable to reach mutual agreement and have proposed different schedules for the proceeding. The schedule submitted by Mr. Prentice contemplates approximately six months for resolution of this docket. The schedule submitted by the Applicant proposes a resolution in approximately three months. Given the limited issues in this case, I conclude that the schedule proposed by the Applicant provides an appropriate time frame for the remainder of this proceeding. Therefore, I have adopted that schedule as set forth below. This schedule should also allow ample time for further negotiations between the parties regarding the project.

Mr. Rath also requested a waiver of PSB Rule 2.213 to relieve Mr. Nirmegh, as a *pro se* litigant, of the requirement to file prefiled testimony in this matter. Mr. Dunkiel opposes this request. The Board's process in net metering cases is to allow *pro se* litigants to present direct testimony at the technical hearings in order to simplify and reduce the costs of the hearing process to the extent possible. I see no reason to change that process in this case. Therefore, Mr. Nirmegh is not required to file prefiled testimony. However, in lieu of prefiled testimony, Mr. Nirmegh must submit a list of any witnesses, other than himself, and any exhibits he proposes to present at the technical hearing by March 30, 2007, in accordance with the schedule below.

Schedule:

March 16, 2007	Parties file written discovery on Applicant.
March 23, 2007	Applicant's response to discovery due.
March 30, 2007	Parties other than Applicant file prefiled direct testimony.
April 4, 2007	Applicant files written discovery on other parties.
April 18, 2007	Other parties' responses to Applicant's discovery due.
April 25, 2007	Applicant files prefiled rebuttal testimony.
May 2 - 4, 2007	Technical Hearing to be scheduled.

SO ORDERED.

Dated at Montpelier, Vermont, this 2nd day of March, 2007.

s/Gregg Faber
Gregg Faber
Hearing Officer

OFFICE OF THE CLERK

FILED: March 2, 2007

ATTEST: s/Judith C. Whitney
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@state.vt.us)