

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5980

Investigation into the Department of Public)
Service's proposed Energy Efficiency Plan in re:)
Phase II)

Order entered: 5/12/99

ORDER RE: PROCEDURAL SCHEDULE

On April 30, 1999, the Department of Public Service ("DPS"), Green Mountain Power Corporation, and Central Vermont Public Service Corporation filed a memorandum of understanding ("MOU") resolving all issues outstanding among them.¹ The 30-page MOU describes the structure and implementation of a statewide "energy efficiency utility" – how it will be funded, managed, and overseen by the Public Service Board – and it also sets out, among other things, the various duties of the signatories to support the Energy Efficiency Unit and develop guidelines for distributed utility planning. Since then, several other Vermont electric companies have joined the MOU, among them Citizens Utilities Company and Vermont Electric Cooperative, Inc.

On May 10, 1999, a status conference was held, during which the parties informed me that negotiations with as-yet non-signatory parties are continuing and that, in many cases, they expect that additional settlements will shortly be forthcoming. The several parties to the MOU asked that an expeditious procedural schedule for reviewing the stipulation and any objections to it be set. The City of Burlington Electric Department ("BED") pointed out that the MOU represents only one potential piece of evidence that the Board must consider when it takes up the issues marked for Phase II, and that it (BED) reserves its rights to present arguments and evidence in support of its own positions, in the event that it has not signed on to the MOU. Other parties echoed a similar concern, even those who had joined the settlement, noting that, if the Board does not accept the MOU, in whole or in part, they also reserve their rights to make their own cases.

1. Appended to the MOU are bilateral agreements between the DPS and the signatories. These side agreements address issues peculiar to each utility.

In consideration of the parties' concerns and in the knowledge that substantial discovery has already taken place, I set the following procedural schedule. It is fair but rigorous. It gives all parties a full opportunity to present their positions with supporting evidence and testimony, and it also allows us to proceed on a track that closely resembles that which the Board laid out in its Order of January 19, 1999 (at 45).

Prefiled testimony, signatory parties	5/24/99
Discovery upon signatories ²	6/1/99
Discovery responses due	6/7/99
Prefiled testimony, non-signatory parties ³	6/14/99
Discovery upon non-signatories	6/18/99
Discovery responses due	6/25/99
Evidentiary hearings	6/29 - 7/1/99
Initial briefs and proposed findings	7/16/99
Reply briefs	7/23/99

These are "in hand" dates.

Dated at Montpelier, Vermont, this 12th day of May, 1999.

s/ Frederick W. Weston, III
 Frederick W. Weston, III
 Hearing Officer

OFFICE OF THE CLERK

FILED: May 12, 1999

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 of any technical errors, in order that any necessary corrections may be made.

2. Discovery may be conducted upon any signatory, even if the party has not submitted prefiled testimony.

3. Parties who join the MOU after May 24th shall file their prefiled testimony in support of it on this date.