

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6188

Petition of On Target for a Determination of)
Excavator's Compliance with Vermont's Dig)
Safe Law and Rules)

Order entered: 1/25/2000

PROCEDURAL ORDER
AND
NOTICE OF PREHEARING CONFERENCE

This matter was originally filed and docketed as seeking a determination of liability for damages caused to a utility's underground property by an excavator. After a prehearing conference, I issued an Order asking the parties to brief the issue of the Public Service Board's authority to adjudicate damage claims, especially where as here some claims were by the utility's customers.

Subsequently the petitioner has asked that the scope of the case be limited to a single issue: whether or not the excavator, J.A. MacDonald, Inc., complied with the provisions of the Underground Utility Damage Prevention laws, 30 V.S.A. §§ 7001– 7008, and Public Service Board Rules adopted thereunder, P.S.B. Rule 3.800 *et seq.* The petitioner also asked that the title of the docket be amended to reflect the limited scope. Both of the other parties in interest, New England Telephone and Telegraph Company d/b/a Bell Atlantic-Vermont ("Bell Atlantic-Vermont") and J.A. MacDonald, Inc. have joined in petitioner's requests. The issues in this docket will be limited as requested, and a second prehearing conference is noticed below to set a prompt hearing schedule.

Mssrs. Kennan and Del Vecchio, attorneys for Bell Atlantic-Vermont, have asked that Board Rule 2.201(C) be waived and they be permitted to appear in this case. There having been no objection, permission is hereby given.

A prehearing conference will be held pursuant to 30 V.S.A. § § 8, 10, and 209 and PSB Rule 3.800, on **Tuesday, February 15, 2000, commencing at 9:30 A.M.**, at the Public Service Board Hearing Room, 3rd Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont.

DATED at Montpelier, Vermont, this 25th day of January, 2000.

s/John P. Bentley
John P. Bentley
Hearing Officer

OFFICE OF THE CLERK

FILED: January 25, 2000

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.