

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6241

Petition of Central Vermont Public Service)
Corporation for authority to condemn an easement)
right in property owned by Duncan Marshall, Elise)
Daggs Marshall, Roderick Marshall, Janet)
Marshall a/k/a Janet Scott, Gordon Marshall, Kathy)
Musser Marshall, Lyn M. Egsgard, John C.)
Egsgard, Blanche M. Foz, Adel Foz, Tucker)
McLane, John R. McLane, III, Joan B. McLane,)
Denise McLane, Angus McLane, Marilyn (a/k/a)
Rommi) McLane, Lee Strang, William Strang, The)
Cochran Vermont Family Trust and Mary H.)
Cochran, a/k/a Mary H. Pogue, Trustee, in the)
Towns of Hartford and Pomfret, Vermont)

Order entered: 2/2/2000

I. REPORT

This case concerns a petition filed by Central Vermont Public Service Corporation ("CVPSC") on May 5, 1999. The petition seeks an order of the Public Service Board ("Board") for authority to condemn an easement for the construction and maintenance of a power line to render adequate service to the public in and over the property of four property owners in the Towns of Hartford and Pomfret, Vermont.

A prehearing conference in this docket was held on July 16, 1999, at the Pomfret Center Building in Pomfret, Vermont. A site visit was also held on July 16, 1999, following the prehearing conference. At the prehearing conference, it appeared that settlement of the issues between the parties was a likely possibility. As a result, the parties were requested to meet, hopefully resolve the issues, and report to the Board on or before July 30, 1999. On July 30, 1999, the Board received a letter from CVPSC indicating that progress toward settlement of the issues had been made and requested an additional ten (10) days in hopes that settlement could be reached. That request was granted. Since that time, several letters were received from CVPSC, each indicating progress toward settlement and

hopeful of reaching a settlement soon. An extension of time was granted each time; however, since no settlement was forthcoming by late November, 1999, a status conference was scheduled to learn the status of the settlement negotiations and set a schedule to proceed toward completion of this docket.

A status conference in this docket was held on December 9, 1999, at the Town of Hartford Municipal Building in White River Junction, Vermont. At the status conference, it was stated that although progress had been made over the last several months, no settlement of the issues had been reached. All parties agreed that if settlement of the issues could not be reached on or before December 20, 1999, formal condemnation proceedings should begin. On that basis, a schedule to proceed with this docket was established.

On January 6, 2000, as a followup to a telephone voice mail message on December 20, 1999, CVPSC notified the Board in writing that it had received the necessary easements from the property owners in the subject case. The CVPSC letter further stated that this condemnation proceeding can be dismissed.

No comments were received from any other party.

II. RECOMMENDATION

Based upon all the above, it is clear that all parties are satisfied with the resolution of this matter and I will treat the CVPSC letter of January 6, 2000, as a motion to dismiss. As a result, I recommend that the motion be granted and that this docket be dismissed, without prejudice.

This Report need not be served on the parties because it is not "adverse to the interests of any party". 3 V.S.A. Sec. 811.

The foregoing is hereby reported to the Board in accordance with the provisions of 30 V.S.A. Sec. 8.

DATED at Montpelier, Vermont, this 31st day of January, 2000.

s/Wayne L. Foster
Wayne L. Foster
Hearing Officer

ORDER

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

1. The Hearing Officer's Report and Recommendation in this docket are accepted.
2. The petition of Central Vermont Public Service Corporation is dismissed, without prejudice.

DATED at Montpelier, Vermont, this 2nd day of February, 2000.

<u>s/Michael H. Dworkin</u>)	
)	
)	PUBLIC SERVICE
)	
<u>s/Suzanne D. Rude</u>)	BOARD
)	
)	OF VERMONT
)	
<u>s/David C. Coen</u>)	

OFFICE OF THE CLERK

FILED: February 2, 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.

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.