STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6330

Petition of Central Vermont Public Service	)
Corporation and Green Mountain Power	)
Corporation Requesting an Investigation into	)
the Establishment of Retail Access Policies	)
and Procedures	)

Order entered: 2/18/2000

PROCEDURAL ORDER
AND NOTICE OF WORKSHOP

Introduction

On January 31, 2000, the Public Service Board ("Board") held a prehearing conference in this investigation during which it observed that this docket contemplates a two-stage process -- informal meetings followed by a shift to a more formal, contested case procedure.[1] The Board indicated that a Hearing Officer would be appointed to conduct the informal stage of this docket. In this Order, pursuant to 30 V.S.A. § 8, we appoint J. Riley Allen, Utilities Analyst, to serve as the Hearing Officer for this proceeding.

The Board further invited written comments on the scope and the procedural issues to be addressed in the informal phase of this proceeding, and it set February 9, 2000, as the deadline for filing such comments. To date, comments on the process and focus of the informal phase of this docket have been filed by Petitioners Central Vermont Public Service Corporation ("CVPS") and Green Mountain Power Corporation ("GMP"), and by the Vermont Department of Public Service ("Department"), Vermont Electric Cooperative, Inc. ("VEC"), International Business Machines Corporation ("IBM"), and International Brotherhood of Electrical Workers Local No. 300 ("IBEW").[2]

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1. Tr. 1/31/00 at 13-14.
2. The Vermont Independent Power Producers Association ("VIPPA") also asked that one issue of significance to the independent power producers be addressed in the context of this proceeding. VIPPA Comments, 2/9/00 at 1.

In addition, at the Prehearing Conference, the Board extended the filing deadline for motions to intervene in this docket to February 9, 2000, and set February 16, 2000, as the deadline for filing objections to intervention requests.

Scope

The comments received by the Board concerning the scope of issues to be addressed in this proceeding include a wide range of topics. We have determined that, pursuant to our authority under 30 VSA Sections 203, 209, 218, 218c, 225, 231, and 251(d), we shall use this proceeding broadly to address operational issues and issues of policy implementation related to the possible establishment of retail access in the CVPS and GMP service territories. Identification of the specific issues to be addressed in the informal phase of this proceeding will be overseen by the Hearing Officer, and, at this time, we are not limiting the scope of implementation issues that may be addressed. We are pleased to observe that all the filings concerning scope include reference to consumer protections and/or public benefits. We do specifically note the need to thoroughly examine questions concerning "precise and realistic mechanisms" to deal with "stranded public benefits." See Docket No. 5854, Order of 12/30/98, passim and at 168; Docket No. 6140-A, Order of June 24, 1999, reaffirming "Vermont Principles on Electric Utility Restructuring."

Requests for Party Status

In our Prehearing Conference Memorandum of February 3, 2000, we listed all persons and entities that filed motions to intervene as of that date. Subsequently, VEPP Inc.,[3] and Engage Energy US. L.P. filed requests for party status in this proceeding. No objections to any

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3. On February 8, 2000, Counsel for VEPP Inc. notified the Board that our Order of January 14, 2000, had incorrectly referenced his client under the name of the Vermont Electric Power Producers, Inc., rather than its legal name of "VEPP Inc." *See*, Letter to Susan M. Hudson from David John Mullett, Esq., 2/8/00. Henceforth, we will refer to VEPP Inc. under its legal name in this proceeding or as "VEPPI". Mr. Mullet also highlights the distinction between the Vermont Independent Power Producers Association ("VIPPA") and VEPPI. Mr. Mullet notes that VEPPI is a non-profit corporation that functions as an independent purchasing agent and is not a representative of the independent power producers; VEPPI should not be confused with VIPPA, which represents the interests of independent power producers.

of the requests for intervention have been made.[4] All requests for intervention are granted pursuant to Public Service Board Rule 2.209(B), Permissive Intervention.[5] The list of parties may narrow during subsequent stages of this investigation, particularly if it moves to "contested case" proceedings at some point. However, we wish the current round of negotiations to be meaningful and, thus, we do not anticipate granting further interventions in the contested case portion of the proceeding by parties who have not intervened by this time, absent extraordinarily compelling justification. A list of intervenors and "interested persons" is attached to this Notice of Workshop.

It also appears useful to address another issue here. In initiating this Docket, the Board generated a list of "interested persons" based on a list established in Dockets 5854 and 6140. "Interested persons," as distinguished from "parties," are sent copies of all orders and hearing notices issued in a Board proceeding; but they do not have the legal rights of parties and do not routinely receive other materials filed by the parties. In this docket, the Hearing Officer intends to use the Board's web page[6] to keep the parties and interested members of the public informed of progress in the proceeding. All orders will be posted on a web page dedicated to this proceeding, and the Hearing Officer further intends to use this web page to provide access to the petition, accompanying materials, and, with the cooperation of the parties, positions of the parties that are filed electronically. In addition, utilization of other electronic means for disseminating information concerning this proceeding will be discussed further at the first plenary workgroup meeting discussed below. We encourage interested members of the public to use these electronic resources. In addition, "interested persons" that affirmatively request copies of Board orders will receive copies of such orders through regular mail delivery. However, in light of the large number of persons on the "interested person" list, we wish to make sure that no wastage is occurring as a result of routine mailings to persons that are not interested in receiving them. Thus, any person or entity other than the parties to this docket that wishes to continue receiving, by mail, orders and hearing notices issued in this proceeding,

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4. *See,* for example, letter to Susan M. Hudson from Morris L. Silver, Esq. dated 2/15/00.

5. As the Petitioners note, the question of permissive intervention or intervention as a right in this proceeding need not be addressed. *See*, letter from Morris L. Silver, Esq. dated 2/15/00. Board Member Rude took no part in the decision on IBM's request for intervention.

6. The Board's web address (or URL) is www.state.vt.us/psb

must so notify the Clerk of the Board, in writing, no later than March 1, 2000; all other names will be removed from the list of "interested persons."

Notice of Workshop

The Hearing Officer will convene the first plenary workgroup meeting in this proceeding on Thursday, March 2, 2000, at 10:00 AM. The meeting will take place at the Board's Hearing Room, 3rd Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont. The purpose of the workshop is to allow the Petitioners to present their proposal to the parties and to address the procedural elements of the first phase of this investigation.[7]

SO ORDERED.

DATED at Montpelier, Vermont, this 18th day of February, 2000.

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

OFFICE OF THE CLERK

Filed: February 18, 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.

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7. The Hearing Officer should issue a scoping order in this proceeding prior to the Workshop. In preparation for the workshop, Board staff will distribute a preliminary proposal or alternatives based on the submissions of February 9, 2000. The Department requested an opportunity to discuss issues of "group structure" at an initial workshop. DPS comments 2/9/00 at 7. Consequently, the Hearing Officer will delay the definition of specific working groups and associated assignment of topics until the issue is addressed at the March 2, 2000 plenary workshop.