

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6396

Petition of VEPP Inc. for a declaratory ruling)
regarding the legal authority of the Public)
Service Board to issue voluntary administrative)
securitization orders relative to qualifying)
facilities currently holding purchase power)
contracts under Board Rule 4.100)

Order entered: 7/24/2000

PREHEARING CONFERENCE MEMORANDUM,
PROCEDURAL ORDER, NOTICE OF WORKSHOP
AND NOTICE OF EVIDENTIARY HEARING

On July 12, 2000, the Public Service Board ("Board") held a prehearing conference in this Docket. Attending parties and counsel are listed in Attachment A.

On or before the date of the prehearing conference, motions to intervene were filed by several parties.¹ No objections to any of these motions were made either prior to or at the prehearing conference. Each of these motions were granted at the prehearing conference.

At the prehearing conference, the parties discussed how this Docket should proceed. The parties indicated that, since this is a petition for a declaratory judgment, formal testimony is not anticipated. VEPP, Inc. ("VEPPI"), the petitioner, has proposed that we convene a workshop. However, the Board expressed concern about whether a workshop, alone, would provide an adequate evidentiary basis for presenting information on which the Board could rely in making its decision. The Board and the parties then discussed alternative appropriate methods for presenting information upon which the Board could rely. Mr. Mullett offered to have VEPPI provide a

1. Central Vermont Public Service Corporation (filed 7/10/00), Green Mountain Power Corporation (filed 7/10/00), Vermont Independent Power Producers Association (filed 7/10/00), Vermont Marble Power Division of OMYA, Inc. (filed 7/6/00), and Vermont Public Power Supply Authority (filed 7/12/00).

Docket No. 6396

supplemental filing by Monday, July 17, 2000, that would set forth a proposal for addressing this concern.

A schedule for proceeding in this Docket also was discussed. In a letter accompanying its petition, VEPPI proposed the following schedule:

Week of June 26, 2000	Order issued by Board opening proceedings, expressing issues of Board interest and setting prehearing conference
July 7, 2000	VEPPI filing in response to issues raised by Board
Week of July 10, 2000	Prehearing conference
Mid July, 2000	Workshop
July 31, 2000	Filings of other parties due
August 7, 2000	Final VEPPI response due
Week of August 14, 2000	Oral argument

At the prehearing conference, this schedule was approved in concept, and the following dates were set:

July 17, 2000	VEPPI to make supplemental filing
August 23, 2000 (tentative)	Workshop or hearing

On July 17, 2000, Mr. Mullett filed a letter with the Board in which he suggested that the proposed workshop be divided into two phases: the first phase to be an untranscribed session entailing a presentation by VEPPI and full and complete exploration of all issues by all parties in an informal and non-adversarial manner; the second phase to be an opportunity for the parties to create an evidentiary record via stipulation and/or succinct testimony.

Accordingly, NOTICE is hereby given that a workshop will be held in this matter on Wednesday, August 23, 2000, from 9:30 a.m. through 12:00 noon, at the Public Service Board Hearing Room, Third Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont. In addition, pursuant to 30 V.S.A. §§10 and 209, NOTICE is hereby given that an evidentiary hearing will be held on August 31, 2000, commencing at 1:30 p.m. at the Public Service Board Hearing Room, Third Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont. At the conclusion of the August 23, 2000, workshop, the Board will invite the parties to comment on whether the next phase of this docket should be by stipulation, or by the evidentiary hearing scheduled for August 31, 2000.

Docket No. 6396

SO ORDERED.

DATED at Montpelier, Vermont, this 24th day of July, 2000.

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

OFFICE OF THE CLERK

Filed: July 24, 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 (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Attachment A

Attendees at July 12, 2000, Prehearing Conference

<u>Parties</u>	<u>Counsel or Representative</u>	<u>Other Attendees</u>
VEPP, Inc. ("VEPPI")	David John Mullet, Esq.	John Spencer, of VEPPI Joseph Fichera, of Prudential Securities, Inc. David Dubin, of Prudential Securities, Inc.
Vermont Department of Public Service	John J. Cotter, Esq., and Dixie Henry, Esq.	
Central Vermont Public Service Corporation	Morris Silver, Esq.	
Green Mountain Power Corporation	Donald J. Rendall, Jr., Esq., of Sheehey Furlong Rendall & Behm, PC	
Vermont Marble Power Division of OMYA, Inc.	Edward V. Schwiebert, Esq., of Reiber, Kenlan, Schwiebert, Hall & Facey	
Vermont Independent Power Producers Association	John Warshaw	
Vermont Public Power Supply Authority	Trevor R. Lewis, Esq., of Primmer & Piper, P.C.	

Docket No. 6396