

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7536

Petition of Middlebury Electric LLC for a)
certificate of public good to own and operate a)
hydroelectric generating facility located on the)
west bank of Middlebury Upper Falls in the)
Town of Middlebury, Vermont)

Order entered: 7/27/2009

PREHEARING CONFERENCE MEMORANDUM

On July 20, 2009, I convened a prehearing conference in this proceeding. The following parties entered appearances: Brady Toensing, Esq., for Middlebury Electric LLC ("Middlebury Electric"); and Sarah Hofmann, Esq., for the Vermont Department of Public Service ("Department"). Also present at the prehearing conference were Gerald R. Tarrant, Esq., Tarrant, Marks & Gillies, for the Town of Middlebury (the "Town"), and Kenneth C. Picton, Esq., for Central Vermont Public Service Corporation ("CVPS").

Interventions

At the prehearing conference, CVPS moved to intervene. No party objected, and I granted intervention to CVPS.

The Town indicated that it would be filing a written motion to intervene shortly. I established a deadline for responses to the Town's motion of two weeks after the motion is received.¹

I established a deadline of August 3, 2009, for any other motions to intervene.

1. Subsequent to the prehearing conference, on July 23, 2009, the Town filed a letter stating that it has tentatively agreed to withhold filing its motion to intervene, pending discussions with Middlebury Electric.

Issues

The Department and I each requested that Middlebury Electric submit supplemental information addressing certain of the criteria that the Public Service Board has established for review of petitions under 30 V.S.A. § 231. The schedule includes a deadline for Middlebury Electric to file supplemental testimony on these issues.

The Town identified a number of issues that it intends to raise in this proceeding, and which it will include in its motion to intervene.

CVPS identified interconnection issues that it believes may need to be addressed.

Schedule

At the prehearing conference, the parties agreed upon the following schedule, which I adopted.

Responses to Town's motion to intervene	Two weeks after receipt of Town's motion
Deadline for motions to intervene	August 3, 2009
Responses to motions to intervene (other than the Town's motion to intervene)	August 10, 2009
Middlebury Electric files supplemental testimony on Section 231 criteria	August 21, 2009
Discovery requests on Middlebury Electric (to be provided electronically with hard copies to follow)	September 3, 2009
Middlebury Electric files responses to discovery requests (to be provided electronically with hard copies to follow)	September 17, 2009
Status Conference	October 5, 2009

The parties also discussed whether a public hearing should be held in this proceeding. The Town (and any other party) may file a request for a public hearing.²

2. If a public hearing is held, the status conference may be rescheduled to the same date and general location as the public hearing, for the convenience of the parties.

SO ORDERED.

Dated at Montpelier, Vermont, this 27th day of July, 2009.

s/Kurt Janson
Kurt Janson
Hearing Officer

OFFICE OF THE CLERK

FILED: July 27, 2009

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 in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)