

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7032

Joint Petition of Vermont Electric Power)
Company, Inc., Green Mountain Power)
Corporation and the Town of Stowe Electric)
Department for a certificate of public good,)
pursuant to 30 V.S.A. Section 248, authorizing the)
so-called Lamoille County 115 kV Project,)
consisting of the construction of a transmission line)
from Stowe to Duxbury, Vermont, and)
accompanying facilities)

Order entered: 1/19/2005

PREHEARING CONFERENCE MEMORANDUM

On December 6, 2004, the Vermont Public Service Board ("Board") received a joint petition from Vermont Electric Power Company, Inc. ("VELCO"), Green Mountain Power Corporation ("GMP") and the Town of Stowe Electric Department ("Stowe Electric"), for a certificate of public good ("CPG"), pursuant to 30 V.S.A. § 248, to construct the so-called Lamoille County Project ("Project").

On January 7, 2005, I held a prehearing conference to address this petition. Appearances were entered by: Sarah Hofmann, Esq., for the Vermont Department of Public Service ("Department"); David Englander, Esq., for the Vermont Agency of Natural Resources ("ANR"); Peter Zamore, Esq., for GMP; and William Piper, Esq., for VELCO and Stowe Electric. In addition, representatives of the Town and Village of Waterbury, the Town of Stowe Selectboard, Town of Stowe Planning Director, Town of Duxbury Planning Commission, Central Vermont Regional Planning Commission, Lamoille County Regional Planning Commission, several potentially affected landowners, and representatives of Vermont Electric Cooperative, Inc. and the City of Burlington Electric Department were present at the prehearing conference.

At the prehearing conference I discussed the status of the municipal governments and municipal and regional planning agencies. I stated that, although these entities are entitled to notice under Section 248, they are not automatically granted party status by that statute. If these municipal and regional organizations wish to intervene, they must file a notice that they intend to appear as parties in this Docket. They need not file a formal motion to intervene, unless another party files an objection to the notice within seven calendar days. If an objection is filed, the municipal or regional entity will be required to file a formal motion to intervene and explain why it should be granted party status, pursuant to Board Rule 2.209.

The following schedule is established for portions of the Docket:

Public Hearing	February 9, 2005
Deadline for Intervention Requests	February 18, 2005
Site Visit	Week of March 7, 2005
Last date for filing Discovery Requests on Petitioners	March 16, 2005

As established at the prehearing conference, the parties will conduct rolling discovery with a ten-calendar-day response time. In addition, responses to intervention requests will be due seven calendar days after the request is filed.

Parties were split on the establishment of the remainder of the schedule. The Department requested that any scheduling be deferred until after the issuance of the Board's Order in Docket 6860 (a docket concerning a different VELCO transmission upgrade). VELCO proposed a schedule that several members of the public at the prehearing conference thought was too aggressive. It was agreed that a preliminary schedule would be set at this point, and parties would file a proposed schedule for the remainder of the Docket. Any proposed schedule or comments on this issue shall be filed with the Board by January 31, 2005.

An issue raised at the conference was the Board's authority to condemn land within the State Forest. Several members of the public have raised the issue of whether the proposed transmission line should be routed through the State Forest. At the prehearing conference I raised the issue of whether the Board has authority to condemn state land. It was agreed that

parties would file a proposed briefing schedule for this issue in conjunction with a proposed schedule for the remainder of this Docket.

Parties must file copies of discovery requests and discovery responses with the Board. Electronic filings of this discovery are encouraged in addition to the hard copy.

SO ORDERED.

Dated at Montpelier, Vermont, this 19th day of January, 2005.

s/Ed McNamara
Edward M. McNamara, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: January 19, 2005

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: Clerk@psb.state.vt.us)