

STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 8816

Petition of Swanton Wind LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for the construction of an up to 20 MW wind-powered electric generation plant powered by up to 7 wind turbines located along Rocky Ridge in Swanton, Vermont

Order entered: 1/20/2017

SECOND PROCEDURAL ORDER RE: RESCHEDULED WORKSHOP AND SCHEDULE

I. Introduction and Background

By Order dated December 19, 2016, the Vermont Public Service Board ("Board") established January 3, 2017, as the date for a workshop in this proceeding.

However, that workshop was cancelled due to inclement weather and the possibility of hazardous driving conditions.

Attempts by the Board to set a new date for the workshop during the weeks of January 9 and 16, 2017, were unsuccessful due to scheduling constraints of many of the parties.

On January 6, 2017, the Board issued an Order seeking recommendations on a new date, time, and location for the workshop.

On January 17, 2017, recommendations were filed by Swanton Wind, LLC ("Swanton Wind"), the Northwest Regional Planning Commission ("NRPC"), the towns of Swanton and Fairfield, Dustin and Christine Lang, and the Vermont Department of Public Service ("Department").¹ Bruce and Sally Collopy also submitted comments via email.²

¹ The Department did not make any recommendations regarding the date, time, or location of the workshop but noted that it was unavailable to attend on January 24 and 25, 2017.

² The Collopy's did not make a specific recommendation regarding the date for the workshop, although they did express a preference for it to be held in the Swanton area and during the evening. They also requested that Swanton Wind bring several full-size copies of the project site plans. The Board believes that it would be helpful for Swanton Wind to bring such full-size copies and requests that it do so.

II. Discussion

After careful consideration of the comments and recommendations filed on January 17, 2017, we have determined that the workshop will be held on Thursday, February 9, 2017, commencing at 5:00 P.M., at the Swanton Village Complex, 120 First Street in Swanton. The format of the workshop shall remain as described in the Board's December 19, 2016, Order in this proceeding.

We realize that the date we have selected does not accommodate all the individuals and entities that filed recommendations with us regarding the workshop. In particular, we are cognizant that the February 9th date presents a conflict for the NRPC and the Langs. While we would prefer to accommodate all commenting parties, the comments from both the NRPC and the Langs indicate that there are very few dates when they are available to attend a workshop over the course of the next several weeks. Additionally, February 9th is a date when Swanton Wind's expert consultants are available, as are representatives of both the Town of Swanton and the Town of Fairfield. We also note that the workshop is to allow non-petitioning parties and potential intervenors an opportunity to ask Swanton Wind questions about the proposed project to better understand project details in advance of initiating formal discovery or deciding on whether to seek intervention. Both the NRPC and the Langs have already intervened as parties in this matter and are represented by counsel to assist them in the preparation of any discovery requests they may have. Thus, and in order to not unnecessarily complicate the schedule for this proceeding, we have decided that the workshop will take place on February 9th as proposed by the towns.

Given the February 9th date for the workshop, the possibility of another weather-related cancellation remains. If the workshop is again cancelled, every effort will be made to reschedule it. However, the schedule set forth below, including the new intervention deadline, will not be extended solely because of such a cancellation.

III. Schedule

The following schedule is adopted for this proceeding:

Event	Date
Workshop	February 9, 2017
Deadline for motions to intervene	February 16, 2017
First round written discovery on petitioner (persons or entities with intervention motions pending may serve discovery)	February 16, 2017
Responses to intervention motions	February 23, 2017
Responses to written discovery	March 2, 2017
Second round written discovery on petitioner	March 9, 2017
Responses to written discovery	March 20, 2017
Non-petitioner direct testimony	April 17, 2017
Written discovery on non-petitioners	April 24, 2017
Responses to written discovery	May 15, 2017
Petitioner rebuttal testimony	June 5, 2017
Written discovery on petitioner rebuttal	June 19, 2017
Deadline for deposition notices on petitioner (parties to schedule depositions among themselves)	June 26, 2017
Responses to written discovery	July 10, 2017
Public hearing and site visit	Week of July 17, 2017
Non-petitioner rebuttal testimony	July 31, 2017
Written discovery on non-petitioner rebuttal	August 7, 2017
Deadline for deposition notices on non- petitioners (parties to schedule depositions among themselves)	August 14, 2017

Responses to written discovery	August 28, 2017
Technical hearing	Week of September 11, 2017
Briefs	To be determined post-hearing

Like the original schedule, this schedule also recognizes the possibility that there may be motions to intervene pending on the date the first round of written discovery is served on Swanton Wind. Accordingly, the schedule allows persons or entities that have such a pending motion to serve discovery on Swanton Wind. In the event the motion is granted, Swanton Wind shall respond to any such discovery. In the event such a motion is denied, Swanton Wind shall not be required to provide responses.

SO ORDERED.

Dated at Montpelier, Vermont, this 20th day of January, 2017.

<u>s/James Volz</u>)	
James Volz)	PUBLIC SERVICE
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)	
<u>s/Margaret Cheney</u>)	BOARD
Margaret Cheney)	
)	
)	OF VERMONT
<u>s/Sarah Hofmann</u>)	
Sarah Hofmann)	

OFFICE OF THE CLERK

Filed: January 20, 2017

Attest: s/Judith C. Whitney
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@vermont.gov)