

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 17-3550-INV

Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the alleged failure of Vermont Gas Systems, Inc. to comply with the certificate of public good in Docket 7970 by burying the pipeline at less than required depth in New Haven, Vermont	
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Case No. 18-0395-PET

Notice of Probable Violations of Vermont Gas Systems, Inc. for certain aspects of the construction of the Addison natural gas pipeline	
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STIPULATED MOTION TO AMEND BRIEFING SCHEDULE

Vermont Gas Systems, Inc. (“VGS”) hereby moves the Vermont Public Utility Commission (“Commission”) to amend the procedural schedule in order to provide for discovery on the next round of testimony. The current schedule appears to have inadvertently omitted an opportunity for discovery on the testimony and exhibits to be filed on September 10. In support of this Motion, VGS submits that providing an opportunity for discovery on the next round of testimony is fair and efficient because it will allow the parties an opportunity to further evaluate the September 10 evidence prior to submitting the final round of rebuttal testimony (which itself is subject to discovery under the schedule). Additionally, VGS submits that it is standard practice for parties to have an opportunity for discovery prior to filing responsive testimony. VGS further submits that this modification to the schedule will not cause any undue delay as it extends the evidentiary hearing date less than three weeks.

VGS has conferred with the other parties to this matter and understands the Department of Public Service will file comments on this Motion separately. VGS is authorized to represent that VELCO and the Agency of Natural Resources both support this Motion. Intervenors do not agree. Counsel for Intervenors have asserted that discovery on the next round of testimony is

available only *after* rebuttal testimony is filed. Because this would deprive the parties of a discovery opportunity prior to filing the last round of testimony in this matter, VGS submits Intervenor’s proposed approach to discovery would not provide a fair opportunity to prepare rebuttal testimony.

For these reasons, VGS proposes the following adjustments to the procedural schedule:

DATE	EVENT
September 10, 2021	The parties file pre-filed testimony and documentary evidence responding to VELCO’s July 23 filing and the penalty criteria in 30 V.S.A. § 30
<u>September 24, 2021</u>	<u>Discovery requests on other parties’ testimony including any requests for deposition</u>
<u>October 8, 2021</u>	<u>Other parties respond to discovery</u>
<u>October 12, 2021</u>	<u>Depositions to be completed</u>
September 24 <u>October 22</u> , 2021	Parties file any rebuttal testimony and exhibits
October 29 <u>8</u> , 2021	Parties serve discovery requests on rebuttal testimony and exhibits
October 22 <u>November 12</u> , 2021	Parties respond to discovery requests
November 19 <u>2</u> , 2021	Parties jointly file a hearing logistics memo addressing exhibits to be admitted and a schedule of cross-examination to be heard at an Evidentiary Hearing
November 23 <u>5</u> , 2021	Evidentiary Hearing is conducted by video teleconference beginning at 9:30 A.M. and ending no later than 5:30 P.M.
November 19 <u>December 10</u> , 2021	Parties submit proposed findings and conclusions
November 30 <u>December 23</u> , 2021	Parties submit replies to proposed findings and conclusions

DATED at Burlington, Vermont on this 7th day of September 2021.

VERMONT GAS SYSTEMS, INC.

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