

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	
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Order entered: 04/25/2017

ORDER RE: SCHEDULE AND INTERVENTION

On April 12, 2017, the “Citizen Intervenors” (identified in the Public Service Board’s (“Board”) April 6, 2017, Order on interventions) filed with the Board as a group a motion seeking an extension until May 8, 2017, of the deadline for serving discovery on the petitioner in this proceeding. According to the Citizen Intervenors, they need the extension to coordinate their efforts in the preparation of discovery requests as required by the Board in the April 6th Order on interventions.

On April 13, 2017, Vermonters for a Clean Environment (“VCE”) filed a motion seeking reconsideration of the condition imposed in the Board’s April 6, 2017, Order on interventions that “to the extent we grant intervention to any of the citizen intervenors in this order and those individuals are also members of VCE, then they may not participate individually on any issues for which VCE has been granted intervention, but instead must have their interests on those issues represented by VCE.”¹ According to VCE, it cannot represent the private interests of its individual members in this proceeding. VCE also asks that the deadline for service of discovery on the petitioner be extended until a date two weeks after the date of this Order.

On April 14, 2017, Swanton Wind, LLC (“Swanton Wind”) filed a response to the Citizen Intervenors’ and VCE motions. Swanton Wind has no objection to the Citizen Intervenors request to extend the deadline for serving discovery until May 8, 2017. Swanton Wind, while not expressing an opinion on the validity of VCE’s arguments regarding its ability to represent its members’ private interests before the Board, raises no objection to the requested

¹ Docket 8816, Order of 4/6/17 at 7.

removal of the condition set forth in the April 6th Order on interventions. Swanton Wind does request that the Board establish a hard deadline of May 8th for the service of discovery requests rather than the two weeks from the date of this Order requested by VCE, and that it be allowed 30 days to respond to any discovery requests.

On April 17, 2017, intervenors Dustin and Christine Lang filed a response to the Citizen Intervenors and VCE motions. While the Langs agree with the basis of those two motions, they do not believe that the Citizen Intervenors or VCE have asked for appropriate relief and request that the Board schedule a status conference rather than set a deadline for service of discovery on the petitioner.

On April 21, 2017, the Vermont Department of Public Service filed a response to the Citizen Intervenors' and VCE motions stating no objection to the relief sought therein.

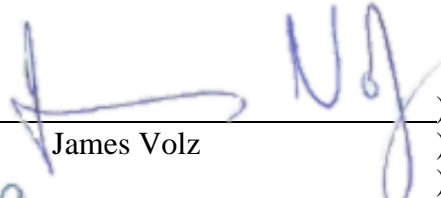
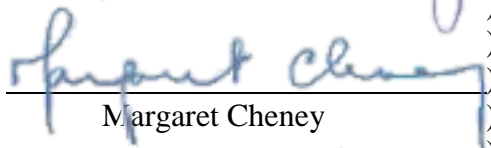

We hereby grant the motion filed by the Citizen Intervenors and establish May 8, 2017, as the deadline for the Citizen Intervenors and VCE to serve discovery requests on the petitioner. As a practical matter, this deadline largely coincides with VCE's request for a two-week period from the date of this Order in which to serve its discovery requests on the petitioner. Swanton Wind shall serve its responses no later than 30 days after the service of any requests.

We also grant VCE's request that the condition found at page 7 of our April 6, 2017, Order on interventions regarding VCE representation of Citizen Intervenors be removed.

We find no merit in the Langs' April 17th response. The Langs have no standing to advance arguments on behalf of other parties to this proceeding. Additionally, the Langs have already served their first round of discovery requests on Swanton Wind. Therefore, they have no interest that will be affected by the relief specifically sought by and granted to the Citizen Intervenors and VCE in today's Order.

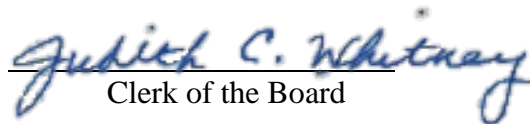
SO ORDERED.

Dated at Montpelier, Vermont this 25th day of April, 2017 .

)	
James Volz)	PUBLIC SERVICE
)	
)	
Margaret Cheney)	BOARD
)	
)	
Sarah Hofmann)	OF VERMONT

OFFICE OF THE CLERK

Filed: April 25, 2017

Attest: 
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) or any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)

PSB Case No. 8816 - SERVICE LIST

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