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James A. Dumont, Esq.

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May 15, 2017

Ms. Judith Whitney
Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05602

Re: PSB Docket 8880, Entergy Sale to NorthStar – pending procedural motions

Dear Ms. Whitney,

I write on behalf of the New England Coalition to respond to the motion filed by the Department of Public Service on May 10, 2017, seeking a suspension of the existing schedule. The Department proposes that the second round of discovery be due three weeks after documents are produced under the protective order. The Department also proposes to confer with all of the parties to seek agreement on a revised overall schedule once that occurs.

The New England Coalition agrees with and supports the Department's request.

However, I write to make clear that the objections we have to the deficiencies in the responses to the first round of discovery will be addressed in the future, if need be. A substantial number of the discovery responses we received were, in my opinion, deficient. I notified the Joint Petitioners of this and sought a discovery conference. I was informed that the documents that, so far, remain under seal, may address those deficiencies. Therefore, Joint Petitioners agreed with the New England Coalition that it would be a waste of the parties' resources and of the Board's time to litigate motions to compel at this time. The motions could become moot once we see the documents that are to be submitted under the protective order. The parties agreed that if those documents do not resolve our concerns, we will engage in a discovery conference at that time and then file any motions that are necessary. This understanding is implicit in the New England Coalition's agreement with the Department's motion. If the Board prefers that we litigate those issues now, of course, we will do so.

I also wish to inform the Board that the New England Coalition and the Conservation Law Foundation both object to the motion filed by Joint Petitioners on May 5, 2017, seeking a special protocol for protective treatment of certain documents. We will be filing a memorandum of law, and supporting documents, opposing the motion on or before Wednesday, May 17, 2017.

Thank you for your attention to this matter.

We enclose a Certificate of Service.

Sincerely,
/s/James A. Dumont
James A. Dumont, Esq.