

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: 06/09/2017

ORDER RE: LANG MOTION TO STRIKE

On May 31, 2017, intervenors Dustin and Christine Lang filed with the Vermont Public Service Board (“Board”) an objection and motion to strike a May 24, 2017, letter filed by Swanton Wind, LLC (“Swanton Wind”) that proposed a schedule in which certain limitations would be placed on discovery in this proceeding. (the “Lang Motion”).

On June 6, 2017, the Department of Public Service (“Department” or “DPS”) filed a response to the Lang Motion, supporting the request to strike, or in the alternative, suggesting that the Board deny Swanton Wind’s May 24th proposal to limit discovery.

Also on June 6, 2017, Swanton Wind, apparently in response to the Lang Motion, filed a formal motion seeking to limit discovery in this proceeding (the “Swanton Motion”).

We deny the Lang Motion in part because it does not set forth an appropriate basis for striking Swanton Wind’s May 24th letter, and in part because of the June 6th filing of the Swanton Motion.

Motions to strike are governed by V.R.C.P. 12(f), which allows a court to strike from the record “any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” The Langs have made no showing that the May 24th letter constitutes such material but rather argue that the letter was not filed as a proper motion.

V.R.C.P. 12(e) also allows a court to strike from the record any material that was the subject of a successful motion for a more definite statement if the court’s order granting the

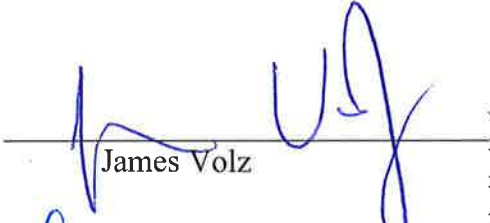
motion is not complied with in a timely fashion. The Lang Motion was not filed as a motion for a more definite statement and therefore finds no support in this rule.

We also rest our denial in part on the fact that Swanton Wind has now filed a formal motion seeking discovery limitations along with a supporting affidavit and exhibits. In another order, we have established a deadline for responding to that motion.


For the foregoing reasons, the Lang Motion is denied.

SO ORDERED.

Dated at Montpelier, Vermont this 9th day of June, 2017


_____)
James Volz)

PUBLIC SERVICE


_____)
Margaret Cheney)


BOARD


_____)
Sarah Hofmann)

OF VERMONT

OFFICE OF THE CLERK

Filed: June 9, 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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