

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER 7970

PETITION OF VERMONT GAS SYSTEMS, INC.,
REQUESTING A CERTIFICATE OF PUBLIC GOOD,
PURSUANT TO 30 V.S.A. SECTION 248,
AUTHORIZING THE CONSTRUCTION OF THE
"ADDISON NATURAL GAS PROJECT" CONSISTING OF
APPROXIMATELY 43 MILES OF NEW NATURAL GAS
TRANSMISSION PIPELINE IN CHITTENDEN AND
ADDISON COUNTIES, APPROXIMATELY 5 MILES OF
NEW DISTRIBUTION MAINLINES IN ADDISON
COUNTY, TOGETHER WITH THREE NEW GATE
STATIONS IN WILLISTON, NEW HAVEN AND
MIDDLEBURY, VERMONT --

January 30, 2013
11 a.m.

112 State Street
Montpelier, Vermont

Prehearing conference held before the
Vermont Public Service Board, at the Third Floor Hearing
Room, People's United Bank Building, 112 State Street,
Montpelier, Vermont, on January 30, 2013, beginning at 11
a.m.

P R E S E N T

BOARD MEMBERS: James Volz, Chairman
David C. Coen
John D. Burke

STAFF: June E. Tierney
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Also present:

Eileen Simollardes, VGS
Steve Wark, VGS
Peter W. Lind, VELCO
John Heintz, VGS
Elizabeth Egan, Vt. Housing and Conservation Board
Benjamin Putnam, Town of Middlebury
Fred Dunnington, Town of Middlebury
Barbara Deal, Monkton
Ann Crocker, Monkton
Nathan Palmer, Monkton
Jane Palmer, Monkton
Maren Vasataa, Monkton
Chet Hawkins, Town of Ferrisburgh
Heidi Trimarco, DRM
Daniel Tukey, IBM
Phil Pouech, Hinesburg Select Board
Hannah Morgan
Richard Peterson, Vt. Land Trust
Mark Nolan, Monkton
Mike Hulburt, Monkton
Jenny Baker, Monkton
Renee McGuinness, Monkton
Ivor Hughes
Joe Colangelo, Town of Hinesburg

1 CHAIRMAN VOLZ: Good morning. We are
2 here this morning in Docket Number 7970,
3 which is the petition of Vermont Gas
4 Systems, Inc. requesting a Certificate of
5 Public Good pursuant to 30 V.S.A. Section
6 248, authorizing the construction of the
7 Addison Natural Gas Project consisting of
8 approximately 43 miles of new natural gas
9 transmission pipeline in Chittenden and
10 Addison counties; approximately five miles
11 of new distribution mainlines in Addison
12 County, together with three new gate
13 stations in Williston, New Haven and
14 Middlebury, Vermont.

15 I notice we have a lot of people here
16 today. I assume there is a lot of interest
17 in this case. For those of you who don't
18 regularly practice before us or appear here
19 before us, what I'm going to start with is
20 I'll be taking notices of appearance from
21 people who have already filed to be parties
22 in this case. If you haven't filed to be a
23 party in the case, I'm happy to hear from --
24 I'm happy to have you identify yourself if
25 you think you might be thinking about

1 becoming a party, but you don't need to do
2 that either today if you don't want to.
3 I'll leave it at that.

4 According to our records, we have gotten
5 intervention requests from the Town of
6 Williston, Town of Middlebury, Town of New
7 Haven, VELCO, and IBM. And we have gotten
8 notices of appearance from Agency of Natural
9 Resources, Department of Agriculture,
10 Department of Public Service and the Agency
11 of Transportation and the Town of Monkton.
12 So those are the people I'll be looking to
13 identify themselves right now. Others, if
14 you want to identify yourself after those
15 folks have identified themselves, then feel
16 free to do that, but there is no need to do
17 that.

18 So I'll start by taking notices of
19 appearance.

20 MS. PORTER: Louise Porter and Tim
21 Duggan for the Department of Public Service.

22 CHAIRMAN VOLZ: I would appreciate it if
23 the parties -- people who have parties would
24 identify who they have with them not just
25 the attorney. Thank you.

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MR. GILLIES: Paul Gillies, Town of Williston. I'm alone.

CHAIRMAN VOLZ: Thank you.

MS. ZAMOS: Diane Zamos. I'm here on behalf of Agency of Agriculture, Food and Markets.

With me today is Elizabeth Egan from the Vermont Housing and Conservation Board and Rick Peterson from Vermont Land Trust. We are co-holders of certain conservation easements.

CHAIRMAN VOLZ: Great. Thank you.

MR. SAUDEK: Richard Saudek. I just dropped off a notice of appearance at the Board for the Vermont Fuel Dealers Association.

CHAIRMAN VOLZ: Okay great. Thank you.

MR. SCIARROTTA: Mark Sciarrotta for VELCO. With me is Peter Lind, Senior Project Manager.

CHAIRMAN VOLZ: Okay.

MR. BAYER: Michael Bayer. I'm the Chair of the Planning Commission in Monkton, and I believe we will be filing for party status.

1 CHAIRMAN VOLZ: Okay. Thank you.

2 MS. HILL: Cindy Hill from the Town of
3 New Haven appearing as counsel.

4 MS. DILLON: Judith Dillon representing
5 the Agency of Natural Resources.

6 MS. HAYDEN: Kim Hayden, Downs Rachlin
7 Martin for Vermont Gas. With me is Eileen
8 Simollardes from Vermont Gas; John Heintz
9 who is the Project Manager for Vermont Gas;
10 and Steve Wark who is the Project Director
11 for Vermont Gas for this project.

12 Mr. Gilbert was going to attend today,
13 but he is home sick. Heidi Trimarco is an
14 attorney -- a new attorney from our office
15 who will be helping me on this case.

16 CHAIRMAN VOLZ: Thank you. Are there
17 any other parties who filed? Yes.

18 MR. PUTNAM: Benjamin Putnam from the
19 Town of Middlebury, and I'm here with Fred
20 Dunnington, our Town Planner.

21 MR. DIAMOND: Joshua Diamond on behalf
22 the Town of Monkton. We will be filing a
23 motion to intervene shortly.

24 MR. TUKEY: And Daniel Tukey from IBM.

25 CHAIRMAN VOLZ: Thank you. Any other

1 folks who want to be -- are thinking they
2 want to be parties? Yes.

3 MR. LOUGEE: Adam Lougee from the
4 Addison County Regional Planning Commission,
5 and I'll file a notice of appearance.

6 CHAIRMAN VOLZ: Thank you. All right.

7 MR. COLANGELO: Joe Colangelo, Town of
8 Hinesburg, also with Bill Pouech, Select
9 Board member. And we are planning on filing
10 as well.

11 MS. LEVINE: Sandra Levine, Conservation
12 Law Foundation.

13 MR. KESSLER: John Kessler, the Division
14 for Historic Preservation.

15 CHAIRMAN VOLZ: Thank you. Anyone else?

16 MR. HAWKINS: Chet Hawkins, Town of
17 Ferrisburgh.

18 CHAIRMAN VOLZ: Anyone else? All right.
19 Not seeing anyone --

20 MR. HUGHES: Excuse me, a point here if
21 we want to speak later as a public citizen
22 of a town, do we have to tell you now, or
23 just wait until our turn?

24 CHAIRMAN VOLZ: Today's hearing -- I
25 think we are certainly welcome to hear from

1 anyone, but all we are doing in this case
2 right now at this hearing is talking about
3 setting up a schedule. We won't probably
4 even establish a schedule today. We will
5 just talk about the parameters of the
6 schedule, and the Board will take it under
7 advisement and issue an order setting a
8 schedule.

9 There is also be a -- at least one
10 public hearing, maybe others, at which the
11 public can come and give us comments.
12 You're also welcome to file comments in
13 writing with us even by E-mail or you can do
14 that off our Web site or sending us an
15 E-mail or sending us an actual letter. Any
16 of those are acceptable.

17 And you can also -- on our web page we
18 have a thing called the Citizens Guide to
19 participate in our proceedings. That could
20 also provide you with some guidance and help
21 you sort out whether you want to actually
22 seek intervention and participate as a
23 party.

24 MS. BAKER: If we want to address the
25 setting of the schedule, can we speak today?

1 CHAIRMAN VOLZ: Sure. That's what we
2 are here for. Please identification
3 yourself.

4 MS. BAKER: Jennifer Baker, resident,
5 Town of Monkton.

6 CHAIRMAN VOLZ: Okay. Thank you. So I
7 had a couple of preliminary matters before
8 we turn to the schedule itself. We got a
9 letter from Vermont Gas yesterday, January
10 29, informing us that there may be a change
11 in the route; is that correct?

12 MS. HAYDEN: That's correct.

13 CHAIRMAN VOLZ: And I was wondering was
14 Vermont Gas planning to amend your petition?

15 MS. HAYDEN: We would be. And we have
16 been discussing these potential realignments
17 with the Town of Hinesburg, the Town of
18 Monkton, the Agency of Natural Resources,
19 the Department of Public Service, and the
20 Corp. of Engineers.

21 There have been some active discussions
22 about it, and VELCO will realignment away
23 from the road, and possibly over to the
24 VELCO corridor or adjacent to the VELCO
25 corridor, particularly in New Haven -- I'm

1 sorry in Monkton and Hinesburg.

2 What we have suggested in the schedule
3 is what we filed yesterday just showed the
4 mapping of what that alternative alignment
5 would be. When we filed the case originally
6 with the Board we noted in our filing letter
7 and in the letters that we sent to
8 landowners, landowners both along the VELCO
9 corridor and the preferred route that was
10 proposed in December, that we were receiving
11 comments that some landowners and community
12 representatives would like the company to
13 move the alignment. So we did notice that
14 when we originally filed.

15 The natural resources mapping for the
16 project which is Exhibit Petitioner JAN-2
17 includes an appendix one with 59 pages of
18 the route alignment and natural resources
19 delineations for the entire route. And that
20 included both the VELCO corridor and what
21 I'll just refer to as kind of the road
22 alignment which is what we had proposed for
23 those two communities. After additional
24 discussions with the environmental agencies
25 we believe that we can accommodate a

1 realignment adjacent to or within the VELCO
2 corridor at some locations. And that's
3 essentially what this notice is advising the
4 Board of.

5 I think we need to have some continued
6 discussions with those agencies and the
7 communities, and what we have proposed to do
8 is file a detailed -- file an amendment on
9 February 28. But we wanted to provide the
10 Board and the parties with a notice of
11 really where we are talking about as a
12 potential reroute area, and that was the
13 purpose of yesterday's filing. We had also
14 filed a schedule with our original petition,
15 a proposed schedule, which those dates have
16 now gone by, some of the initial dates. So
17 we have been in discussion with other
18 parties including some of the towns about a
19 proposed schedule for the entire docket.

20 I guess I would have to say at this
21 point we don't have -- a lot of the folks
22 that are here today we weren't aware would
23 be intervening. So we haven't had
24 discussions with everybody. What we would
25 like to talk about today, if possible, is

1 setting a date for the public hearing and
2 initial motions to intervene so that we can
3 get the docket started. And then the Board
4 is aware of what we are proposing for an
5 overall schedule, which I think petitioner
6 has been pretty clear, we are looking for a
7 CPG date in the fall. September would be
8 preferable because we know almost with
9 certainty that there will be some
10 condemnations that will come out of this
11 proceeding.

12 And the construction schedule for the
13 project is planned to achieve reaching
14 Middlebury by 2014, the fall. And so we
15 need to have some planning in place for that
16 additional series of -- likely series of
17 condemnations that will happen after the CPG
18 is issued in this docket, so we proposed a
19 nine-month schedule.

20 We are aware that other parties need to
21 weigh in on schedule and not everybody has
22 had an opportunity yet, but we were hoping
23 to talk about a public hearing date and a
24 deadline for motions to intervene knowing
25 that we have -- we have planned to amend for

1 this reroute -- potential reroute at the end
2 of February.

3 CHAIRMAN VOLZ: When you say potential,
4 you mean you haven't made a final decision
5 on it yet?

6 MS. HAYDEN: We are continuing to get
7 feedback from some communities and from the
8 Agency of Natural Resources and the Army
9 Corp. of Engineers. The Town of New Haven,
10 you'll probably note that we included some
11 sheets that show a potential alignment
12 towards the VELCO corridor in the Town of
13 New Haven, and we are continuing those
14 discussions.

15 So I think -- I can say -- I would ask
16 my client to weigh in if I'm misrepresenting
17 this, that the company has worked very hard
18 in the towns of Hinesburg and Monkton in
19 particular. We have had workshops and town
20 meetings and received public input from
21 representatives of those communities and
22 landowners. And I believe at this point we
23 would say that unless there is a show
24 stopper that the Agency of Natural Resources
25 identifies for us, we will be filing the

1 reroutes in those two communities that are
2 shown on these sheets.

3 CHAIRMAN VOLZ: And what about the
4 notice to property owners along the new
5 routes?

6 MS. HAYDEN: We definitely will need to
7 provide that notice. We have provided a
8 letter to the landowners along the new
9 alignment and those corridors. We found out
10 yesterday that we need to provide additional
11 notice to New Haven, but again this is -- I
12 think it's going to be a provisional notice
13 that is similar to the one that we provided
14 when we initially filed that we are looking
15 at the VELCO corridor because we have been
16 asked to look at it.

17 But we have not -- I'm not certain that
18 in New Haven we will be requesting to move
19 into the VELCO corridor. But we will at the
20 end of this week, by the end of this week,
21 provide an official notice of amendment that
22 we plan to file this at the end of the
23 month.

24 MR. COEN: How can you possibly have a
25 public hearing before you submit your

1 amendment to your petition?

2 CHAIRMAN VOLZ: You've got on your
3 schedule -- you've got a site visit and
4 public hearing --

5 MR. COEN: The week of the 25th, and
6 then you're not submitting your amendment
7 until the 28th. How can you possibly do
8 that? How can you possibly think that's
9 fair?

10 MS. HAYDEN: We are trying to move
11 forward given the overall construction
12 schedule that we know we are going to be
13 facing. And that was the purpose of this
14 notice, to let people know that we have been
15 requested to look at alternatives. I think
16 what the Board has acknowledged in some
17 other dockets, including the Springfield
18 docket and the Lowell docket recently, is
19 that petitioners can wait until a rebuttal
20 phase to propose changes to their project.
21 What we are trying to do is give the Board
22 and the parties notice that we may be
23 requesting formally to amend the petition
24 and make these changes, but there are
25 competing interests that are being brought

1 to our attention. Some landowners in some
2 towns don't want us even in the VELCO
3 corridor.

4 And the Agency of Natural Resources has
5 made it clear that there are additional
6 resource impacts if we go to that alignment.
7 So in terms of the public hearing date --

8 MR. COEN: Yes.

9 MS. HAYDEN: Moving that into early
10 March I think that can still work. But our
11 hope was to try to keep the schedule on a
12 nine-month track if we could and still
13 accommodate the various requests that we are
14 getting to consider changes.

15 MR. BURKE: It does strike me though
16 that Mr. Coen has got a point. And the
17 point I think is that for a private
18 individual who is going to intervene, that's
19 a pretty big burden. They start reading it,
20 it's a daunting task to be, in essence, your
21 own attorney and to follow our procedures.
22 And they ought to have a fighting chance to
23 realize that they really have a dog in the
24 fight and that they should be intervening
25 rather than take all those steps and then

1 find out they don't have to.

2 So it would be good to have as solid an
3 understanding as possible so that they don't
4 waste their time and efforts, and we are
5 sensitive to that too. Although you are
6 being a good advocate. I notice that you
7 referred twice to when the CPG was issued as
8 opposed to if a CPG is issued.

9 MS. HAYDEN: We are hopeful, and just to
10 be clear, and we have emphasized this, there
11 are some significant benefits that this
12 project is going to bring to these
13 communities. The construction schedule is
14 going to be challenging. And so we also
15 want to bring to your attention and be
16 responsive to the comments that we are
17 receiving from other stakeholders.

18 If there is a way to adjust the
19 alignment in a way that meets the Agency's
20 concern -- the Agency of Natural Resources,
21 landowner concerns, and the community
22 concerns, we want to try to do that.

23 We have been very -- not myself, but
24 other representatives of Vermont Gas, have
25 been very active with the communities in

1 trying to work through this. I think it's
2 fair to say that people are very much on
3 notice about which corridor alignments we
4 are talking about. The question is whether
5 people are going to prefer one or the other.
6 And I think that's really what it's going to
7 come down to.

8 CHAIRMAN VOLZ: Do you know if anyone --
9 any of the other parties, in particular the
10 Department or ANR or the state agencies are
11 in agreement with the schedule you submitted
12 yesterday?

13 MS. HAYDEN: I think I'm going to let
14 the department speak for itself.

15 CHAIRMAN VOLZ: Okay.

16 MS. HAYDEN: I will say, and I'm sure
17 Ms. Dillon will weigh in on this, that she
18 had comments regarding the schedule after
19 the public hearing date. Because we --
20 because of these potential realignments,
21 Vermont Gas now has to go back in the field
22 in areas where natural resource mapping was
23 not -- where surveys were not completed.
24 And they are relatively isolated, but we are
25 going to have to supplement that during the

1 growing season which would be the summer.

2 So we had not worked through all of
3 that. What I was suggesting to Ms. Dillon
4 before the Board came in, is that what we
5 would recommend is that the parties try to
6 work together, those people that are in the
7 room today and those that may file a notice
8 of appearance following this prehearing,
9 that we work together over the next week and
10 file a revised proposal with the Board by
11 the 8th.

12 CHAIRMAN VOLZ: Okay.

13 MS. HAYDEN: But I think, you know, the

14 --

15 CHAIRMAN VOLZ: Revised proposal for a
16 schedule?

17 MS. HAYDEN: For the remainder of the
18 schedule. We would still really like to get
19 out of this hearing a deadline for the
20 public hearing date and motions to
21 intervene.

22 CHAIRMAN VOLZ: Okay. Ms. Dillon, do
23 you have any comments on the schedule?

24 MS. DILLON: Yes. We have -- Ms. Hayden
25 is correct in that Vermont Gas has met with

1 the Agency and alerted it of the possibility
2 that the alignment would be changed. We
3 have informed Vermont Gas of our concern or
4 interest that the new alignment might
5 trigger the need, number one, for additional
6 assessments of natural resources, and then
7 two, a reconsideration -- or a reevaluation
8 of those resources. In particular, they had
9 filed a number of concurrent or collateral
10 permits with our Agency. The new alignment
11 would require them to make changes to those
12 applications, and we would need to evaluate
13 that project, if they do make that
14 amendment.

15 So we have not stated to Vermont Gas
16 that we would be able to permit the project
17 under the new alignment. We let them know
18 that the new alignment would necessitate
19 that we conduct a new review of the project
20 and do all of the evaluation factors that we
21 would need to consider including an
22 alternatives analysis. So we were
23 attempting to work with Vermont Gas to
24 develop a schedule that addressed the needs
25 of providing the necessary information that

1 the Agency needs and the Board needs to
2 conduct its (B)(5) analysis, and we haven't
3 gotten there.

4 So we don't quite agree with the
5 schedule. We think we could possibly work
6 through it and reach an agreement, but we
7 haven't gotten there yet.

8 CHAIRMAN VOLZ: Okay. How about the
9 Department of Public Service?

10 MS. PORTER: We have talked extensively
11 with both ANR and VGS about the schedule.
12 And our concerns are more on the front end,
13 as Ms. Hayden said. If there was a way to
14 have the supplemental filing precede the
15 site visit and public hearing, even if only
16 by a matter of days, that would make us
17 happier as far as giving the property
18 owners, you know, a better understanding of
19 what they might need to do.

20 CHAIRMAN VOLZ: Okay. I can speak for
21 myself, I think that if you're amending your
22 petition on February 28 and proposing new
23 routes at that point, that March 4 is way
24 too soon a deadline to have intervention
25 motions, and also way too soon -- February

1 20 is not a feasible date for a public
2 hearing.

3 So I think the public needs time to get
4 a chance to look at what you file and get
5 familiar with it. And I know the filing
6 that I got for this case was about eight
7 inches thick. So it's not a simple matter
8 to look through that.

9 MS. HAYDEN: If I may, most of that
10 filing is not going to change. I mean what
11 we are talking about is some adjustments to
12 the corridor alignment in these two
13 communities, and again the delineations for
14 both the VELCO corridor and the road
15 corridor were included in our original
16 filing.

17 MR. COEN: But Ms. Hayden, you're now --
18 by changing the rules you now have property
19 owners who may not have had an interest who
20 now have to read the entire filing.

21 MS. HAYDEN: That's right.

22 MR. COEN: So I think you need to be
23 fair here.

24 MS. HAYDEN: I appreciate that, which is
25 why we noticed the adjoining landowners for

1 the VELCO route with our initial filing. A
2 landowner letter was sent out, we alerted
3 the Board and parties to that when we filed
4 this. Frankly, what we are concerned about
5 is that this delay -- if we push out the
6 public hearing date too significantly, that
7 we will not be able to meet our overall
8 schedule.

9 CHAIRMAN VOLZ: Well we have other
10 scheduling problems, because this case is
11 coming right on top of the Vermont Yankee
12 case, and we have hearings in July in
13 Vermont Yankee, and the expectation we are
14 going to issue an order in the fall on that
15 case. We have a large number of staff
16 working on that case who also will need to
17 be working on this case.

18 So I would say that it's pretty
19 unrealistic to think we are going to have
20 hearings in August and an order in
21 September. That's just not going to happen.
22 So I think we are thinking hearings in
23 September and an order sometime after that.

24 MS. HAYDEN: Okay. And what we will
25 commit to do is work with -- work with the

1 other parties. It sounds like we may not
2 have even a public hearing date. Does the
3 Board have a sense of what time frame after
4 --

5 CHAIRMAN VOLZ: I'm happy to talk about
6 a public hearing date. I would like to hear
7 from others.

8 MS. HAYDEN: Okay.

9 CHAIRMAN VOLZ: The Department have a
10 particular date in mind, proposal in mind?
11 I mean as far as aligning the public hearing
12 with the filing.

13 MR. BURKE: And as we hear about that,
14 I'd also be interested in the site visit.
15 It strikes me that this is kind of a
16 difficult time of year to actually get a
17 real grasp with a site visit too. And of
18 course, we don't have to have those at the
19 same time. We can have the site visit after
20 mud season, I suspect, if that's what we are
21 going to do. No sense having it in mud
22 season. That would be bad for us all. But
23 take a look then where we would be -- have a
24 better grasp of what we are actually seeing
25 on the ground. We don't have to have those

1 together.

2 But I would like your comments on
3 whether or not you feel they should be
4 together, because we could certainly have a
5 public hearing and then have a site visit,
6 and we are not married to just a single, at
7 least I'm not, to a single public hearing
8 either. If we need a supplemental public
9 hearing after, that's probably -- could well
10 be in everybody's benefit.

11 MR. COEN: You actually noted in your
12 proposed schedule a public hearing by
13 Interactive TV. Was your thought Williston
14 and Middlebury? Just two sites?

15 MS. HAYDEN: That was my thought. But
16 the petitioner defers completely to the
17 Board on that. And I don't think it would
18 be a bad idea to have more than one public
19 hearing.

20 MR. COEN: Right.

21 MS. HAYDEN: We have also suggested that
22 the Board facilitate a workshop early in the
23 process so that we could literally do page
24 turns and answer questions that other
25 parties may have on the project or the

1 alignment or any other aspect of the
2 project.

3 CHAIRMAN VOLZ: But we would want to do
4 that after you filed your amendment.

5 MS. HAYDEN: I think so.

6 CHAIRMAN VOLZ: Yeah. Okay. Any other
7 comments by the Department at this point on
8 the schedule?

9 MS. PORTER: I do think two public
10 hearings might be a good idea. Perhaps one
11 immediately -- as immediately as we can make
12 it after the supplemental filing. Then
13 perhaps another one scheduled in conjunction
14 with the site visit or after the site visit
15 when sort of the facts on the ground are
16 more obvious.

17 I don't think there needs to be a very
18 lengthy amount of time after supplemental
19 filing, because my observation both from
20 attending the town meetings and the amount
21 of correspondence that both the Board and
22 the Department have received, is that this
23 is a very engaged populous. I think that
24 Vermont Gas has done a very good job of
25 letting all the various people who might be

1 involved know what's going on. And they
2 have taken care of a good number of the
3 alternatives, so I don't feel like people
4 are out there unawares.

5 CHAIRMAN VOLZ: Okay.

6 MS. HAYDEN: And if I may speak to that
7 just on the record, the meeting that we had
8 recently to look over these potential
9 reroutes with the Agency of Natural
10 Resources, the Department and the Army
11 Corp., representatives from both Hinesburg
12 and Monkton were -- participated and were at
13 that recent meeting. That was on the 22d of
14 the month.

15 So I completely agree with the
16 characterization that we have a very engaged
17 set of communities, that we have, you know,
18 not had the same level of engagement with
19 some others along the route. Particularly
20 those that -- where we have -- where Vermont
21 Gas is already serving in the northern part.
22 But I've certainly been in contact with
23 counsel for some of those communities. So I
24 think it would be a good idea to have a
25 second public hearing --

1 CHAIRMAN VOLZ: Okay.

2 MS. HAYDEN: -- after the site visit.

3 MR. BURKE: Engaged communities also
4 raises the fact that this town moderator is
5 not unmindful of the fact that March 4 for
6 the intervention date for some towns is Town
7 Meeting Day. For others it's the night
8 where the informational meeting occurs.
9 Probably should move it away from March 4 to
10 some degree. If they are engaged in their
11 town, they are probably engaged that day
12 too.

13 CHAIRMAN VOLZ: What about the Agency of
14 Agriculture? Do you have any comment on any
15 of the issues we have talked about?

16 MS. ZAMOS: Really appreciate how
17 petitioner has tried to engage folks along
18 the route. The Agency is somewhat dealing
19 with a moving target. We have co-held
20 easements with our partners on certain farms
21 that have been purchased with public monies,
22 and so we are interested in seeing where
23 this is going to land. And once we do that,
24 we are also committed to working with the
25 petitioner to work out any issues. But we

1 need to know where this is going to be so we
2 know which farms might be involved.

3 CHAIRMAN VOLZ: Okay. Agency of
4 Transportation? Did they have any comments
5 on the schedule? Are they here?

6 MR. BURKE: I don't think they are here.

7 MS. HAYDEN: We have met with the Agency
8 of Transportation. I'm not aware of their
9 concerns, but they will be issuing section
10 1111 permits to the extent that we are
11 within a road right of way that they
12 regulate.

13 But Vermont Gas has had a number of
14 meetings with the Agency. I'm not sure if
15 they filed a motion to intervene, but I
16 think we were aware that they filed a notice
17 of appearance.

18 CHAIRMAN VOLZ: Yeah. They filed a
19 notice of appearance. What about VELCO?

20 MR. SCIARROTTA: Well we are in ongoing
21 discussions with Vermont Gas on a regular
22 basis about the realignment, and we will
23 work with Vermont Gas and Attorney Hayden on
24 whatever schedule works for the other
25 parties.

1 CHAIRMAN VOLZ: Okay. And is IBM -- IBM
2 have anything to add?

3 MR. TUKEY: No. We have no comments.

4 CHAIRMAN VOLZ: Okay. Great. Any other
5 parties who would like -- I'll go through
6 the towns. Is Williston here? Yes.

7 MR. GILLIES: No comment.

8 CHAIRMAN VOLZ: Okay. Middlebury?

9 MR. PUTNAM: Yeah. Our main concern I
10 think, we are in communication with Vermont
11 Gas as well, and our main concern is making
12 sure that any minor adjustments to the map
13 can be accommodated by the schedule,
14 changing of gate stations, things like that.
15 But the schedule as proposed would have been
16 short for us.

17 CHAIRMAN VOLZ: New Haven?

18 MS. HILL: Just could concur on the fact
19 that our people certainly need time to
20 process whatever amendments. We have just
21 sort of initiated our discussions regarding
22 the details of the route, and that our folks
23 will certainly need time to process that
24 amendment before they can meaningfully
25 answer. So I would just concur with what

1 you stated on that. And I would also
2 puckishly point out that the reply briefs on
3 the schedule are due in 2012. So I assumed
4 that was an error.

5 CHAIRMAN VOLZ: That's going to be tough
6 to do that.

7 MR. COEN: Probably already written.

8 CHAIRMAN VOLZ: Anyone else who would
9 like to comment on the schedule? Yes.

10 MR. BAYER: Michael Bayer, Planning
11 Commission, Monkton Chair of Planning
12 Commission.

13 Let me preface my remarks by saying we
14 have every reason to disbelieve any
15 representation by the petitioner. Because
16 they have misrepresented their position time
17 and time again in public and to various
18 citizens of our town.

19 I just become aware last night of the
20 most recent one where a member of our
21 Planning Commission was told by Mr. Wark and
22 another official at the company that there
23 would be a gate station in Monkton, but the
24 revised map which I, as a property owner,
25 got three days ago, does not show a gate

1 station in Monkton.

2 We had a public meeting of almost 200
3 people, and we had testimony that property
4 owners had asked company's agents not to
5 come on their property and then discovered
6 them on their property. We had testimony
7 that the company's agents told them to sign
8 a paper giving them a right of way for a
9 small amount of money, and if they didn't
10 sign the paper, they were going to take it
11 by eminent domain anyway, and they had no
12 choice.

13 And in several conversations between
14 town officials, including myself and company
15 representatives, we have just gotten
16 different stories every time. So we want to
17 ensure that once the amended petition is
18 filed, there is sufficient time for
19 interested parties, by whom I mean the
20 people who live there, are going to have the
21 ability to examine what's, in fact,
22 proposed, and how it affects them.

23 This is not something most landowners
24 have, attorneys who are going to spend hours
25 digesting. Ours came in a box this big

1 (indicating). So you know, also want to
2 share now, I can't prove this, but we have
3 been told they have a contractual obligation
4 to deliver gas in Middlebury by September.
5 And we feel that's what's driving their
6 pressure on the schedule.

7 We also know that most of the gas that
8 goes through that line is going to end up at
9 International Paper in New York State. And
10 that's going to be millions of dollars. And
11 we think that's driving their proposals. So
12 we want those questions addressed as we
13 proceed and not have a schedule driven by
14 the gas company's bottom line.

15 CHAIRMAN VOLZ: Okay. Anybody else?
16 Yes.

17 MR. HAWKINS: In Ferrisburgh, which the
18 gas line is going from New Haven to
19 Vergennes, we never received this box of
20 papers. And I'm not sure that the people
21 along the route ever got a specific notice
22 that the gas was coming down Plank Road.

23 CHAIRMAN VOLZ: Okay. Any other
24 comments on the schedule? Sir, any other
25 comment?

1 MR. HAWKINS: No.

2 CHAIRMAN VOLZ: Mr. Diamond.

3 MR. DIAMOND: On behalf of the Town of
4 Monkton, I would just echo the comments
5 about the virtue of having the public
6 hearing to follow shortly after the
7 supplemental prefiled testimony on the
8 engineering in many respects.

9 CHAIRMAN VOLZ: By shortly you're
10 talking about after they file the amended
11 petition?

12 MR. DIAMOND: Correct.

13 CHAIRMAN VOLZ: By shortly how much time
14 are you talking about?

15 MR. DIAMOND: I think a reasonable
16 period of time for people to digest it, but
17 being also sensitive to the needs of moving
18 the schedule forward.

19 CHAIRMAN VOLZ: Okay. All right.

20 MR. DIAMOND: As well as the town
21 meeting deadline is real for municipalities
22 and trying to work around that.

23 CHAIRMAN VOLZ: Right. Thank you. Yes,
24 sir.

25 MR. COLANGELO: In Hinesburg we

1 concurred that we would like to have the
2 site visit and public meeting after the
3 official amended filing. We do feel that
4 communication has been strong between
5 Vermont Gas and our community, but it seems
6 only fair for the site visit and public
7 hearing to happen after, you know, we have
8 an official proposal to look at.

9 CHAIRMAN VOLZ: Anybody else? Please
10 state your name.

11 MS. BAKER: Jennifer Baker. I'm just a
12 resident of Monkton, and I just want to
13 point out that these changes that they keep
14 characterizing as minor are 90 percent of
15 the route in Monkton. So for Monkton it's
16 major. For Hinesburg it's 60 percent of the
17 route, and it's actually 30 percent of the
18 entire route if you go strictly by mileage.
19 So I would not characterize these as minor.

20 And we are hoping that you will do what
21 people are suggesting here which is have
22 them get the amended route in before
23 proceeding further with this so that people
24 can see, there are people in this room that
25 are landowners that do not know whether this

1 is on their property or off their property,
2 and there are people in this room that have
3 not received any notification whatsoever
4 about the first route or the alternative
5 route.

6 They have yet to hear anything from
7 Vermont Gas about this project, and the only
8 reason why they are aware of it is because
9 other people in town have taken it upon
10 themselves to make them aware of the
11 possible ramifications on their property.
12 But from Vermont Gas they haven't heard
13 anything.

14 So the idea that they have been
15 communicative with the town only happened
16 when the town came to them and said we have
17 a problem with this route, which had they
18 ever come to the town in the first place
19 before they established a route, which they
20 never did, we wouldn't be in this mess right
21 now; that they did no public outreach in the
22 town in advance of the 45-day advance
23 warning filing. So that was when everybody
24 found out what they had planned for us.

25 And so I would take exception with the

1 idea that they have been communicative with
2 the town. They have only been communicative
3 with the town when we have forced them to be
4 communicative with the town. And we would
5 like them to continue to be communicating.

6 We are very relieved that they have
7 proposed to move this off the road. But we
8 still have landowners that are only now
9 getting involved with the route and are new
10 to the entire process, and we feel that they
11 should also have a fair amount of time to be
12 able to react to what people are proposing
13 for their property, because essentially this
14 whole thing is running down other people's
15 property. And this is the first that they
16 are hearing about it.

17 CHAIRMAN VOLZ: Okay. Thank you. Any
18 other comments on the schedule? Yes.

19 MR. PALMER: I'm Nathan Palmer. I'm a
20 landowner in Monkton, and I can attest to
21 that. Your new route that they are talking
22 about proposing, the minor route is going to
23 run about a thousand foot of pipe through my
24 70-acre farm, and this is a pretty big
25 impact for me as a landowner. Today is the

1 first day I've actually met anyone employed
2 by Vermont Gas, and I have had no
3 notification that there was even a potential
4 for this to go through my property. So I am
5 certainly not prepared for this.

6 CHAIRMAN VOLZ: Sure.

7 MR. PALMER: And we have people talking
8 that they are going to be -- some people
9 that are going to have to have eminent
10 domain. I'm one of them, and I need to be
11 prepared because I'm not ready for this
12 pipeline to go across my property.

13 CHAIRMAN VOLZ: Any other comments about
14 the schedule?

15 MR. LOUGEE: Just at the appropriate
16 time.

17 CHAIRMAN VOLZ: Identify yourself.

18 MR. LOUGEE: Excuse me. I'm Adam Lougee
19 from the Addison County Regional Planning
20 Commission. I'm not sure if this is the
21 appropriate time, but I would like to hear
22 the Board's thought on phase two and the
23 schedule for phase two of this project.

24 CHAIRMAN VOLZ: Phase two?

25 MR. BURKE: What is phase two?

1 CHAIRMAN VOLZ: As I understand, we are
2 going to try to -- we are discussing a
3 public hearing date today and then --

4 MR. COEN: Are you talking about the IP,
5 International Paper? We have nothing
6 submitted to us.

7 CHAIRMAN VOLZ: That's not in front of
8 us right now.

9 MR. COEN: It's my understanding the
10 company is going to file in March, so we
11 have no comment on that, or I have no
12 comment on it.

13 CHAIRMAN VOLZ: It's not before us, so
14 it's not something we are -- that we are
15 taking up right now.

16 MR. LOUGEE: Okay.

17 MR. BURKE: They did a better job of
18 explaining it than my quick comment.

19 CHAIRMAN VOLZ: As far as the schedule,
20 yes.

21 MS. HAYDEN: May I respond to just a
22 couple of the comments?

23 CHAIRMAN VOLZ: Yes.

24 MS. HAYDEN: Just so the record is
25 clear, there is no contractual obligation in

1 place to serve Middlebury. So -- and I just
2 want to make that clear.

3 We have identified benefits to some
4 customers in the industrial park in
5 Middlebury and construction schedule
6 certainly would be very helpful. I think
7 Cabot -- Cabot's letter, which was an
8 exhibit to Mr. Wark's testimony, said they
9 would save three million a year. So there
10 has been a lot of push to move this project
11 forward, but there is no contractual
12 commitment to serve Middlebury by 2014.

13 I am aware because I have had
14 conversations with the representatives from
15 CHA, Mr. Heintz's group, that right of way
16 agents have in fact spoken with Mr. Palmer,
17 but he is correct that there hasn't been
18 face-to-face meeting with him. There have
19 been communications.

20 There was advance outreach. There was a
21 meeting done in Monkton prior to the filing
22 in December. So there was -- I just want to
23 clear the record on that and not get into a
24 debate, although Mr. Wark did attend a
25 community meeting in Monkton and there were,

1 you know, there was one at one time that
2 there was outreach that was conducted. And
3 Ms. Cook is one of the people that attended
4 the page-turn at the Agency of Natural
5 Resources last week as we were looking at
6 whether it would make sense to do this
7 reroute. I said Ms. Cook. Ms. Baker. I
8 apologize.

9 MR. COEN: In light of Mr. Lougee's
10 comment, is there any contractual obligation
11 for the company in terms of International
12 Paper?

13 MS. HAYDEN: The company has entered in
14 an agreement with International Paper.
15 It's, I believe, included as an exhibit to
16 Mr. Lyon's testimony. Tim Lyon's. But that
17 is a separate potential project. And so
18 there are milestones that's discussed in Mr.
19 Lyon's testimony which was submitted in this
20 docket. There is a cost sharing component
21 of that which would benefit this project.
22 But this project is unrelated to the
23 International Paper -- not really the
24 International Paper project. It would be a
25 separate project.

1 CHAIRMAN VOLZ: Okay. Yes, ma'am.

2 MS. VASATAA: My name is Maren Vasataa,
3 and I'm a Monkton landowner. I do not know
4 today if this affects my land or not because
5 Vermont Gas has not met with me. Every
6 letter I get is sent: "Dear Monkton
7 Neighbor." Not landowner, not to my name
8 specifically.

9 They claim that -- I have been told by
10 other people in Monkton that any one of
11 these routes affects my property. I have
12 requested from them since November 19 that
13 they meet with me to tell me how this
14 affects my specific property. I have
15 requested it three times, and they have not
16 contacted me at all.

17 I did receive, and this is what they are
18 going to say is their -- was my contact. In
19 late September I received a right of entry
20 agreement for surveyors and designers only.
21 I did not enter into that agreement because
22 by the time I got the agreement the
23 surveyors were on my property already. I
24 didn't see a point to sign any agreement for
25 one year.

1 That's what they call their contact with
2 me, and they say I didn't cooperate. This
3 had nothing to do with the right of way. So
4 I want to set the record straight that I
5 have asked Steve Wark three different times
6 to talk to me about my property, and I have
7 not been contacted since that request on
8 November 19.

9 CHAIRMAN VOLZ: Okay. Any other
10 comments about the schedule? Yes.

11 MR. HULBURT: My name is Michael
12 Hulburt, and I'm an affected property owner.
13 The proposed route has roughly 2 and-a-half
14 miles of line running across our farm. Some
15 of it will probably work with us which is
16 along the VELCO corridor. Some of it is
17 going along the road which doesn't work at
18 all with us. It's cutting a 25-foot swath
19 of trees right along the road in my sugar
20 bush, and it's all potential, you know,
21 someday it might be building lots.

22 And the negotiations as far as the
23 contract and the price goes, it's peanuts
24 for the value, and I think the first thing
25 that should have been done before -- if I

1 build a house, I don't go apply for a permit
2 before I buy the land. So it would seem to
3 me that negotiations with the property owner
4 should have been the first thing that
5 Vermont Gas had done. And let's get clear
6 with the property owners, okay, we have got
7 a route, let's do it, and then apply for the
8 permits. That's just all I've got to say.
9 Thank you.

10 CHAIRMAN VOLZ: Thank you. Any other
11 comments on the schedule? All right. We
12 are not going to set a schedule right now.
13 We have got all the things that you've told
14 us in mind. For those of you who are still
15 trying to decide who aren't a party now and
16 are thinking whether you want to become a
17 party, on our Web site we have information
18 and also from our offices upstairs you can
19 also get a copy of the "Citizens Guide to"
20 -- I'm not sure what the title is, "Citizens
21 Guide to 248 Process."

22 MR. BURKE: 248.

23 CHAIRMAN VOLZ: If you have trouble
24 finding it, you can also contact our office
25 and we will explain how to get it -- how to

1 get a copy of it. Explains how you can
2 intervene and participate in this process if
3 you want to be a party. I will say that if
4 you want to be a party, you do have to meet
5 all the obligations that parties have to
6 meet, which include showing up for the
7 hearings, filing copies of anything that you
8 want to file with us on -- a copy of it on
9 each of the parties to the proceeding,
10 following all the rules of procedure. It's
11 not a casual undertaking. It's time-
12 consuming and fairly labor intensive.

13 I'm not trying to discourage you, just
14 trying to make sure you understand, if
15 you're doing it without a lawyer's help. It
16 is possible to do it. We have had people do
17 it. But it is time consuming and labor
18 intensive.

19 At today's hearing we have allowed
20 everybody who is here to speak who wanted to
21 speak. That won't be the case after today's
22 hearing. The only other hearing where we
23 will allow people to speak will be at the
24 public hearing, and then it will only be the
25 public, not the parties. So once -- after

1 today's hearing if you want to be able to
2 participate in what we call the technical
3 hearing process, you have to be a party.
4 And we will be setting a deadline. I can
5 guarantee it will be after the public
6 hearing and that will be after they file
7 their amendment. So that much I can tell
8 you. I can't give you the exact dates.

9 We will be issuing an order soon laying
10 out those dates, and as I understand it, you
11 folks are working to agree to a schedule
12 that will follow that, is that the idea?

13 MS. HAYDEN: Well what I had suggested
14 to the Department and the Agency of Natural
15 Resources and several of the other folks
16 that have weighed in on our draft schedule
17 is that we request the Board to set a
18 deadline of the 8th for the parties to
19 jointly file a schedule or to file positions
20 on a schedule. I don't know that we will
21 have one hundred percent joint agreement.

22 CHAIRMAN VOLZ: Sure. But February 8 is
23 the date you're shooting for?

24 MS. HAYDEN: Yes, and that would include
25 a recommended date for a public hearing and

1 motions to intervene and the remainder of
2 the schedule.

3 CHAIRMAN VOLZ: So if we issue our
4 prehearing order that results from today's
5 hearing sometime before February 8, then you
6 can take the dates that we establish into
7 account in whatever schedules you all decide
8 to file, proposed for us to take a look at
9 for the rest of the schedule. That's how we
10 would expect it would unfold.

11 MS. HAYDEN: Okay.

12 MS. DILLON: If I could just -- I would
13 just -- if we could have a week after the
14 Board sets its schedule so that we have some
15 opportunity to incorporate that new date in
16 our discussions.

17 CHAIRMAN VOLZ: What date is February 8?
18 What day of the week is that still?

19 MS. DILLON: It's a Friday.

20 CHAIRMAN VOLZ: So we could -- we will
21 put in a date instead of February 8 unless
22 we get our order out by tomorrow.

23 MS. HAYDEN: What we were thinking is
24 the Board could just set February 8 as a
25 date today so everybody has an understanding

1 and expectation that we would have a week
2 and-a-half.

3 CHAIRMAN VOLZ: But I think you missed
4 Ms. Dillon's point, which is if you don't
5 know the dates that we are going to set for
6 the public hearing and for the
7 interventions, then would that affect the
8 rest of the schedule? I guess it would
9 affect it somewhat.

10 MS. DILLON: It would, Mr. Chairman.

11 CHAIRMAN VOLZ: Yeah. So whenever we
12 issue our schedule, our order that results
13 from today's hearings with those dates in
14 it, we will give a week from that date for
15 people to file a schedule, unless somebody
16 has an objection.

17 Well yes.

18 MS. PORTER: The Board's initial order
19 that you're referring to it's going to have
20 two dates in it. The public hearing and the
21 deadline to intervene.

22 CHAIRMAN VOLZ: Right. That was what I
23 was thinking.

24 MS. PORTER: Okay. Thank you.

25 CHAIRMAN VOLZ: We were thinking that we

1 might be able to take a break now, figure
2 that out, and come back down and tell you
3 the dates if that's helpful.

4 MS. HAYDEN: That would be very helpful.

5 CHAIRMAN VOLZ: If people don't mind
6 waiting around. It might take us 20 minutes
7 or so.

8 MR. BURKE: For the members of the
9 public too that are making up their mind
10 you've got to understand that maybe you were
11 concerned about when you came here that
12 somehow this schedule is etched in stone.
13 We do control the schedule because we have
14 to control the hearings. And there are
15 competing -- there are competing interests
16 here.

17 I mean you heard the Chairman mention
18 before, and he's right, I mean we have
19 Vermont Yankee that begins in a week. And
20 that obviously is going to be pretty labor
21 intensive and requires at the very least a
22 lot of our attention. And so we have got to
23 try to make these work, but that has to meld
24 in and we have to think about the rights and
25 the responsibilities of landowners to their

1 own particular parcel of land and their own
2 towns.

3 We have done -- we did the transmission
4 case, and we understand that there are
5 competing interests here. And that people
6 have concerns, especially when these things
7 start to move closer to their own property.

8 CHAIRMAN VOLZ: All right. So Ms.
9 Levine, you have -- you had a comment?

10 MS. LEVINE: Yeah. I just wanted in
11 advance just to make sure or request that
12 people who are here today be provided with
13 whatever notice or orders the Board would
14 issue.

15 CHAIRMAN VOLZ: I'm sorry. I'm not sure
16 I understand what you're asking.

17 MS. LEVINE: Conservation Law Foundation
18 anticipates filing a motion to intervene, we
19 have not done that yet.

20 CHAIRMAN VOLZ: Okay.

21 MS. LEVINE: I requested to the clerk
22 that we be listed as an interested person in
23 the meantime. We have not been receiving
24 any correspondence from Vermont Gas. So I
25 just would like to ensure on behalf of

1 Conservation Law Foundation which may affect
2 other folks as well in the room that
3 correspondence be provided to them.

4 CHAIRMAN VOLZ: Ms. Hayden.

5 MS. HAYDEN: I do understand that the
6 clerk has at least put out some information.
7 They do have a Web site set up for this
8 docket as far as I know, and Vermont Gas
9 also has a Web site that we have -- where we
10 have notified other parties. So that's
11 another location for people to see these
12 orders.

13 CHAIRMAN VOLZ: But you understood what
14 Ms. Levine was asking that if you make --
15 anybody making any filings they include each
16 other.

17 MS. HAYDEN: Absolutely.

18 CHAIRMAN VOLZ: People who have
19 identified themselves today as potential
20 interveners, until that's sorted out, I
21 guess.

22 MS. HAYDEN: One thing I'm sorry --

23 CHAIRMAN VOLZ: So the problem with Ms.
24 Levine's request from our perspective is I
25 suggest that people who want to get copies

1 of everything need to get their motions to
2 intervene in quickly, because if you're not
3 a party, our rules don't require that you
4 get a copy.

5 Now if Vermont Gas wants to provide
6 copies to those that expect to be, that
7 would be very helpful, and I would urge you
8 to do that. But there are other people here
9 who are interested in this as well, and it's
10 a little bit unclear who might want to get
11 copies.

12 MR. BURKE: They can be interested
13 persons too.

14 CHAIRMAN VOLZ: People can -- there is
15 another status. It's called interested
16 person status, which if you don't want to be
17 a party, you can ask to be put on the
18 interested persons list with the Clerk of
19 the Board. However, in those cases you
20 don't get all the filings. You only get
21 hearing notices and orders from the Board.

22 MS. HAYDEN: And maybe in your
23 scheduling order you can address this. The
24 petitioner has not been copied on all the
25 notices of appearance, so we have been

1 communicating with the clerk's office almost
2 daily to get updates. But we are not
3 getting copies of everything.

4 We do want to post -- include in the
5 service list on our Web site so that if --
6 people will have a place to go that they can
7 see everything.

8 CHAIRMAN VOLZ: Right. So if you want
9 to intervene in this case, you need to make
10 a filing, which you can learn how to do that
11 from our "Citizens Guide to the 248
12 Process." And when you do make that filing
13 you need to copy all the parties at the
14 time. And the clerk's office ought to be
15 able to give you a list of who those are
16 when you make your filing.

17 Yes, sir.

18 MR. BAYER: My interest is only the
19 notice of the revised schedule. And I would
20 request that we receive that.

21 CHAIRMAN VOLZ: You have an attorney
22 present here; right?

23 MR. BAYER: Yeah.

24 CHAIRMAN VOLZ: So he can take care of
25 that for you. I'm sure he can make that

1 happen.

2 MR. BAYER: You were talking about web
3 pages?

4 CHAIRMAN VOLZ: I'm talking about people
5 who aren't parties and who don't have
6 lawyers. That's what I was talking about.

7 The other thing to realize is that even
8 people who are parties, like the Town of
9 Monkton, once we start -- after today, once
10 we start our hearing, it's only your lawyer
11 or a witness that's on the stand who gets to
12 speak. So just so people are aware.

13 Unless you ask permission for someone
14 else to speak on -- before you and then we
15 would treat that on a case-by-case basis,
16 but the general process is the parties are
17 represented, whoever the parties'
18 representative is, is the one who speaks.
19 Otherwise it becomes very difficult with
20 this many parties to manage the process.
21 And it's not open to -- so if the town comes
22 with its lawyer, and two or three select
23 board members, the two or three select board
24 members don't get to speak for the town
25 during the hearing as a general proposition.

1 If they want to -- they need to file
2 testimony and be a witness, then they can
3 speak. But the structure of the hearing
4 would be very different from the way it was
5 today. I just wanted to make sure people
6 are aware of that. And we follow this
7 procedure because it's required by law, not
8 because we are trying to be hard on
9 everybody. We are a court of record, and we
10 have to make a record that we base our
11 decision on, and that record has to be
12 created through the Rules of Civil
13 Procedure. And in order to safeguard
14 everybody's right and to make sure that
15 everyone is treated fairly, and that the
16 record that we have is reliable, something
17 that is -- that we can -- that is a valid
18 basis for our decision. So that's why it's
19 structured this way.

20 So we are going to take a break and talk
21 about the dates that we need to pick, and
22 then we will come back down and tell you
23 what they are. Thank you.

24 (Recess was taken.)

25 CHAIRMAN VOLZ: Okay. We are back from

1 our break. And I think we have a couple of
2 dates that we can give you. And based on
3 consideration of the various concerns that
4 we heard from everybody, I'm looking at our
5 own calendars. We think that it's not
6 really feasible for us to have a public
7 hearing until March 21. And that will be at
8 7 p.m. We haven't picked a place yet
9 because we have to sort of sort out where
10 the best place for us to do that would be.

11 We would also ask when you do file your
12 schedules for the remainder of the case,
13 that you address whether you think a public
14 hearing is necessary at a later point in the
15 case. In some cases like this we may -- may
16 decide to have another public hearing later
17 on after the testimony has been filed and
18 people have a better sense of what
19 everybody's positions are.

20 Then -- and the site visit as well,
21 proposed dates for a site visit. We don't
22 want to go out during mud season, as Mr.
23 Burke said, we would like to go out after
24 mud season. We think the intervention
25 deadline should be a week later, not a week

1 later, the end of the following week which
2 would be March 29. And when you're building
3 your schedule we think that hearing dates
4 that would work for us are hearings
5 beginning on Monday, September 16, and going
6 as long as you think you need. I'm assuming
7 a week or maybe a few more days than that,
8 but I don't know until we see the testimony
9 exactly how long it would take, but those
10 are the dates that we are suggesting. Yes.

11 MS. HAYDEN: And would the Board like
12 the parties to file proposed schedules by
13 the 8th, next Friday?

14 CHAIRMAN VOLZ: Well now that you have
15 these dates; does that work?

16 MS. HAYDEN: It does.

17 CHAIRMAN VOLZ: Okay.

18 MS. HAYDEN: It does.

19 MR. COEN: That was the point of us
20 going up and coming back down.

21 MS. HAYDEN: Right. That's what I
22 thought.

23 CHAIRMAN VOLZ: Okay. So the parties
24 are going to work together to try to reach
25 agreement on a schedule which will be filed

1 on February 8. And if you can't reach
2 agreement, or any of those of you who don't
3 agree with whatever Vermont Gas's --
4 whatever other parties have agreed on, you
5 can file separately and propose your own
6 schedule. But by then, -- yes, propose your
7 own schedule, and we will go from there.

8 Anybody who would like -- is thinking
9 about intervening who is here today, I would
10 urge you to sort that out the sooner the
11 better. Obviously you can wait until March
12 29 to actually make the intervention, but
13 the longer you wait, probably the further
14 behind you'll be. So --

15 MS. DILLON: Just for point of
16 clarification. I apologize. I was out of
17 the room. So the 21st that's a fixed date.

18 CHAIRMAN VOLZ: Unless we have a problem
19 finding a location to have the public
20 hearing, because we assume it will be fairly
21 well attended, and unless we have a problem
22 with that, right now it's going to be March
23 21 at 7 p.m. Location to be announced
24 later.

25 MR. BURKE: You know, we have epiphanies

1 too. I didn't mention this to my
2 colleagues, but obviously one possibility
3 for a separate hearing would be to dovetail
4 it to whenever we do could that site visit,
5 we would presumably be able to do it at a
6 different location. I don't know what the
7 location would be. We haven't figured out
8 the first one yet.

9 CHAIRMAN VOLZ: Okay. So unless anybody
10 has a question about anything? Then I guess
11 we are done for today. Thank you very much.

12 (Whereupon, the proceeding was
13 adjourned at 12:17 p.m.)
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C E R T I F I C A T E

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I, Kim U. Sears, do hereby certify that I recorded by stenographic means the prehearing conference re: Docket Number 7970, at the Hearing Room of the Public Service Board, 112 State Street, Montpelier, Vermont, on January 30, 2013, beginning at 11 a.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting and the foregoing 61 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 31st day of January, 2013.

Kim U. Sears, RPR