

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.

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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  
George E. Young  
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CAPITOL COURT REPORTERS, INC.  
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BURLINGTON, VERMONT 05402-0329  
(802) 863-6067  
(802) 879-4736 (Fax)  
EMAIL: info@capitolcourtreporters.com

A P P E A R A N C E S

1  
2 LOUISE PORTER, ESQUIRE  
3 TIMOTHY DUGGAN, ESQUIRE  
4 Vermont Department of Public Service  
5 112 State Street, Drawer 20  
6 Montpelier, VT 05620-2601

7 KIMBERLY K. HAYDEN, ESQUIRE  
8 DOWNS RACHLIN MARTIN, PLLC  
9 Appearing for Vermont Gas Systems, Inc.  
10 199 Main Street, P.O. Box 190  
11 Burlington, VT 05402-0190

12 JUDITH DILLON, ESQUIRE  
13 Appearing for Vt. Agency of Natural Resources  
14 103 South Main Street, 3d Floor Center Building  
15 Waterbury, VT 05671-0301

16 PAUL S. GILLIES, ESQUIRE  
17 TARRANT GILLIES, MERRIMAN & RICHARDSON, LLP  
18 Appearing for Town of Williston  
19 P.O. Box 1440  
20 Montpelier, VT 05601-1440

21 CINDY ELLEN HILL, ESQUIRE  
22 LAW OFFICE OF CINDY HILL  
23 Appearing for Town of New Haven  
24 P.O. Box 314  
25 East Middlebury, VT 05740

S. MARK SCIARROTTA, ESQUIRE  
Vermont Electric Power Company, Inc.  
366 Pinnacle Ridge Road  
Rutland, VT 05701

SANDRA LEVINE, ESQUIRE  
Conservation Law Foundation  
15 East State Street - Suite 4  
Montpelier, VT 05602-3010

MICHAEL BAYER, CHAIR  
Town of Monkton Planning Commission  
P.O. Box 12  
Monkton, VT 05469-0012

ADAM LOUGEE, EXECUTIVE DIRECTOR  
Addison County Regional Planning Commission  
14 Seminary Street  
Middlebury, VT 05753

## 1 APPEARANCES CONTINUED:

2 DIANE E. ZAMOS, ESQUIRE  
3 VT Attorney General's Office  
4 Appearing for the Agency of Agriculture,  
5 Food & Markets  
6 109 State Street  
7 Montpelier, VT 05609-1001

8 JOHN W. KESSLER, ESQUIRE  
9 VT Agency of Commerce & Community Development  
10 Division of Historic Preservation  
11 National Life Bldg, 6th Floor  
12 Montpelier, VT 05620

13 RICHARD H. SAUDEK, ESQUIRE  
14 CHENEY, SAUDEK & GRAYCK, P.C.  
15 Appearing for Vermont Fuel Dealers Assoc.  
16 159 State Street  
17 Montpelier, VT 05602

18 JOSHUA R. DIAMOND, ESQ.  
19 DIAMOND & ROBINSON, P.C.  
20 Appearing for Town of Monkton  
21 15 E. State Street, P.O. Box 1460  
22 Montpelier, VT 05601-1460  
23  
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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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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