

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Case No. 16-0042-NMP

Application of Orchard Road Solar I, LLC for a )  
certificate of public good, pursuant to )  
30 V.S.A. §§ 219a and 248, for a 500 kW )  
interconnected group net-metered solar electric )  
generation system in Middletown Springs, )  
Vermont )

Order entered: 3/27/2017

**PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER**

On July 15, 2016, Orchard Road Solar I, LLC (“Applicant”) filed with the Vermont Public Service Board (“Board”) an application for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, to install and operate a 500 kW group net-metered solar electric facility in Middletown Springs, Vermont.

On January 20, 2017, the Board granted motions to intervene, including to 17 adjoining landowners (“Neighbor Intervenors”) and to the Town of Middletown Springs and the Middletown Springs Historical Society, Inc.

On February 22, 2017, after review of the numerous filings received in this case, the Board opened an investigation of significant issues raised by intervenors concerning aesthetics, above-ground historic sites, and orderly development.

On March 16, 2017, as the assigned hearing officer, I held a prehearing conference in this proceeding. Appearances at the prehearing conference were entered by Geoffrey H. Hand, Esq. and Victoria M. Westgate, Esq., Dunkiel Saunders Elliott Raubvogel & Hand, PLLC, on behalf of the Applicant; Stephanie Hoffman, Esq., Special Counsel, on behalf of the Vermont Department of Public Service (the “Department”); Brooke Dingedine, Esq., Valsangiacomo,

Detora & McQuesten, P.C., on behalf of Richard M. Spitalny, Neil and Thomas Russell, and Karen and Robert Galloway;<sup>1</sup> and Elizabeth W. Cooper, *pro se* (by telephone).

On March 16, 2017, I issued an order requesting comments on the proposed schedule. The order was mailed and/or e-mailed to each party by the Clerk of the Board on that day, in accordance with the contact information filed with the Board to date by each party.

At the prehearing conference, the Department and the Applicant proposed a procedural schedule for the investigation. The Department, the Applicant, and Attorney Dingledine also agreed to the week of April 3 for a site visit to the Project site in Middletown Springs. Comments on the proposed schedule were filed by the Department, the Applicant, Ms. Cooper, and Attorney Dingledine, on behalf of certain Neighbor Intervenors.

Based on the comments received I have adopted a schedule that modifies the proposed schedule to accommodate additional time for discovery and subsequent filings. The week of the technical hearing is now scheduled for the week of July 17-21, 2017, to accommodate stated summer vacation schedules. Accordingly, the following procedural schedule is adopted for the remainder of this proceeding:

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1. On March 22, 2017, Ms. Dingledine filed a written notice of appearance on behalf of the following Neighbor Intervenors: Richard M. Spitalny, Ted & Dina Fitzpatrick, Peter & Aileen Stevenson, Neil & Thomas Russell, Karen & Robert Galloway, and Daniel McKeen & Ellen Secord.

## Case No. 16-0042-NMP Orchard Road Solar

Date	Event
April 6, 2017 (afternoon)	Site Visit
April 28, 2017	Discovery Served on Applicant
May 5, 2017	Applicant Responses to Discovery Due
May 26, 2017	Non-Applicant Testimony
June 2, 2017	Discovery Served on Non-Applicants
June 16, 2017	Non-Applicant Responses to Discovery Due
June 23, 2017	Rebuttal Testimony
Week of July 17-21, 2017	Technical Hearing
Week of August 7-11, 2017 (3 weeks after technical hearing)	Initial Briefs
Week of August 14-18, 2017 (1 week after Initial Briefs)	Reply Briefs

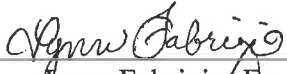
If parties wish to receive Board issuances and/or party filings by e-mail in addition to hard copies, they must provide their e-mail addresses to the Clerk of the Board and to each of the parties on the service list maintained by the Clerk. The Clerk can be reached by e-mail at [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov) or by telephone at (802) 828-2358. All parties are reminded that they must serve paper copies of all filings to each party on the service list, as well as 2 paper copies to the Board by the deadlines established in the procedural schedule for this case. Submissions will be deemed filed on the date that paper copies are received by the Board, not by the date of e-mails.

Several parties have asked about participation in the technical hearing by telephone. At this time, parties who wish only to listen to the hearing proceedings can be accommodated. However, if parties wish to cross-examine witnesses or to testify, they must do so in person.

To facilitate planning and travel for the site visit scheduled for the afternoon of April 6, 2017, parties are asked to collaborate and submit to the Board a proposed meeting time and place, as well as a proposed itinerary by Friday, March 31, 2017.


**SO ORDERED.**

Dated at Montpelier, Vermont, this 27<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
Lynn Fabrizio, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: March 27, 2017

ATTEST:   
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Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)*