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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in PUC Case No. 8880
From: Lars Bang-Jensen, Lead Staff *LBj*
Re: Schedule, procedures, and logistics for evidentiary hearings
Date: December 19, 2017

Evidentiary hearings are currently scheduled for the week of January 22, 2018, with the week of January 29, 2018, being reserved for hearings as necessary. In preparation for these hearings, the Commission requests that parties submit a proposal to the Commission containing the information specified below **by Friday, January 5, 2018**. The parties are encouraged to work collaboratively to prepare a joint proposal.

The proposal should:

- include a proposed schedule and order of witnesses as well as each party's estimate of the time it needs for cross-examination of each witness;¹
- identify each witness whose examination will involve the use of information filed under seal with the Commission as well as each party's estimate of the time it needs for the cross-examination of each such witness using such information.²
- identify any days and times during the weeks of January 22 and 29 that a witness will not be available to testify; and
- indicate the number of people (including counsel, other party representatives, and witnesses) that each party estimates will be present on such party's behalf during each hearing day and for whom concurrent table space or seating would be desired.

¹The Commission recognizes that parties will be conducting depositions from January 8 to 18 that potentially could affect, and cause parties to subsequently revise, their estimates of cross-examination times. Nonetheless, the January 5 submission should reflect current good faith estimates rather than be placeholders for potential cross-examination times.

²To the extent possible, the Commission would like to have such witnesses appear on the same day or days for any examination related to materials filed under seal so that the number of times the hearing room will have to be opened and closed to the general public and to parties who have not executed protective agreements can be limited as much as possible.

Following receipt of the parties' proposal(s), the Commission will establish a schedule for witnesses and, if necessary and subject to any final revised estimates, set limits on the amount of time for cross-examination.

Given the large number of parties and party representatives that have filed notices of appearance, the Commission anticipates that the Commission's hearing room in Montpelier may not be large enough to accommodate all who may wish to attend the hearings. Accordingly, the Commission has been exploring alternative venues for holding the evidentiary hearings. Because of issues related to site availability and possible scheduling conflicts involving the Commission, it is conceivable that it may be necessary to hold some or all of the hearings during the week of January 29, 2018. The Commission will provide the parties with the actual dates and venue(s) for the evidentiary hearings in the notice of evidentiary hearings that will be issued at least 12 days prior to the commencement of such hearings.

The Commission has also asked that you be advised of the following procedures and daily schedules that the Commission plans to adopt in connection with the evidentiary hearings.

Pre-evidentiary hearing conference and daily meetings

- As provided in the current schedule, a pre-evidentiary hearing conference will be held on **Friday, January 19, 2017**. This conference will be held at 9:30 A.M. in the Commission's hearing room on the third floor at 112 State Street in Montpelier, Vermont. At least one representative of each party that has filed testimony in this case or plans to cross-examine any witness during the evidentiary hearings is required to attend this conference.

- In addition, subject to need and further communications, Commission staff will be available at 9:00 A.M. each hearing day to meet with the parties' representatives to review and discuss any procedural or logistical issues that might arise that day. All parties intending to present evidence or conduct examination of witnesses on that day *must* attend. Issues to be discussed will include: the schedule for the day; any stipulations or objections to the admission of testimony or exhibits; any corrections to testimony; any use of exhibits that were not prefiled with testimony; any use of prefiled testimony or exhibits that were filed under seal; and any other procedural, logistical, or scheduling matters.

Preparation and procedures before and at the evidentiary hearing

- Prior to the start of hearings on each hearing day --
 - A party that plans that day to use or seek admission of an exhibit that was not previously filed as an exhibit in ePUC should prepare and bring to the hearing room sufficient copies of such exhibit for distribution to the Commissioners, Commission staff, the representatives of the other parties, the court reporter, and, as applicable, witnesses.
 - Parties should distribute copies of any such exhibits to other parties prior to the commencement of hearings on that day.
 - Parties should mark for identification any exhibits that they plan to introduce into evidence that were not previously filed in ePUC.

- Parties should mark each document as a separate exhibit, rather than introducing all of a witness's exhibits or a collection of different documents as a single exhibit.
- Parties should also prepare and distribute exhibit lists as appropriate.
- At the evidentiary hearings –
 - A witness should arrive at the hearing at least one-half hour prior to the scheduled time of their examination unless the witness is the first witness of the day.
 - Parties are encouraged to stipulate to the admission of any prefiled testimony and exhibits to which no party has objected.
 - Parties must provide the Commission with a copy of any corrected prefiled testimony that they move to admit (with corrections clearly marked in ink on a prefiled copy).
 - The Commission will not permit witnesses to orally summarize their testimony.
 - Time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.
 - Parties should provide copies of any admitted prefiled testimony to their testifying witnesses and have relevant exhibits on hand to facilitate cross-examination and redirect.

Daily schedule for evidentiary hearings

- Hearings will commence at 9:30 A.M. and generally conclude at 5:00 P.M., except that any hearings on Wednesday, January 24 and January 31, 2018, will conclude at 12:30 P.M. Nevertheless, the parties should be prepared for hearing days that conclude later than 5:00 P.M.
- The Commission will schedule a one-hour break for lunch around 12:30 P.M. on full hearing days. The Commission currently anticipates that there will also be a 15-minute morning and afternoon break around 10:30 A.M. and 3:00 P.M. on most hearing days.

PSB Case No. 8880 - SERVICE LIST

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