

State of Vermont
water Resources Board

In re: Aquatic Nuisance Control Permit #C93-01-Morey
Lake Morey, Town of Fairlee, Vermont
Docket No. WQ-93-04

SUPPLEMENTAL PREHEARING ORDER

This order supplements the Prehearing Conference Report and Order, issued on July 1, 1993, in the **above-captioned** appeal. This order shall be binding on all parties, unless there is a timely objection to the order, or a showing of cause for, **or** fairness requires, **waiver** of a requirement of this order.

1. On or before **4:30** p.m., Friday, September **10**, 1993, parties shall file **final** lists of witnesses and exhibits **and prefiled** testimony for all witnesses they, intend to present. For each **expert witness**, file a resume or other statement of qualifications.

2. On **or before 4:30** p.m., Monday, September 20, 1993, parties shall file prefiled rebuttal testimony and revised lists showing rebuttal witnesses and exhibits. For **each expert** witness, file a **resume or** other statement of qualifications.

3. On or **before 4:30** p.m., Friday, September 24, 1993, parties shall file .in writing all objections to the prefiled testimony and exhibits previously identified, or such objections shall be deemed waived.

4. No individual may be called as a witness **in** this matter if he or she has not been identified in a witness list filed in compliance with this order. All reports and other documents that constitute substantive testimony must be filed with the prefiled testimony. If prefiled testimony **has not** been submitted by the **date** specified, the witness will not be permitted **to testify**.

5. **Prefiled** testimony may be filed in narrative or letter format.. However, each page and each line of testimony shall be numbered. If prefiled testimony exceeds ten pages, a table of contents should be created.

6. Parties shall file an original and five (5) copies of prefiled testimony, legal memoranda, all exhibits which are **8 1/2 by 11** inches or smaller, and any other documents with the Board, and m'ail one copy to each of the parties listed on the attached Certificate of Service.

Parties are required to file only lists **identifying exhibits** which are **larger** than **8 1/2 by 11** inches that they intend to present, **rather than the exhibits themselves**. Exhibits must be **made available for inspections and copying by the parties prior to the hearing**.

7. To save time at the evidentiary hearing, the Board will require that parties label their prefiled testimony, and exhibits themselves and submit lists of exhibits which the Board can use to keep track of exhibits during the hearing. With respect to, labeling, each person is assigned a, letter as follows: A for the appellants, P for the- permittee, ANR for the Agency of Natural Resources, LMPA for the Lake Morey Protective Association, and the first four letters of the last name of the intervenor for each intervenor seeking to prefile testimony and exhibits.

Prefiled testimony and exhibits shall be assigned consecutive numbers: for example, the Permittee will number its exhibits P-1, P-2, P-3, etc. If an exhibit consists of more than one piece (such as a site plan with multiple sheets), letters will be used for each piece, i.e.: P-2A, P-2B, etc. The labels on the exhibits must contain the words WATER RESOURCES BOARD, In re: Aquatic Nuisance Control Permit #C93-01-Morey, Docket No. WQ-93-04, the number of the exhibit, and a space for the Board to mark whether the exhibit has been admitted and to mark the date of admission. Label stickers which can be used by the parties are available from the Board on request: parties must complete the information sought on the stickers prior to the hearing.

Concerning preparation of lists of exhibits, each list must state the full name of the party at the top and the Board's case name and number. There must be three columns, from left to right: NUMBER, DESCRIPTION, and STATUS. The list must include exhibits and prefiled testimony. An examwle is as follows:

Town of Fairlee, Permittee
LIST OF EXHIBITS

In re: Aquatic Nuisance Control Permit #C93-01-Morey,
Docket No. WQ-93-04

<u>Number</u>	<u>Description</u>	<u>Status</u>
P-1	.Prefiled testimony of [Name]	

The Board will use the status column to mark whether the exhibit has been admitted.

Dated at Montpelier, Vermont, this 25th day of August, 1993.

Water Resources Board
by its Chair

Dale A. Rocheleau
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