

State of Vermont  
WATER RESOURCES BOARD

**In re:** Clyde River Hydroelectric Project,  
Docket No. WQ-94-10

STAY ORDER

On May 8, 1995, Citizens Utilities Company (Citizens), the appellant, filed with the Water Resources Board (Board) a statement concerning the procedural status of its request to the Federal Energy Regulatory Commission (FERC) for an amended license application for its Clyde River Hydroelectric Project. Citizens noted that the petitioners for intervention before the Board had opposed the amendment request at FERC. Citizens suggested that it would be an unwise expenditure of Board and parties' resources to litigate the above-captioned matter until it was known whether FERC either rejects or accepts the utility's amendment request.

On May 8, 1995, the Board received a filing from counsel for the three Trout Unlimited (TU) groups seeking intervention in the appeal before the Board. Counsel for TU recommended that a stay be granted by the Board pending disposition by FERC of Citizens' amendment request and the parties' related filings. On May 8, 1995, the Board also received a filing from petitioner Vermont Natural Resources Council (VNRC) opposing any delay in the Board's consideration of this matter. It asked the Board to dismiss Citizens' **appeal with prejudice** if the utility did not prosecute its appeal by a stated deadline.

On May 11, 1995, counsel for the Board wrote to the appellant, counsel for the Agency of Natural Resources, and counsel for the various petitioners for intervention, including counsel for VNRC. She provided them with an opportunity to file additional written statements concerning the appropriate disposition of this matter pending a FERC decision and indicated that the Board would consider a stay request at its meeting on May 31, 1995, unless further written objections were received by May 22, 1995.

There being no additional filings with respect to this matter, the Board deliberated on May 31, 1995, and determined that a stay should be granted with certain conditions as specified in this Order. See Preliminary Order: Motion to Stay Proceedings, In re: Taftsville Hydroelectric Project (CVPS), Docket No. WQ-93-06 and In re: Cavendish Hydroelectric Project (CVPS), Docket No. WQ-93-08.

Therefore, it is hereby ordered that a stay be granted in the above-captioned appeal. Such stay shall continue until the Board receives notification in writing from the appellant that

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the FERC has issued a decision concerning the **utility's** request for amendment of its federal license application. The appellant must file such written notification with the Board within thirty (30) days of the **FERC's** decision.

In order to evaluate the status of this proceeding, the Board's designee may consult, from time to time, with the parties and petitioners for intervention either by teleconference or through correspondence.

Dated at Barton, Vermont, this 7<sup>th</sup> day of June, 1995.

Vermont Water Resources Board  
by/its Chair



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William Boyd Davies

Concurring:  
William Boyd Davies  
Stephen Dycus  
Ruth Einstein  
Jane Potvin