

From: Groveman, Jon
Sent: Wednesday, April 13, 2011 10:06 AM
To: Robinson, Beth
CC: MacLean, Alex; Recchia, Chris
Subject: RE: Urgent

Beth:

Is this the provision you are referencing?

(2) Notwithstanding subdivision (d)(1) of this section, an aggrieved person may appeal an act or decision of the district commission if, upon motion filed by the person no later than the deadline for filing a statement of questions on appeal, the environmental judge determines that:

(A) there was a procedural defect which prevented the person from obtaining party status or participating in the proceeding;

(B) the decision being appealed is the grant or denial of party status;
or

(C) some other condition exists which would result would result in manifest injustice if the person's right to appeal was disallowed.

If so, I did speak with Senator Illuzi about an issue his client had with an appeal that was thrown out by the E-Court based on a procedural defect in the filing. I stress that I had these conversations with Senator Illuzi in the summer/early fall, BEFORE I WAS HIRED AS ANR GENERAL COUNSEL. I have had no conversations with Senator Illuzi about this since I was hired as ANR General Counsel.

If you want my opinion about the provision please let me know. But most importantly I wanted you to know that I did not indicate a position on this provision on behalf of the Administration.

Jon

From: Robinson, Beth
Sent: Wednesday, April 13, 2011 8:44 AM
To: Groveman, Jon
Cc: MacLean, Alex
Subject: Urgent

Jon-

Sorry to bother you on short notice. Sen. Illuzzi has added a provision to an amendment to the telecom bill that deals with Act 250 appeals. He says this is a provision that you all have been looking to tack onto some legislation this year, and this is the only vehicle. I want to confirm that. <http://www.leg.state.vt.us/docs/2012/calendar/sc110413.pdf> It's in today's Senate Journal, p. 790, amendment 16. Can you look at this and let me know ASAP?

Thanks,