

February 26, 2008

Hon. President Pro Tem Peter Shumlin
Hon. Majority Leader John Campbell

Dear Sirs:

I am very troubled by what took place in the Senate Finance Committee this past Thursday, February 21st. Sarah Hofmann, the Public Service Department's Director of Public Advocacy, was on hand to testify on the Department's preparation for Entergy's petition to re-organize their nuclear business.

At the conclusion of her testimony Ms. Hofmann was the recipient of the worst form of verbal abuse from Senator Mark McDonald. Sen. McDonald was under the impression that he had not been adequately informed regarding Entergy's decommissioning plans. In commenting on what he thought of the Department's performance, he stated "*what we're told in China when these things happen they take a few people out behind the wall and machine gun them.*" He went to inquire who from the Department of Public Service should be "*shot.*"

Staff members from the Department have often borne the brunt of verbal attacks by Sen. McDonald. These statements and behavior are not appropriate in any context, especially the tradition of civil discourse in Vermont's legislative process. But for Sen. McDonald to state that "*people get shot*" is well beyond the pale. It is further very troubling that neither the committee Chair nor any of its members interceded as Sen. McDonald made these statements. Even worse you can hear members of the committee laughing at Senator McDonald's abusive comments.

You may not be personally familiar with Ms. Hofmann, but she is widely regarded in the State House – on both sides of the aisle – for her impeccable integrity and patient manner. As usual Ms. Hofmann was making a considerable effort to provide meaningful information to the committee. Unfortunately her goodwill was not returned. Instead she was verbally abused in a way that many would have viewed as a personal threat.

I would suggest you review the tape of the testimony in question so you can hear for yourself what exactly was said; I can provide a copy of the audio tape upon request. I am enclosing a copy of an email exchange between myself and Chair Ann Cummings. Unfortunately, Chair Cummings did not take this matter very seriously after the fact either as her response to my concerns concluded with this statement "I will do what I can

to prevent any reoccurrence (sic).” My expectation would be that the Chair would apologize herself for what took place and take personal responsibility for preventing it from happening ever again.

While Sen. McDonald did apologize to Ms. Hofmann in a phone call subsequent to his tirade, his apology does not match the severity of what has occurred nor the persistent treatment we have been given in this particular Committee or from this member of the Vermont Senate, nor does it assure us that it will not happen again. Based on our experience with Sen. McDonald over five years, it is clear that he cannot temper his conduct or refrain from verbal attacks; it is also clear that the Chair does not control the environment and decorum of the committee.

Therefore we ask you to resolve this matter in a manner consistent with the rules, customs and traditions of the Vermont Senate, including consideration of a re-assignment of Sen. McDonald to a different committee. I must be assured that the staff of the Department of Public Service can participate in the legislative process in a manner that is both cordial and respectful.

I look forward to hearing your response to our serious concerns. I hope that we can resolve this unfortunate state of affairs quickly and return civility to our legislative process.

Sincerely,

David J. O'Brien
Commissioner

cc. Hon. Governor James Douglas
Hon. Lt. Gov. Brian Dubie, President of the Senate
Hon. William Doyle, Senate Minority Leader
Hon. Richard Mazza
Hon. Anne Cummings

Commissioner;

I understand your concern. Senator McDonald immediately realized his mistake and it is my understanding that he has apologized Ms. Hofmann. I will do what I can to prevent any reoccurrence.

Ann Cummings

>>> "O'Brien, David" <David.O'Brien@state.vt.us> 02/21/08 4:14 PM >>>
Senator,

I am very troubled by what I have heard about Ms. Hofmann's experience in your committee this afternoon. I understand from Sarah that Senator MacDonald made a reference to the effect that "people in China would be shot" or something to that effect. Apparently the Senator was referring to his belief that he was not told about the plans by Entergy to place the VY station into so called "safe store". It seems that Senator MacDonald thinks that a price should be paid for this lack of communication. As I believe Ms. Hofmann may have explained, this issue goes back to 2002 and prior. Regardless, even if there was a lack of communication by this department in reference to Entergy's decommissioning plans, I fail to see what place this sort of inflamed language has in the legislative process. Frankly I think this is outrageous behavior and I believe anyone would find the tenor of the communication to be insulting, disrespectful and at worst threatening.

We testify in your committee often on a variety of utility matters and we make a conscious effort to always be forthcoming, accessible and above all, polite at all times. I believe that we deserve the same degree of consideration and respect. I hope that going forward we can work to ensure that we have that sort of interaction.

Best

David O'Brien
Commissioner