

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant	)	
to 30 V.S.A. § 248, for a certificate of public	)	Case No. 17-5240
good authorizing the installation and	)	
operation of the “Chelsea Solar Project,” a 2.0	)	
MW solar electric generation facility located off	)	
Willow Road in Bennington, Vermont	)	
	)	

ANR’s FIRST SET OF INFORMATION REQUESTS ON PETITIONER

The Agency of Natural Resources (“Agency” or “ANR”) by undersigned counsel, hereby serves the following Third Set of Information Requests upon Petitioner Chelsea Solar LLC, (“Petitioner” or “Chelsea”) in accordance with Public Utility Commission Rule 2.214 and V.R.C.P. 33 and 34, and requests that Petitioner answer the requests in accordance with V.R.C.P. 33 and 34 and deliver its answers and all requested documents and materials to the Agency’s offices as soon as possible but in no case later than May 11, 2018. Petitioner is requested to provide a copy of its answers in electronic format, that is, Word or other format readable by the Agency.

INSTRUCTIONS AND DEFINITIONS

1. Reproduce the request being responded to before the response. Provide one complete hard copy of your responses and an electronic copy on disk. Provide one complete hard copy of all documents produced. All spreadsheets and computer data should also be provided on disk.
2. Responses to any and all Agency requests that are contained herein or that may be filed later should be supplied to the Agency as soon as they become available to PETITIONER. That is, PETITIONER should not hold answers to any requests for which it does have responsive data, documents, etc., until responses to any or all other requests are compiled.
3. The response to each request should be made under oath by a person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.
4. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), please provide all information with respect to the subject matter of the question that can be identified in PETITIONER work papers and files or that is otherwise available.
5. These requests shall be deemed continuing. PETITIONER is directed to change, supplement and correct its answers to conform to all information as it becomes available, including the substitution of actual data for estimated data. Responses to requests for information covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time and supplementary data as it becomes available.

6. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
7. Some of the Agency's requests may make particular reference to a portion of a filing in this matter. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to PETITIONER that is responsive to the questions stated.
8. "Identify," when used in connection with natural person(s) or legal entities, shall mean the full name and current business address of the person or entity.
9. "Document," as used herein, shall be construed as broadly as possible to include any and all means and media, by which information can be recorded, transmitted, stored, retrieved or memorialized in any form, and shall also include all drafts, versions or copies which differ in any respect from the original. The term specifically includes and is not limited to written communications such as letters and e-mails.
10. Documents produced pursuant to these requests shall be organized and labeled in correspondence with the paragraph number to which they are alleged to respond. With respect to each document produced by PETITIONER, identify the person who prepared the document and the date on which the document was prepared.
11. If any request to admit is responded to by a denial or an objection, explain in detail the reason for such denial or objection.
12. If in response to any request for information, the responding party asserts attorney client privilege, attorney work product, or any other privilege, please provide in addition to the basis of the privilege the date of the allegedly privileged communication(s), the identity of all persons who were party to the allegedly privileged communication(s) or who received photocopies of such

communication(s), and the subject matter of the allegedly privileged communication.

13. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject matter of the document as well as the complete legal and factual basis for the objection.

14. "Project" "proposed facilities" "project site" "project area" means the installation and decommissioning of the Chelsea Solar Project, included all associated distribution upgrades, to be located in Bennington, Vermont, as described in Petitioner's filings, including all supplemental filings, in this docket.

15. "You" or "Your" refers to Chelsea.

Interrogatories, Requests to Produce, and Requests to Admit

Q.ANR:Chelsea.1-1. Brad Wilson, in his testimony dated November 27, 2017, at pages 3 and 5, indicates that the Project fencing height has been increased to ten feet and a chain-link style fabric will be used. Will a gap be provided between the bottom of the fence and the ground surface to allow for passage by wildlife? If yes, identify the dimensions of the gap. If no, explain why not.

Q.ANR:Chelsea.1-2. Mr. Wilson, at page 7 of his November 27, 2017 testimony, estimates that the area to be cleared for the Project will be approximately 9.64 acres and references Exhibit CS-IJ-2 for a depiction of the area to be cleared. In his second supplemental testimony dated February 14, 2018, Mr. Wilson discusses an alternative O&M access to the Project through the property to the east. Exhibit CS-BW-28 depicts a gate in the eastern fence for this access. However, there is no depiction of how or where the O&M access drive will be constructed or of the amount of clearing associated with the O&M access drive. Please answer the following with regard to the referenced O&M access drive.

a. Describe where the access drive will begin and terminate.

b. Depict the entire access drive on Exhibits CS-IJ-2 and CS-BW-28.

- c. Identify the length and width of the access drive.
- d. Will the access drive be constructed utilizing the same, or similar, materials and in the same manner as described in the "Typical Access Drive and Turnaround Detail" which appears on Exhibits CS-IJ-2 and CS-BW-28?
- e. Identify the total amount of impervious surface associated with the access drive and provide the basis for your answer.
- f. Has the amount of impervious surface associated with the access drive been included in the 0.41 acres impervious figure identified on page 6 of Ian Jewkes November 27, 2017 testimony?
- g. Depict the area of vegetation clearing associated with the access drive on Exhibit CS-IJ-2.
- h. Describe the vegetation to be cleared for the access drive (e.g., trees, brush, etc.).
- i. Quantify the total amount of vegetative clearing (in square feet and acres) to be cleared for the access drive.
- j. Will the access drive be removed and the area restored when the Project is decommissioned? Explain.
- k. Has Arrowwood performed a natural resources assessment in the area where the access drive will be located? If yes, provide a copy of the assessment report. If no, explain why not and whether, and when, one will be performed.
- l. Describe the types of vehicles that will utilize the access drive.

Q.ANR:Chelsea.1-3. Admit that Exhibit CS-BW-2 does not depict any clearing associated with the O&M access drive described in Mr. Wilson's second supplemental testimony dated February 14, 2018.

Q.ANR:Chelsea.1-4. Admit that, as depicted on Exhibit CS-BW-28, the shortest distance between the "proposed gate" for the O&M access drive and Apple Hill Road exceeds 800 linear feet.

Q.ANR:Chelsea.1-5. Mr. Wilson's November 27 testimony, at page 10 states that the gravel driveway (to Willow Road) and the Project fence will remain after the Project is decommissioned. However, Mr. Wilson's December 5, 2017 testimony, at page 2, states that these features will be removed. Please confirm which approach will be followed.

- Q.ANR:Chelsea.1-6.** Will the utility poles and power line adjacent to the gravel driveway referenced in the prior question be removed as part of Project decommissioning? If no, explain why not.
- Q.ANR:Chelsea.1-7.** Ian Jewkes, in his November 27, 2017 testimony, discusses the potential use of "Sonotubes" for racking foundation posts. Have Sonotubes been included in the Project's impervious surface calculations? If yes, identify the amount of impervious associated with the Sonotubes and your basis for this number. If not, explain why not.
- Q.ANR:Chelsea.1-8.** Will all Project tree clearing activities which may not be covered under an authorization to discharge under Construction General Permit 3-9020 be conducted in accordance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (AMPs).
- Q.ANR:Chelsea.1-9.** The RTE Plant Inventory Report dated 11/16/2017 included in Exhibit CS-DB-2 confirms the presence of Nimblewill Muhly (*Muhlenbergia schreberi*), an S2-ranked rare species. However, this plant is not addressed in the RTE Plant Mitigation Report (Exhibit CS-DB-3). Please explain why this plant, identified in the former, is not included in the latter.
- Q.ANR:Chelsea.1-10.** Exhibit CS-DB-2, at pages 8-9, discusses Northern Long-eared Bat (*Myotis septentrionalis*) (NLEB), and represents that the Project clearing (9.64 acres) constitutes less than 1% of the available forest land within a 1 square mile radius. Quantify the amount of clearing associated with each of the following aspects of the Project and indicate whether each is included in the 9.64-acre figure.
- a. The solar array portion (i.e., the fenced and gated area), including the area immediately outside the fence up to the limits of clearing, of the Project.
 - b. The Project access drive from Willow Road to the solar array portion.
 - c. The GMP distribution upgrade from the Project to East Road (depicted on Exhibit CS-BW-11).
 - d. The O&M access drive from Apple Hill Road to the solar array portion.
- Q.ANR:Chelsea.1-11.** Admit that the total amount of tree clearing associated with this Project, the Apple Hill Solar project (Case No. 8454), and the GMP distribution upgrade, combined, exceeds 1% of the available forest land within a 1 square mile radius.
- Q.ANR:Chelsea.1-12.** Quantify, both in acres and as a percentage of the available forest land within a 1 square mile radius of this Project, the total amount of tree clearing associated with this Project, the Apple Hill Solar project (Case No. 8454), and the GMP distribution upgrade.

Q.ANR:Chelsea.1-13. Do you intend to perform a NLEB acoustic survey in connection with the Project?

Q.ANR:Chelsea.1-14. Answer the following if you intend to perform a NLEB acoustic survey in connection with the Project.

- a. Identify the date range within which the survey will be performed.
- b. Identify who will perform the survey.
- c. Identify the survey methodology that will be utilized.

Q.ANR:Chelsea.1-15. If you do not intend to perform a NLEB acoustic survey in connection with the Project, explain why not.

Requests to Produce

1. Please produce all documents requested in the preceding questions.
2. Please produce any and all documents identified, referenced, relied upon, or referred to in responding to these information requests.
3. Please produce any and all documents you expect to offer as exhibits at the technical hearings of these proceedings.

Dated this 26th day of April, 2018, at Montpelier, Vermont.

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

A handwritten signature in blue ink, appearing to read 'D. Einhorn', with a long horizontal line extending to the right.

By: _____
Donald J. Einhorn, Esq.