

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant to 30)	
V.S.A. § 248, for a certificate of public good)	
authorizing the installation and operation of the)	Case No. 17-5024-PET
“Chelsea Solar Project,” a 2.0 MW solar electric)	
generation facility located off Willow Road in)	
Bennington, Vermont)	

**PETITIONER’S SUPPLEMENTAL RESPONSES TO
TOWN OF BENNINGTON’S
FIRST SET OF INFORMATION REQUESTS**

Q. Town:CS.1-4. The question was “Will screening plantings be monitored.” Chelsea’s objection asserted that the word “monitored” is vague and confusing. “Monitor” is a commonly understood word in the English language, and its use is not vague or confusing. Please use the common English usage definition of the word “monitor” in formulating a response. (Monitor (verb) “To watch closely for purposes of control, surveillance, etc. keep track of; check continually.”). Please withdraw the objection and, with that definition in mind, please supplement the response.

Petitioner’s Response: The Merriam-Webster dictionary defines the verb monitor as: “to watch, keep track of, or check usually for a special purpose.” Petitioner intends on satisfying the inspection requirements set forth in PUC Rule 5.805(D) and the requirement set forth in PUC Rule 5.800(E) (i.e. the requirement that the mitigation measures to be maintained for the life of the facility). Whether compliance with the PUC rule constitutes “monitoring” is irrelevant.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 19, 2018

Q. Town:CS.1-5. Same as above. Chelsea additionally objected on the grounds that the response is not likely to lead to the discovery of any relevant information. The issue of who will be checking on the screening around the site in the future is clearly relevant to the proceeding. Please withdraw these objections and supplement the response to this question as the information becomes available.

Petitioner’s Response: Petitioner does not withdraw the objection. Petitioner intends on satisfying the inspection requirements set forth in PUC Rule 5.805(D). The details of such inspections, however, will not be determined until after a CPG has been issued, and there is no requirement in the Rule to identify specific persons that will inspect to project from time to time.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 19, 2018

Q. Town:CS.1-6. This was a request to admit, asking that Chelsea “admit that certain planned equipment and/or system upgrades are designed for common use by both the proposed Chelsea Solar Project and the proposed, adjacent Apple Hill Solar Project. Chelsea objected on the grounds that the phrases “planned equipment,” “system upgrades,” and “common use” are “vague and confusing.” Chelsea also objected on the grounds of relevancy.

Chelsea responded to questions from the Department of Public Service using the exact same phrases with no similar objection (Q.DPS:CS.1-8), so it is clear that Chelsea’s agents are able to discern the meaning of those phrases in response to other parties. In fact, Chelsea’s agents employed the same phrases in the response to that question. Mr. Wilson has also employed the phrase “system upgrades” in his Prefiled Direct Testimony. (Wilson Prefiled Testimony, Page 12, 25).

These are also issues that are clearly relevant to the proceeding.

Please withdraw the objections and supplement the response with your understanding of the meaning of those phrases in mind.

Petitioner’s Response: Chelsea does not withdraw the objection. The response to Q.DPS:CS.1-8 states: “At the time of Project construction, Chelsea Solar will fund any utility equipment and utility upgrades that are required for the Project to be interconnected.” Chelsea stands by that response. If the Town is seeking more than the response provided in that interrogatory, Chelsea is willing to supplement its response if the Town can be specific in its question, and can explain the relevancy of its question and its request for more information to this section 248 proceeding.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 19, 2018

Person Responsible for Withdrawal of Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-7. Same as above. Please withdraw the objections and supplement the response with your understanding of those phrases in mind.

Petitioner’s Response: Objection is not withdrawn. See answer to CS.1-6 above.

Person Responsible for Response: Brad Wilson
Title: Project Developer, Ecos Energy
Date: June 19, 2018

Person Responsible for Withdrawal of Objection: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-8. This question concerned language from the Town Plan. Chelsea objected on the basis that “the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.” Interpretation of the scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the issues. Please withdraw the objections and supplement the response as appropriate. Please also clarify what is being denied in the response.

Petitioner’s Response: Chelsea repeats its objections based on relevancy. The order in Docket 8302 speaks for itself and is contradicted by prior and subsequent decisions by the PUC. Moreover, the PUC issued the order in 8302 on an admittedly incomplete record based only on limited excerpts from the Town Plan. Moreover, as explained in the “PETITIONER’S POST-TECHNICAL HEARING BRIEF ON PRECLUSION AND STARE DECISIS” in docket 8454, the quote from the order is irrelevant to this proceeding.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-9. This question concerned language from the Town Plan. Chelsea objected on the basis that “the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.” Interpretation of the scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the issues. Please withdraw the objections and supplement the response as appropriate. Please also clarify what is being denied in the response.

Petitioner’s Response: Chelsea repeats its objections based on relevancy. The order in Docket 8302 speaks for itself and is contradicted by prior and subsequent decisions by the PUC. Moreover, the PUC issued the order in 8302 on an admittedly incomplete record based only on limited excerpts from the Town Plan. Moreover, as explained in the “PETITIONER’S POST-TECHNICAL HEARING BRIEF ON PRECLUSION AND STARE DECISIS” in docket 8454, the quote from the order is irrelevant to this proceeding

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-10. This question concerned language from the Town Plan. Chelsea objected on the basis that “the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.” Interpretation of the scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the issues.

Please withdraw the objections and supplement the response as appropriate. Please also clarify what is being denied in the response.

Petitioner's Response: Chelsea repeats its objections based on relevancy. The order in Docket 8302 speaks for itself and is contradicted by prior and subsequent decisions by the PUC. Moreover, the PUC issued the order in 8302 on an admittedly incomplete record based only on limited excerpts from the Town Plan. Moreover, as explained in the "PETITIONER'S POST-TECHNICAL HEARING BRIEF ON PRECLUSION AND STARE DECISIS" in docket 8454, the quote from the order is irrelevant to this proceeding.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-11. This question concerned language from the Town Plan. Chelsea objected on the basis that "the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding." Interpretation of the scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the issues. Please withdraw the objections and supplement the response as appropriate. Please also clarify what is being denied in the response.

Petitioner's Response: Chelsea repeats its objections based on relevancy. The order in Docket 8302 speaks for itself and is contradicted by prior and subsequent decisions by the PUC. Moreover, the PUC issued the order in 8302 on an admittedly incomplete record based only on limited excerpts from the Town Plan. Moreover, as explained in the "PETITIONER'S POST-TECHNICAL HEARING BRIEF ON PRECLUSION AND STARE DECISIS" in docket 8454, the quote from the order is irrelevant to this proceeding.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-12. This question concerned language from the Town Plan. Chelsea objected on the basis that "the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding." Interpretation of the scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the key issues in this proceeding. Please withdraw the objection and supplement the response as appropriate. Please also clarify what is being denied in the response.

Petitioner's Response: Chelsea repeats its objections based on relevancy. The order in Docket 8302 speaks for itself and is contradicted by prior and subsequent decisions by the PUC. Moreover, the PUC issued the order in 8302 on an admittedly incomplete record based only on limited excerpts from the Town Plan. Moreover, as explained in the "PETITIONER'S POST-TECHNICAL HEARING BRIEF ON PRECLUSION AND STARE DECISIS" in docket 8454, the quote from the order is irrelevant to this proceeding.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-13. Please clarify what is being denied in the response.

Petitioner's Response: The original substantive response is hereby deleted in its entirety.

Chelsea continues to object to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 13, 2018

Person Responsible for Response: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Q. Town:CS.1-16. This question concerned language from the Town Plan. Chelsea objected on the basis that “the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding.” The scenic resources language from the Town Plan is clearly relevant to the proceeding—in fact it is as the heart of some of the issues. Please withdraw the objection and supplement the response as necessary. Please also clarify what is being denied in the response.

Petitioner's Response: Chelsea does not withdraw its objection. Chelsea amends its original response as follows:

Response: Chelsea objects to this request on the ground that the request is not likely to lead to the discovery of any relevant information; the information is not relevant to this proceeding; the meaning of the word “criteria” is vague and ambiguous. The word development is also vague and ambiguous as it may be applied to this proceeding. The terms prominently visible locations, hillsides, ridgelines, and minimize clearing are vague and ambiguous.

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 13, 2018

Person Responsible for Objection: Michael Melone
Title: General Counsel of Allco Renewable Energy Limited
Date: June 19, 2018

Town counsel was denied the opportunity to attend the site visit that was scheduled by the Hearing Officer. I would appreciate the opportunity to view the site in light of the response to

Q.Town:CS.1-14. Please let me know by June 18, 2018 if Chelsea will permit me brief access to the site without my requesting leave to do so.

Response: I am available to walk the site with you on June 22nd or June 28th, 2018 at a mutually convenient time.

Person Responsible for Response: Michael Melone

Title: General Counsel of Allco Renewable Energy Limited

Date: June 19, 2018