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 "Chelsea Solar Project," a 2.0 MW solar electric generation facility located off Willow Road in Bennington, Vermont	)	Case 17-5024-PET

LIBBY HARRIS, CAROLINE MCEVER, ROBERTA CASLIN, DAVID GRIFFIN RESPONSE TO CHELSEA SOLAR LLC'S OPPOSITION TO MOTION TO QUASH

Intervenors Libby Harris, Caroline McEver, Roberta Caslin and David Griffin, *pro se*, (hereinafter "Harris et.al.") hereby offer this response to "Chelsea Solar LLC's Opposition to Motion to Quash" which was filed on Sunday, June 24, 2018. Harris et.al. renew their Motion to Quash and Motion for Protective Order.

After Harris et.al. filed the Motion to Quash and Motion for Protective Order, Thomas Melone sent an email to Harris et.al. *see exhibit 1.* Attorney Melone did not copy other parties on the email. The email was the first direct contact made by Attorney Melone to parties who received Notice of Deposition. Some of the *pro se* parties were out of town or out of state at the time of receipt of the first email regarding depositions. Some of the *pro se* parties were focused on preparing pre-filed testimony due June 22. Responding to Attorney Melone's email was challenging because it appears to give legal advice that mischaracterizes the Rules. Harris et.al. made the decision to continue to focus on preparation of pre-filed testimony and respond to Attorney Melone's email after the pre-filed testimony had been submitted. Harris et.al. responded to Attorney Melone on the morning of June 25, 2018. *See exhibit 2.*

In Chelsea Solar LLC's Opposition to Motion to Quash, Attorney Melone repeats claims from the email sent to Harris et.al. about VCRP Rule 26(h) that mischaracterize the rule. This is

a violation of Vermont's Rule of Professional Conduct 4.1. VCRP Rule 26(h) refers only to counsel. It does not refer generally to parties as do all other sections of Rule 26. Harris et.al. assume that the reason 26(h) does not apply to *pro se* parties is because it would be easy for an attorney to take advantage of a *pro se* litigant in discussing discovery issues in precisely the manner that these *pro se* litigants are now experiencing.

It is ironic that Chelsea Solar complains about a failure to confer, when it made no effort to confer with the *pro se* litigants before serving Notices of Deposition purporting to require them to travel more than 120 miles (one way) to sit for a deposition, and without checking about availability. Chelsea Solar claims that the 50 mile limit refers only to subpoeanas and not Notices of Deposition. However, a reasonable attorney who treats *pro se* parties with respect would not schedule a deposition for Bennington residents on a Friday in Burlington without talking to *the pro se* parties first.

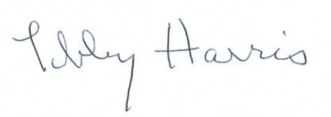
Harris et.al. are seeking protection from the type of tactics that Chelsea Solar is using in this case regarding *pro se* parties. Chelsea Solar claims that they are being nice with their correspondence, but their communications contain threats of monetary or other sanctions. It is not a good faith effort to deal with *pro se* litigants when the approach is "let's talk, but if you don't we will seek monetary and other sanctions." Chelsea Solar's seemingly respectful stance is thinly veiled over serious threats. Harris et.al. view this behavior as an attempt to deter participation and distract from meeting deadlines such as the recent deadline for pre-filed testimony.

Chelsea Solar argues that they are not violating RPC Rule 4.4 and provides colorful examples of bullying. In this case, *pro se* parties feel bullied by Petitioner's failure to follow common practice of conferring with parties regarding availability and location for depositions,

by repeated emails including on weekends that mischaracterize the rule, and by the general hostile attitude towards *pro se* parties who are making every good faith effort to participate in the PUC's process for the siting of energy projects. As another example of its failure to show good faith and behave in a respectful manner, in its June 24 Opposition to Motion to Quash, Chelsea Solar brings in numerous people and extraneous issues and makes unfounded allegations that have no relevance to the siting of a 2 MW solar project on a prominent hillside in Bennington.

Harris et.al. renew the Motion to Quash and Motion for Protective Order.

Respectfully submitted this 25th day of June, 2018 in Bennington,



Libby Harris
531 Apple Hill Road
Bennington, VT 05201
802 447 0314 home
802 375 4592 cell and text
libbyharris1@me.com

Roberta Caslin
685 Willow Road
Bennington, VT 05201
(802) 345-6727
toodamncold@gmail.com

David Griffin and Maru Leon
1 Bank Street
Bennington, VT 05201
(802) 442-2617
maru@mtanthonycc.com

Caroline McEver
132 Monument Ave.
Old Bennington, VT 05201
(802) 753-6855
caroline@mceverdesign.com