

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

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

**PETITIONER'S FIRST SET OF DISCOVERY REQUESTS
TO MARU LEON**

In accordance with Vermont Public Utility Commission Rule 2.214 and V.R.C.P. 33 and 34, Chelsea Solar LLC (the “Chelsea” or “Petitioner”) hereby serves the following First Set of Discovery Requests upon MARU LEON (“LEON” or “Respondent”) in this matter (Case No. 17-5024). Petitioner requests that Respondent answer the requests in accordance with V.R.C.P. 33 and 34 and deliver its answers and all requested documents and materials to Petitioner via email in electronic format, and to provide any spreadsheets and word documents in native, unlocked format, no later than July 20, 2018.

INSTRUCTIONS

1. Reproduce the request being responded to before the response per V.R.C.P. 33.
2. Responses to any and all Petitioner requests that are contained herein or that may be filed later should be supplied to the Petitioner as soon as they become available to Respondent. That is, Respondent should not hold answers to any requests for which they have responsive data, documents, etc. until responses to any or all other requests are compiled.
3. V.R.C.P. 33 requires the response to each request to 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 Respondent's workpapers and files or that is otherwise available.

5. These requests shall be deemed continuing and must be supplemented in accordance with V.R.C.P. 26(e). Respondent is directed to change, supplement and correct its answers to conform to all information as it becomes available to Respondent, 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 Petitioner's requests may make particular reference to a portion of Respondent's filing(s). Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Respondent that is responsive to the questions stated.

8. The words "relate," "relating," "pertain," "pertaining," "reference," "referencing," "refer," "referring," and/or derivatives thereof, whether followed by a preposition or not, have the broadest meaning that may be accorded to them and include, but are not limited to, the

following: directly or indirectly mentioning, describing, referring to, pertaining to, being connected with, setting forth, discussing, commenting upon, analyzing, supporting, contradicting, proving, disproving, referring to, mentioning, quoting, incorporating, attaching, analyzing, constituting, concerning, and/or connected, or reflecting in any way upon the stated subject matter of a given request.

9. The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

10. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

11. The use of the singular form of any word includes the plural and vice versa.

12. Communication" includes any form of intended, attempted, or actual oral, written, graphic, electronic, or other representation or articulation from one or more persons to one more persons, including but not limited to emails, and text messages.

13. The terms "each" and "every" include the term "each and every." "Any" shall include the term "any and all." The terms “all” and “each” shall be construed as all and each.

14. The singular of words includes the plural and the plural includes the singular. Masculine, feminine, or neuter pronouns include the other gender(s).

15. “You” or “Your” shall mean and refer to MARU LEON as defined below.

16. The words "and" and "or" have either a disjunctive or conjunctive meaning so as to bring within the scope of these document requests all information that might otherwise be construed to be outside their scope by use of a more restrictive meaning.

17. “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. All spreadsheets provided must have all formulae intact and accessible.

18. “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.

19. “Project”, as used herein, shall mean the Chelsea Solar project in this Case 17-5024.

20. “Solar Screening Ordinance” means “Article 29. Screening of Solar Facilities” adopted by the Town of Bennington on November 9, 2015.

21. “Town” means the Town of Bennington.

22. With respect to each document produced by Respondent, identify the person who prepared the document and the date on which the document was prepared.

23. If any interrogatory or request requires a response that Respondent believes to be privileged, please state the complete legal and factual basis for the claim of privilege, provide the information required by the 5/16/95 order in Docket No. 5771 and respond to the parts of the interrogatory or request as to which no privilege is asserted.

24. 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 any 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. All drafts and non-identical copies of responsive documents should be produced.

25. For each document or portion thereof withheld under a claim of privilege, submit a sworn or certified statement from Your counsel or You identifying the withheld document by author, addressee, date, number of pages, subject matter, and document control number, specifying the nature and basis of the claimed privilege and the paragraph of this Request to which the withheld material is responsive; and identifying each person to whom the withheld material was sent and each person to whom the withheld material or its contents, or any part thereof, was disclosed. Denote all attorneys identified with an asterisk.

26. **This Request shall be deemed continuing as provided in the Vermont Rules of Civil Procedure, so as to require further and supplemental production if additional documents called for by this Request are obtained or created by the You between the time of the Request and the time of the evidentiary hearing.**

27. To expedite the discovery process and the resolution of this docket, Respondent should contact the Petitioner as soon as possible, and prior to the above deadline for response, if it seeks clarification on any of these information requests.

28. **If any request to admit is denied in whole or in part, please explain with specificity what is denied and the basis for the denial, and produce all documents relating to the denial.**

29. The Petitioner reserves any right it may have to submit additional information requests to Respondent.

INTERROGATORIES AND REQUESTS TO ADMIT AND TO PRODUCE

- 1) Reference the testimony of LEON at page 3, A4.

- i. Identify and list with specificity exactly from which locations the viewpoint of “the scenery and views of our valley” will change, and produce all Documents relating to same.
- ii. Identify and describe with specificity the changes that would occur from the locations identified in clause (i), and produce all Documents relating to same.
- iii. Identify and list with specificity exactly from which locations the viewpoint of “the scenery and views of our ... Town” will change, and produce all Documents relating to same.
- iv. Identify and describe with specificity the changes that would occur from the locations identified in clause (ii), and produce all Documents relating to same.
- v. Identify and list with specificity exactly from which locations the viewpoint of “the scenery and views of ... the golf course” will change, and produce all Documents relating to same.
- vi. Identify and describe with specificity the changes that would occur from the locations identified in clause (iii), and produce all Documents relating to same.

2) Reference the testimony of LEON at page 4, A9.

- i. Identify and list with specificity exactly from which locations the MODULES FOR THE SOLAR ARRAY would be visible, and produce all Documents relating to same.

3) Reference the testimony of LEON at page 4, A10.

- i. Identify and describe with specificity exactly how the Walmart expansion changed the views of from the Mount Anthony Country Club, and produce all Documents relating to same.
- ii. Produce all profit and loss annual results for the Mount Anthony Country Club for the three years before construction of the Walmart expansion began to and including 2017.
- iii. Produce all Federal income tax returns for the Mount Anthony Country Club for the three years before construction of the Walmart expansion began to and including 2017.
- iv. Produce the membership roster from three years before construction of the Walmart expansion began to and including 2017.
- v. Produce the current membership roster including address, phone number and email addresses of all members of the Mount Anthony Country Club.
- vi. Do your members or guests state their concerns over climate change?

- vii. Do your members or guests regarding global warming/
 - viii. Do your members or guests mention any concerns that Vermont may not meet its greenhouse gas reduction goals if more in-state renewable energy projects are not built?
 - ix. What are the fees (including amounts) required to be paid to be and maintain status as a member of the Mount Anthony County Club?
- 4) Before filing your testimony, did you review the 2010 Bennington Town Plan? If so, identify the Sections you reviewed. If not, why not?
- 5) Reference the testimony of LEON at page 5, A11.
- i. Identify and describe with specificity exactly how the Walmart expansion changed the views of from the Mount Anthony Country Club for wedding parties.
 - ii. Identify and list with specificity exactly from which locations the viewpoint of views for wedding photographs “the scenery and views of our valley” will change, and produce all Documents relating to same..
 - iii. Identity and describe with specificity the changes that would occur from the locations identified in clause (ii) , and produce all Documents relating to same.
- 6) Reference the testimony of LEON at page 5, A12.
- i. Identify and describe with specificity exactly the “farther away” locations from which you allege the modules of the Project would be visible, and produce all Documents relating to same.
 - ii. For each location identified in clause (i) explain with specificity how the view from such location affects the Mount Anthony Country Club, and produce all Documents relating to same.
- 7) Reference the testimony of LEON at page 6, A15.
- i. Identify the “Painters, Watercolorists and Photographers that reside in the region” that have been “photographing the area and views” for the past three years, and produce all Documents relating to same.
 - ii. Produce copies of all photographs, paintings and watercolors from the persons identified in clause (i) in the possession of LEON;
- 8) List each of the 30 V.S.A. §248 criteria with respect to which you assert the Petitioner has failed to meet its initial burden of proof, and produce all Documents relating to same.
- 9) With respect to the prior interrogatory, state with specificity your education, training and experience to offer an opinion with respect to each criterion and produce all documents concerning same.

10) With respect to each criteria listed in the response to #8, identify and explain with specificity the basis for Your assertion, and produce all Documents relating to same.

11) Identify all evidence that You will sponsor that supports the bases listed in the response to #10, and produce all Documents relating to same.

12) Admit that the Project satisfies the following 30 V.S.A. §248 criteria:

- i. 30 V.S.A. §248(b)(1)(Orderly Development of the Region);
- ii. 30 V.S.A. §248(b)(2)(Need for the Project);
- iii. 30 V.S.A. §248(b)(3)(System Stability and Reliability);
- iv. 30 V.S.A. §248(b)(4)(Economic Benefit to the State);
- v. 30 V.S.A. §248(b)(5)(Aesthetics);
- vi. 30 V.S.A. §248(b)(5)(Noise);
- vii. 30 V.S.A. §248(b)(5)(Historic Sites);
- viii. 30 V.S.A. §248(b)(5)(Air Purity);
- ix. 30 V.S.A. §248(b)(5)(Water Purity);
- x. 30 V.S.A. §248(b)(5)(Natural Environment);
- xi. 30 V.S.A. §248(b)(5)(Natural Resources);
- xii. 30 V.S.A. §248(b)(5)(Public Health and Safety);
- xiii. 30 V.S.A. §248(b)(5)(Outstanding Resource Waters)
- xiv. 30 V.S.A. §248(b)(5)(Primary Agricultural Soils)
- xv. 30 V.S.A. §248(b)(5)(Outstanding Resource Waters)
- xvi. 30 V.S.A. §248(b)(5)(Greenhouse Gas Impacts)
- xvii. 30 V.S.A. §248(b)(5)(Headwaters)
- xviii. 30 V.S.A. §248(b)(5)(Ground Water)
- xix. 30 V.S.A. §248(b)(5)(Water Conservation)
- xx. 30 V.S.A. §248(b)(5)(Floodways)
- xxi. 30 V.S.A. §248(b)(5)(Streams)
- xxii. 30 V.S.A. §248(b)(5)(Shorelines)
- xxiii. 30 V.S.A. §248(b)(5)(Wetlands)
- xxiv. 30 V.S.A. §248(b)(5)(Water Use)
- xxv. 30 V.S.A. §248(b)(5)(Water Supply)
- xxvi. 30 V.S.A. §248(b)(5)(Soil Erosion)
- xxvii. 30 V.S.A. §248(b)(5)(Traffic Impacts)
- xxviii. 30 V.S.A. §248(b)(5)(Municipal and Education Services)
- xxix. 30 V.S.A. §248(b)(5)(Rare and Irreplaceable Natural Areas)
- xxx. 30 V.S.A. §248(b)(5)(Necessary Habitat)
- xxxi. 30 V.S.A. §248(b)(5)(Endangered Species)
- xxxii. 30 V.S.A. §248(b)(5)(Public Investments)
- xxxiii. 30 V.S.A. §248(b)(6)(Integrated Resource Planning)
- xxxiv. 30 V.S.A. §248(b)(7)(Comprehensive Energy Plan)
- xxxv. 30 V.S.A. §248(b)(8)(Outstanding Resource Waters)
- xxxvi. 30 V.S.A. §248(b)(10)(Transmission Facilities)

To the extent you deny any of the above, explain in detail why denied and the basis for the denial and produce all documents relating to your response.

- 13) Admit that the Walmart has permanently degraded the view from the Mount Anthony Country Club.
- 14) Admit that a view of the Project site from the Mount Anthony Country Club would include a view of the Walmart and its commercial surroundings as well as the highway infrastructure of the Route 7 and Route 279 interchange.
- 15) List all members of the Mount Anthony Country Club which have expressed concern regarding the potential impact of the Chelsea Solar facility to the Country Club.
- 16) Produce the Act 250 Permit and final decision for the Mount Anthony Country Club and any amendments relating to same.
- 17) Identify the total acreage of the Mount Anthony Country Club.
- 18) Identify and describe with specificity the amount of clearing of natural vegetation that was required to construct and maintain the Mount Anthony Country Club.
- 19) Admit that the Mount Anthony Country Club golf course is not a natural feature in the landscape. If denied, explain your response in detail and produce all documents relating to same.
- 20) Identify and describe the overall societal benefits provided by the Mount Anthony Country Club and produce all documents relating to same.
- 21) With respect to A7 of your prefiled testimony concerning Hurricane Irene, admit that global warming caused by carbon emissions from the electric generation sector has been identified as a significant cause of increased CO₂ emissions that has been linked to extreme weather events in this country and around the world.
- 22) Admit that the Chelsea Solar Project will have a lower carbon footprint than fossil fuel based electric generation.
- 23) Identify and describe your education, training and experience in connection with energy planning, land use planning, and climate change. Produce all documents relating to same.
- 24) Identify and produce all EMAILS on or after JANUARY 1, 2017, and OTHER documents relating, pertaining, referencing, referring to, any of, in whole or in part any of the following terms:
 - i. Chelsea solar;
 - ii. Apple Hill solar;
 - iii. Melone;

- iv. Brad Wilson;
- v. Ecos Energy;
- vi. Allco;
- vii. Libby Harris;
- viii. Annette Smith;
- ix. Rick Carroll;
- x. Peter Lawrence;
- xi. Paper Mill solar;
- xii. Landworks;
- xiii. David Raphael;

25) Produce all documents identified, referenced, relied upon, or referred to in responding to the interrogatories and requests to admit served by Chelsea on YOU, INCLUDING WITHOUT LIMITATION:

- i. all profit and loss annual results for the Mount Anthony Country Club for the three years before construction of the Walmart expansion began to and including 2017.
- ii. all Federal income tax returns for the Mount Anthony Country Club for the three years before construction of the Walmart expansion began to and including 2017.
- i. the membership roster from three years before construction of the Walmart expansion began through, to and including 2017.
- iii. copies of all photographs, paintings and watercolors in the possession of LEON of the "Painters, Watercolorists and Photographers that reside in the region" that have been "photographing the area and views" for the past three years.

26) Please produce all documents you expect to offer as exhibits at the technical hearing of these proceedings.

Dated June 26, 2018

CHELSEA SOLAR LLC
/s/Michael Melone

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