

**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 ROBERTA CASLIN**

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 ROBERTA CASLIN (“CASLIN” 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 ROBERTA CASLIN.

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. “PUC” or “Commission” means the Vermont Public Utility Commission.

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 MOTION TO INTERVENE FORM You filed with the PUC, which stated:
“The magnitude of this project will cause a huge disturbance to the neighborhood of Willow Road which is a quiet street of approx 20 homes. The project may take up to a year or more (noise, traffic and air quality).”
 - i. Identify and describe with specificity what you mean by “huge disturbance” and produce all Documents related to same.
 - ii. Identify and describe with specificity what you mean by “the neighborhood of Willow Road” and produce all Documents related to same.
 - iii. Identify with specificity the address of each property included in “the neighborhood of Willow Road” as You use that phrase, and produce all Documents related to same.
 - iv. Identify and describe with specificity the basis for your assertion that “The project may take up to a year or more,” and produce all Documents related to same.
 - v. Identify and describe with specificity all Your assertions with respect to noise, and produce all Documents related to same.
 - vi. Identify and describe with specificity all Your assertions with respect to traffic, and produce all Documents related to same.
 - vii. Identify and describe with specificity all Your assertions with respect to air quality, and produce all Documents related to same.

- 2) Reference the MOTION TO INTERVENE FORM You filed with the PUC, which stated:
“2 Day cares are located on Willow Road with parents dropping off and picking up daily, not to mention the danger to these children riding their bikes and skating on this quiet road.”
 - i. Identify and provide the address of the properties of the “2 Day cares.”
 - ii. Identify and provide a copy of the approval from the Town authorizing the operation of each day care.
 - iii. Identify and describe with specificity the number, frequency and hours of the day, for each day of the week, including weekends, that parents are “dropping off,” and produce all Documents related to same.
 - iv. Identify and describe with specificity the number, frequency and hours of the day, for each day of the week, including weekends, that parents are “picking up,” and produce all Documents related to same.
 - v. Identify and describe with specificity all active safety measures used during the dropping off and picking up time, and produce all Documents related to same.
 - vi. Identify and describe with specificity when are “these children riding their bikes,” and identify how many children and specify the approximate age for each.
 - vii. Identify and describe with specificity when are “these children” are “skating” and identify how many children and specify the approximate age for each.

- 3) Reference the MOTION TO INTERVENE FORM You filed with the PUC, which stated:
“Wildlife already suffered greatly when RTE 279 was constructed in 2003. This is just another blow to the wildlife remaining.”
 - i. Identify and describe with specificity what wildlife species you assert has “suffered greatly” and provide all evidence and Documents related to the same.
 - ii. Identify and describe with specificity what wildlife species you assert would be adversely affected by the Project and provide all evidence and Documents related to the same.
- 4) Reference the MOTION TO INTERVENE FORM You filed with the PUC, which stated:
“Bennington's economic development has declined and this will not encourage any new interest in working / living here. It will be 27 acres of welcoming solar panels where the countryside used to be.”
 - i. Identify and describe with specificity what You mean by “Benningtons economic development has declined,” and provide all evidence and Documents related to the same.
 - ii. Identify and describe with specificity what You mean by “27 acres of welcoming solar panels,” and provide all evidence and Documents related to the same.
 - iii. Identify and describe with specificity what You mean by “this will not encourage any new interest in working / living here,” and provide all evidence and Documents related to the same.
 - iv. Identify and describe with specificity how the Project would not encourage working and provide all evidence and Documents related to the same.
- 5) 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.
- 6) 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.
- 7) With respect to each criteria listed in the response to #5, identify and explain with specificity the basis for Your assertion, and produce all Documents relating to same.
- 8) Identify all evidence that You will sponsor that supports the bases listed in the response to #7, and produce all Documents relating to same.
- 9) 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.

10) Admit that the MODULES FOR THE SOLAR ARRAY would NOT be visible from Your property.

11) 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;

12) 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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