

**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 LIBBY HARRIS**

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 LIBBY HARRIS (“HARRIS” 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 LIBBY HARRIS.

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) Identify the following names and state whether they are the same or different people:
Lois Petrook, Lois Sisti, Lois Wagner.
- 2) Identify the names of all individuals that have prepared, in whole or in part, filings that
You have made in docket 8454, docket 8302 and case 17-5024-PET.
- 3) Reference Your testimony at page 3, A10.
 - i. Identify and describe with specificity what You mean by the term “aggressive,”
and provide the dates and locations and persons present at all times where You
assert Wilson was “aggressive,” and produce all Documents related to same.
- 4) Reference Your testimony at page 4, A11.
 - i. Admit that Chelsea Solar has no obligation to share the costs of access to Your
house.
 - ii. Admit that PLH LLC has no obligation to share the costs of access to Your house.
 - iii. Admit that the maintenance provision for a roadway in Your deed refers to an
obligation between You and the grantor identified in Exhibit LH3 who is PAUL
W. BOHNE, III AND NANCY S. BOHNE, and NOT PLH LLC or Chelsea Solar
LLC.
 - iv. Admit that the deed attached as Exhibit LH3 is a deed for the property that is now
YOUR residence.
 - v. Admit that the deed attached as Exhibit LH3 describes the property description as
“taken from a certain survey map entitled ‘Apple Hill Development – Orchard
Lot, ... July, 1988, revised August 1988,” and that such Apple Hill development
is NOT part of the Apple Hill Homeowners Association development.
 - vi. Admit that the provision regarding maintenance costs of Your roadway access is
NOT in PLH LLC’s deed to the apple orchard property.
 - vii. Admit that the provision regarding maintenance costs of Your roadway access is
NOT in the deed attached as Exhibit LH1.
 - viii. Admit that no money or other consideration was paid by or to HARRY R.
OLSSON JR and DIANE T. OLSSON for the execution of the “corrective
warranty deed” which is Exhibit LH1.

- ix. Admit the cost sharing provision of the roadway in LH3 is NOT in the list of restrictive covenants in LH3 which only begin on page two of exhibit LH3.
- x. Admit that the PLH LLC voluntarily proposed a cost-sharing agreement for the access roadway in March 2015 (your Exhibit LH3).
- xi. Admit that you declined to accept the terms of the proposed cost-sharing agreement for the roadway.
- xii. Admit that you have never presented a counter-proposal to PLH LLC for a cost-sharing agreement for the roadway.
- xiii. Admit that PLH LLC does not regularly use the roadway.
- xiv. Admit that you regularly use the roadway.
- xv. Admit that you have never notified PLH LLC of any maintenance costs incurred for the roadway.

5) Reference Your testimony at A11.

- i. Admit that when plumbers, electricians, maintenance personnel, the cable company or any other commercial business uses Apple Hill Road to access Your house that such commercial activity is not prohibited by any restrictive covenants applicable to Your property or any other property in the Apple Hill subdivision.
- ii. Identify and describe with specificity the basis on which access to the Project site by electricians, and maintenance personnel, using Apple Hill Road is any different than when similar commercial maintenance businesses access Your house and produce all Documents relating to same.

6) Reference Your testimony at page 5, A11.

- i. Admit that Brad Wilson attempted to contact You multiple times in late 2016 and early 2017 requesting the opportunity to discuss Your concerns about the Project.
- ii. Admit that none of the messages sent to You by Mr. Wilson (referenced in 6.i above) included any conditions regarding your intervenor status.
- iii. Admit that You did not respond to any of the messages sent to You by Mr. Wilson (referenced in 6.i above).
- iv. Admit that on March 21, 2017, Michael Melone offered to meet with you in person to discuss your concerns about the Project.

- v. Admit that the offer referenced in 6.iv above did not include any conditions regarding Your intervenor status.
- vi. Admit that You refused the offer referenced in 6.iv above.
- vii. Admit that on March 23, 2017, Michael Melone repeated the offer to meet with You in person to discuss Your concerns about the Project; this time adding that the purpose of the meeting would be primarily to discuss the aesthetics of the Project and also to gather your input regarding the proposed landscaping mitigation plan for the “orchard parcel.”
- viii. Admit that the offer referenced in 6.vii above did not include any conditions regarding Your intervenor status.
- ix. Admit that You refused the offer referenced in 6.vii above.
- x. Admit that on July 5, 2017, Michael Melone offered to bring Chelsea Solar’s aesthetics expert (Mark Kane) to Your home to meet with You in person for the purpose of discussing the proposed landscaping mitigation plan for the “orchard parcel.”
- xi. Admit that the offer referenced in 6.x above did not include any conditions regarding Your intervenor status.
- xii. Admit that You refused the offer referenced in 6.x above.

7) Reference Your testimony at page 5, A11.

- i. Admit that Brad Wilson’s Second Supplemental Prefiled Testimony, dated February 14, 2018, states that the alternative Apple Hill Road access was proposed to address a concern raised by You in docket 17-4695-PET.
- ii. Admit that Brad Wilson’s Second Supplemental Prefiled Testimony, dated February 14, 2018, does not state that You are “making [the Petitioner] use Apple Hill Road.”

8) Reference Your testimony at page 6, A13.

- i. Admit that on July 5, 2017, Michael Melone offered to bring Chelsea Solar’s aesthetics expert (Mark Kane) to Your home to meet with You in person for the purpose of discussing the proposed landscaping mitigation plan for the “orchard parcel.”
- ii. Admit that You refused the offer referenced in 8.i above.

9) Reference Your testimony page 6, A14.

- i. Identify and describe with specificity exactly the basis on which You assert that the “the additional taking down of many acres of trees will be devastating to our community,” as that phrase is used on page 6 lines 15-16 and produce all Documents relating to same.
- ii. Identify and list the owner names and addresses of the residences that comprise the “community” that you reference on page 6, line 16.

10) Reference Your testimony at page 6, A15.

- i. Identify and describe with specificity exactly the basis on which You assert that the “By removing up to 10 acres of trees, which absorb noise, the consequences to our community will be even worse,” as that phrase is used on page 6, line 22 and page 7, lines 1-2 and produce all Documents relating to same.
- ii. Identify and list the owner names and addresses of the residences that comprise the “community” that you reference on page 7, line 1.
- iii. Admit that You have never contacted the Vermont Agency of Transportation regarding Your concerns about traffic noise generated by vehicles traveling on Route 7.

11) Reference Your testimony at page 7, A16.

- i. Identify and describe with specificity exactly the basis on which You assert that the “another consequence of the taking down of many acres of trees will be increased air pollution from traffic since trees absorb air pollution,” as that phrase is used on page 7, lines 5-6 and produce all Documents relating to same.
- ii. Admit that You have never contacted the Vermont Agency of Transportation regarding Your concerns about air pollution generated by vehicles traveling on Route 7.

12) Reference Your testimony at page 7, A17.

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

13) Reference Your testimony at page 8, A18.

- i. Identify the exact location of the stream that You describe on page 8, lines 9-10.

- ii. Identify and describe with specificity exactly the basis on which You assert that the “this stream will be altered or disappear entirely” as that phrase is used on page 8, lines 10-12 and produce all Documents relating to same.

14) Reference Your testimony at A19.

- i. Identify and list with specificity the locations from Your property that You assert will have increased visibility of the Welcome Center lighting at night and produce all Documents relating to same.
- ii. Identify and list with specificity the locations from Your property that You assert will have increased visibility of the highway and produce all Documents relating to same
- iii. Identify and list with specificity the locations from Your property that You assert will have increased visibility of the commercial part of the Town and produce all Documents relating to same.
- iv. Admit that the Welcome Center lighting is currently visible from Your property at night.

15) Reference Your testimony at page 9, A21.

- i. Identify and describe with specificity what You mean by the term “Threaten” and provide the dates and locations and persons present at all times where You assert You were threatened, and produce all Documents related to same.
- ii. Identify and describe with specificity what You mean by the term “bully” and provide the dates and locations and persons present at all times where You assert You were bullied, and produce all Documents related to same.
- iii. Identify and describe with specificity what You mean by the term “abominable” and provide the dates and locations and persons present at all times where You assert You were treated in such a way, and produce all Documents related to same.
- iv. Identify and describe with specificity what You mean by the term “inhumane” and provide the dates and locations and persons present at all times where You assert You were treated in such a way, and produce all Documents related to same.

16) 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.

17) 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.

18) With respect to each criteria listed in the response to #16, identify and explain with specificity the basis for Your assertion, and produce all Documents relating to same.

19) Identify all evidence that You will sponsor that supports the bases listed in the response to #18, and produce all Documents relating to same.

20) 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.

- 21) Admit that if the Project is not built, the owner of the Project site has the right to remove any or all vegetation on the site.
- 22) Admit that the apple orchard parcel owned by PLH LLC identified in Your testimony at page 7, line 8 Q17 is not part of the Apple Hill Homeowners Association but rather part of an entirely separate 3 parcel subdivision that includes only Your residence, the PLH LLC apple orchard, and the property directly to the east of the apple orchard.
- 23) Admit that permissible development on the PLH apple orchard property would include a large-scale commercial greenhouse operation.
- 24) 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.
- 25) Identify and produce all EMAILS on or after JANUARY 1, 2014, 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;
- 26) Identify and describe with specificity the amount of clearing of natural vegetation that was required to construct and maintain Your residence and property.
- 27) Please produce all documents you expect to offer as exhibits at the technical hearing of these proceedings.

Dated June 27, 2018

CHELSEA SOLAR LLC

/s/Michael Melone

Michael Melone

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