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, APPLE HILL HOMEOWNERS ASSOCIATION, MT. ANTHONY COUNTRY CLUB MOTION TO QUASH AND MOTION FOR PROTECTIVE ORDER

Intervenors Libby Harris, Apple Hill Homeowners Association, and Mt. Anthony Country Club, *pro se*, hereby move to quash depositions and move for a protective order in response to Chelsea Solar LLC's overly burdensome and unnecessary notices of depositions in addition to written interrogatories.

Intervenor Harris has a pending Motion for Protective Order that has not yet been ruled on. On Friday, June 29, the Hearing Officer granted the Motion to Quash depositions that were scheduled for that day in Burlington, but did not address the Motion for Protective Order requesting that discovery on *pro se* parties in this case be limited to written interrogatories. Harris renews that request, and is joined now by AHHA, Lora Block *pro se* and Mt. Anthony Country Club, Maru Leon, *pro se.*

On Friday, June 29, Chelsea Solar issued new Notices of Deposition for Harris, Block and Leon to be held on Aug. 7 and 8. Block is not available on the scheduled date and has let Chelsea Solar know of her unavailability. Leon has now received two Notices of Deposition, one for Manchester Center on Aug. 7 and one for Burlington on Sept. 6. On the same date that Leon was served Notice of Deposition for Sept. 6 in Burlington, Chelsea Solar inquired of the Town of Bennington regarding holding depositions in Manchester Center. [see Town of

Bennington Motion for Protective Order, Exhibit A]. Chelsea Solar is using a different standard for *pro se* parties compared to parties represented by legal counsel.

The schedule in this case set June 29 as the beginning of Discovery. Mt. Anthony Country Club was served discovery questions on June 26. Harris and AHHA were served discovery questions on June 27. Petitioner's discovery questions are extensive and comprehensive.

Rule 26(c) of the Vermont Rules of Civil Procedure provides that:

> Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, [a court] may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place or the allocation of expenses; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of discovery be limited to certain matters….

Petitioner has shown its willingness to annoy and burden pro se parties Harris, AHHA, and Mt. Anthony Country Club by noticing depositions to be held in Burlington which would require six hours of driving, plus costs. Petitioner has shown it has a different standard for *pro se* parties compared to parties represented by legal counsel, by scheduling a deposition for Burlington on the same day that petitioner was offering to hold depositions in Manchester Center for a party represented by legal counsel.

Intervenors Harris, Block and Leon move to limit discovery on them in this case to written interrogatories.

Should the Hearing Officer deny the request to limit discovery to written interrogatories and require *pro se* parties to submit to depositions, Harris, Block and Leon request that petitioner be required to pay attorneys fees so that they can hire legal counsel to represent them on a

limited basis during the deposition, and in preparation for the deposition. Preliminary estimates of the cost for preparation and participation in the deposition are approximately at least $3500 per person.

Harris, Block and Leon are making every effort to participate according to the rules, but find that substantive interrogatories in addition to depositions is annoying, oppressive, unduly burdensome and creates burdensome expenses that are unnecessary to establish the facts in this case.

Harris, Block and Leon further request that the Hearing Officer rule on these Motions in a timely manner, such that if the depositions must take place, at least two weeks' advance notice is provided so that they can hire legal counsel and prepare. The Hearing Officer's decision on the Motion to Quash the June 29 depositions was not timely, and resulted in two *pro se* parties withdrawal from this case.

Respectfully submitted this 4th day of July, 2018 in Bennington,

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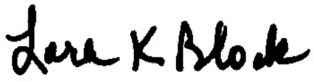

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