STATE OF VERMONT
PUBLIC UTILITY COMMISSION

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

PETITIONER'S OPPOSITION TO THE MOTION TO QUASH AND MOTION FOR PROTECTIVE ORDER OF LIBBY HARRIS, APPLE HILL HOMEOWNERS ASSOCIATION AND MARU LEON

Chelsea Solar LLC (the "Petitioner" or "Chelsea") files this opposition to the July 4, 2018 motion for a protective order (the "Second Motion to Quash") filed by Libby Harris ("Harris"), Lora Block ("Block", as a representative of the Apple Hill Homeowners Association) and Maru Leon ("Leon") which seeks to prevent the deposition of Harris, Block and Leon. Harris, Block and Leon are collectively referred to herein as the "Intervenors". The Intervenors have not even made an attempt to satisfy the requirements of VCRP 26(c) for the issuance of a protective order.

As applied to the facts here, the case law establishes that Chelsea is entitled to take the oral deposition of Harris, Block and Leon, as each individual filed prefiled direct testimony in these proceedings. The Intervenors' motion should be denied, and an order issued providing for the deposition of Harris, Block and Leon.

BACKGROUND

On June 14, 2018, Chelsea issued notices of deposition (the "Initial Notices") for Harris, Caroline McEver ("McEver"), David Griffin ("Griffin") and Roberta Caslin ("Caslin") to occur on June 29, 2018 in Burlington, Vermont. On June 18, 2018, Chelsea filed a Request to Permit Entry Upon Land with respect to Harris's property (the "Entry Request"). On June 19, 2018, Harris (along with McEver, Griffin and Caslin) filed a motion to quash the Initial Notices ("Initial

Motion to Quash"). On June 19, 2018, Chelsea's counsel contacted Harris to arrange for her deposition, offering to change the location to Bennington, Vermont (See **Exhibit A** hereto). Harris did not respond. On June 21, 2018, Chelsea's counsel contacted Harris to arrange for a site inspection of her property pursuant to the Entry Request (See **Exhibit B** hereto). Harris did not respond. On June 27, 2018, Chelsea's counsel contacted Block to arrange for her deposition at a time and place convenient for her (See **Exhibit C** hereto). Block did not respond until July 4, 2018 after the Second Motion to Quash was filed.

On June 26, 2018, Chelsea filed a notice of deposition for Leon to occur in Burlington, Vermont on September 6, 2018 (the "First Leon Notice"). On June 29, 2018, the hearing officer in these proceedings granted the Initial Motion to Quash because the Initial Notices required travel beyond 50 miles (the "June 29th Order"). On June 29, 2018, Chelsea filed new notices of deposition for Harris, Block, and Leon to occur on August 7 and 8, 2018 in Manchester Center, Vermont at the offices of the Town's counsel (the "Second Notices"). On the same day, Chelsea also filed notices of deposition for Dan Monks and each member of the Bennington Select Board for the first week of August 2018 in Manchester Center, Vermont.[1]

INTRODUCTION

The Vermont Supreme Court has cautioned that "during the pretrial period 'restrictions which may impede the development, presentation and determination of facts should be avoided.'" *Schmitt v. Lalancette*, 2003 VT 24 (2003) at P13 ("*Schmitt*") quoting *Int'l Bus. Mach. Corp. v. Edelstein*, 526 F.2d 37, 41 (2d Cir. 1975). *See also*, *Farnsworth v. Procter & Gamble Co.,* 758 F.2d 1545, 1547 (11th Cir. 1985) ("trial preparation and defense . . . are important interests, and

[1] The Motion contains several allegations that Petitioner is treating the Town differently than the *pro se* Intervenors because the Town is represented by counsel. That is simply untrue. Petitioner reached out to both the Town and the Intervenors in order to schedule their respective depositions at a mutually convenient time and location. Only the Town had responded.

great care must be taken to avoid their unnecessary infringement"). The position on protective orders of the Vermont Supreme Court and all federal and state courts is the same—protective orders are disfavored and should only be granted under extraordinary circumstances. *Schmitt* at P12 fn. 3 ("[p]rotective orders might prove necessary where there is a risk that one party will abuse the discovery process, [] but these are exceptional situations.")

Trying to stop a deposition, as the Intervenors request, is even more disfavored and protective orders prohibiting depositions are rarely granted. The Intervenors' motion wholly ignores well-established precedent that an order barring a litigant from taking a deposition is a most extraordinary measure. *Schmitt,* P12, fn. 3; *Salter v. Upjohn Co*., 593 F.2d 649, 651 (5th Cir. 1979) ("It is very unusual for a court to prohibit the taking of a deposition altogether and absent extraordinary circumstances, such an order would likely be in error.") The moving party bears a heavy burden of showing "extraordinary circumstances" that would justify such an order, and the showing must be sufficient to overcome plaintiff's "legitimate and important interests in trial preparation." *Alexander v. FBI*, 186 F.R.D. 71, 75 (D.D.C. 1998); *see also Prozina Shipping Co., Ltd. v. Thirty-Four Automobiles*, 179 F.R.D. 41, 48 (D. Mass. 1998); *Cipollone v. Liggett Group, Inc*., 785 F.2d 1108, 1121 (3d Cir. 1986) (burden of persuasion is on the party seeking protective order; the harm alleged "must be significant, not a mere trifle"); *see also, Static Control Components, Inc. v. Darkprint Imaging*, 201 F.R.D. 431, 434 (M.D.N.C. 2001) (party "assumes a heavy burden because protective orders which totally prohibit a deposition should be rarely granted absent extraordinary circumstances."); *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1136 (Pa. Cmwlth. 2017) ("In both Pennsylvania and in the federal courts, protective orders are rare, disfavored, and require the party seeking a protective order to shoulder a heavy burden."); *Elliott v. AMS, Inc.,* 2016 U.S. Dist. LEXIS 109970, (S.D. W.Va. 2016) *10-11 (same) (collecting cases);

Frideres v. Schiltz, 150 F.R.D. 153, 156 (S. D. Iowa 1993) ("Protective orders prohibiting depositions are rarely granted.") Examples of "extraordinary circumstances" are rare, such as if there is "compelling evidence that a deposition will constitute a substantial threat to a witness' life." *United States v. Mariani,* 178 F.R.D. 447, 448 (M.D. Pa. 1998) (protective order preventing the deposition of 83-year-old terminally ill witness warranted); *see also, Frideres v. Schlitz*, 150 F.R.D. 153, 156 (S.D. Iowa 1993) (protective order issued where witness' physician opined that the stress from deposition could be "life threatening" to the witness). Extraordinary circumstances do not exist here.

The Intervenors have not met their heavy burden to show that the depositions will cause harm or prejudice to the Intervenors. The Intervenors claim, without explanation, that the 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."

The Intervenors simply have not "shown any special circumstances requiring that the [PUC] order a form of examination different from that requested by [Chelsea]." *Gallagher v. Pelletier*, 1997 U.S. Dist. LEXIS 19738, *4 (E.D. Pa. 1997) citing *Interlego v. Leslie-Henry Co.,* 32 F.R.D. 9, 10 (M.D. Pa. 1963) ("In the absence of special circumstances, the court should ordinarily allow the examining party to choose his own mode of examination.")

ARGUMENT

I. The Intervenors Have Not Shown "Good Cause" For The Issuance Of A Protective Order.

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." V.R.C.P. 26(b)(1). This relatively broad rule may be constricted when a party from whom discovery is sought shows "good cause" for protection "from annoyance, embarrassment, oppression, or undue burden or expense." V.R.C.P. 26(c).

The Vermont Supreme Court has stated that "[p]rotective orders might prove necessary where there is a risk that one party will abuse the discovery process, [] *but these are exceptional situations*." *Schmitt* at P12 fn. 3. (emphasis added.) Like all other courts, the Vermont Supreme Court considers protective orders "extraordinary measures," that only should be issued if the movant has shown "good cause" and shows that the protective order is necessary to prevent an abuse of the discovery process. *Id.*

"Good cause" requires the party resisting discovery to meet a heavy burden. *Minter v. Wells Fargo Bank, N.A.*, 258 F.R.D. 118, 125 (D. Md. 2009) ("the standard for issuance of a protective order is high. A motion seeking to prevent the taking of a deposition is regarded unfavorably by the courts, and it is difficult to persuade a court to do so."); *Static Control Components, Inc. v. Darkprint Imaging*, 201 F.R.D. 431, 434 (M.D.N.C. 2001) ("By requesting the Court to prohibit plaintiff from deposing a witness, defendant [] assumes a heavy burden because protective orders which totally prohibit a deposition should be rarely granted absent extraordinary circumstances.") (internal citations omitted); *see also SEC v. SBM Investment Certificates, Inc*., 2007 U.S. Dist. LEXIS 12685, 2007 WL 609888 (D. Md. 2007) (recognizing courts' general disfavor completely prohibiting depositions). Similarly, the Vermont Supreme Court has cautioned that "during the pretrial period 'restrictions which may impede the development, presentation and determination of facts should be avoided wherever possible.'" *Schmitt,* at P13 quoting *Int'l Bus. Mach. Corp. v. Edelstein*, 526 F.2d 37, 41 (2d Cir. 1975).[2]

[2] To obtain a protective order, the party resisting discovery or seeking limitations must show "good cause" for its issuance *by demonstrating harm or prejudice that will result from the discovery*. Fed. R. Civ. P. 26(c)(1); *see also Phillips ex rel. Estates of Byrd v. Gen. Motors Corp*., 307 F.3d 1206, 1210-1211 (9th Cir. 2002). Generally, a party seeking a protective order must meet a "heavy burden" to show why discovery should be denied. *Blankenship v. Hearst Corp*., 519 F.2d 418, 429 (9th Cir. 1975)." *Cedano v. Thrifty Payless, Inc*., 2011 U.S. Dist. LEXIS 123950 (D. Ore. 2011), *8 (emphasis added.)

The Intervenors' motion wholly ignores well-established precedent that an order barring a litigant from taking a deposition is a most extraordinary measure. *Schmitt,* P12, fn. 3; *Salter v. Upjohn Co*., 593 F.2d 649, 651 (5th Cir. 1979) ("It is very unusual for a court to prohibit the taking of a deposition altogether and absent extraordinary circumstances, such an order would likely be in error."). The moving party bears a heavy burden of showing "extraordinary circumstances" that would justify such an order, and the showing must be sufficient to overcome plaintiff's "legitimate and important interests in trial preparation." *Alexander v. FBI*, 186 F.R.D. 71, 75 (D.D.C. 1998); *see also Cipollone v. Liggett Group, Inc*., 785 F.2d 1108, 1121 (3d Cir. 1986) (burden of persuasion is on the party seeking protective order; the harm alleged "must be significant, not a mere trifle"); *Schmitt* at P13 ("during the pretrial period 'restrictions which may impede the development, presentation and determination of facts should be avoided.'")

In *Schmitt*, for example, the Vermont Supreme Court reversed the issuance of a protective order, rejecting generalized allegations of "embarrassment to defendants, the potential significant and unjustified negative impact on defendants' business, and the potential for extending discovery 'into expensive and unnecessary areas far in excess of that justified by the possible value of this lawsuit,'" as sufficient to issue a protective order. *See, Schmitt* at P15 ("None of these reasons, in the context of this lawsuit, are sufficient to support an order denying otherwise relevant discovery to Schmitt under Rule 26(c).") The Vermont Supreme Court then proceeded to adopt the federal rules approach to the heavy burden required to meet "good cause" for a protective order:

> Although we have not had occasion to discuss the meaning of "good cause," this is well-traveled ground under the federal rules. A party seeking a protective order to prevent injury to a business must present allegations of injury with some specificity. *Cipollone v. Liggett Group, Inc*., 785 F.2d 1108, 1114 (3d Cir. 1986). "Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule 26(c) test." *Id*. at 1121; *see also Joy v. North*, 692 F.2d 880, 894 (2d Cir. 1982) (refusing to make protective order where proponent's only argument in its

> favor was the conclusory statement that disclosure of certain information would "injure the bank in the industry and local community").

The Intervenors' motion utterly fails the specificity and evidentiary requirements that must be presented to even hope to obtain a protective order. General allegations of annoyance, embarrassment, oppression, or undue burden or expense are simply insufficient. *See, Schmitt* at P16 ("Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule 26(c) test," quoting *Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1121 (3d Cir. 1986).) On that basis alone, the Intervenors' motion must be denied.

The Intervenors' have simply not established "good cause," nor any cause for that matter. Nor have they proven with the requisite level of specificity exactly how a deposition would cause any annoyance, embarrassment, oppression, or *undue* burden or expense under VRCP 26(c) sufficient to justify a protective order.

The Intervenors' motion does exactly what the Vermont Supreme Court and other courts reject—relying on "[b]road allegations of harm, unsubstantiated by specific examples or articulated reasoning." The only statement in support of their motion is a broad and unsubstantiated claim 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." Mot. at 3. The remainder of the motion is dedicated to complaints about the time and location of the proposed depositions, which Chelsea is certainly willing to address by changing the dates and times and the location.

The motion does not provide any evidentiary basis to support its claim that depositions would be an undue burden or cause prejudice. As the Vermont Supreme Court and other courts made clear, the movant seeking to prevent a deposition must come with proof, and proof in detail, as to exactly how there is good cause and how the deposition ***is*** prejudicial and how it ***will cause***

annoyance, embarrassment, oppression, or undue burden or expense. Even when such a showing is made, courts will not prohibit the deposition but will constrain the protective order in a targeted manner to address the specific ways in which the depositions would cause annoyance, embarrassment, oppression, or undue burden or expense. In short, the Intervenors have not shown that the short depositions that Chelsea has proposed would cause annoyance, embarrassment, oppression, or undue burden or expense.

II. The Depositions Are Proportional to The Needs Of The Case.

As parties to this case, the Intervenors have placed their respective interests in issue and cannot and should not be allowed to avoid their respective obligations as a party to fully respond to discovery and allow a transparent process intended to reach a full and fair decision. On the other hand, granting such relief would deprive Chelsea basic due process rights and harm its trial preparation and prosecution of its case. Here each of the Intervenors have both first-hand knowledge and direct involvement of the issues that they have raised in their respective testimony.

Harris in her testimony raises issues regarding aesthetics, air pollution, wind concerns, noise concerns, wildlife impacts, streams, private property concerns, neighborhood deed restrictions, maintenance agreement and the Petitioner's good faith in these proceedings. Although the vast majority of her testimony lies outside the scope of these proceedings, section 248(b)(5) requires that the Project not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. As such, several of the allegations set forth in the Harris testimony go to the heart of the issues in these proceedings.

Block in her testimony raises issues regarding wind concerns, noise concerns, air pollution, water pollution, aesthetics, wildlife impacts, purported Town Plan violations and neighborhood deed restrictions. Although some of the topics raised in her testimony is outside the scope of these proceedings, several of the allegations set forth in the Block testimony, such as section 248(b)(1) and (5), go to the heart of the issues in these proceedings.

Leon in her testimony raises issues regarding aesthetics and purported Town Plan violations. Although the vast majority of her testimony relates to her private property interests, several of the allegations set forth in the Leon testimony go to the heart of the issues in these proceedings.

Written interrogatories are not a substitute for live testimony of witnesses with first-hand knowledge. As distinct from written interrogatories, "[t]he underlying purpose of a deposition is to find out what a witness saw, heard, or did -- what the witness thinks." *Hall v. Clifton Precision*, 150 F.R.D. 525, 528 (E.D. Pa. 1993); *see also Applied Telematics, Inc. v. Sprint Corp.*, 1995 WL 79237 at *1 (E.D. Pa. Feb. 22, 1995). Direct questioning of Harris, Block and Leon is both appropriate and proportional, and necessary for trial preparation. *See, Am. Broad. Companies, Inc. v. U.S. Info. Agency*, 599 F. Supp. 765, 769 (D.D.C. 1984) ("Depositions are also more reliable, as they are taken under oath, and the deponents' responses are relatively spontaneous.") Oral depositions are the only method in which Chelsea can adequately make the inquiries necessary to then present a comprehensive case in order to refute the unsubstantiated allegations set forth in the Intervenors' prefiled testimony.

III. There Is No Basis On Which To Condition The Depositions On The Payment Of Attorney's Fees.

The Intervenors' motion suggests that if they are required to sit for a deposition that Chelsea should pay for their legal fees. The Intervenors' request should be rejected out-of-hand,

just as the Vermont Supreme Court rejected in *Schmitt* the complaint about costs imposed by rightful discovery. *See Schmitt*, at *18 ("there was no unnecessary expense to Lalancette [even if it would] be expensive."). *See also, Gallagher v. Pelletier*, 1997 U.S. Dist. LEXIS 19738, *3-4 (E.D. Pa. 1997) (denying costs of depositions because "Defendants have made no showing of unreasonable hardship or circumstances that would overcome the general obligation of parties to bear their own expenses.") *Id*. at *4. ("'This Court has generally been reluctant to impose charges of this kind upon the party taking the depositions and will usually rule that the parties should bear their own expenses, unless the circumstances are such as to indicate strongly that discretion should be exercised to the opposite effect.' *Continental Casualty Company v. Houdry Process Corp*., 18 F.R.D. 75, 76 (E.D. Pa. 1955)." *Alfred Bell & Co. v. Catalda Fine Arts, Inc*., 5 FRD 327 (D.N.Y. 1946) (Denying request by plaintiff that defendants be required to pay all expenses necessarily entailed in connection with taking of depositions of plaintiff's officials and employees and others residing in England.); *SEC v. Aqua-Sonic Products Corp*., 93 FRD 326 (S.D.N.Y. 1981) (where Securities and Exchange Commission in action alleging violations of securities laws took depositions of investors who, albeit located across country, had been sought out originally by defendants, defendants have not demonstrated good cause, annoyance, oppression, or undue burden and expenses cannot be awarded under Rule 26(c)).

The Intervenors have not met the "good cause" standard for the extraordinary measure of a protective order under VRCP 26(c). As a result, there is no legal basis on which the taking of the depositions could be conditioned on the payment of attorney's fees. Nor is it even arguable that the Intervenors paying their own attorney to attend at deposition in Manchester Center (if they choose to hire attorney) is an "undue" expense under VRCP 26(c). Chelsea, however, is happy to schedule the depositions for a location in Bennington. Depositions are a normal part of discovery.

See, Schmitt at P18 (rejecting party's claim for a protective order because the discovery sought was "discovery to which he is otherwise entitled… [and no] facts [] supported the notion that Schmitt's request was so abusive or burdensome that a protective order was appropriate.")

IV. Conclusion.

For the reasons stated above, the Intervenors' motion should be denied, and an order issued providing for the deposition of Harris, Block and Leon.

Dated: July 11, 2018

Respectfully submitted,

/s/ Michael Melone
Michael Melone
Bar No. 5455
Allco Renewable Energy Limited
1740 Broadway, 15th floor
New York, NY 10019
Phone: (212) 681-6974
Email: MJMelone@AllcoUS.com

Attorney for Chelsea Solar LLC

EXHIBIT A

Michael Melone

From: Michael Melone
Sent: Tuesday, June 19, 2018 11:20 AM
To: 'Libby Harris'
Subject: deposition

Hi Libby, are you available on June 28th for a deposition? We can do conduct it in Bennington if that is your preference.

Michael Melone
Allco Renewable Energy Limited
1740 Broadway, 15th Floor
New York, NY 10019
(T) 212-681-6974
(F) 801-858-8818
mjmelone@allcous.com

From: Libby Harris [mailto:libbyharris@comcast.net]
Sent: Friday, June 8, 2018 4:41 PM
To: Michael Melone <mjmelone@allcous.com>
Cc: KHayden (khayden@pfclaw.com) <khayden@pfclaw.com>; maru@mtanthonycc.com; james.porter@vermont.gov; Caroline McEver <caroline@mceverdesign.com>; jake.clark@vermont.gov; B Cas <toodamncold@gmail.com>; Merrill Bent <merrill@greenmtlaw.com>; Lora Block <lblock@sover.net>; Thomas.Melone <thomas.melone@gmail.com>; donald.einhorn@vermont.gov; rob@greenmtlaw.com
Subject: Re: date of evidentiary hearing

There are a few key people who cannot make it the 13th or 14th.

> On Jun 8, 2018, at 3:59 PM, Michael Melone <mjmelone@allcous.com> wrote:
>
> Hi Libby, if the 6th doesn't work, then we need to stick with the 13th.
>
> Michael Melone
> Allco Renewable Energy Limited
> 1740 Broadway, 15th Floor
> New York, NY 10019
> (T) 212-681-6974
> (F) 801-858-8818
> mjmelone@allcous.com
>
> ---
>
> **From:** Libby Harris [mailto:libbyharris@comcast.net]
> **Sent:** Friday, June 8, 2018 3:50 PM
> **To:** Michael Melone <mjmelone@allcous.com>
> **Cc:** KHayden (khayden@pfclaw.com) <khayden@pfclaw.com>; maru@mtanthonycc.com; james.porter@vermont.gov; Caroline McEver <caroline@mceverdesign.com>; jake.clark@vermont.gov; B Cas <toodamncold@gmail.com>; Merrill Bent <merrill@greenmtlaw.com>; Lora Block <lblock@sover.net>; Thomas.Melone <thomas.melone@gmail.com>; donald.einhorn@vermont.gov; rob@greenmtlaw.com
> **Subject:** Re: date of evidentiary hearing

Michael,
The week after Sept 14 seems to work better. What days work for you or don't work? If we can get a consensus for all involved, then we can move forward. Thanks. Libby

On Jun 8, 2018, at 2:08 PM, Michael Melone <mjmelone@allcous.com> wrote:

Hi Libby, the PUC may need two days for the hearing so the 14th (a Friday) doesn't work. What is your availability on September 6th?

Get Outlook for iOS

_____
From: Libby Harris <libbyharris@comcast.net>
Sent: Thursday, June 7, 2018 1:07 PM
Subject: date of evidentiary hearing
To: KHayden (khayden@pfclaw.com) <khayden@pfclaw.com>, <maru@mtanthonycc.com>, <james.porter@vermont.gov>, Caroline McEver <caroline@mceverdesign.com>, <jake.clark@vermont.gov>, Michael Melone <mjmelone@allcous.com>, B Cas <toodamncold@gmail.com>, Merrill Bent <merrill@greenmtlaw.com>, Lora Block <lblock@sover.net>, Thomas.Melone <thomas.melone@gmail.com>, <donald.einhorn@vermont.gov>, <rob@greenmtlaw.com>

Dear parties to Chelsea Solar,

I have a conflict with the scheduled Chelsea Solar Sept. 13 evidentiary hearing. Will you agree to change the date of the hearing to Sept. 14?

Please let me know and then I will file a request with the PUC.

Thank you.

Libby

EXHIBIT B

Michael Melone

From: Michael Melone
Sent: Thursday, June 21, 2018 2:25 PM
To: Libby Harris
Subject: RE: deposition
Attachments: Petitioner's Request for Inspection Harris (FINAL).pdf

Hi Libby, I'm told that you would like to see our aesthetic consultants create simulations depicting what the solar facility would look like from your house. We are willing to provide those simulations to you but in order to do so, you would need to provide our consultants with access to your house to take pictures. That is what the attached request was meant to cover. To get these simulations to you sooner than later, would you be willing to allow Mark Kane and Jeremey Owens on your property on July 2nd? We Thanks

Michael Melone
Allco Renewable Energy Limited
1740 Broadway, 15th Floor
New York, NY 10019
(T) 212-681-6974
(F) 801-858-8818
mjmelone@allcous.com

From: Michael Melone
Sent: Tuesday, June 19, 2018 11:20 AM
To: 'Libby Harris' <libbyharris@comcast.net>
Subject: deposition

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Sent: Friday, June 8, 2018 3:50 PM
To: Michael Melone <mjmelone@allcous.com>
Cc: KHayden (khayden@pfclaw.com) <khayden@pfclaw.com>; maru@mtanthonycc.com; james.porter@vermont.gov; Caroline McEver <caroline@mceverdesign.com>; jake.clark@vermont.gov; B Cas <toodamncold@gmail.com>; Merrill Bent <merrill@greenmtlaw.com>; Lora Block <lblock@sover.net>; Thomas.Melone <thomas.melone@gmail.com>; donald.einhorn@vermont.gov; rob@greenmtlaw.com
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> From: Libby Harris <libbyharris@comcast.net>
> Sent: Thursday, June 7, 2018 1:07 PM
> Subject: date of evidentiary hearing
> To: KHayden (khayden@pfclaw.com) <khayden@pfclaw.com>, <maru@mtanthonycc.com>, <james.porter@vermont.gov>, Caroline McEver <caroline@mceverdesign.com>, <jake.clark@vermont.gov>, Michael Melone <mjmelone@allcous.com>, B Cas <toodamncold@gmail.com>, Merrill Bent <merrill@greenmtlaw.com>, Lora Block <lblock@sover.net>, Thomas.Melone <thomas.melone@gmail.com>, <donald.einhorn@vermont.gov>, <rob@greenmtlaw.com>
>
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> I have a conflict with the scheduled Chelsea Solar Sept. 13 evidentiary hearing. Will you agree to change the date of the hearing to Sept. 14?

Please let me know and then I will file a request with the PUC.

Thank you.

Libby

EXHIBIT C

Michael Melone

From: Michael Melone
Sent: Wednesday, July 4, 2018 11:30 PM
To: Lora Block
Subject: Re: Chelsea - deposition

Hi Lora, please provide me with some alternative dates that you are available. Thanks.

Get Outlook for iOS

From: Lora Block <lblock@sover.net>
Sent: Wednesday, July 4, 2018 12:48:03 PM
To: Michael Melone
Subject: Re: Chelsea - deposition

Mr Melone: I was traveling in the Canadian Northwest where email and wifi was unavailable and just returned a couple of days ago to find your June 27 email asking me to suggest a date for a deposition. Before I could answer you I see you filed with the PUC a notice of deposition to appear on August 8 at Attorney Woolmington's office in Manchester. That date will not be possible for me because I need to drive my husband to and from a medical appointment for his treatment.

Lora Block
Pro Se for AHHA.

> On Jun 27, 2018, at 2:19 PM, Michael Melone <mjmelone@allcous.com> wrote:
>
> Hi Lora, please advise as to what date and time and place would be convenient to conduct your deposition for Chelsea. Thanks!
>
> Michael Melone
> Allco Renewable Energy Limited
> 1740 Broadway, 15th Floor
> New York, NY 10019
> (T) 212-681-6974
> (F) 801-858-8818
> mjmelone@allcous.com