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August 28, 2018

Jacob Clark, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620

Re: Docket 17-5024 PET – Revisions to Discovery Served by Petitioner on the Department of Public Service Pursuant to V.R.C.P. 26(h) Discovery Dispute Resolution

Dear Attorney Clark:

This letter serves to reflect the resolution to discovery disagreements reached between the Department of Public Service (“DPS” or “Department”) pursuant to V.R.C.P. 26(h).

Withdrawn Discovery and Notice of Rule 30(b)(6) Deposition

In accordance with our mutual agreement, Petitioner is withdrawing the following interrogatories and requests to produce set forth in Petitioner’s First Round of Discovery in this proceeding:

1-50

1-124

1-130, 1-131, 1-132, 1-133

1-135 - 1-143

1-134, with the exception of 1-134(vii)

We also agreed on Friday, August 24, 2018, that Petitioner would withdraw its request for a Rule 30(b) deposition of a Department witness. The Hearing Officer has since ruled on that deposition and, consistent with the agreement to withdraw that notice of deposition, Petitioner will not be seeking to challenge the ruling.

Requests to Admit Served on DPS In Lieu of Withdrawn Discovery

The Department has agreed to respond to the following requests to admit:

1. Admit that the testimony of David Raphael and report of Landworks (Exhibit PSD-DR-2) were prepared by Mr. Raphael and Landworks independent of the Department and without any input, direction or supervision from the Department.

2. Admit that the Commission has adopted a modified version of the so-called Quechee aesthetics test.

3. Admit that the Commission's modified Quechee test provides that the assessment of whether a particular project will have an undue adverse effect on aesthetics and scenic or natural beauty, is significantly informed by the overall societal benefits of the project.

4. Admit that the Department did not weigh the societal benefits of the Chelsea Solar project against the project's potential aesthetic impacts.

5. Admit that the Department did not weigh the societal benefits of the Chelsea Solar Project to assess whether the project promotes the general good of the state under 30 V.S.A. § 248(b)(1).

6. Admit that the Department did not consider whether or how the Chelsea Solar project would impact greenhouse gas emission under Section 248(b)(5).

7. Admit that the Department did not consider whether or how the Chelsea Solar project is consistent with the Department's Comprehensive Energy Plan goal to be 100% renewable by 2050.

We ask that the Department produce the outstanding documents requested in discovery question 1-134(vii) and respond to these requests to admit no later than Wednesday, September 5, 2018.

Please feel free to contact me with any questions.

Very truly yours,



Michael Melone
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