

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Investigation pursuant to 30 V.S.A. §§ 30 and	)	
209 into whether the petitioner initiated site	)	Case No. 20-1611-INV
preparation at Apple Hill in Bennington,	)	
Vermont, for electric generation in violation of	)	
30 V.S.A. § 248(a)(2)	)	

INTERVENORS' DISCOVERY REQUEST

NOW COME Intervenors Apple Hill Homeowners Association (“AHHA”), Mount Anthony Country Club (MACC), and Libby Harris, by and through their attorneys of the firm Valsangiacomo, Detora & McQuesten, P.C. and with the permission of the Public Utility Commission, hereby propound the following Interrogatory and Request to Produce to Chelsea Solar LLC and Apple Hill Solar, LLC (collectively “Petitioners”) who are requested to answer the following Interrogatory under oath as required by V.R.C.P. Rule 33; and to produce documents and things as requested hereafter, in accordance with V.R.C.P. Rule 34, by serving the same on Propounding Parties’ Attorney of Record and the other parties by electronic mail.

Instructions

1. If any of the following discovery requests cannot be answered in full after exercising due diligence to secure the requested information, so state, and answer the discovery request to the fullest extent possible, specifying any inability to answer the remainder, stating each reason for such inability and providing whatever information is available concerning those provisions which were not answered in full.

2. If you refuse to answer a discovery request, you shall so state, identify the objection, and then set forth either that (a) notwithstanding the objection, no information has been withheld from the answer, or (b) information has been withheld from the answer because of the

objection. If information has been withheld from the answer, you must describe the nature of the information withheld and identify each objection asserted to justify the withholding.

3. If you claim any form of privilege as a ground for not answering an discovery request or any part thereof, in whole or in part, please state the basis of the privilege asserted, the general nature of the information withheld, the date the information was conveyed, the form of the information, the identity of the persons among whom the information was conveyed, and all other persons who have knowledge of the privileged communication and business relationship of each to the person claiming the privilege. Please include sufficient facts for the Court to make a determination as to whether the claim of privilege is valid. If the basis for the privilege is attorney work product or attorney-client privilege, in addition to the information requested in this paragraph, please state the attorney for whom the privilege is claimed, the nature of the work product, and the litigation in anticipation of which the work was prepared. In the event the attorney work product is claimed for work performed by a non-lawyer, in addition to the information requested in this paragraph, state the relationship of the non-lawyer entity or person to the attorney, the entity that retained and paid the non-lawyer, the litigation in anticipation of which the work was performed and the date upon which the work was performed.

4. These discovery requests are continuing in nature and subject to the Petitioners' continuing duty to disclose.

Definitions

1. The terms "you" and "your," as used herein, shall refer to Chelsea Solar LLC and Apple Hill Solar LLC and their agents, servants, representatives, attorneys, directors, officers, employees, direct and indirect owners, members, parents, contractors and/or any person acting or purporting to act on behalf of Chelsea Solar LLC or Apple Hill Solar LLC.

2. The terms “all” and “each” shall both be construed as all and each.
3. 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 its scope.
4. The use of the singular form of any word includes the plural and vice versa.
5. Unless the context clearly requires otherwise, the use of any pronoun or gender-identified form of any word includes both the male and female genders.
6. The term “document” means any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term. A request for production of “documents” shall encompass, and the response shall include, electronically stored information, which is defined as information that is stored in an electronic medium and is retrievable in perceivable form.
7. “Identify,” when referring to documents or electronically stored information, means to provide, to the extent known, information about (a) the type of document or electronically stored information, (b) its general subject matter, (c) the date of the document or electronically stored information, and (d) author(s), addressee(s), and recipient(s).

INTERROGATORY & REQUEST FOR PRODUCTION

- 1. Please identify all oral and written communications and documents (including but not limited to text messages, voicemail messages and email messages) you**

**sent to or received from Robert Kobelia and/or Forester Extraordinaire LLC
from June 26, 2020 at 1pm to June 27, 2020 at 2pm.**

- 2. Please produce copies of all documents identified in response to the preceding
interrogatory.**

DATED AT Randolph, County of Orange and State of Vermont this 5th day of
December, 2020.

APPLE HILL HOMEOWNERS ASSOCIATION,
MOUNT ANTHONY COUNTRY CLUB and
LIBBY HARRIS, Intervenors

By: /s/ L. Brooke Dingledine
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