

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-2939-NMP

Petition of Randolph Davis Road Solar LLC for a Certificate of public good, pursuant to 30 V.S.A. §§ 248 and 8010, authorizing the Installation and operation of a 500kW group Net-metered solar electric generation system in Randolph, Vermont	
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**FIRST SET OF INFORMATION REQUESTS SERVED UPON PETITIONER BY
INTERVENORS MICHAEL BINDER AND JOAN ALLEN**

Intervenors Michael Binder and Joan Allen, *pro se*, hereby serve the following First Set of Information Requests upon Randolph Davis Road Solar, LLC ("Petitioner") in this matter in accordance with Vermont Public Utility Commission Rule 2.214 and V.R.C.P. 33, 34 and 36.

DEFINITIONS

The following definitions apply to the following discovery requests:

1. Reproduce the request being responded to before the response per V.R.C.P. 33.
2. Responses to any and all Intervenor requests that are contained herein or that may be filed later should be supplied to Intervenor as soon as they become available to Petitioners. That is, Petitioner should not hold answers to any requests for which it has 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 Petitioner's work papers 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). Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available to Petitioner, 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 Intervenor's requests may make particular reference to a portion of Petitioner's filing. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Petitioner that is responsive to the questions stated.
8. "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.
9. "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.
10. "Petition," as used herein, means Petitioner's petition filed with the Vermont Public Utility Commission in this docket, unless the context indicates otherwise.
11. "Limits of Disturbance" means the boundary within which all construction, materials storage, grading, landscaping, and any other activities related to site preparation, construction, operation, maintenance, and decommissioning take place as a result of the net-metering system, including areas disturbed due to the creation or modification of access roads, utility lines, and the clearing or management of vegetation. (VT PUC, Net Metering Rule 5.103 Definitions).
12. With respect to each document produced by Petitioner, identify the person(s) who prepared the document and the date on which the document was prepared.
13. If any interrogatory or request requires a response that Petitioner 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.

14. 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 an 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.
15. To expedite the discovery process and the resolution of this docket, Petitioner should contact Intervenor as soon as possible, and prior to the deadline for response, if it seeks clarification on any of these information requests.
16. Intervenor reserves the right to submit additional information requests to Petitioner.

INTERROGATORIES, REQUESTS TO ADMIT, and REQUESTS TO PRODUCE

Intervenor Q 1: Produce a list of all other solar energy projects permitted or built by Norwich Solar Technology, that have slopes greater than 25% within their Limits of Disturbance.

Intervenor Q 2: Produce a storm water plan for the entire site, including all areas within the Limits of Disturbance, and containing a slope overlay and complete engineering details, including specific locations of all excavated structures being installed for the management of surface and/or subsurface water and all finished grade details.

Intervenor Q 3: Produce field notes and dates of all site visits to the project by the site plan engineers, Krebs & Lansing.

Intervenor Q 4: According to the site plan, soils on the access road are to be excavated and replaced by fabric and gravel. Approximately 1/3 of that soil is Prime Agricultural Soils ("PAS") and will be stockpiled on site. The fabric and gravel in the PAS part of the road will be removed at decommissioning and the PAS soils will be restored. What will be done with the excavated gravel at decommissioning?

Intervenor Q 5: The site plan does not call for stockpiling the non PAS top and subsoils, nor does it indicate that the non PAS soils will be used in construction. What will be done with the 2/3 of the top soil and subsoil (approximately 325 cubic yards, if the full 12 inches is excavated) that is not PAS?

Intervenor Q 6: Admit that the Limits of Disturbance of the proposed energy facility development contains slopes greater than 25% in violation of the town plan prohibition of development of energy facilities on slopes greater than 25%. If denied, provide all facts that support such denial.

Intervenor Q 7: Admit that the solar panels are the Principle Structure of the proposed energy facility development and as such are subject to setback requirements as per town plan and zoning regulations. If denied, provide all facts that support such denial.

Intervenor Q 8: Admit that the town plan prohibition of locating energy facility developments on slopes greater than 25% applies to all structures and areas within the Limits of Disturbance of the proposed energy facility. If denied, provide all facts that support such denial.

Intervenor Q 9: Identify all entities that have finalized their net metering agreements with the proposed net metering system and provide a copy of all agreements.

Intervenor Q 10: Admit that the disturbed area will be seeded with non-native grasses and other non-native vegetation. If denied, provide all facts that support such denial.

Intervenor Q 11: Identify the precise dollar amount per year of the “new tax revenues to the Town of Randolph and the State of Vermont Education Fund” which will be generated by the Project such that it will “also benefit public investments” as represented in the application materials

Intervenor Q 12: Admit that a vernal pool, on the intervenor's property is located 134 ft from the Limits of Disturbance of the proposed project. If denied, provide all facts that support such denial.

Intervenor Q 13: Please describe how you determined the slopes of the 50 ft buffers around the class 2 wetlands and the stream bank on the project parcel and what were they?

Intervenor Q 14: Admit that 50 ft buffers should be wider than 50 ft because of the steep slopes and erodibility of the soils in the buffer area.

Intervenor Q 15: Per PUC Net Metering Rule 5.107 (C) (9), provide either a wetland delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the net-metering system will not be PROXIMATE to any significant wetlands.

Intervenor Q 16: Admit that the project site is mapped by VT ANR as part of a 753 acre habitat block, and is separated by Davis Rd. from a 688 acre habitat block containing core habitat, and abuts core habitat on an adjoining property.

Intervenor Q 17: For each expert witness that you may use at trial to present expert testimony under Vermont Rules of Evidence 702, 703, or 705, whether or not the witness may also testify from personal knowledge as to any fact in issue in the case, please provide:

- a. Provide a summary of the grounds for each opinion of the expert;
- b. Produce all communications and notes of communications between you and the expert and/or between your attorney and the expert which: (i) relate to compensation for said expert's study or testimony; (ii) identify facts or data that you and/or your counsel provided and that the expert considered in forming the opinions to be expressed (regardless of whether that information formed the basis for any such opinions); and (iii) identify assumptions that you and/or your counsel provided and that the expert relied on in forming the opinions to be expressed.

Dated at Randolph, Vermont this 18th day of March, 2022.

/s/ Joan Allen

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