

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 21-2939-NMP Petition of Randolph Davis Solar LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 248 and 8010, authorizing the installation and operation of a 500 kW group net-metered solar electric generation system in Randolph, Vermont

**JOAN ALLEN'S RESPONSE TO PETITIONER'S FIRST SET OF
INFORMATION REQUESTS**

Q:PET:Allen.1-1: Please identify and produce all nonprivileged documents prepared by and/or relied upon by you in drafting your May 6, 2022 testimony and exhibits, or any persons working for or under the direction of you, in connection with your testimony, including, but not limited to, the raw data, and other results of any research, calculations, or work conducted by the person and any documents, calculations, data, research, or other information generated by any other person that you consulted.

A:PET:Allen.1-1: This question contains subparts, and is compound, conjunctive, or disjunctive. It has four "or", four "and", and one "and/or". I consider this to be, at a minimum, two questions.

A:PET:Allen.1-1 part 1: The non-privileged documents I relied upon have either (a) already been submitted as exhibits in my May 6, 2022 testimony, or (b) are provided at the following link:

https://drive.google.com/drive/folders/17_WPrw4nXLcMatjJY-mmIClyvILdW5df?usp=sharing

I object to producing the documents that have already been submitted as exhibits because they are in the possession of, are known to, and are otherwise equally available to the petitioner.

A:PET:Allen.1-1 part 2: No one has done any work for or under me, nor have I consulted with anyone in developing my testimony.

Q:PET:Allen.1-2: Please identify and produce copies of any studies, reports, articles, presentations, orders, decisions, and any other background information relied on by you, or those working with you or under your direction, in developing your testimony.

A:PET:Allen.1-2: See response to A:PET:Allen.1-1 above.

Q:PET:Allen.1-3: Please identify and produce in their original format all electronic files that were utilized or generated by you to prepare any analysis, images, impressions, conclusions, or statements presented in your testimony.

A:PET:Allen.1-3:

Exhibit JA-13 ("NST Parcel Streams") is a VCGI map. The VCGI database does not have the two small streams on the property, one of which was not shown on the petitioner's site map. I edited the VCGI map online to add parcel names and both streams that I observed at the 3/25/22 site visit.

Exhibit JA-12 ("Habitat Blocks, Wildlife Corridors, and Core Habitat") is a VCGI map with VCGI data. I outlined the NST parcel.

Exhibit JA-11 ("Habitat Blocks") is a VT ANR Natural Resources Atlas map, using ANR data. I added an arrow pointing to the NST parcel.

Exhibit JA-4 ("Soils") is a VCGI map using VCGI data to show soils on the NST parcel.

Q:PET:Allen.1-4: Produce all email communications between you and the Agency of Natural Resources concerning the Randolph Davis Solar Project.

A:PET:Allen.1-4: I object to this request because it seeks information that is available now, has been available for some time, and will continue to be available to the Petitioner by making a Public Records Request of ANR. The request for these emails could also have been served on ANR. Furthermore, my emails have been with several ANR staff and lawyers, all with different email addresses. It would be less burdensome for ANR to search its email for "Allen" than for me to do the multiple searches necessary to find all of the emails with the multiple email addresses that the various ANR staff and lawyers use.

Q:PET:Allen.1-5: Produce all email communications and list and describe all phone communications between you and Brooke Dingleline concerning (a) the Randolph Davis Solar Project, (b) Norwich Solar Technologies, (c) Randolph Davis Solar LLC, (d) preferred siting, (e) the Randolph Town Plan, (f) the Randolph Planning Commission, (g) the Randolph Selectboard, and (h) Enhanced Energy Planning.

A:PET:Allen.1-5: I object to the entirety of these requests because they seek information or documents that are irrelevant and outside the scope of discoverable information under VRCP 26. I also object as the requests are overbroad, without time limits, unduly burdensome, and for an improper purpose of annoyance, oppression and/or intimidation. I also object on the grounds of attorney-client privilege to the extent that any of my communications were for the purposes of obtaining legal advice and/or legal representation. I also object on the basis of work product privilege. Without waiving these objections, Ms. Dingleline has played no role in preparing, reviewing or commenting on my testimony or exhibits.

Q:PET:Allen.1-6: Produce all email communications and list and describe all phone communications between you and Annette Smith concerning (a) the Randolph Davis Solar Project, (b) Norwich Solar Technologies, (c) Randolph Davis Solar LLC, (d) preferred siting, (e) the Randolph Town Plan, (f) the Randolph Planning Commission, (g) the Randolph Selectboard, and (h) Enhanced Energy Planning.

A:PET:Allen.1-6: I object to the entirety of these requests because they seek information or documents that are irrelevant and outside the scope of discoverable information under VRCP 26. I also object as the requests are overbroad, without time limits, unduly burdensome, and for an improper purpose of annoyance, oppression and/or intimidation. I also object on the basis of work product privilege.

Q:PET:Allen.1-7: Produce all email communications between you and the Town of Randolph, including any staff or committee member thereof, concerning (a) the Randolph Davis Solar Project, (b) Norwich Solar Technologies, (c) Randolph Davis Solar LLC, (d) preferred siting, (e) the Randolph Town Plan, (f) the Randolph Planning Commission, (g) the Randolph Selectboard, and (h) Enhanced Energy Planning.

A:PET:Allen.1-7: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. I object to the entirety of this request to produce all emails between myself and the Town of Randolph because these emails are available now, have been available for some time, and will continue to be available to the petitioner by requesting Public Records from the Town of Randolph.

Furthermore, my emails have been with several town officials, all with different email addresses. It would be less of a burden for the Town to search its email for "Allen" than for me to do the multiple searches necessary to find all of the emails with the multiple email addresses that the various town officials use.

Q:PET:Allen.1-8: With respect to Answer 1 of your testimony, please:

(a) Identify the two conservation organizations referenced, the years during which you worked at each organization, and describe with specificity the scope of your work and responsibilities for each.

(b) Provide a resume.

(c) Identify and produce all peer reviewed articles, studies or other research authored by

you regarding water quality, headwater streams, wildlife and wildlife habitat, wetlands, forests, or flood resiliency.

A:PET:Allen.1-8: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection:

A:PET:Allen.1-8: (a):

I worked for The VT Chapter of The Nature Conservancy from 1998 to 2013. As part of a small team, I was responsible for the direction, coordination and implementation of TNC's land protection program in Vermont, through real estate and related transactions that served TNC's mission to conserve Vermont's significant ecological and natural features. Duties included applying ecological criteria to prioritize protection projects, cultivation, development, and maintenance of relationships with landowners, partner organizations, communities, local, state, and federal agencies, and regular contact with the public. I established and maintained the Chapter's involvement with USDA-NRCS, and managed partnerships with U.S. Fish and Wildlife Service, VT Fish and Wildlife Department, and Natural Resources Conservation District programs. I carried out all aspects of land protection, from initial landowner contacts, ecological evaluation, and negotiation through to closing; obtaining grants from public sources, and foundations. I assisted with the refinement of internal land protection goals and stewardship policies, updates to the science-based portfolio, and worked with staff counsel on all aspects of real estate closings.

I worked for Vermont Land Trust from 1994 to 1998. I was Director of the Mettowee Valley Conservation Project, a special project in one of Vermont's premier agricultural districts, and later became Regional Director of the Southwest Region. In that capacity I was VLT's representative in 25 towns in the state's Taconic region. I developed and maintained landowner and community relationships, developed farm and natural area protection strategies, conducted negotiations and follow-through for the purchase and donation of conservation easements on working farms, forestland, wildlife habitat, natural areas, and other properties with conservation values. Other duties included grant writing, writing for the newsletter, managing a local advisory committee, and assistance with local donor relations

A:PET:Allen.1-8: (b): My resume is here:

https://drive.google.com/drive/folders/17_WPrw4nXLcMatjJY-mmIClyvILdW5df?usp=sharing

A:PET:Allen.1-8 (c): I have not had any peer-reviewed articles, studies or research on any of the topics listed. My work is applied in the field, and is not academic; I work in collaboration with colleagues who perform research and publish studies and peer-reviewed work.

Q:PET:Allen.1-9: Admit that you are not a Vermont licensed professional engineer.

A:PET:Allen.1-9: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I am not a Vermont licensed professional engineer.

Q:PET:Allen.1-10: Admit that you are not a Vermont licensed civil engineer.

A:PET:Allen.1-10: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I am not a Vermont licensed civil engineer.

Q:PET:Allen.1-11: Admit that you are not a Vermont licensed wastewater engineer.

A:PET:Allen.1-11: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I am not a Vermont licensed wastewater engineer.

Q:PET:Allen.1-12: Admit that you have never prepared an application for, or obtained a construction stormwater discharge permit from the Vermont Department of Environmental Conservation. If denied, provide all applications.

A:PET:Allen.1-12: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I have never prepared an application for, or obtained a construction stormwater discharge permit from the Vermont Department of Environmental Conservation.

Q:PET:Allen.1-13: Admit that you have never prepared an erosion prevention and sediment control ("EPSC") plan for a Vermont construction stormwater discharge permit application.

A:PET:Allen.1-13: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I have never prepared an erosion prevention and sediment control ("EPSC") plan for a Vermont construction stormwater discharge permit application.

Q:PET:Allen.1-14: Admit that you do not have education, training or experience as a Vermont civil engineer, professional engineer or wastewater engineer. If denied, describe in detail all such education, training and experience.

A:PET:Allen.1-14: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I do not have education, training, or experience as a Vermont civil engineer, professional engineer, or wastewater engineer.

Q:PET:Allen.1-15: Admit that you do not have education, training or experience as a wetland ecologist or wildlife biologist. If denied, describe in detail all such education, training and experience.

A:PET:Allen.1-15: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection, I do not consider myself an expert wetland ecologist or wildlife biologist. However, I do have 30 years of experience in the conservation field, which includes wetlands and wildlife biology. I have an M.S. in Natural Resource Management, which included course work in wetlands science and field mammalogy, and I continue to maintain and enhance my field ecology skills through workshops and presentations led by experts, volunteer monitoring, and self-directed study.

Q:PET:Allen.1-16: With respect to Answer 8 of your testimony:

(a) Produce the 7 documents reviewed by you that you mention.

(b) Identify and produce the source of the information and all calculations performed that supports your statement at page 4, lines 13-14, about increase in sediment traveling.

(c) Produce the soils analysis you reference on page 5, line 11-12, together with all source information relied upon for such analysis, penciled notes, workpapers, and drafts.

A:PET:Allen.1-16: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection:

A:PET:Allen.1-16: (a) See documents at the following link:

https://drive.google.com/drive/folders/17_WPrw4nXLcMatjJY-mmIClyvILdW5df?usp=sharing

- Town of Rutland, VT Solar Standards
- Town of Athol, MA Zoning Bylaws
- Town & Village of Enosburg, VT Comprehensive Municipal Plan 2020
- Lehigh Valley (PA) Planning Commission, Guide/Model Regulations
- Zoning Regulations, Town of Winchester, CT
- Pennsylvania Dept. of Environmental Protection, Chapter 102, Permitting for Solar Panel Farms
- Nashua NH Regional Planning Commission Fact Sheet 12: Steep Slopes

A:PET:Allen.1-16: (b) The source is the Lehigh Valley, PA Planning Commission, Guide /Model Regulations referenced in my response to (a) above. No calculations were necessary and none were done.

A:PET:Allen.1-16: (c) I object to this request since it is duplicative and has already been submitted with my pre-filed testimony, as Exhibit JA-3, Soil Characteristics and Analysis. The source information relied upon is on page 2 of the exhibit. I have no penciled notes, workpapers, or drafts.

Q:PET:Allen.1-17: Please produce the White River Partnership plan referenced at page 6, lines 5-6 of your testimony.

A:PET:Allen.1-17: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. Without waiving such objection:

The document is available from the ANR/DEC/Rivers Program website or at <https://whiteriverpartnership.org/reports/>.

Q:PET:Allen.1-18: With respect to Answer 12 of your testimony:

(a) Identify the “many states” referenced on page 7, lines 6-7, and produce documents that support the statement made.

(b) Produce all documents that support your statements at page 7, lines 3-6 re runoff at the dripline.

A:PET:Allen.1-18: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts.

Q:PET:Allen.1-19: With respect to Answer 2 of your testimony:

(a) How many acres of tree clearing was required for the establishment of the “orchard and gardens” referenced at page 1, line 15?

(b) How many acres of hayland is located on your parcel?

(c) How many acres of cleared land is present on your parcel?

(d) Does your neighbor compensate you for use of the 6 acres of hayland for your neighbor’s dairy farm?

A:PET:Allen.1-19: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. In addition, I object to this question on the grounds that it has no relevance whatsoever to the matter at hand and is for an improper purpose designed to annoy, harass or intimidate me.

Q:PET:Allen.1-20: Produce all drafts of your prefiled testimony.

A:PET:Allen.1-20: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions including sub-parts. I object to the entirety of this request because, as a pro se litigant, the drafts are my work product and are privileged.

Q:PET:Allen.1-21: Identify each person who reviewed or assisted you in the preparation of your prefiled testimony, and describe with reference to each Q&A, the input or assistance provided. Produce all documents each such person provided to you in connection with same.

A:PET:Allen.1-21: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions.

Q:PET:Allen.1-22: Identify, describe and produce all comments provided to you on your prefiled testimony and identify as to each who provided such input.

A:PET:Allen.1-22: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions.

Q:PET:Allen.1-23: Identify each person who reviewed or assisted you in the preparation of your discovery served on the Agency of Natural Resources today.
A:PET:Allen.1-23: I object to the entirety of this request because petitioner has exceeded the allowed maximum of 20 questions.

DATED at Randolph, Vermont this 3rd day of June, 2022.

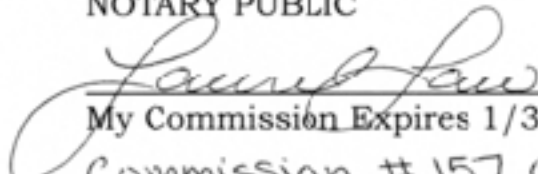
By:



JOAN ALLEN

SUBSCRIBED AND SWORN to before me this 3rd day of June, 2022.

NOTARY PUBLIC



My Commission Expires 1/31/23
Commission # 157.0012254

