

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

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

Case No. 21-2939-NMP

**SECOND SET OF INFORMATION REQUESTS SERVED UPON
PETITIONER BY INTERVENORS MICHAEL BINDER AND JOAN ALLEN**

July 6, 2022

Intervenors Michael Binder and Joan Allen, *pro se*, hereby serve the following Second 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 the Petitioner. That is, the 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 the 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). The Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available to the 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 the Petitioner's filing. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to the 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 the 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 the 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, the Petitioner should contact the 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 the Petitioner.

INTERROGATORIES, REQUESTS TO ADMIT, and REQUESTS TO PRODUCE

Questions 1 through 11 are for Mr. Homsted.

1) Mr. Binder in his prefiled testimony wondered how, if you hadn't been to the site, you knew where to draw the so called "existing path, or way, or road" onto your site plan. You answered in your rebuttal:

"Multiple members of the design team, including Norwich Solar, Arrowwood Environmental, and Horizons Engineering conducted site visits prior to and during the design phase of the project. Information from these site visits was incorporated into the base plans and mapping we used to prepare the civil design."

Please produce the information, used to prepare the civil design, that you received from these site visits.

2) If you used any of the above mentioned information to locate the Access Road on your site plan, then please produce the calculations you used on that information so that we may see that the road you designed is actually on the so called "existing path, or way, or road".

3) Your site plan shows the approximate location of a PAS Storage Area, the footprint of which scales to approximately 10 ft by 60 ft. What volume of PAS (in cubic feet) is the PAS Storage Area (as depicted in the Site Plan) capable of stockpiling?

4) What is the footprint (in square feet) of the Access Road Cut & Fill on PAS soils?

5) What depth (in inches) of PAS do you assume, in your calculations for stockpile volume, will be excavated from the footprint of the cut & fill? If you calculate volume for a range of excavation depths, please provide the range.

6) Admit that the PAS Storage Area depicted in the Site Plan cannot hold the volume of PAS that will be excavated for stockpiling.

7) Admit that the slopes layer (in green) overlaying the Access Road in site plan RDS MS-2B is derived from LiDAR data. If denied, please indicate the source of the slopes layer.

8) Admit that you have the technical capacity and expertise to overlay a LiDAR derived “greater than 25% Slopes Layer” upon the **entire** Limits of Disturbance.

9) Admit that you have not placed a “greater than 25% Slopes Layer”, derived from LiDAR or any other source, over the **entire** Limits of Disturbance.

10) In your rebuttal testimony you wrote:

“Using the “on the ground” detailed survey prepared by Horizons Engineering, we prepared a revised solar array layout that avoids slopes of greater than 25%.”

Admit that the “on the ground survey” data used to determine slope in the area near the array, does not show areas of “greater than 25% slopes” that would be seen on a LiDAR derived slopes layer.

11) Admit that a “greater than 25% Slopes Layer” produced by LiDAR gives a more accurate depiction of Slopes greater than 25%, **and with better resolution**, than the Horizons Engineering “on the ground survey” which you have incorporated into a portion of your site plan. If denied, please produce the XYZ coordinates of the points located by Horizons Engineering so that we may see the location of, and distance between the data points that you use to support your claim that the revised solar array layout avoids slopes of greater than 25%.

The Remaining Questions are for Ms. Barton.

12) Ms. Allen has testified that the project parcel connects two large habitat blocks, each block contains core habitat, and that she has witnessed that the project parcel is a busy corridor where wildlife cross Davis Rd. to get from one habitat block to the other. Admit that Ms. Allen is correct, or if denied please produce evidence that she is incorrect.

13) Ms. Allen has testified that, given the forested wetlands, streams, and seeps on the project parcel, there is a potential for 3 stream salamanders - Northern two-lined, Northern dusky, and

Spring to be present. Admit that without conducting a survey, you are not certain if these species are or are not present.

14) You testified that there are no RTE species that may inhabit the property for some portion of their life cycle. Admit that without conducting a survey at the appropriate time of year for the presence of the threatened Eastern Small-footed bat and the endangered Tri-colored bat and Northern long-eared bat, you are not certain if these species are or not present on the property.

Dated July 6, 2022.

/s/ Joan Allen

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Dated July 6, 2022.

/s/ Michael Binder

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