

**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 AGENCY OF NATURAL RESOURCES
BY INTERVENORS MICHAEL BINDER AND JOAN ALLEN**

Intervenors Michael Binder and Joan Allen, *pro se*, hereby serve the following Second Set of Information Requests upon the Agency of Natural Resources ("the Agency") 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 Agency. That is, the Agency 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 Agency'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 Agency is directed to change, supplement and correct its answers to conform to all information as it becomes available to the Agency, 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 Agency's filing. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to the Agency 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 Agency, 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 Agency believes to be privileged, please state the complete legal and factual basis for the claim of privi-

July 6, 2022

lege, 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 Agency 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 Agency.

INTERROGATORIES, REQUESTS TO ADMIT, AND REQUESTS TO PRODUCE

- 1) Identify the Agency Staff who have visited the Project Site subsequent to Intervenor's May 20, 2022 Discovery Requests.
- 2) Produce the Site Visit field notes of Agency Staff identified in the above question.
- 3) Produce all communications between Agency Staff and the Petitioner or the Petitioner's agents subsequent to Intervenor's May 20, 2022 Discovery Requests.
- 4) Admit that, **in principle**, some projects may be so constrained by steepness and soil erodibility that to pass them forward for Storm Water regulation and mitigation is not consistent with the Agency's responsibility to protect water purity, the natural environment, and the use of natural resources.

Dated at Randolph, Vermont this 6th day of July, 2022.

/s/ Joan Allen

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/s/ Michael Binder

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