

KIMBERLY K. HAYDEN
khayden@pfclaw.com

Filed via ePUC

November 18, 2022

Ms. Holly Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701

**Re: Petition of Norwich Upper Loveland Solar – Case No. 21-3587-NMP
Petitioner’s Response to Landowners’ Motion for Production of Amended Site Plan**

Dear Ms. Anderson:

On November 17, 2022, Landowner Intervenors filed a Motion for Production of Amended Site Plan, accompanied by an Affidavit of Dan Goulet purportedly recounting a private conversation between Norwich Solar Technologies (“NST”) staff and a logging contractor at the cell tower property gate and access to the Project site. Landowners assert that NST has amended its plans for Project access and/or clearing, and therefore seek production of an amended Site Plan and request to delay the procedural schedule pending such a filing.

Mr. Goulet’s uninvited intrusion into a private conversation of NST staff and its contractor on land that he does not own, provides no basis to compel production of a revised Site Plan or to stay this case. Mr. Goulet’s affidavit over represents statements regarding potential access logistics, and do not constitute a modification of the Project. Mr. Goulet’s affidavit clearly reflects that he made assumptions about NST staff and its contractor statements:

“The logger *intimated* that he needed extra space on Upper Loveland near the driveway to make the turn into the driveway” ;

and

“I *assumed* that was why he was pointing at my property.”¹

What Mr. Goulet assumes are not statements of fact, and certainly are not reflective of final plans to amend the Project. Currently, there are no alternate clearing or access plans to produce beyond those already in the record.

¹ Exhibit DG-1, Affidavit of Daniel Goulet, 11/17/22.

Cordially yours,

PAUL FRANK + COLLINS P.C.

A handwritten signature in black ink, appearing to read "Kimberly K. Hayden". The signature is stylized with a large initial "K" and a long horizontal stroke extending to the right.

Kimberly K. Hayden. Esq.