

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Essex A North Lot Solar, LLC for a)
certificate of public good, pursuant to 30 V.S.A.) Case No. 24-1898-PET
§ 248, authorizing the installation and operation of)
a 3.5 MW ground-mounted facility in Essex,)
Vermont

ANR's SECOND SET OF INFORMATION REQUESTS ON PETITIONER

The Agency of Natural Resources ("Agency" or "ANR") by undersigned counsel, hereby serves the following First Set of Information Requests upon Petitioner Essex A North Lot Solar, LLC ("Petitioner") in accordance with Public Utility Commission Rule 2.214 and V.R.C.P. 33 and 34, and requests that Petitioner answer the requests in accordance with V.R.C.P. 33 and 34 and deliver its answers and all requested documents and materials to the Agency's offices as soon as possible but in no case later than September 24, 2024. Petitioner is requested to provide a copy of its answers in electronic format, that is, Microsoft Word or another format readable by the Agency.

INSTRUCTIONS AND DEFINITIONS

1. Reproduce the request being responded to before the response. Provide one complete hard copy of your responses and an electronic copy. All spreadsheets and computer data should also be provided electronically.
2. Responses to any and all Agency requests that are contained herein or that may be filed later should be supplied to the Agency as soon as they become available to Petitioner. That is, Petitioner should not hold answers to any requests for which it does have responsive data, documents, etc., until responses to any or all other requests are compiled.

3. The response to each request should 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. Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available, 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 the Agency's requests may make particular reference to a portion of a filing in this matter. 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. Documents produced pursuant to these requests shall be organized and labeled in correspondence with the paragraph number to which they are alleged to respond. With respect to each document produced by Petitioner, identify the person who prepared the document and the date on which the document was prepared.

9. If any request to admit is responded to by a denial or an objection, explain in detail the reason for such denial or objection.

10. If in response to any request for information, the responding party asserts attorney client privilege, attorney work product, or any other privilege, please provide in addition to the basis of the privilege the date of the allegedly privileged communication(s), the identity of all persons who were party to the allegedly privileged communication(s) or who received photocopies of such communication(s), and the subject matter of the allegedly privileged communication.

11. 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.

12. "Document" shall be construed as broadly as possible, and means 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. The term specifically includes and is not limited to written communications such as letters and e-mails.

13. "Identify" means:

a. With respect to a natural person with natural person(s) or legal entities other than a natural person, his or her name and present or last known business address;

b. With respect to a document, the type of document (e.g., letter, record, list, memorandum, report), date, title, contents; the person who prepared the document, and the person for whom the document was prepared, or to whom it was delivered; the persons who have possession, custody or control over the original and each copy of the document; provided however, that in lieu of identifying the document, you may attach a true and correct copy of the document to your answers; and

c. With respect to communication, where the communication occurred, e.g., if not in direct person to person conversation, the place from which each person involved actually participated; and what was said by each person involved during such communication and the order in which it was said. Identify communications in chronological order, when more than one is responsive.

14. "Information Requests" means the Interrogatories and Request for Production served on Petitioner.

15. "Person" means, but is not limited to, natural persons, partnerships, corporations, governmental agencies, boards of directors, and other legal entities.

16. "Person Responsible" means all Persons competent to testify concerning the response and all documents and exhibits produced as part of the response, with either personal knowledge about the Project and/or an expert opinion about the Project

17. "Petition" means all documents, materials, and evidence submitted by Petitioner to the PUC in Case No. 24-1898-PET.

18. "Petitioner" means Essex A North Lot Solar, LLC.

19. "Proceeding" refers to the PUC's review of the Petition in Case No. 24-1898-PET.

20. "Project" means the construction and operation of a 3.5 megawatt ground-mounted solar array off Robinson in Essex, Vermont, as described in the Petition.

21. "Project Site" means the approximately 13-acre portion of the Property depicted in Petitioner Exhibit EANL-JC-2 within the limits of proposed disturbance.

22. "Property" means the approximately 228-acre parcel of land in Essex, Vermont that will host the Project Site.

23. "PUC" means the Vermont Public Utility Commission.

INTERROGATORIES AND REQUESTS TO PRODUCE

Q.ANR:EANL.2-1. Identify the Person Responsible for responding to each Information Request.

Q.ANR:EANL.2-2. Identify each Person consulted by the Person Responsible in responding to each Information Request.

Q.ANR:EANL.2-3. Identify each Person – including Person's address – that may provide testimony in this Proceeding in Support of the Petition.

Q.ANR:EANL.2-4. Identify all documents Petitioner may rely on and/or offer as an exhibit in the Proceeding in Support of the Petition.

Q.ANR:EANL.2-5. Refer to Petitioner's Responses to ANR's First Set of Information Requests, dated September 24, 2024, response to Q.ANR:EANL.1-5. Explain the basis for the statement that Petitioner looked at available alternative sites "deemed viable for generation of enough electricity from solar panels to economically satisfy the customer's substantial needs for distributed renewable energy while minimizing impacts to regulated resources." How does Petitioner define "enough electricity" and what factors are considered?

Q.ANR:EANL.2-6. Refer to VHB's September 12, 2024 Memo and Siting Alternatives Analysis Map which shows areas on the GlobalFoundries campus that were considered as possible alternative solar sites. Explain what alternatives off-campus were evaluated, and if not, why not.

Q.ANR:EANL.2-7. Refer to VHB's June 12, 2024 Natural Resources Assessment, page 9 which indicates there is a mapped occurrence of the Northern Long-Eared Bat (NLEB) within proximity to the project area (0.88 miles from the western project boundary). Does the Petitioner agree to the inclusion of a permit condition containing a seasonal restriction on tree clearing between April 15 to September 30?

Q.ANR:EANL.2-8. Refer to VHB's June 12, 2024 Natural Resources Assessment, page 9, which states: "If time of year clearing is not conducive to construction timeline, an acoustic survey will be conducted to detect the presence or absence of NLEB." Explain how and when Petitioner will determine that tree clearing restrictions are not conducive to the construction timeline.

Requests to Produce

1. Please produce any and all documents identified, referenced, relied upon, or referred to in responding to these information requests.

Dated this 15th day of October, 2024, at Montpelier, Vermont.

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

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