

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 23-3729-NMP

Petition of Peggy and David Howrigan for a certificate of public good, pursuant to 30 V.S.A. §§ 8010 and 248, to install and operate a 100 kW small wind generation system in Fairfield, Vermont	
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INTERVENORS PENNY DUBIE, FAIRFIELD POND ASSOCIATION, SECOND INFORMATION REQUESTS (Interrogatories, Document Requests and Requests to Admit) ON DIRECT PREFILED TESTIMONY TO PETITIONER PEGGY AND DAVID HOWRIGAN

DEFINITIONS

The following definitions apply to the following discovery requests:

1. Communication. The term ‘communication’ means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

2. Document. The term ‘document’ is defined to be synonymous in meaning and equal in scope to the usage of this term in the Vermont Rule of Civil Procedure 34(a) and includes any and all writings or other materials, whether handwritten, typed, printed, recorded or reproduced by any other physical, mechanical, electronic or electrical means, including, but not limited to records, papers, correspondence, telegrams, memoranda, notes, letters, photographs, photographic slides or negatives, films, filmstrips, computer diskettes, computer files, tapes and recordings, summaries or records of telephone conversations, summaries or records of personal conversations, and all carbons or photocopies bearing any underlining, highlighting, additions, corrections, or marginal notations which are in the possession, custody or control of Petitioner, their agents, representatives, attorneys or experts, wherever located.

3. Identify (with respect to persons). When referring to a person, to ‘identify’ means to provide, to the extent known, that person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.

4. Identify (with respect to documents). When referring to documents, to ‘identify’ requires you to:

(a) state whether there is or was any document(s) which bears upon, discusses, or pertains to the facts or issues to which the interrogatory and the question is addressed; and,

(b) set forth in detail: (i) a description of the nature -- i.e., letter memorandum etc. -- and the exact contents of each such document(s); (ii) the name and address of the author(s), signer(s), recipient(s), and addressee(s) of each said document; (iii) where each said document is located; (iv) the date of each said document; (v) the name and address of the person(s) or other entity having custody, control or possession of each said document; and (vi) if a document, or copy thereof, is no longer in existence or is no longer in your custody, control or possession, the name and address of the person(s) or other entity last having custody and/or possession of said document to the best of your knowledge, and the reason for it no longer existing or being under your custody, control or possession; or,

(c) alternatively, produce the document about which the inquiry is being made, supplementing such production with any information listed in subsection (b) above which is not included on the face of such document.

5. Identify and set forth the contents of all oral communications. A request to identify and set for the contents of all oral communications requires you to:

(a) state whether there were any oral communication(s) bearing upon, discussing or pertaining to facts or issues to which the interrogatory and question is being addressed; and,

(b) set forth in detail:

(i) the contents of each such oral communication;

(ii) where and when each said oral communication occurred;

(iii) the name and address of each person participating in each or any said communication;

(iv) the name and address of each person present at each or any said communication; and

(v) the nature, identity, and location of each and every document which bears upon, discusses or pertains to each and any said communication, and attach a copy thereof.

6. You or Your(s). You or yours means Howrigan Wind, its principals, officers and members, and each and every witness who has submitted testimony on behalf of Howrigan Wind, and its

respective principals, agents, representatives, employees, contractors, attorneys or experts, wherever located.

7. Person. The term ‘person’ is defined as any natural person or any business, legal or governmental entity or association.
8. Concerning. The term ‘concerning’ means relating to, referring to, describing, evidencing or constituting.
9. Produce. The term ‘produce’ means to provide the original or an exact legible copy of a requested document to the requesting Counsel, in paper or as an electronic document in a commonly available, non-locked format such as .doc, .docx, .pdf or, where necessary, an Excel file. A draft or non-identical copy is a separate document within the meaning of this term.
10. Project. The term ‘Project’ means the wind electric generation facility project and associated substation proposed by you for construction in Fairfield, that is the subject of this Public Utility Commission petition for a certificate of public good.
11. Project site and Project property. The terms “Project site” and “Project property” refer to the physical location of the Project. “Project site” refers more specifically to the area within the limits of disturbance of the Project, while “Project property” refers more specifically to the entirety of the parcels of real property on which the Project is proposed to be situated.

The following rules of construction apply to all discovery requests:

1. All/Each. The terms ‘all’ and ‘each’ shall both be construed as all and each.
2. And/Or. The connectives ‘and’ and ‘or’ shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

1. Provide a separate page for each separate question. Reproduce the discovery request made before presenting the response.

2. 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, state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the date on which each question was answered.
3. 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), provide all information with respect to the subject matter of the question that can be identified in your work papers and files or that is otherwise available.
4. These discovery requests are continuing in nature, and require you to file supplementary answers as necessary. Change, supplement and correct your responses to conform to all information as it becomes available to you, including the substitution of actual data for estimated data. Responses to requests 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.
5. Whenever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
6. For any matter where a request for admission is being answered by a denial or objection, the answer should set forth in detail the reasons for the denial or objection.
7. In construing these discovery requests, the terms 'refer to' and 'relate to' shall include any and all logical or factual connections to the subject of the discovery request as specified.
8. Organize responses and supporting documents using the identifying number of the request to which they respond.
9. Some of these 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 you that is responsive to the question or questions stated.
10. Reproduce the request being responded to before the response. It is hereby requested that parties provide both hard and electronic copies of discovery responses and serve responses to document requests electronically, in lieu of hard copies, when response materials are voluminous. All spreadsheets and computer data should also be provided electronically in a data-searchable format.
11. 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 copies of such communication(s), and the subject matter of the allegedly privileged communication.

12. 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 to which 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. If any information is withheld on the grounds of privilege, immunity or qualified immunity, trade secrets, including without limitation, the work product doctrine or attorney client privilege, the following information shall be provided in a privilege log: (a) the basis upon which the privilege or protection is claimed; (b) the identity of the person who is the source of the information; (c) the identity of the person to whom the information has been communicated; (d) whether the information, or any part thereof, is based upon or evidenced by or is contained in any document and the identity of all such documents; and (e) the subject matter of the information and interrogatory to which it responds, sufficient for its identification.

13. All requests herein to identify and/or produce documents or communications shall mean to identify and/or produce such materials only inasmuch as they reference or relate to the Project which is the subject of Case No. 23-3729-NMP, and limited to the time period of January 1, 2018 to the present (and continuing to the conclusion of these proceedings).

INFORMATION REQUESTS

For Jason Day

Q. INTERVENORS:PETITIONER-49: Page 2 Line 15. Mr. Day states "There would be no undue adverse visual impact because of the trees, terrain, and far distances to residences."

Please share Jason Day's aesthetics credentials.

Q. INTERVENORS:PETITIONER-50: Page 3 Line 2. Mr. Day lists other similar projects that were approved by the PUC. "Bailey Hill Wind (700ft), Tomlinson Wind (800ft.), Forgues Dairy Wind (800 ft.), West Wind (950 ft.), Tesla Wind (1100 ft), Carthusian Wind (1500ft.), Hespos Wind (2600ft). The CPGs for Tomlinson Wind, West Wind, and Carthusian Wind were for three turbines each."

1. Please list the above projects that were opposed by both the Town and the Regional Planning Commissions.

2. Please identify the projects that have been constructed.
3. Please identify the projects that are in operation.
4. Please identify the projects that have been withdrawn or terminated.
5. Please identify the projects awaiting construction that have sought or received extensions of standard offer contracts.

For David Howrigan

Q. INTERVENORS:PETITIONER-51: Page 3 Line 6. Mr. Howrigan states that, "The Project would successfully pass a *Quechee* analysis."

Please provide your credentials as an aesthetic expert.

Q. INTERVENORS:PETITIONER-52: Page 20. Line 19. As president of Pond Association Brian Dubie provided to the applicants all information shared with Pond Members.

What changes to attached letters did the applicant make and why did you make these changes?

Q.INTERVENORS:PETITIONER-53: Page 6 of Exhibit DH-5. Did Brian Dubie as president of the Fairfield Pond Association write the following?

"The image below is an estimate only. We have asked the developer for his simulation of the proposed turbines."

Q.INTERVENORS:PETITIONER-54: Page 23 Line 21, Page 24 Line 1. Mr. Howrigan states, "The average person is no longer shocked or offended by the sight of wind turbines."

Please share studies that suggest the average person is not shocked or offended by the sight of wind turbines.

On behalf of Intervenors Penny Dubie, Fairfield Pond Association,

Signed and dated at Fairfield, Vermont this 24th day of January 2025,

/s/ Penny Dubie
Penny Dubie, *pro se*
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