

4. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission reproduced below to the extent that it calls for the disclosure or production of confidential or proprietary information, trade secrets, or material.
5. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission reproduced below to the extent that it is vague, unintelligible, requires speculation as to the information being sought, or is otherwise incapable of a reasonable answer.
6. Petitioner objects to each Instruction and Definition listed in the requesting party's discovery requests to the extent that it exceeds the bounds of permissible discovery or is unduly burdensome.
7. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission to the extent that the request exceeds the scope of Petitioner's testimony and exhibits.
8. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission to the extent that the request would require Petitioner to conduct extensive document review, additional studies, analyses, and/or tests as part of its response.
9. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission to the extent that the request exceeds the scope of the requesting party's intervention.
10. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission to the extent that the request exceeds the scope of the issues on review.
11. Petitioner objects to each Interrogatory, Request to Produce, and Request for Admission to the extent that it calls for a legal conclusion.

INFORMATION REQUESTS

Q.TOL.NS.1-1. Identify all partners, managers, and members of Northland Solar, LLC.

Objections: Petitioner reasserts General Objections 1, 4, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Northland Solar LLC is a member-managed limited liability company. The sole member is MHG Solar LLC.

Person Responsible for Response: Thomas Hand, MHG Solar

In further regards to the identity and regulatory status of Petitioner:

a. Admit that you are not a public utility.

Objection: Petitioner reasserts General Objections 1, 5, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Admitted.

Person Responsible for Response: Counsel for Petitioner

b. Admit that this Project is not a public utility generating plant or transmission facility.

Objection: Petitioner reasserts General Objections 1, 5, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: See response to a.

Person Responsible for Response: Counsel for Petitioner.

c. Admit that you do not own or operate electricity distribution systems.

Objection: Petitioner reasserts General Objections 1, 5, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Admitted that Petitioner is not an electric distribution utility.

Person Responsible for Response: Thomas Hand, MHG Solar

d. Admit that you do not sell or distribute electricity to the public.

Objection: Objections 1, 5, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Admitted that Petitioner is not an electric distribution utility.

Person Responsible for Response: Thomas Hand, MHG Solar

e. Identify and produce any and all documents referenced in or supporting your answers to items 1-1 a-d above.

Objection: Petitioner reasserts General Objections 1, 4, 5, 9, 10 and 11. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: There are no documents responsive to this request.

Person Responsible for Response: Counsel for Petitioner.

Q.TOL.NS.1-2. Identify and produce any and all leases, rights-of-way or other agreements by which Northland Solar, LLC has site control of any portion of the location at which the Project is proposed for construction.

Objection: Petitioner reasserts Objections 1,4, 6, 9, and 10 to the extent that the purchase option contains confidential business terms, is outside the scope of Intervenors' scope of intervention, and stated interests in this proceeding, and property rights are not within the scope of the Commission's Section 248 review. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Petitioner has an option to purchase the parcel.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-3. Admit that Thomas Hand as a Developer knew the Northland Solar Project did not align with the Town of Lowell's Town Plan before submitting the permit application.

Response: Denied.

Person Responsible for Response: Thomas Hand, MHG Solar.

Q.TOL.NS.1-4. Admit that the prefiled testimony of Thomas Hand was written using a report from another project application based on the section of Education services Question stating Q 27. Will the Project cause an unreasonable burden on the Town of Pittsford to provide educational services?" (page 18 line 17) and this testimony is for Lowell Graded School in the town of Lowell.

Response: Admitted that the reference to the Town of Pittsford is an error and should read "Town of Lowell."

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-5. The Prefiled Testimony of Thomas Hand states on A12 that it "The plant will be continually monitored via the internet to confirm proper operation and performance. Energy metering will also be accomplished by remote telemetry." Identify this referenced physical location of the personnel who would be engaged in the remote operation and management, and whether such person or entity is registered to do business in the State of Vermont.

Response: The monitoring contractor has not yet been selected as this typically occurs prior to construction. The contractor will be registered to do business in Vermont.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-6. The Prefiled Testimony of Thomas Hand states on A12 that the Project will be monitored remotely, and that energy will be metered by remote telemetry. State whether a telecommunications tower or transmitting antennae will be constructed to facilitate remote monitoring and/or metering of the Project, and, if so, describe such telecommunications tower or transmitting antennae with particularity, including in your response its location, height, and ground area of supporting structures such as guy wires.

Response: No telecommunications tower or transmitting antennae will be constructed as part of the Project.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-7. State whether a telecommunications tower or transmitting antennae will be constructed to facilitate remote monitoring and/or metering of the VEC substation,

and, if so, describe such telecommunications tower or transmitting antennae with particularity, including in your response its location, height, and ground area of supporting structures such as guy wires.

Response: No telecommunications tower or transmitting antennae will be constructed as part of the Project. No new or separate substation will be constructed. The Project will interconnect to the existing VEC substation, but all Project-specific monitoring equipment will be located on the Project site.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-8. State how many projects have been developed by MHG Solar and of those projects how many do they still own operate and maintain.

Objections: Petitioner reasserts General Objections 1 and 9. The number of projects that MHG Solar owns or operates is not relevant to the Project and its compliance with Section 248 criteria, is outside the scope of the Commission's review under Section 248 and is outside the scope of the Intervenors' intervention and stated interests in this proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: MHG has developed approximately 25 projects in Vermont and currently owns four operating projects that it maintains.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-9. Identify and produce all communications between you and Vermont Electric Cooperative relative to the Project.

Objection: Petitioner reasserts General Objections 1, 6, and 9. This request exceeds the scope of the Intervenors' intervention and stated interests in this proceeding, is not relevant to Intervenors' interests, and is unduly burdensome.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-10. Identify by parcel number each and every parcel upon which any portion of the Project will be located, including in your response the name of the record owner of said parcel and the Town Land Records Book and Page of the deed(s) by which such parcel was acquired by the present record owner.

Objection: Petitioner reasserts General Objections 1, 3, 9, and 10 to the extent that property rights and title history are not within the scope of the Commission's review of the Project under Section 248 or the stated interests of Intervenors and such records are publicly accessible in the Town land records. Without limiting or waiving these objections, Petitioner responds as follows.

Response: The Project is proposed on a single parcel, which is listed as SPAN 360-111-10524 in the Town of Lowell property records. See also Vermont Parcel Viewer (available at <https://experience.arcgis.com/experience/b5a5cc7663c84761a305f70b913e1a60/>).

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-11. Identify all land development of any type including structures, improvements, or subdivisions, and permits for any such land development, whether municipal or state including wetlands and Act 250 permits, on each of the parcels identified by you in your response to Question 1-10 above.

Objection: Petitioner reasserts General Objections 1, 3, 5, 6, 9, and 11. This request exceeds the scope of the Intervenors' intervention and stated interests in this proceeding, is outside the scope of the Commission's Section 248 review, is vague as to the meaning of "land development," and is unduly burdensome. Without waiving these objections, Petitioner responds as follows.

Response: There are no structures on the Project parcel.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-12. Identify all rights of way, easements, and property interests other than record ownership held by any person on each of the parcels identified in your response to the preceding question, including identification of leases of any type whether residential, agricultural or otherwise. Include in your response the Town Land Records Book and Page of the documents memorializing such rights of way, easements or ownership interests to the extent they are recorded in such land records; and identify and produce any such documents that are not recorded in the land records.

Response: Petitioner reasserts General Objections 1, 3, 8, 9 and 10. This request exceeds the scope of the Intervenors' intervention and stated interests in this proceeding, is outside the scope of the Commission's Section 248 review, and is unduly burdensome.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-13. Identify and produce any and all surveys of the Project property, or any portion thereof, created by you or at your direction relative to the Project.

Objection: Petitioner reasserts General Objections 1 and 9. This request exceeds the scope of the Intervenor's intervention and stated interests in this proceeding. Without waiving these objections, Petitioner responds as follows.

Response: Petitioner has not completed a full survey. The site plan included with the Section 248 Petition shows the property boundaries based on land records and field locating. See Note 5, Exh. NS-TH-2. A full survey will be completed prior to construction.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-14. Identify any and all persons or entities with whom you have communicated regarding your selling or otherwise transferring the Project, its CPG, or the land parcels underlying the Project. Identify and produce all documents, communications and contents of oral communications between you and any such person or entity identified.

Objection: Petitioner reasserts Objections 1, 4, 9 and 10. This request is irrelevant to the Commission's review of the Project under Section 248, exceeds the scope of the Intervenor's intervention and stated interests in this proceeding, and calls for disclosure of confidential information.



Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-15. Admit that the solar panels installed at the Northland Solar site will track from east to west each day.

Response: Admitted.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-16. Admit that the solar panels could cause a reflection of sunlight affecting homes and/or buildings on the eastern and western side of the project.

Objection: Petitioner reasserts General Objection 5 to the extent that "affecting" is a vague term incapable of reasonable response and "the eastern and western side of the

project' is not sufficiently specific to be capable of response. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: Admitted that some sunlight reflection is possible on any surface, including solar panels, but denied that the reflection is likely to be of a level to affect homes or buildings near the project. The panels are designed to absorb sunlight and anti reflective coatings are standard on modern modules to improve their light capturing and power production.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-17. Admit that there is a risk to first responders, public, local children, and/or wildlife with the presence of high voltage electrical energy.

Response: Admitted in part, denied in part. Admitted that the presence of high voltage electrical energy may pose a general risk to people or animals, but denied that there is a specific or new risk posed to first responders, public, local children, and/or wildlife from the Project as there is already high voltage electrical energy present on the Project parcel due to the existing transmission line that bisects the parcel and other properties in the town. All voltages within the array fence will be below the voltages of this utility-owned transmission line. The Project will be surrounded by a locked fence, all switchgear equipment will be inside a locked, UL-listed, code-approved electrical enclosure, and the electrical lines that connect the inverters and transformer to the VEC transmission system will be located at an adequate height above ground or otherwise protected. See Prefiled Testimony of Thomas Hand at 22-23. Therefore, any access to the Project by the public, children, or wildlife is extremely unlikely. With respect to first responders that might enter the Project fence in an emergency, it is Petitioner's understanding that emergency responders are trained in dealing with electrical voltage risks.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-18. Identify every ground-mounted solar project in Vermont developed by MHG Solar.

Objection: Petitioner reasserts Objections 1, 3, 9 and 10.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-19. Identify each MHG Solar ground-mounted solar project that has been the subject of a complaint in enforcement.

Objection: Petitioner reasserts Objections 1, 3, 9 and 10. Without limiting or waiving these objections, Petitioner responds as follows.

Response: To my knowledge no project owned by MHG has been the subject of a complaint in enforcement while owned by MHG.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-20. Describe with particularity the process by which Petitioner selected this parcel as the site for this proposed project.

Response: The site was selected because it was deemed to be a good site for a ground mounted solar array. In particular:

- Proximity to existing electrical infrastructure capable of supporting the electrical output of the project with minimal grid upgrades required.
- Proximity to existing roads allowing access to the Project site.
- Relatively flat landform without tree cover.
- Minimal viewshed to public places, and the ability to screen the project in areas with public views.
- The ability to avoid or mitigate environmental impacts.
- An existing landowner willing to sell or lease the land for the project.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-21. Identify with specificity where in Petitioner's Exhibits the Town of Lowell Selectboard designated the project location as:

- a. "preferred site" and
- b. "Ideal for solar"

Objection: Petitioner reasserts Objection 5 insofar as the request does not identify the source of these quotes and requires speculation to respond. Without limiting or waiving this objection, Petitioner responds as follows.

Response: Petitioner does not believe that any exhibits state that the Town of Lowell has identified the Project site as such. Mr. Owens notes that the Project is located on a site identified as "Preferred Prime Ground Mounted Solar" on the NVDA Energy Map Preferred Ground-Mounted Solar Energy Sites, provided in Appendix D to Exhibit NS-JO-2 Aesthetic Analysis and Orderly Development Review.

Person Responsible for Response: Jeremy Owens, T.J. Boyle Associates

Q.TOL.NS.1-22. Admit the Northland Solar project location is on prime/active agricultural land within Lowell Village is unlike the sites featured and pictured on the MHG website which states that "MHG [solar sites have] repurposed slate piles, gravel pits, landfills and industrial lands."

Objection: Petitioner reasserts Objection 5 insofar as this question contains two different statements and is incapable of a reasonable response.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-23. Identify all other alternative sites considered by Northland Solar for this 5000kw array.

Response: No alternative sites were identified for this Project, which is proposed to be 4,999 kW.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-24. Admit that while the applicant states the area will be available for recreational use the project will impact existing trails, disrupt hunting and other current use of the site such as sledding for students.

Objection: Petitioner reasserts General Objection 5 to the extent that "impact" is vague and undefined. Without waiving this objection, Petitioner responds as follows.

Response: Denied. Petitioner has stated that the VAST trail will continue to be able to go through the parcel and that Petitioner will allow continued use of the parcel for sledding for students.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-25. Admit that the Northland Solar project application does not equitably balance NVDA's policy that permitting of renewable energy development "... shall first consider current historical land use and the culture of the region, community opinion... as well as landowner rights."



Response: Denied.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-26. Admit that Northland Solar minimal compliance with notification deadlines was intended to conceal project development and limit public and intervenor input.

Response: Denied. There is no such thing as “minimal compliance” with notification deadlines. Petitioner fully complied with all required notification deadlines, which provided the Town and all adjoining landowners with over 45 days notice of Petitioner’s intent to file a Section 248 petition, as well as notice once the petition was filed.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-27. Admit that the compressed schedule put forth by Northland Solar puts undue stress on the intervenors and community to participate in the process.

Response: Denied.

Person Responsible for Response: Thomas Hand, MHG Solar

SITE PREPARATION: 30 VSA §(A)(2)(A)

Q.TOL.NS.1-28. Identify and describe with particularity all soil percolation (perc) tests performed on the Project property, including in your response the date and location of each such test and by whom it was performed.

Objection: Petitioner reasserts General Objection 9 as the question exceeds the scope of the requesting party’s intervention. Without limiting or waiving this objection, Petitioner responds as follows:



Response: No soil percolation testing has been performed to date.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-29. Identify and produce all reports, data sets, and communications relative to the percolation tests described in your response to the preceding question.

Objection: Petitioner reasserts General Objection 5. Without limiting or waiving this objection, Petitioner responds as follows.

Response: See response to Q.TOL.NS.1-28.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-30. Identify and describe with particularity all geotechnical boring which has been performed on the Project properties, including in your response:

- a. the location of each such geotechnical boring; and,
- b. by whom it was conducted; and,
- c. the date on which it was conducted, and,
- d. identify and produce any and all reports, records or results of such boring.

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: No geotechnical borings have been performed.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-31. Describe with particularity the method and process by which you will remove and dispose of all trees to be cut on the Project property, including in your response:

Response: The Project proposes only a small amount of vegetation management (0.03 acres) in two discrete areas with respect to existing trees on site. See Site Plan (Exh. NS-TH-2). In these areas, trees may be limbed or cut only to the extent required to install overhead wire and poles. Potential equipment for this management may include chainsaws or other mechanical means of cutting trees. See also the Prefiled Testimony of Seth Goddard at 5-6.

Person Responsible for Response: Thomas Hand, MHG Solar

- a. whether wood will be chipped on the Project property and, if so, whether the noise and fuel use of the chippers has been incorporated into your assessment of sound impacts and your assessment of greenhouse gas impacts and air pollution; and,

Objection: Petitioner reasserts General Objection 9 as to any issues related to noise, waste disposal, greenhouse gas impacts and air pollution, which are beyond

the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: Please see pages 6-7 of the Prefiled Testimony of Seth Goddard. The noise and fuel use of the chippers, if necessary, will be temporary and limited in duration and therefore has not been incorporated in the Project operational sound analysis. Temporary emission of minimal levels of air pollutants during construction was considered by Petitioner. See Prefiled Testimony of Thomas Hand at 16.

Person Responsible for Response: Thomas Hand, MHG Solar

- b. whether the noise and fuel use of running of the equipment necessary for tree removal (saws, whole-tree-harvesting machinery) has been incorporated into your assessment of sound impacts and your assessment of greenhouse gas impacts and air pollution; and,**

Objection: Petitioner reasserts Objection 9 as to any issues related to noise, waste disposal, greenhouse gas impacts and air pollution, which are beyond the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: The noise and fuel use of any equipment necessary for tree removal will be temporary and limited in duration and therefore has not been incorporated in the Project operational sound analysis. Temporary emission of minimal levels of air pollutants during construction was considered by Petitioner. see Prefiled Testimony of Thomas Hand at 16.

Person Responsible for Response: Thomas Hand, MHG Solar

- c. whether any wood will be burned on the property, and, if so, whether you incorporated such burning into your assessment of greenhouse gas impact and air pollution; and,**

Objection: Petitioner reasserts Objection 9 as to any issues related to greenhouse gas impacts and air pollution, which are beyond the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: Petitioner does not intend to burn any of the wood on the Property.

Person Responsible for Response: Thomas Hand, MHG Solar

- d. whether the wood will be processed into saleable units on the Project property, and, if so, whether the noise and fuel use of the splitters, portable sawmills, or other such equipment to be used in such processing has been incorporated into your assessment of sound impacts and your assessment of greenhouse gas impacts and air pollution; and,**

Objection: Petitioner reasserts General Objection 9 as to any issues related to noise, waste disposal, greenhouse gas impacts and air pollution, which are beyond the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: Although a final decision has not been made as to whether wood would be prepared for sale on site, it is currently expected that any tree trunks and large limbs from vegetative clearing will be removed from the site and utilized as firewood. The noise and fuel use of any equipment necessary for splitting wood will be temporary and limited in duration and therefore has not been incorporated in the Project operational sound analysis. Temporary emission of minimal levels of air pollutants during construction was considered by Petitioner. See Prefiled Testimony of Thomas Hand at 16.

Person Responsible for Response: Thomas Hand, MHG Solar

- e. whether wood will be sold from the Project parcel, and, if so, where the wood will be stockpiled and accessed for sale; and,**

Objection: Petitioner reasserts General Objection 1 as the sale of wood from the property is irrelevant to this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: A decision has not been made as to whether wood from the site will be sold. Petitioner does not expect wood to be stockpiled on site for sale.

Person Responsible for Response: Thomas Hand, MHG Solar

- f. whether, if a CPG is granted for the Project, you would consider donating the wood to be cut to a nonprofit entity such as Habitat for Humanity or a firewood fuel bank for persons in need of heating assistance.**

Response: Yes.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-32. Explain all steps or measures you will take to Preclude the introduction of invasive species via construction equipment, fill or gravel to be utilized on the project site.


Objection: Petitioner reasserts Objection 9 to the extent it exceeds the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, the Petitioner responds as follows:

Response: No specific steps have been proposed at this time. The Project will follow all non-native invasive species protective measures required by the Agency of Natural Resources, if any.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-33. Explain all steps or measures you will take to prevent "USDA prohibited substances" such as fuels, herbicides and chemicals from construction and maintenance operations from impacting the wetlands and adjoining lands.

Objection: Petitioner reasserts General Objections 5 and 9 to the extent it requires speculation as to what "USDA prohibited substances" refers to, does not cite a source for this term, and with respect to wetlands, exceeds the scope of the Intervenor's intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objections, the Petitioner responds as follows.

Response: The only construction and operational impacts to wetlands as a result of the Project array will be the installation of some support and fence posts within a Class III wetland area and a new access road stream crossing to allow ongoing access to the northernmost portion of the array. NS will attain a stream alteration permit with the VT  R Watershed Management Division for the stream crossing. With respect to adjoining lands, Petitioner does not propose any construction or maintenance operation activities to take place on any adjoining lands. No herbicides will be used on the site.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-34. Describe in detail all steps to be taken to control growth of vegetation under and around the solar panels, including in your response whether herbicides will be used to control growth of vegetation, and if so, identify such herbicides.

Response: Vegetation will be mowed as needed. No herbicides will be used.

Person Responsible for Response: Thomas Hand, MHG Solar

ECONOMIC BENEFIT AND NEED FOR THE PROJECT: 30 VSA §(A)(2)(A)

Q.TOL.NS.1-35. Admit that the Northeast Kingdom already hosts a lot of renewables and not much load relative to other regions in the state.

Objection: Petitioner reasserts Objections 5 and 9, because the phrases “a lot of” and “not much” are vague and ambiguous, and questions regarding economic benefit and need for the project exceed the scope of the requesting party’s intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-36. Admit that the Town of Lowell already hosts a substantial volume of renewable energy production in the current Kingdom Community Wind Project at 63 MW.

Response: Petitioner reasserts Objections 5 and 9, because the term “substantial” is vague and ambiguous, and questions regarding economic benefit and need for the project exceed the scope of the requesting party’s intervention and stated interests in the proceeding.



Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-37. Admit that there is impact to the Sheffield-Highgate Export Interface with the Northland Solar project.

Response: Petitioner reasserts Objections 5 and 9, because the term “impact” is vague and ambiguous, and questions regarding economic benefit and need for the project exceed the scope of the requesting party’s intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-38. State the fee or fee(s) paid by you, or on behalf of you, to Synapse Energy Economics that is being referenced in Thomas Hand's Testimony on page 15 paragraph 3.

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-39. Produce the report prepared in December 2020 by Synapse Energy Economics that is being referenced in Thomas Hand's Testimony on page 15 paragraph 3.

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving this objection, Petitioner responds as follows.

Response: See link provided in footnote 5 in the Prefiled Testimony of Thomas Hand.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-40. State and detail the country of origin of all products being utilized in construction of the Northland Solar Project.

Objection: Petitioner reasserts General Objections 1, 6, and 9 as this request is irrelevant to the Commission's review under Section 248, is unduly burdensome, and goes beyond the scope of the requesting party's intervention and stated interests in this proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Final equipment selection will be made after issuance of the CPG.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-41. Explain with specificity how the purchase of each item listed in your response to the prior question provides economic benefit to the State of Vermont.

Objection: Petitioner reasserts General Objection 9 as this request goes beyond the scope of the requesting party's intervention and stated interests in this proceeding. Without limiting or waiving this objection, Petitioner responds as follows.

Response: See response to Q.TOL.NS.1-40.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-42. State whether the construction of the Project will be performed by Vermont-based contractors, including excavation, road construction, and PV panel installation.

Objection: Petitioner reasserts General Objection 9 as this request goes beyond the scope of the requesting party's intervention and stated interests in this proceeding. Without limiting or waiving this objection, Petitioner responds as follows.

Response: Contractors have not yet been selected.

Person Responsible for Response: Thomas Hand, MHG Solar

GREENHOUSE GAS IMPACTS

Q.TOL.NS.1-43. Quantify and describe in detail the greenhouse gasses produced in the manufacturing, transportation, decommissioning, recycling and/or disposal of all equipment and materials to be utilized in the construction and operation of the proposed Project, including but not limited to the following:

- a. the PV panels and associated wiring and cabling**
- b. transformers**
- c. fencing**
- d. gravel and other roadbed materials**

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-44. Explain with specificity how the greenhouse gasses quantified in your response to the previous question were included in your analysis and calculations of greenhouse gas emissions for the Project.

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-45. Given your determination that energy demands in New England are increasing, particularly in regard to the need for additional capacity to charge electric vehicles, explain with specificity why you determine that the Project will displace fossil-fuel electric generating capacity, rather than be additive to it.

Objection: Petitioner reasserts General Objections 5 and 9 as this request is vague and unclear with respect to the reference to electric vehicle charging and exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-46. Identify and produce all documents, including but not limited to communications, notes, reports, studies and data, regarding the carbon sequestration functioning--actual or potential--of the proposed Project site, including in your response the estimated annual carbon sequestration, in metric tons/year (or by other commonly used measurement) of the proposed Project site for each year of the proposed Project's life:

- a. under present conditions (that is, with the forestlands and fields left in present state), and,**
- b. under regenerative agricultural and silvicultural practices, and,**
- c. after construction of the proposed Project in place.**

Objection: Petitioner reasserts General Objections 1, 5, and 9 as this request is unduly burdensome, is vague as to what "carbon sequestration functioning" refers to, would require additional study, and exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows.



Response: Petitioner has no documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

SYSTEM STABILITY AND RELIABILITY: 30 VSA 248(B)(3)

Q.TOL.NS.1-47. State the fee or fee(s) paid by you, or on behalf of you, to Control point Technologies to perform the System Impact Study NS-TH-4a.

Objection: Petitioner reasserts General Objections 4 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and calls for disclosure of confidential information.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-48. Identify and produce all communications between you and ISO New England relative to the Project.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-49. Identify and produce all communications between you and Vermont Electric Cooperative relative to the Project. Include in your response any agreement with Vermont Electric Cooperative relative to design, construction, operation and maintenance of the VEC substation associated with the Project.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-50. Identify and produce data used to calculate the estimated expected annual energy generation including in your response the following:

- a. Name and location of weather data source, with latitude and longitude, and
- b. All PV system specifications, including DC and AC System Size, module type, Array Tilt and Angle, Azimuth, system losses and inverter efficiency, and
- c. Name of computer simulation program, e.g. NREL PVWatts.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.



Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-51. Provide detailed output results referred to in the prior question relative to the computer analysis that resulted in the annual energy estimate, including in your response the following:

- a. **monthly Solar radiation in kWh/meter squared/day, and**
- b. **monthly AC energy generated in MWh, and,**
- c. **daily AC energy generated in MWh, and,**
- d. **hourly AC energy generated in MWh.**

If you cannot provide these responses, state why these detailed simulation results were not obtained for a 5 MW project.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-52. For one or more of the operating solar projects financed and/or developed by MHG Solar in New England that is closest to the proposed Northland Solar location, and which has a commercial operating date prior to 1/1/2025, identify and produce actual hourly generation in MWh per hour for calendar year 2024.

If none of the MHG solar projects have a commercial operating date prior to 1/1/2025, identify and produce the hourly data requested for the latest 12 months.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding.

Person Responsible for Response: Counsel for Petitioner

ORDERLY DEVELOPMENT: 30 V.S.A. § 248(B)(1)

Q.TOL.NS.1-53. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Agency of Agriculture, Food and Markets.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachments Q.TOL.NS.1-53_1 and Q.TOL.NS.1-53_2.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-54. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Housing and Conservation Board.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response: There are no documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-55. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Division for Historic Preservation.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachments Q.TOL.NS.1-55_1 through Q.TOL.NS.1-55_3.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-56. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the office of the Governor of the State of Vermont.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response: There are no documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-57. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Department of Taxes.



Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response: There are no documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-58. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Agency of Commerce and Community Development or any subdivision thereof.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Please see the response to Q.TOL.NS.1-55 regarding communications with  Division for Historic Preservation. There are no other documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-59. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Agency of Natural Resources.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachments Q.TOL.NS.1-59_1 through Q.TOL.NS.1-59_5.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-60. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Department of Public Service.


Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachments Q.TOL.NS.1-60_1 through Q.TOL.NS.1-60_2.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-61. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Vermont Agency of Transportation.


Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachment Q.TOL.NS.1-61.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-62. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Northeastern Vermont Development Association.

Objection: Petitioner reasserts General Objection 6. Without limiting or waiving this objection, Petitioner responds as follows.

Response:  Attachment Q.TOL.NS.1-62.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-63. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and the Town of Lowell, including but not limited to any and all documents, communications, and contents of oral communications pertaining to the Project between you and any official, employee, or representative of Town of Lowell.

Objection: Petitioner reasserts Objection 3 as the Town of Lowell is an Intervenor and therefore this information has already been produced.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-64. Identify and produce all documents, communications, and contents of oral communications pertaining to the Project between you and community members or adjoining landowners in the town of Lowell.

Objection: Petitioner reasserts Objection 3 to the extent that the Intervenor have requested communications involving themselves, which have already been produced. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response:  Attachments Q.TOL.NS.1-64_1 through Q.TOL.NS.1-64_5.

Person Responsible for Response: Thomas Hand, MHG Solar

AESTHETICS, HISTORIC RESOURCES AND PUBLIC HEALTH AND SAFETY: 30
V.S.A. § 248(B)(5); 10 V.S.A. § 6086(A)(8)
Visual Aesthetic Impacts

Q.TOL.NS.1-65. State whether or not the Prefiled Testimony and Exhibits of Jeremy B. Owens comprise the complete statement of Mr. Owens' opinions regarding the aesthetic analysis of this Project, as well as the complete facts and data considered by Mr. Owens in forming his opinions regarding the aesthetic analysis of this Project. If your answer to this inquiry is negative, identify and produce any and all additional opinions, facts and data not included in the Prefiled Testimony and Exhibits of Jeremy B. Owens which comprise the complete statement of his opinions and the complete facts and data relied upon by him.

Objection: This request is premature. The expert's opinions, as reflected in the Prefiled Testimony and any related report(s) filed as exhibit(s), are based on the facts and data included in the sponsored exhibits regarding the specific Section 248 criteria addressed. Additional facts and opinions of the expert, if any, regarding the criterion they are testifying on will be provided to the parties in accordance with the Commission's schedule.



Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-66. State the fee or fee(s) paid by you, or on behalf of you, to Jeremy B. Owens or T.J. Boyle Associates or Krebs and Lancing relative to any and all services pertaining to this Project, and if such fee or fee(s) were paid on your behalf by another person or entity, identify that person or entity.

Objection: Petitioner reasserts General Objections 1, 4 and 9. This request calls for disclosure of confidential information.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-67. Explain if there is a third-party audit for the T.J. Boyle Associates aesthetic study as it seems very opinionated and not based on fact.

Objection: Petitioner reasserts General Objection 5 as this question is vague, requires speculation to respond, and is incapable of a reasonable answer. Without limiting or waiving the foregoing objection, the Petitioner responds as follows:

Response: Petitioner will not be conducting a third-party audit of Petitioner's aesthetic study.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-68. Admit that the Northland Solar Project is in the Village of Lowell based on the NVDA Regional Map page 18.

Response: Denied. The NVDA Region: Future Land Use map (see Exhibit NS-JO-2 Appendix D at PDF p. 9) does not portray village boundaries. The Town of Lowell website contains a zoning map that shows the Project is not within the "Village" zoning district. See Attachment Q.TOL.NS.1-68.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-69. Admit the project as proposed in the site plan is visible from Madonna Sullivan's property.

Response: Admitted, as described in Exhibit NS-JO-2 at p. 5.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-70. Admit the project as proposed in the site plan is visible from Douglas and Deborah Manning's property.

Response: Admitted, as described in Exhibit NS-JO-2 at p. 5.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-71. Admit the project as proposed in the site plan is visible from Mountain View Cemetery property.

Response: Admitted, as described in Exhibit NS-JO-2 at p. 4.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-72. Admit the project as proposed in the site plan is visible from Lowell Graded School.

Response: Admitted, as described in Exhibit NS-JO-2 at p. 4.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-73. Admit the project as proposed in the site plan is visible from Vast Trail.

Objection: Petitioner reasserts General Objections 5 and 9, because the Intervenors do not specify the specific reference point along the VAST trail and questions regarding recreational use exceed the scope of the requesting party's intervention. Without limiting or waiving the foregoing objection, the Petitioner assumes that the question refers to the portion of the VAST trail that is located on the Project and responds as follows:

Response: Admitted that the Project is visible from the VAST trail on the Project parcel.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-74. Admit the project as proposed in the site plan is visible from Scenic Route 58.

Response: Admitted that there will be limited visibility from certain points on Route 58, as described in Exhibit NS-JO-2 at p. 4-5.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-75. Admit the project as proposed in the site plan is visible from Madonna Sullivan's property.

Objection: Petitioner reasserts General Objections 3 and 6, because the Intervenors have already requested this admission. Without limiting or waiving the foregoing objection, the Petitioner responds as follows:

Response: See response to Q.TOL.NS.1-69 above.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-76. Admit that Route 58 is a state designated scenic byway.

Response: Denied. Petitioner is not aware of any state designation of Route 58 as a scenic byway.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-77. “Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?” In regard to this statement, identify industrial facilities within the immediate surroundings of the proposed Project. Should there be no industrial facilities within the immediate surroundings of the proposed Project, identify the largest industrial facility within the Town of Lowell, including its location.

Objection: Petitioner reasserts General Objections 3 and 5 as the request is vague as to “industrial facilities” and calls for information that is publicly available. Without limiting or waiving these objections, Petitioner responds as follows.

Response: In the area immediately around the Project site, there are two utility electrical substations and associated control buildings and a transmission line that bisects the parcel and continues on to adjoining properties. Within the surrounding area, industrial facilities and infrastructure include distribution and transmission lines along nearby roadways and fields, one cell tower in the “Village” zoning district approximately 1,010 feet from the Project parcel, one cell tower approximately 1.3 miles southwest of the site, and a group of wind turbine generators to the southwest, all of which are visible in the landscape from areas in and around the Project site. Please see Exhibit NS-JO-2 (Appendix B) for photos showing that the utility substations, Village cell tower and wind turbines are visible from the Project site.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-78. Admit the project does not comply with Regional Plan for the Northeast Kingdom put out by the NVDA and cited as evidence NS-JO-2 Appendix D more specifically;

- a. with Future Land Use & Development Goals- “New development will be compatible with existing land uses, and consistent with local plans.” (pg. 26 line 34)**
- b. with Future Land Use & Development Goals- “Significant development proposals will consider the impact on adjacent regions.” (pg.26 line 38)**

- c. **with Siting Policies for Solar that the Northland Solar Project does not meet “Brownfield sites not located in a designated downtown or village center” (pg. 61)**
- d. **“The Northeast Kingdom has a robust agricultural economy, and NVDA discourages siting ground-mounted solar in a manner that fragments productive agricultural soils, effectively removing farmland from production for decades.” (pg. 61)**
- e. **with Natural Resource Goals- “Private, public and community interests should be considered in matters affecting local recreation and open space.”(pg. 189)**

Response: Denied that the Project does not comply with the Regional Plan for the Northeast Kingdom put out by the NVDA.

- a. Denied.
- b. Denied.
- c. Admitted that the Project is not proposed on a brownfield or in a designated village center, denied that the Project does not comply with the Regional Plan because it is not located on a brownfield. The NVDA's list of prioritized sites is not a mandate or, by extension, a declaration that all other sites are unsuitable for solar generation.
- d. Denied. The NVDA's language includes the word “discourages,” it does not prohibit development of ground-mounted solar generation.
- e. Denied.

Person Responsible for Response: Jeremy Owens, T.J. Boyle and Thomas Hand, MHG Solar

Q.TOL.NS.1-79. Admit that the Northland Solar Project is in a Possible Constraint area as per the NVDA Energy Map on page 23 of its Update and Readoption of Northeastern Vermont Regional Plan.



Response: Admitted that it appears the Project is in a possible constraint area. The scale of the map makes it difficult to determine the exact areas of possible constraints.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-80. Admit that the project would interfere with the orderly development of the Town of Lowell.

Response: Denied.

Person Responsible for Response: Jeremy Owens, T.J. Boyle.

Q.TOL.NS.1-81. Admit the Northland Solar proposed will be visible from the Mountain View Cemetery.

Objection: Petitioner reasserts General Objection 3, because the Intervenors have already requested this admission. Without limiting or waiving the foregoing objection, the Petitioner responds as follows.

Response: See response to Q.TOL.NS.1-71 above.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-82. Admit the Northland Solar proposed project fencing and plantings are inadequate to conceal solar array from all adjoining landowners.

Objection: Petitioner reasserts General Objection 5 because the terms “inadequate” and “conceal” are vague and ambiguous and incapable of a reasonable response. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Admitted in part, denied in part. Admitted that there will be screened visibility of the Project from some adjoining properties and denied that the proposed Project fencing and plantings will provide inadequate screening.



Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-83. Admit that the screenings put in place to block the solar array will be visible in the mountain views from scenic Route 58.

Objection: Petitioner reasserts General Objection 5 because the term “mountain views” are vague and ambiguous and requires speculation as to where those views are located along Vermont Route 58. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: Admitted in part, denied in part. Admitted that the screening plants may be briefly visible from certain points on Route 58, but the vegetation will be set back more than 300 feet from the edge of the traveled roadway and will be behind other existing taller vegetation that is in closer proximity to Route 58. Denied that views of mountains from Route 58 will be interrupted by the proposed screening vegetation for the Project.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-84. Admit that the Northland Solar project is in direct contradiction to the Town of Lowell Plan more specifically;

- a. it's Vision Statement on page 8 "To remain a rural agricultural town that encourages farming... that integrates harmoniously into its residential areas."**
- b. it's Goals and Objectives "...to foster harmony among neighbors and to protect and maintain the rural lifestyle."**
- c. it's Goals and Objectives pg. 9 "Maintain the town's beautiful rural character... eliminating unsightly areas."**



Objection: Petitioner reasserts General Objection 5 to the extent that this question includes misquotes or omits phrases or words that impact the context of the quote. Without waiving or limiting this objection, Petitioner responds as follows.

Response:

- a. Denied.
- b. Denied.
- c. Denied. The Project does not interfere with the Town's goal of "eliminating junk yards and unsightly areas."

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-85. Admit that the Northland Solar Project does not comprise farming.

Response: Admitted in part, denied in part. Admitted that the primary objective of the project is not farming but denied there is no possibility of portions of the Project site being used for farming after the Project is constructed and during its operational lifespan.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-86. Admit that the Northland Solar Project is not an agricultural use of the land.

Objection: Petitioner reasserts General Objection 5 because the term "agricultural use" is vague and ambiguous. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: Admitted in part, denied in part. Admitted that the primary objective of the project is not for agricultural use but denied there is no possibility of portions of the

Project site being used for agricultural activities after the Project is constructed and during its operational lifespan.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-87. Admit that the Northland Solar Project is not harmonious with the residential areas.

Objection: Petitioner reasserts General Objection 5 because the term “residential areas” is vague and ambiguous and requires speculation as to where those areas are located in relation to the Project. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: Denied. There is existing utility electrical infrastructure, including two utility substations and utility transmission lines in the immediate area of the Project and the landscape mitigation plan is intentionally designed to help the Project further harmonize with its surroundings and neighboring residences. See discussion in Exhibit NS-JO-2.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-88. Admit that the Northland Solar Project does not foster harmony among neighbors.

Objection: Petitioner reasserts General Objection 5 because this admission request requires speculation as to the meaning of the phrasing and the admission cannot be reasonably answered.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-89. Admit that the Northland Solar Project does not advance the rural lifestyle.

Objection: Petitioner reasserts General Objection 5 because the term “rural lifestyle” is not defined, requires speculation as to the meaning of this phrase, and the admission cannot be reasonably answered.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-90. Admit that the Northland Solar Project is a visual intrusion.

Objection: Petitioner reasserts General Objection 5 because the term “visual intrusion” is not defined, requires speculation as to the meaning of the phrase, and the admission cannot be reasonably answered.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-91. Admit that the Northland Solar Project does not maintain the beautiful rural character.

Objection: Petitioner reasserts General Objection 5 because the term “beautiful rural character” is vague, requires speculation as to the meaning of the phrase, does not specify a location, and the admission cannot be reasonably answered.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-92. State whether Mr. Owens has ever testified in any court or agency proceeding that a solar electric generation facility project would create an adverse aesthetic effect. If so, please identify each such project, and produce Mr. Owens' report and testimony regarding it.

Objection: Petitioner reasserts General Objections 1, 3 and 6 because this information is publicly available and the request is unduly burdensome. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Mr. Owens has previously provided testimony that solar generation projects would result in an adverse aesthetic impact, including in this proceeding. See Exhibit NS-JO-2. Other testimony provided by Mr. Owens before the PUC regarding solar generation projects is publicly available and a portion of the projects he has provided testimony on are listed in his resume provided as Exhibit NS-JO-1.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-93. Describe in detail each and every aesthetic mitigation step or technique which Mr. Owens advised Northland Solar, LLC to undertake in order to mitigate the adverse aesthetic impacts of this Project.

Objection: Objection: Petitioner reasserts General Objection 2 to the extent that this request calls for disclosure of privileged material. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: See Exhibit NS-JO-2, which contains a list of the mitigation steps incorporated for the Project and Mr. Owens' conclusion that the Project incorporates reasonable siting and landscape mitigation efforts, including a landscaping plan developed by Mr. Owens. To mitigate the adverse aesthetic impacts of the Project, Petitioner has proposed predominantly evergreen vegetation plantings to reduce visibility of the Project elements from the northwest, west, south, and east. This proposed vegetation will help harmonize the proposed Project with its surroundings.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-94. Identify and describe with specificity each and every light or other source of illumination proposed to be installed on each and every element of the Project and VEC substation, including:

- a. its location, and,
- b. whether it would be controlled manually, remotely, or automatically by timer, motion sensor or some other device, and,
- c. the brightness of such light source in lumens, and,
- d. any shielding associated with such light source.

Objection: Petitioner reasserts General Objections 1 and 8 to the extent that "every light or other source of illumination" is overbroad and would include any light on any piece of equipment, including minute indicator lights. Without limiting or waiving these objections, Petitioner responds as follows.

Response: No lighting is proposed for the Project site or to be added to the VEC substation as a result of the Project.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-95. Admit that the project developer and its contractors are not a "neutral party."

Objection: Petitioner reasserts General Objection 5 because the term "neutral party" is vague, requires speculation as to what it refers to, and the admission cannot be reasonably answered. Without limiting or waiving the foregoing objection, Petitioner responds as follows:

Response: Admitted that Petitioner is a party to this proceeding, and some contractors are consultants providing testimony on behalf of Petitioner in the proceeding.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-96. Identify each additional location or vantage point from which you had considered producing photo simulations, but did not in fact produce such photo simulation, and explain why you did not do so.

Response: No photo simulations were prepared or produced in Petitioner's petition materials.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-97. Identify any and all fencing and signage you intend to install on the Project site and at the VEC substation, including any and all warning signage.

Response: See the Prefiled Testimony of Thomas Hand at pages 23-24. No Project signs or fencing will be installed at the VEC substation.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-98. Admit that the Northland Solar Project will be located within the groundwater Source Protection Area of the Lowell Graded School Water System (WSID:VT0006650).

Response: Admitted in part, denied in part. Admitted that a small portion of the proposed Project access drive extension (approximately 105 square feet), as well as two proposed utility poles carrying overhead wire that will connect the Project to the VEC substation are located within the groundwater source protection area ("SPA"). Paved and gravel access roads and driveways as well as utility poles for overhead power are common infrastructure throughout the SPA. Denied that the fenced-in Project site is within the SPA. See Exhibit NS-TH-2.



Person Responsible for Response: Seth Goddard, Krebs & Lansing

Q.TOL.NS.1-99. Describe with particularity the element of design construction and maintenance of the project which you are undertaking for the protection of children from the nearby school. Include in your response a description of how each such element differs from those designed, constructed or maintained at solar facilities constructed by you in locations not adjacent to a school.

Response: The school is located across Route 100 from the Project parcel at a distance of approximately 900 ft from the nearest array and is not directly adjacent to the site. Nonetheless, as with all other projects developed by MHG Solar, and as described in the Prefiled Testimony of Thomas Hand at pages 22-23, this Project is designed to meet the applicable requirements set forth in the National Electrical Safety Code and National Electric Code and will be surrounded by a minimum 7' high locked fence to prevent unauthorized access to the facility. Additionally:

- All switchgear equipment will be inside a locked, UL-listed, code-approved electrical enclosure;
- The aforementioned fence will be posted with appropriate electrical warning signs; and
- The transformers will be installed with a secondary containment structure capable of holding 110 percent of the volume of oil in each transformer plus a minimum of five inches of freeboard so that the surrounding land and water resources would be protected in the unlikely event that any transformer fluid leaks from the transformer; and
- Transformers will use a non-toxic, biodegradable cooling oil.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-100. In regard to the aesthetic impact of the solar panels as discussed, generally identify and produce all studies, data, resources or materials relied on to assess the potential for glare from the panels.

Response: Petitioner does not have any documents responsive to this request. The solar panels are designed to absorb rather than reflect the sun's energy and the proposed trackers will move incrementally throughout the day with the sun to further maximize absorption. Furthermore, the Petitioner plans to use panels that have an anti-reflective coating.


Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-101. Admit that a spring on the project site provides water that serves at least two properties.

Objection: Petitioner reasserts General Objections 5, 6, and 9 to the extent that this request does not identify the location of the spring or properties referenced, is vague and ambiguous, is outside the scope of the requests parties' intervention and stated interests in

this proceeding. Without limiting or waiving the foregoing objection, Petitioner responds as follows:


Response: Denied. I have no knowledge of a spring providing water to other properties on the project site. There were no visible wells or springs identified within the area of the solar array and the Vermont Natural Resource Atlas, maintained by the Agency of Natural Resources and available at: <https://anrmaps.vermont.gov/websites/anra5/>, does not show any wells or springs on the Project parcel. See also Attachment Q.TOL.NS.1-101.

 Person Responsible for Response: Thomas Hand, MHG Solar and Seth Goddard, Krebs & Lansing

Q.TOL.NS.1-102. Admit that more than 4 residents will be affected aesthetically by the Northland Solar project with reference to Map 2: Terrain Viewshed map. There are many dark purple locations deemed high potential for visibility within Non forested areas.

Objection: Petitioner reasserts General Objection 5 because the term “affected aesthetically” is vague and ambiguous and incapable of a reasonable response and the request contains a statement. Without limiting or waiving the foregoing objection, Petitioner responds as follows:

Response: Admitted that the portions of the Project will be visible from certain locations, as described in Exhibit NS-JO-2 and that it is possible that some degree of visibility may occur from more than four residential properties.

Map 2: Terrain Viewshed Map in Appendix A to Exhibit NS-JO-2 shows potential visibility assuming there are no trees, buildings or other obstructions in the landscape, and is best used to determine where visibility will not occur. Importantly, Map 3: Vegetated Viewshed Map in Appendix A to Exhibit NS-JO-2 shows a more realistic viewshed that includes the screening effects of intervening trees or other obstructions,  is best used for determining where visibility is more likely to occur.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-103. Identify and produce the highest resolution images available for all base photos and visual simulation graphics as individual PDF or JPEG files (that is, files that have not been downsized to fit into the larger aesthetics report).

Response: All base photography for the images in Appendix B to Exhibit NS-JO-2 is provided in the folder labeled Attachment Q.TOL.NS.1-103. Visual simulations have not

been prepared and therefore cannot be produced. Note that the focal lengths for the base photography are from a DX format sensor, and so a conversion factor must be applied to correlate the focal length to that of a traditional 50mm length camera. Please also note that the focal lengths described in Exhibit NS-JO-2, Appendix B for the single-frame (non-panoramic) photographs are incorrectly stated and should be as follows:

- For Viewpoints 1 and 3 through 14, the equivalent focal length should be 52.5mm
- For Viewpoint 2, the equivalent focal length should be 57mm.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-104. In regard to the Landscaping Mitigation plan, describe with particularity the proposed installation size of each proposed plant species, and the proposed spacing of each plant species (X feet on center).

Response: As noted on Exhibit NS-JO-2 Appendix C – Landscape Mitigation Plan, all plantings are to be field located, and therefore the spacing may vary. Field locating plants helps ensure that plants are located in the best location for screening and are typically flagged on the site prior to planting. As depicted, plant spacing is typically around 7-12 feet apart within groups of plantings. These groups of plants are staggered to reduce the apparent spacing from the direction of view and increase plant density while still allowing space for plants to have healthy canopy growth.

Plant sizes are also noted on this plan in the planting schedule under the “size” column.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-105. Provide a photo example of all fencing typologies proposed for use and installation in the proposed Northland Solar Project.

Objection: Petitioner reasserts General Objections 7 and 8. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Please refer to the equipment specifications provided in Exhibit NS-TH-3, which contains an illustrated image of the proposed fencing.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-106. State with particularity whether you consider the fencing indicated as described in the Aesthetic Assessment and Orderly Development Report (NS-JO-2) if the Fence is considered ‘agricultural’ in nature, identify and produce an example photo of the

particular fence design used in an agricultural setting. If it is not an agricultural fence, indicate why this fencing design was chosen for this project, and what fencing type the Aesthetics Report was referring to by providing an example image.

Objection: Petitioner reasserts General Objection 5 to the extent that it is not clear what the request is asking. Without limiting or waiving this objection, Petitioner responds as follows.

Response: The fence is agricultural in nature in that it is commonly used in agricultural settings. As described in the specification sheet provided in Exhibit NS-TH-3, the fence “gives excellent control for animal containment, exclusion and protection from predators,” indicating that an intended purpose is for the control of animals in pasture or field settings.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-107. State with particularity how many years it will take for the proposed mitigation planting proposed in front of the vegetation labeled “Existing Vegetation (Beyond)” as indicated Aesthetic and Orderly Development Report, to grow to a height that will have visual screening impact of the line of sight from each of the adjoining landowners and Route 100 and Scenic Route 58 towards the proposed solar arrays.

Objection: Petitioner reasserts General Objection 5 to the extent that it is not clear where the phrase “Existing Vegetation (Beyond)” appears in the Aesthetic and Orderly Development Report and “line of sight from each adjoining landowners” is not a specific location and therefore requires speculation to respond. Without limiting or waiving this objection, Petitioner responds as follows.

Response: The proposed plantings will provide some visual screening from these locations immediately after planting.

Person Responsible for Response: Jeremy Owens, T.J. Boyle

Q.TOL.NS.1-108. Admit the Mountainview Cemetery was established in 1812 and is of historical importance to the residents of Lowell.

Objection: Petitioner reasserts General Objections 5, 7, and 8 because the admission request calls for confirmation of information beyond Petitioner's exhibits or knowledge and requires speculation on behalf of all residents of Lowell to answer.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-109. Admit that the parcel owned by Madonna Sullivan an adjoining landowner was a farmhouse built in 1902.

Objection: Petitioner reasserts General Objections 5, 7 and 8 because the admission request calls for confirmation of information beyond Petitioner's exhibits or knowledge.

Person Responsible for Response: Counsel for Petitioner

Auditory Impacts

Q.TOL.NS.1-110. State whether or not the Prefiled Testimony and Exhibits of Seth Goddard comprise the complete statement of Mr. Goddard's opinions regarding the analysis of auditory impacts of this Project, as well as the complete facts and data considered by Mr. Goddard in forming his opinions regarding the analysis of auditory impacts of this Project. If your answer to this inquiry is negative, identify and produce any and all additional opinions, facts and data not included in the Prefiled Testimony and Exhibits of Mr. Goddard which comprise the complete statement of his opinions and the complete facts and data relied upon by him.

Response: This request is premature. The expert's opinions, as reflected in the Prefiled Testimony and any related report(s) filed as exhibit(s), are based on the facts and data included in the sponsored exhibits regarding the specific Section 248 criteria addressed. Additional facts and opinions of the expert, if any, regarding the criterion they are testifying on will be provided to the parties in accordance with the Commission's schedule.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-111. State the fee or fee(s) paid by you, or on behalf of you, to Seth Goddard relative to any and all services pertaining to this Project, and if such fee or fee(s) were paid on your behalf by another person or entity, identify that person or entity.

Objection: Petitioner reasserts General Objections 1, 4 and 9. This request calls for disclosure of confidential information.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-112. Identify and produce all ambient sound monitoring and/or testing results, indicating the location and dates at which ambient sound monitoring and/or testing was conducted and by whom.

Response: No ambient sound testing or monitoring has been performed.

Person Responsible for Response: Seth Goddard, Krebs & Lansing

Q.TOL.NS.1-113. State whether Mr. Goddard or any other person took ambient or background sound measurements in the project vicinity in the winter months, and if so, identify and produce all documentation and results of such measurements.

Response: See response to Q.TOL.NS.1-112.

Person Responsible for Response: Seth Goddard, Krebs & Lansing

Q.TOL.NS.1-114. State whether it is stated by Mr. Goddard that ambient or background sound in the project area would be louder, or less loud, in the winter months. Explain your response.

Objection: Petitioner reasserts General Objection 5 to the extent that this question is confusing in its wording and requires speculation to respond to. Without limiting or waiving this objection, Petitioner responds as follows.

Response: See the testimony and exhibits of Mr. Goddard for his statements regarding the Project's sound levels.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-115. Identify and produce all sound modeling results for the VEC substation.

Objection: Petitioner reasserts General Objections 5 and 10 to the extent that the existing VEC substation is not part of the Project. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Petitioner does not have any documents responsive to this request as the VEC substation is not part of the Project.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-116. Describe with specificity the volume and frequency of vehicles entering and exiting the Project site from Route 100 during
a. site preparation, and
b. construction.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Vehicles required for site preparation are described on pages 7-8 of the Prefiled Testimony of Thomas Hand. As stated on page 18 of the Prefiled Testimony of Thomas Hand, approximately 40-45 (\pm) tractor trailers will deliver modules, racking, and inverters to the site, over the construction period. The peak number of tractor trailer trucks on a given day will likely be between 6 and 8. Passenger vehicles will be required for workers, and we anticipate fewer than 20 per day for the duration of the construction period. All vehicles will comply with applicable weight requirements.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-117. Describe with specificity, including by trips-per-day and anticipated hours of such trips, the volume and frequency of vehicles entering and exiting the Project site via the Route 100 access way during
a. site preparation, and
b. construction.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Please see the response to Q.TOL.NS.1-116.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-118. Describe with specificity, including by trips-per-day and anticipated hours of such trips, the volume and frequency of vehicles entering and exiting the Project site for operation and maintenance of the Project, including in your response the route and location of access to the Project site to be taken by such vehicles, and the location within the Project site where such vehicles will park during operation and maintenance activities.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: Equipment maintenance activities are typically limited to 1 or 2 trips per year. Vehicles typically park near the transformers or inverters. Vegetation maintenance (mowing) is typically performed separately and generally occurs 2-3 times per year and vehicles would be anticipated to park near the Project entrance to offload mowing equipment.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-119. Identify and describe with particularity each piece of site preparation and construction equipment to be used in site preparation and construction of the Project, including but not limited to:

- a. Logging trucks, saws, log lifts, and,
- b. Tractor trailers, pickup trucks, dump trucks, and,
- c. Excavators, grading equipment, and,
- d. Post-hole diggers or pile driving equipment.

Objection: Petitioner reasserts General Objections 1, 5, 6, and 9 as this request requires speculation to respond, exceeds the scope of the requesting party's intervention and stated interests in the proceeding, and is unduly burdensome. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: The exact vehicles and construction equipment required for the site will be determined and provided by subcontractors and exact specifications will not be available until the contractor is selected.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-120. For each such piece of equipment identified and described in your response to Q.1-121, state with specificity how many of each will be present and operating on the Project site at the same time during

- a. site preparation, and
- b. construction.

Objection: Petitioner reasserts General Objections 1, 5, and 9 as this request requires speculation to respond and exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Please see the response to Q.TOL.NS.1-119.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-121. For each such piece of equipment identified and described in your response to Q.1-121, identify and provide the maximum sound pressure levels at 191 feet (the distance of the nearest residence) during its operation.

Objection: Petitioner reasserts General Objections 1, 5, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding, and is unintelligible as it refers to itself. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Please see the response to Q.TOL.NS.1-119. Petitioner does not have measurements of the sound pressure levels of individual construction equipment. See Exh. NS-SG-2, which indicates the sound level from Project equipment at the nearest residence.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-122. Identify and produce any and all sound pressure modeling performed by you regarding the auditory impacts of the Project during
a. site preparation, and
b. construction.

Response: No sound pressure modeling was performed related to the site preparation or construction of the Project as these stages are temporary and activities are limited to daytime hours under the Commission's standard conditions.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-123. State whether you modeled acoustic impacts from the Project on Route 100 and Route 58 at the nearest point to the project. If so, identify and produce all data, reports, and results of that modeling. If not, state why not.

Response: No, we did not. Acoustic impacts were modeled at the nearest residences, which are closer to the Project than either Route 100 or Route 58.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-124. State whether you conducted a confirmational field survey of the proposed inverter equipment under load. If so, state the date and location of such field survey, and identify and produce any and all documents, field notes, data sets, and summarizing memoranda created as a result thereof.

Objection: Petitioner reasserts General Objections 1, 5, 7, and 10 as it is vague and ambiguous what a “confirmational field survey” is intended to mean and is therefore incapable of a reasonable response. Without limiting or waiving these objections, Petitioner responds as follows.

Response: As the Project has not been constructed, Petitioner has not conducted any sort of confirmational field survey of the proposed Project equipment.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-125. Describe with specificity that the sound power levels will be at or lower than NEMA rating for the transformers.

Objection: Petitioner reasserts General Objection 5 to the extent that this question does not identify what sound power levels are being referenced and is therefore incapable of a reasonable response.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-126. State and describe with particularity any and all security measures or devices which will or may generate noise at the Project including but not limited to proximity, fire, flood, or trespass alarms which trigger sound of any nature including vocalizations. For each such security measure or device, describe its purpose (that is, what sets it off) and the sound it will generate when triggered by frequency, decibel level, and nature.

Response: Petitioner is not currently planning on utilizing any security system for the Project that will generate sound or vocalization.

Person Responsible for Response: Thomas Hand, MHG Solar

Public Safety Hazards

Q.TOL.NS.1-127. Identify, produce, and describe with particularity all plans, protocols and safety measures adopted and to be implemented by you in event of each of the following at the project site:

- a. fire during construction, such as fire in construction vehicles on site, and,
- b. fire during operation, including fire in the panels, in the substation or in the vegetation surrounding the panels and/or substation.

Objection: Petitioner reasserts General Objections 1, 5, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and appears to assume there is a substation proposed as part of the Project. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: No specific safety plans, protocols or safety measures have been produced or adopted. Petitioner will work with the Town of Lowell fire department to ensure they are aware of the Project and discuss any fire safety protocols. In general, it is Petitioner's expectation that any fire that could occur during construction or operation of the Project could be addressed with typical firefighting techniques and would be comparable to fires that could occur at other construction sites. The Project does not include a substation.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-128. Identify and produce all communications between you and state and local emergency services providers, including police departments, fire departments, and ambulance organizations, relative to the Project.

Objection: Petitioner reasserts General Objections 1, 6 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: There are no documents responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-129. Identify and produce all insurance or other funds or sureties available to compensate for damages to life, health and property, other than for the life, health and property of the project owners and the owners of the underlying parcel, in the event of fire or other similar incident involving harm or injury from any component of the project.

Objection: Petitioner reasserts General Objections 1, 9, and 10 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and the scope of issues on review.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-130. Identify and describe with particularity any and all substances which are anticipated to be emitted in event of a fire involving the PV panels.

Objection: Petitioner reasserts General Objections 1, 3, 5, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding, and requires speculation to respond to. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Petitioner has no information responsive to this request.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-131. In the event of fire or other emergency on the Project site during nighttime hours, state whether lights from emergency equipment such as firetrucks and heavy rescue equipment (such as light racks used to illuminate nighttime car crash scenes for purposes of rescue) will cause the PV panels to generate electricity. If your response is affirmative, describe with specificity how the generation of electricity can be shut off in such circumstances for the protection of emergency service personnel and other affected persons.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and is based on a speculative future event. Without limiting or waiving the foregoing objections, Petitioner responds as follows.

Response: It is Petitioner's understanding that high intensity lighting, if placed very close to modules, can cause PV modules to generate electricity. The Project will be equipped with protective design measures to shut off electricity in the system. See Exhibit NS-TH-4a at page 21, which includes a description of the disconnect switch between the Project and the distribution system.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-132. Describe with particularity how and by whom the VEC substation will be monitored for fire, vandalism or other emergency.

Objection: Petitioner reasserts General Objections 7, 9 and 10 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and relates to a facility that is not part of the Project. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: No new substation will be built to serve the Project. Petitioner does not have information regarding the monitoring of the existing VEC substation.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-133. Identify and produce the emergency management plan for the VEC substation.

Objection: Petitioner reasserts General Objections 7, 9, and 10 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and relates to a facility that is not part of the Project. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: No new substation will be built to serve the Project. Petitioner does not have any information to offer regarding the emergency management plan of the existing VEC substation.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-134. Identify and produce all communications between VEC and state and local emergency services providers, including police departments, fire departments, and ambulance organizations, relative to the upgraded VEC substation located at the Project site.

Objection: Petitioner reasserts General Objections 5, 9, and 10 as this request relates to communications of another party, exceeds the scope of the requesting party's intervention and stated interests in the proceeding, and relates to a facility that is not part of the Project.

Person Responsible for Response: Counsel for Petitioner

Historic Resources

Q.TOL.NS.1-135. Admit that the Mountain View Cemetery established in 1812 is of National Register Eligible Era.

Objection: Petitioner reasserts General Objections 1, 5, 7 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding, the term "National Register Eligible Era" is undefined and vague and requests admission of specific information that Petitioner does not possess.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-136. Admit that the residence owned by Madonna Sullivan built in 1902 is of National Register Eligible Era.

Objection: Petitioner reasserts General Objections 1, 5, 7, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding, requests admission of specific information that Petitioner does not possess, and the term "National Register Eligible Era" is undefined and vague.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-137. Admit the agricultural property being bought from the Raboin's has been farmland since at least 1902.



Objection: Petitioner reasserts General Objections 1, 5, 7, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding and requests admission of specific information that Petitioner does not possess.

Person Responsible for Response: Counsel for Petitioner

The Natural Environment, Natural Resources, the Natural Beauty of the Area, Wildlife Habitat and Endangered Species:

30 VSA 248(b)(5) and 10 VSA 6086(a)(8)

Q.TOL.NS.1-138. State whether or not the Prefiled Testimony and Exhibits of Michael Lew-Smith as documented by Arrowwood Environmental LLC comprise the complete statement of Mr. Lew-Smith's opinions regarding the environmental impacts of this Project, as well as the complete facts and data considered by Mr. Lew-Smith in forming his opinions regarding the environmental impacts of this Project. If your answer to this

inquiry is negative, identify and produce any and all additional opinions, facts and data not included in the Prefiled Testimony and Exhibits of Michael Lew-Smith which comprise the complete statement of his opinions and the complete facts and data relied upon by him.

Objection: This request is premature. The expert's opinions, as reflected in the Prefiled Testimony and any related report(s) filed as exhibit(s), are based on the facts and data included in the sponsored exhibits regarding the specific Section 248 criteria addressed. Additional facts and opinions of the expert, if any, regarding the criterion they are testifying on will be provided to the parties in accordance with the Commission's schedule.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-139. State the fee or fee(s) paid by you, or on behalf of you, to Michael Lew-Smith relative to any and all services pertaining to this Project, and if such fee or fee(s) were paid on your behalf by another person or entity, identify that person or entity.

Objection: Petitioner reasserts General Objection 1, 4, and 9. This request calls for disclosure of confidential information.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-140. Admit that there has been no site visit at this time for all to see this location.

Response: Denied. The Commission is holding a site visit on December 12, 2025.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-141. Admit that for every animal except the grassland birds there is no specific data stated in the report to support the findings.

Objection: Petitioner reasserts General Objection 5 as the term "specific data" and is undefined and vague and the "report" is not identified. Without limiting or waiving this objection, Petitioner responds as follows.

Response: Denied. Data on habitat presence or absence within the project area was collected for multiple species as outlined in Exhibit NS-MLS-2.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-142. Admit that only 2 visits were made in May 2024 and June 2024 for only 2 hours each to observe for grassland birds.

Response: Admitted.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-143. Admit that male and female Bobolinks were seen at each visit.

Response: Admitted.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-144. Describe in detail the practices which the Project will utilize to minimize the spread of non-native invasive plant species during construction.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in this proceeding and is duplicative of prior requests. Without limiting or waiving these objections, Petitioner responds as follows:

Response: The Project will follow all non-native invasive species protective measures required by the Agency of Natural Resources, if any.

Person Responsible for Response: Thomas Hand, MHG Solar; Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-145. Admit that Michael Lew-Smith states "He did not find any vernal pools in the project area." (page 12- Exhibit NS-MLS-2)

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows:

Response: Denied. This quote does not appear in Exhibit NS-MLS-2. However, as stated in Exhibit NS-MLS-2, Mr. Lew-Smith did not identify any functioning or potentially functioning vernal pools in the Project area during his field assessments.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-146. Admit that there are Class II and Class III Wetlands within the project area.

Objection: Petitioner reasserts General Objections 1, 5, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding, and the term "project area" is undefined and vague. Without limiting or waiving these objections, Petitioner responds as follows:

Response: Admitted in part and denied in part. Admitted that there is one Class III wetland within the Project's fenceline. Denied that there are any Class II wetlands within the Project's fenceline. See Exhibit NS-TH-2.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-147. State with specificity the species and age of each tree to be cut and/or removed from the proposed Project site.

If you lack the information to respond to this question, describe in as much detail as practicable the species, age, and size of all such trees to be cut and/or removed from the proposed Project site.

Identify and produce any and all documents, whether communications, studies, field notes, reports, or data in any form, which has informed your response.

Objection: Petitioner reasserts General Objections 1, 7, 8, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows:

Response: The Project will involve approximately 0.03 acres of vegetative management, which is primarily limbing trees along the proposed overhead power lines and removing limited trees by the existing VEC substation. Petitioner has no specific information or detail about the age of these trees.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-148. Identify and produce all communications between you and any person employed by the Vermont Fish and Wildlife Department relative to this Project.

Response: The Vermont Fish and Wildlife Department is part of the Agency of Natural Resources. See response to Q.TOL.NS.1-59.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-149. Regarding the Grassland Bird Survey appended to NS-MLS-2 (In Memorandum from Aaron Worthley) state whether the two survey observation periods for which survey sheets are provided were, in fact, the only periods of Grassland Bird Survey observation.

Response: The grassland bird field surveys conducted by Arrowwood Environmental for the Project occurred on May 31, 2024 and June 19, 2024 as reflected in the details provided in the survey tables in Appendix 1 to Exhibit NS-MLS-2.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-150. Identify and produce all field notes, memoranda, summaries and any and all other documents, communications, and content of oral communications regarding Grassland Bird Surveys in relation to the Project.

Response: See Attachments in the folder **labeled Q.TOL.NS.1-150.**

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-151. Admit that deer wintering habitat on protected lands borders the Northland Solar project.

Objection: Petitioner reasserts General Objections 5 and 11 to the extent that “protected lands” is vague and undefined and requires a legal conclusion. Without limiting or waiving this objection, Petitioner responds as follows.

Response: **Admitted that there is mapped deer wintering area on an adjoining parcel to the Project parcel.**

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Primary Agricultural Soils

Q.TOL.NS.1-152. Admit there is no prefiled testimony in regard to Primary Agricultural Soils.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Denied. See the Prefiled Testimony of Seth Goddard at pages 10-11.

Person Responsible for Response: Seth Goddard, Krebs and Lansing

Q.TOL.NS.1-153. Admit that the project site is located within an existing agricultural hay field as stated by Michael Lew-Smith.

Response: Admitted.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-154. Provide all of the Natural Resource Assessment digital documents used from the digital database referenced on page 4 from Arrowwood Environmental Northland Solar Project Assessment.

Objection: Petitioner reasserts General Objection 3 as the requested information is available to Intervenors through publicly available databases. Without limiting or waiving this objection, Petitioner responds as follows.

Response: See Attachment Q.TOL.NS.1-154.

Person Responsible for Response: Michael Lew-Smith, Arrowwood Environmental

Q.TOL.NS.1-155. Admit that the Northland Solar Project is not on a Brownfield site.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Admitted.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-156. Admit that the Northland Solar Project is on a Greenfield site.

Objection: Petitioner asserts Objection 1, 5, and 9 to the extent that “Greenfield” is not a defined term and requires speculation to respond, and this request exceeds the scope of the requesting party’s intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: Admitted that the Northland Solar Project site is currently a hayfield.

Person Responsible for Response: Thomas Hand, MHG Solar

Water Conservation and Burden on Existing Water Supply:

10 V.S.A. § 6086(a)(1)(C) and (3)


Impact on Water Purity: 20 VSA 248(b)(5)

Headwaters: 10 VSA 6086(a)(1)(A)

Q.TOL.NS.1-157. Describe with particularity the hydrological characteristics of the parcel underlying the proposed project site, including depth to groundwater table, whether the water table is associated with fractured bedrock, the direction and rates of flow of groundwater on the parcel underlying the project site, any groundwater recharge areas contained therein, and whether any drainage management systems or materials are presently on the parcel including pipes, tile drains or curtain drains.

Response: Petitioner has not conducted hydrological studies and has no knowledge of any drainage management systems presently on the Project’s parcel.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-158. State whether you would be willing to pay for , spring and foundation inspections at the homes adjoining the Project on Route 100 and Route 58 before and after construction.

Objection: Petitioner reasserts General Objections 1 and 9 as this request exceeds the scope of the requesting party’s intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows:

Response: The Project construction does not pose any specific risks to the foundations of homes on Route 100 and Route 58 and therefore it is not reasonable to conduct foundation inspections.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-159. In regard to any grading and/or excavation to occur during construction and installation of the Project,

- a. State with specificity the total soil amounts, in cubic yards, to be removed or moved from its present location; and,**
- b. State with specificity the total amount of rock, in cubic yards, to be removed or moved from its present location; and,**
- c. Describe with specificity the location on the Project site from which such soils or rock will be removed or moved; and,**
- d. State whether soil testing for contaminants or hazardous materials has been, or will be, performed at each such site from which soil will be removed or moved prior; and,**
- e. Describe with particularity the disposition of all soil and rock to be removed or moved, including whether it will be relocated on the Project site or removed from the project site and, if the latter, state to where it will be removed; and,**
- f. Identify and provide all documents relied on or supporting your responses, including but not limited to any soils management plans or contracts for disposition of soil or rock.**

Objection: Petitioner reasserts General Objection 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving this objection, Petitioner responds as follows.

Response:

- a. **There is the potential for approximately 2,252 cubic yards of material to be moved. Excavated soils will be stockpiled on site for the duration of the solar project life span.**
- b. See response to Q.TOL.NS.1-159.a.
- c. These locations are shown on the Site Plan, Sheet C-100.
- d. No soil testing for contaminants or hazardous materials has been performed, nor is any planned.
- e. All soil excavated for any project installation will be stockpiled on site for the duration of the solar project life span. See Site Plan, Sheet C-100 and Details, Sheet C-107, which details the reclamation of Vermont Agricultural Soils.

Person Responsible for Response: Seth Goddard, Krebs & Lansing

Q.TOL.NS.1-160. The prefiled testimony of Michael Lew-Smith states “a small portion of proposed access drive extension for the project is located within the groundwater source protection areas of the Lowell Graded School Water System (Water System ID VT0006650; Well ID: WL001). **“(page 4 line 15) based on exhibit NS-TH-2. Explain in detail what best management practices are being referred to reduce the risk to this water system.**”

Response: The best management practices are described on pages 6-7 of the Prefiled Testimony of Seth Goddard.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-161. State with specificity when you intend to apply for construction and operational stormwater permits?

Response: Petitioner plans to apply for a construction stormwater permit prior to construction of the Project. An operational stormwater permit is not currently anticipated for the Project. If an operational stormwater permit is required, Petitioner will also apply for this permit prior to construction of the Project.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-162.

State whether you will agree to allow and pay for a third party, selected by Intervenors, to install monitoring systems at the Project site, to measure:

- a. rainfall and water runoff amounts; and,**
- b. surface water temperatures at each location where water leaves the Project property; and,**
- c. temperature of the waters of the tributary to LeClair Brook from the Project.**

Objection: Petitioner reasserts General Objections 1, 8, and 9 as this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving these objections, Petitioner responds as follows.

Response: No. The project will be built in compliance with the VT Standards & Specifications for Erosion Prevention and Sediment Control, June 19, 2025 and Petitioner will obtain and comply with all required stormwater permits from the Agency of Natural Resources.

Person Responsible for Response: Thomas Hand, MHG Solar

Transportation: 10 V.S.A. § 6086(a)(5), Impact on Municipal Services and Public Investments: 10 VSA 6086(a)(6) and (7)

Q.TOL.NS.1-163. Identify and produce all communications between you and any employee of Town of Lowell pertaining to permission to engage in work in the Town right of way of Route 100 relative to constructing the project access road.

Objection: Petitioner reasserts General Objection 3 because the Town of Lowell is an Intervenor and therefore this information has already been produced.

Person Responsible for Response: Counsel for Petitioner

Q.TOL.NS.1-164. Identify and describe with particularity the number, nature, and anticipated width and weight of trucks and other vehicles or equipment which would traverse Route 100 on a daily, weekly or monthly basis during construction of the Project. Identify and produce any and all documentation that supports your response.

Objection: Petitioner reasserts General Objection 9 to the extent that this request exceeds Intervenor's scope of intervention and stated interests in this proceeding. Without limiting or waiving the foregoing objection, Petitioner responds as follows.

Response: See Response to Q.TOL.NS.1-116.

Person Responsible for Response: Thomas Hand, MHG Solar

Q.TOL.NS.1-165. Admit that the VAST Trail Access will continue using this property as stated in Thomas Hand's prefiled testimony.

Objection: Petitioner reasserts General Objections 1, 5, and 9 because Petitioner does not control whether the VAST Trail will continue to use the Project site and this request exceeds the scope of the requesting party's intervention and stated interests in the proceeding. Without limiting or waiving the foregoing objections, Petitioner responds as follows:

Response: Admitted that Petitioner has offered to continue to allow VAST Trail access across the property during the Project's operational lifespan if VAST desires to continue using the property.

Person Responsible for Response: Thomas Hand, MHG Solar

Dated at Burlington, Vermont this 12th day of December, 2025.

As to Objections:



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