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**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Docket No. 8816

Petition of Swanton Wind LLC for a )  
certificate of public good, pursuant to )  
30 V.S.A. § 248, for the construction of )  
an up to 20 MW wind-powered electric )  
generation facility powered by up to 7 )  
wind turbines located along Rocky Ridge )  
in Swanton, Vermont )

June 6, 2017

**RESPONSE OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE TO THE  
INTERVENOR LANGS OBJECTION AND MOTION TO STRIKE**

The Vermont Department of Public Service (“Department”), by and through undersigned counsel, submits the following response to *Christine and Dustin Lang’s Opposition, Objection and Motion to Strike Petitioner’s Letter Request for Protective Order/Discovery Limitations* (hereafter “Lang Motion”). The Department generally agrees with the analysis presented by the Lang Motion and supports the motion to strike. In the alternative, the Board could simply deny the Petitioner’s motion to limit discovery.<sup>1</sup>

The Department’s filing of June 2, 2017 addressed the substance of the May 24 letter that the Lang Motion seeks to strike. The argument set forth at pages 7 – 8 of the DPS 6/2/17 filing are incorporated here by this reference. In summary, the Department opposes Petitioner’s request to limit discovery.

The Department has also reviewed filings made on or about June 2 by the Towns of Swanton and Fairfield and the Swanton Planning Commission, the Northwest Regional Planning

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<sup>1</sup> At the status conference held May 24, 2017 the Board directed parties to respond to Petitioner’s request to limit discovery, as presented in Attorney Cadwell’s letter of the same date. No response was sought with respect to Petitioner’s notice (in footnote 1 of the May 24 letter) that it intends to seek reimbursement for its experts’ time answering discovery. Tr. 5/24/17 at 17 – 18.

Commission, and the Citizen Intervenors. All parties oppose the Petitioner's request to limit discovery, and present cogent arguments reflecting their positions. The Department generally agrees with the arguments in those non-petitioner filings, and asks that the Board carefully consider them. As persuasively argued in Ms. Kane's letter on behalf of the Citizen Intervenors, the number of parties is a function of proposing a wind project in proximity to so many homes; similarly, the volume of discovery is at least in part a function of the lack of detail in the Petition and supporting testimony.

Based on the foregoing, the Department of Public Service requests that the pending Motion to Strike be granted, or in the alternative, denied.

Dated at Montpelier, Vermont this sixth day of June, 2017.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE



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Geoffrey Commons  
Special Counsel

cc: Docket 8816 Service List