

**STATE OF VERMONT
BEFORE THE
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC, pursuant to 30)	Docket No. 17-5024-PET
V.S.A. § 248, for a certificate of public good)	
authorizing the installation and operation of the)	
“Chelsea Solar Project,” a 2.0 MW solar electric)	
generation facility located off Willow Road in)	
Bennington, Vermont)	

**CHELSEA SOLAR LLC’S RESPONSE TO THE MOTION TO STRIKE OF THE
APPLE HILL HOMEOWNERS ASSOCIATION AND LIBBY HARRIS**

On April 17, 2018, the Apple Hill Homeowners Association (“AHHA”) and Libby Harris (“Harris”) filed a Motion to Strike a Portion of Second Supplemental Prefiled Direct Testimony of Brad Wilson (the “Motion to Strike”). Chelsea Solar LLC (“Chelsea”) hereby respectfully files this response to the Motion to Strike.

First and foremost, PUC Rule 2.216(c) precludes the AHHA and Harris from objecting to the testimony of Mr. Wilson. PUC Rule 2.216(c) requires objections to the admissibility of prefiled testimony or exhibits to be filed in writing not more than thirty days after such evidence has been prefiled. Mr. Wilson’s Second Supplemental Prefiled Direct Testimony was filed on February 15, 2018 which is more than 30 days prior to the Motion to Strike. As such, the Motion to Strike should be denied as untimely.

Second, Mr. Wilson’s testimony in question is not a mischaracterization of Harris’ position regarding the use of Willow Road. Ms. Harris has attacked the Petitioner’s plans to access the Project via Willow Road, whether pursuant to a legal theory or otherwise is meaningless. The bottom line is that Ms. Harris has objected to the use of Willow Road. As such, Mr. Wilson’s testimony on this subject is 100% accurate.

Third, a motion to strike is entirely inappropriate. If Ms. Harris disagrees with Wilson's characterization, then the solution is for Harris to testify herself, not a motion to strike.

Lastly, Ms. Harris' and the AHHA's opinions regarding purported private property deed restrictions are not properly before the Public Utility Commission (the "PUC"). If Ms. Harris or the AHHA have issues concerning private land use, the appropriate forum is the Superior Court of Vermont, not the PUC.

Respectfully submitted,

/s/Michael Melone

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