

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC,)
pursuant to 30 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)

Case 17-5024-PET

LIBBY HARRIS, CAROLINE MCEVER, ROBERTA CASLIN, DAVID GRIFFIN
MOTION TO QUASH AND MOTION FOR PROTECTIVE ORDER

Intervenors Libby Harris, Caroline McEver, Roberta Caslin and David Griffin (hereinafter “Harris et.al.”) hereby move to quash a "Notice of Deposition" which each party received via an ePUC filing on June 14, 2018.

Harris et.al. have not assented to deposition nor to accepting Notice. Petitioner did not inquire about availability before serving Notice. Petitioner has Noticed the depositions for Burlington, Vermont, yet parties have no connection to Burlington.

The "Notice of Deposition" purports to require Harris et.al. to travel from their homes in Bennington to deposition in Burlington, a distance of over 120 miles each way. This exceeds the presumptive 50 mile limit established under VRCP Rule 45(c)(3)(A), which states that the court for which a subpoena was issued shall quash or modify the subpoena if it: (ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; or (iv) subjects a person to undue burden.

The Notice of Deposition submitted to parties in ePUC Case 17-5024-PET poses an undue burden of time and cost on Harris et.al. At least one of the recipients of the “Notice of Deposition,” Libby Harris, is unavailable on June 29 and will be out of state on that day, which

Petitioner neglected to explore with the parties on which “Notice of Deposition” was served, prior to serving Notice.

Furthermore, Harris et.al.’s prefiled testimony is due Friday, June 22nd under the scheduling order controlling this case. It is logical to assume that the material to be covered in deposition will be substantially addressed in Harris et.al.’s prefiled testimony, with further opportunity for written interrogatories as outlined in the schedule for Case No. 17-5024. The proposed deposition is therefore duplicative, presenting an undue burden.

The PUC process is supposed to provide the ability for ordinary citizens to participate. Unrepresented people participating *pro se* should be protected from these bullying tactics because it diminishes participation in the process. Vermont’s Rules of Professional Conduct Rule 4.4. RESPECT FOR RIGHTS OF THIRD PERSONS states:

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.¹

The purpose of “Notice of Deposition” appears to be made in bad faith or in such manner as to unreasonably annoy, burden or oppress the parties. There is ample opportunity for Petitioner to conduct discovery and cross examination in the ordinary course of the existing schedule.

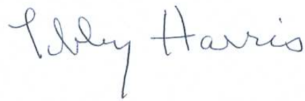
Harris et.al. are aware that the party serving Notice is liable for the expenses of anyone else who shows up to attend the deposition. Petitioner’s “Notice of Deposition” would cause numerous people to drive an unreasonable distance to Burlington for depositions that will not occur due to the unavailability of at least one of the parties served Notice.

¹<https://www.vermontjudiciary.org/sites/default/files/documents/VermontRulesofProfessionalCo>

Wherefore, Harris et.al. pray this Commission quash the purported "Notice of Deposition" and direct that the agreed-upon schedule that includes pre-filed testimony, written discovery and interrogatories be followed.

Harris et.al. further move for a Protective Order from further burdensome efforts at intimidation of *pro se* parties in this case and require Petitioners to serve written interrogatories on Harris et.al. in lieu of deposition.

Respectfully submitted this 18th day of June, 2018 in Bennington,



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