

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

21-3587-NMP

Petition of Norwich Upper Loveland Road Solar LLC For a certificate of public good pursuant to 30 V.S.A. §§ 248 and 810, authorizing installation And operation of a 500 kW (AC) photovoltaic Group net-metering system in Norwich, Vermont	
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**NEIGHBOR INTERVENORS' RESPONSE TO PETITIONER'S MOTION TO STRIKE
PORTIONS OF LANDOWNERS' DIRECT PREFILED EVIDENCE**

I. INTRODUCTION

Neighbor Intervenors Stephen Gorman, Joy Kenseth, Jayoung Joo and Samin Kim, Dan and Jenn Goulet, Larry Ufford, Jay and Mary Benson, *pro se*, hereby opposes Petitioner's Motion to Strike Portions of their witnesses' Direct Prefiled Evidence.

Petitioner seeks to strike four Exhibits or portions of Exhibits submitted by two expert witnesses, Stephen Gorman and Joy Kenseth. Neighbor Intervenors object to Petitioner's efforts to limit the information available to the PUC for consideration in this case. The schedule going forward allows for Rebuttal and Surrebuttal testimony. The issues raised in Petitioner's Motion to Strike are appropriate for cross-examination or rebuttal testimony, which is where they could be raised by the Petitioner. Much of the argument presented by Petitioner is actually rebuttal testimony, authored by an attorney and not expert witnesses which merely challenges the credibility of the witnesses or the weight of the evidence that the PUC will properly assign. Cloaked as objections to admissibility, the Petitioner seeks to escape its obligation to meet its

burden and refute the evidence presented by opponents in a contested case. Therefore, the Petitioner's objections should be overruled and the Motion to Strike should be denied.

II. LEGAL STANDARD

The legal standard recently articulated in Petition of Randolph Davis Solar LLC, Case No. 21-2939-NMP is most instructive in this case since the objections are a repeat by Norwich solar Technologies of the objections it made against the *pro se* litigants in that case. In that case, the Hearing Officer explained as follows:

The Vermont Rules of Evidence ("V.R.E.") Rule 701 addresses opinion testimony by a lay witness and states:

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical or other specialized knowledge within the scope of [V.R.E.] 702.

V.R.E. 702 addresses testimony by experts and states:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

V.R.E. 703 establishes the factual bases of opinion testimony by experts and states in relevant part:

The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or

inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted.

V.R.E. 802 states that hearsay is not admissible except as provided by the rules of evidence or by other rules prescribed by the Vermont Supreme Court or by statute. V.R.E. 803 establishes several exceptions to the hearsay rule, including the admission of hearsay contained in certain government reports and learned treatises. Additionally, the Vermont Administrative Procedure Act, 3 V.S.A. § 810(1), provides that, in contested cases, the Commission has leeway to admit evidence according to the following standard:

Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Rules of Evidence as applied in civil cases in the Superior Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent [people] in the conduct of their affairs.

In ruling on an objection to the admissibility of testimony, the Commission does not determine the persuasive weight to be given to that testimony. Rather, the Commission decides the narrower question of whether the testimony may be admitted into the evidentiary record pursuant to the rules of evidence and the discretion accorded to the Commission in making such admissibility decisions under 3 V.S.A. § 810. Relevant evidence must in some way advance the inquiry to have probative value. The Commission's review of a project or transaction under Title 30 is as an expert body that is engaged in a "legislative, policy-making process."¹ In this capacity, the Commission serves as the trier of fact and there is no jury to protect from exposure to unreliable evidence.²

The Commission has traditionally favored a general presumption that each party's evidence should at least be admitted for consideration. The Commission may then exercise its discretion in weighing the admitted evidence for

¹ *In re Amended Petition of UPC Vermont Wind*, 2009 VT 19, ¶ 2 (citing *In re Vt. Elec. Power Co.*, 2006 VT 69, ¶ 6).

² *Petition of Barton Solar LLC for a certificate of public good*, Docket 8148, Order of 5/9/14 at 2.

consideration. The Commission may then exercise its discretion in weighing the admitted evidence as it sees fit.

Petition of Randolph Davis Solar LLC, Case No. 21-2939-NMP, Order Granting in Part and Denying in Part Petitioner's Motion to Strike dated October 31, 2022, pages 1-2.

III. EVIDENTIARY OBJECTIONS and *RESPONSES*

A. Direct Evidence Prefiled by Mr. Gorman

Exhibit NN-SG-2 “Forest Value and Carbon Costs Associated with the proposed 500kW Solar Array off of Upper Loveland Road in Norwich, Vermont”

Expert witness Stephen Gorman has first-hand experience with the impacts of climate change, having lived in the Arctic with the Inuit and writing extensively during his career about the effects of human activity on planetary systems. Mr. Gorman has compiled a series of references that tell the story from his expert perspective.

Petitioner has presented no witnesses with Mr. Gorman's expertise, and attempts to eliminate issues for consideration by the PUC through attorney argument rather than appropriate rebuttal testimony. The PUC can give appropriate weight to the Exhibit references, all of which should be available for consideration.

Exhibit NN-SG-3 “Other Considerations Associated with The Carbon Costs of the proposed 500kW Solar Array off of Upper Loveland Road in Norwich, Vermont”

Stephen Gorman's expertise extends to energy issues based on his background in mining and resource extraction. The references in Exhibit NN-SG-3 are no less tied directly to the issues in this case than Petitioner's testimony regarding the purported benefits of solar energy to address climate change.

Petitioner can respond to the exhibit in Rebuttal testimony. The PUC can weigh the evidence as appropriate. Mr. Gorman's research should be available in its entirety for consideration in this case.

Neighbors' Responses to specific Objections

1. Exhibit NN-SG-2 -

a. **Page 17**, first full paragraph appears to contain erroneous statistics about the carbon absorption of Vermont's forests and attributes the assertions to the Vermont Department of Forests website. . . .

The paragraph on page 17 is inaccurate, misleading, and leads to undue confusion, and its admission would impose the unfair burden on Petitioner to spend unnecessary time and expense on discovery, rebuttal and or cross examination on this issue. The entire paragraph should be stricken under V.R.E. 403.

Response: Objections challenging an expert's opinion, the relevance of the materials they relied upon, their methodology or the accuracy of their calculations all go to the credibility of the witness and the weight to be afforded the expert testimony and is not proper for an evidentiary objection to exclude. In ruling on an objection to the admissibility of testimony, the Commission does not determine the persuasive weight to be given to that testimony. Case No. 21-2939-NMP. If Petitioner quarrels with the expert's calculations, then the expert can be cross examined at hearing.

Moreover, there is no danger of "undue confusion" because "the Commission's review of a project under Title 30 is as an expert body that is engaged in a 'legislative, policy-making process.'³ In this capacity, the Commission serves as the trier of fact and there is no jury to protect from exposure to unreliable evidence."⁴

In addition, as the Public Utility Commission, has explained:

Proceedings before the Commission regularly include the participation of pro se parties.

³ *In re Amended Petition of UPC Vermont Wind*, 2009 VT 19, ¶ 2 (citing *In re Vt. Elec. Power Co.*, 2006 VT 69, ¶ 6).

⁴ *Petition of Barton Solar LLC for a certificate of public good*, Docket 8148, Order of 5/9/14 at 2.

. . . Hence, we are familiar with and know how to respond to parties that serve as both self-advocates and witnesses in our proceedings. . . Further, a pro se witness . . . must take an oath and is subject to cross-examination and credibility challenges.

In short, we have procedural safeguards against unfairly prejudicing the parties when pro se advocates also serve as witnesses.”⁵

Furthermore, Petitioner cannot be allowed to escape its burden of proof at hearing by claiming it is too inconvenient to prepare their case for a contested hearing. This is the process that the Petitioner submitted itself to when it applied for a Certificate of Public Good. The Public Utility Commission permitting process allows discovery, rebuttal testimony, cross-examination at hearing, and post hearing briefing. There is no prejudice to the Petitioner just because it has to engage in the normal hearing process in a contested case with opposing experts. Moreover, the Commission has traditionally favored a general presumption that each party’s evidence should at least be admitted for consideration. The Commission may then exercise its discretion in weighing the admitted evidence for consideration. The Commission may then exercise its discretion in weighing the admitted evidence as it sees fit. See Case No. 21-2939-NMP.

1. Exhibit NN-SG-2 -

b. Page 4, second and third full paragraphs under the heading: “Affects, Mental and Spiritual Health”, describe and include quotes from a Kaiser Family Foundation article that discusses how little time American youth spend outside. This information is wholly irrelevant to the Project and the Section 248 criteria that are at issue in this case and is inadmissible pursuant to V.S.A. § 810(1) and V.R.E. 402. Further, the quoted text in the third paragraph is inadmissible hearsay under V.R.E 802 and does not fall under any exception to the hearsay rule.

Response: Same as 1-a. Regarding the hearsay objection, the information is not being offered for the truth of the matter asserted, it is part of an expert’s materials upon which he

⁵ VT PUC Case No. 20-1611-INV, Order dated 06/11/2021.

relied in forming his opinion and should be considered adopted as his testimony as the Hearing Officer ruled in the Randolph Solar case:

*Exhibit MB-40 is a compilation of materials from various sources. According to the Landowners, the document contains testimony of Mr. Binder that references excerpts of stormwater manuals from other states and the Project's site plan. As discussed above, the out-of-state stormwater manuals have been admitted under V.R.E. 803(8). The remainder of the document is admissible as Mr. Binder's testimony. As discussed further below, Mr. Binder has sufficient expertise to offer opinions on stormwater issues. Therefore, the document MB-40 is not admitted as an exhibit but instead is admitted as Mr. Binder's testimony."*⁶

The instant case is the same situation as Mr. Binder's testimony in the Randolph Solar case. Portions of Mr. Gorman's testimony and exhibits contain quotations, citations or references to various sources which were reviewed, considered and discussed by the expert. Therefore, the portion of the testimony objected to is not hearsay, it is information relied upon by the expert which is part and parcel of their opinion and the basis therefore.

Moreover, the information objected to is subject to the following exceptions to the hearsay rule: 803(6) Records of regularly conducted business activity, 803(8) Public records and reports, 803(17) Market reports, commercial publications., and/or 803(18) Learned treatises.

1. Exhibit NN-SG-2 -

c. Pages 5 and 6 include quotes from Yale Environment 360. The quoted text is inadmissible hearsay, does not fall under any exception to the hearsay rule, and therefore should be deemed inadmissible under V.R.E. 802.

Response: *Same as 1-b.*

⁶ Petition of Randolph Davis Solar LLC, Case No. 21-2939-NMP, Order Granting in Part and Denying in Part Petitioner's Motion to Strike dated October 31, 2022, pages 1-2.

1. Exhibit NN-SG-2 -

d. Pages 9-10, beginning with the second and third full paragraphs through the first sentence on page 10, under the heading: “Development in Norwich’s Forest”, discuss a “new concept” in psychiatry “coined” solstalgia, and include quotes from articles in National Library of Medicine and BBC Future. Mr. Gorman is not a qualified psychiatrist or psychologist and is not an expert qualified to speak to this purported mental disorder, nor does he provide any relevant personal observations. Further, the quoted text is hearsay, and the entirety of both paragraphs is irrelevant. These paragraphs should be deemed inadmissible under V.S.A. § 810(1), V.R.E. 402, V.R.E. 702, and V.R.E. 802.

2. Response: Same as 1-a and 1-b and Exhibit NN-SG-3.

1. Exhibit NN-SG-2 -

e. Pages 12-14 under the heading: “Land Conversion for Renewable Energy” is inadmissible for numerous reasons. First, Mr. Gorman, while perhaps qualified in environmental studies, is not a qualified energy expert on land use requirements for siting energy facilities. Second, none of the sources cited on land conversion at pages 12-14 are specific to Vermont or even purport to address energy generation land conversion in the State of Vermont, the Two Rivers Ottauquechee Regional Commission (“TRORC”) region, or the Town of Norwich. The excerpts are entirely irrelevant to this Project and the applicable Section 248 criteria at issue in this case. For these reasons, the entire Land Conversion section Mr. Gorman’s report should be deemed inadmissible under V.S.A. § 810(1), V.R.E. 402 and V.R.E. 702.

Response: Same as 1-a and 1-b and Exhibit NN-SG-3.

1. Exhibit NN-SG-2 -

f. Page 12 discusses a paper published in PLOS ONE and asserts that “the largest driver of land conversion is energy sprawl.” The express implication is that land conversion from solar renewable energy generation is a meaningful part of this purported land conversion. However, the weblink to the PLOS ONE article cited by Mr. Gorman demonstrates, in fact, that this is not accurate, as shown in the Figure 2 graphic in the article inserted on the next page. The bar graphs illustrated in the article show the different energy sources estimated in four scenarios between 2014-2040. Solar, depicted in bright yellow, is barely if at all discernibly reported in the results. Petroleum, coal, and natural gas energy resources dominate the chart. Mr. Gorman’s statements attributing land conversion to solar energy is misleading and leads to undue confusion, and its admission would impose the unfair burden on Petitioner to spend unnecessary time and expense on discovery, rebuttal and or cross examination on this issue. The entire paragraph should be stricken under V.R.E. 403.

Response: *Same as 1-a*

1. Exhibit NN-SG-2 -

g. Page 12, second and third full paragraphs under the heading: “Land Conversion for Renewable Energy” quote from an article in Cool Green Science. The quoted text is inadmissible hearsay, does not fall under any exception to the hearsay rule, and therefore should be deemed inadmissible under V.R.E. 802.

Response: *Same as 1-b.*

1. Exhibit NN-SG-2 -

h. Pages 13-14 include quotes and graphs from Bloomberg, Cool Green Science, and The Nature Conservancy. This material is inadmissible hearsay, does not fall under any exception to the hearsay rule, and therefore should be deemed inadmissible under V.R.E. 802.

Response: *Same as 1-b.*

1. Exhibit NN-SG-2 -

i. The fourth and fifth paragraphs on page 14 include quotes from an article Wildlands and Woodlands – Broadening the Vision for New England. The quoted text is hearsay and should be deemed inadmissible under V.R.E. 802.

Response: *Same as 1-b.*

1. Exhibit NN-SG-2 -

j. Page 16, under the heading: “Relationship Between Climate Change and Deforestation”, references and quotes from an article in the Independent asserting that the Town of Norwich’s capacity to mitigate and adapt to climate change is diminished by ongoing forest loss. The reference to and reliance on this article for this assertion is misleading and irrelevant. As is clear from the content of the article, its focus and discussion have nothing to do with clearing of forests in Norwich, the region, the State of Vermont, or even the U.S. generally, nor does it address impacts of tree clearing from solar generation siting in Vermont or any other part of the globe. Rather the focus is on the rapid loss of tropical rain forests around the earth’s equator and its contribution to climate change. See Deforestation: The hidden cause of global warming | The Independent | The Independent (“The accelerating destruction of the rainforests that form a precious cooling

band around the Earth's equator, is now being recognised as one of the main causes of climate change.”). The out-of-context reference to this article on rainforest destruction leads to undue confusion and its admission would impose the unfair burden on Petitioner to spend unnecessary time and expense on discovery, rebuttal and or cross examination on this issue. The entire paragraph should be stricken under V.R.E. 403.

Response: *Same as 1-a*

1. Exhibit NN-SG-2 -

k. The first two paragraphs on page 17 under the heading: “Relationship Between Climate Change and Forests”, and the second full paragraph on page 18 under the header: “Carbon Storage” cite an article and statistics from World Resources Institute. As is clear from the content of the article itself, however, its focus is not on tree clearing or forest carbon storage in Norwich or the region, but rather the focus is on the rapid loss of tropical rain forests around the earth’s equator and its contribution to climate change. See Quantifying Carbon Fluxes in the World’s Forests | World Resources Institute (wri.org). These paragraphs on page 17 are inadmissible under 3 V.S.A. § 810(1) and V.R.E. 402.

Further, while the cited article does not address the Town of Norwich or Vermont specifically, the map illustrated in the article to depict locations of forest carbon sinks and sources demarcates Vermont within a forest carbon sink region of the globe:

Therefore, even if relevant, the Gorman report is misleading in citing this article and probative value of these paragraphs on pages 17 and 18 is outweighed by the fact that the out-of-context references are misleading, lead to undue confusion, and their admission would impose the unfair burden on Petitioner to spend unnecessary time and expense on discovery, rebuttal and or cross examination on this issue. The entirety of all the paragraphs should be stricken under V.R.E. 403.

Response: *Same as 1-a*

1. Exhibit NN-SG-2 -

l. The last full paragraph on pages 17-18 under the heading: “Relationship Between Climate Change and Forests” cites to David Foster et al, Wildlands and Woodlands – Broadening the Vision for New England for the assertion that “[c]onverting forests into housing, commercial development, and sprawling alternative energy development is likely to exact an even greater impact than climate change on our forests... .” However, this report does not once mention or address forest conversion from alternative energy, other than to note that forests are a source of energy for biomass generation. See Wildlands and Woodlands 2017 Report.pdf . As a result, these paragraphs are irrelevant under 30 V.S.A. § 810(1) and V.R.E. 402. In addition, the probative value of this paragraph is outweighed by the fact that the statements and attribution to this report are misleading, will lead to undue confusion, and their admission would impose the unfair burden on Petitioner to spend unnecessary time and expense on discovery, rebuttal and or cross examination on this issue and should be stricken under V.R.E. 403.

Response: Same as 1-a

3. Exhibit NN-SG-3 -

a. The second and third paragraphs cite to and quote from publications that are hearsay and are not exceptions to the hearsay rule and should therefore be deemed inadmissible under V.R.E. 802.

b. The entirety of pages 3-5 under the heading: “Global Energy Consumption” should be deemed inadmissible for multiple reasons. First, Mr. Gorman is not an energy expert, nor does he claim to have any training or experience on world or local energy markets and their emissions profiles. As a lay witness on this topic, Mr. Gorman’s exhibit must be limited to his personal observations, none of which are reported. This portion is therefore inadmissible under V.R.E. 702.

Second, Exhibit NN-SG-3 is irrelevant to the Project and the applicable Section 248 criteria that are at issue in this case. Instead, it discusses global events not tied directly or indirectly to the issues in this case. The section is inadmissible under 30 V.S.A. § 810(1) and V.R.E. 402.

Third, most of the discussion in this section is quotes from hearsay materials. These quotes are inadmissible under V.R.E. 802.

Response: Same as 1-a and 1-b. In addition, with regard to Mr. Gorman’s credentials: like the Randolph Solar case:

The Petitioner argues that the testimony “goes well beyond his personal perceptions” and offers “scientific, technical[,] and other specialized knowledge” that requires expertise that the Petitioner asserts Mr. Binder lacks.

The Intervenors respond that the subject matter of the disputed testimony does not require any particular scientific or specialized knowledge. The Intervenors argue that Mr. Binder’s testimony is based on his understanding of the purpose of stormwater control structures and the various regulatory documents he has read.

I find that the Petitioner’s arguments go to the weight that should be given Mr. Binder’s surrebuttal testimony, not its admissibility. Some of Mr. Binder’s testimony does not contain opinions on scientific or technical issues and, therefore, is admissible under V.R.E 701. For example, Mr. Binder’s testimony in Answer 8 that solar panels are impervious is the type of factual statement that a lay witness can make based on their perceptions.

To the extent that Mr. Binder’s testimony does contain opinions addressing technical matters, they are admissible under V.R.E. 702. In a previous order, I ruled that Mr. Binder could not offer hearsay addressing how the loss of forested habitat affects a vernal pool ecosystem.⁶ In doing so, I noted that Mr. Binder is a lay witness. However, a witness may be an expert for purposes of Rule 702, even if he has not been formally offered as one. Mr. Binder’s experience as

a land surveyor is sufficient to qualify him to offer opinions about erosion control at construction sites.⁸ Therefore, the Petitioner's motion to strike Mr. Binder's surrebuttal testimony is denied.

For the same reasons, this request should be denied and the Commission should consider and assign whatever weigh it deems appropriate so ensure a full and fair hearing.

IV. Objections to Evidence submitted by Joy Kenseth

Exhibit NN-JK-7 "Video of Solar Site From Town Forest"

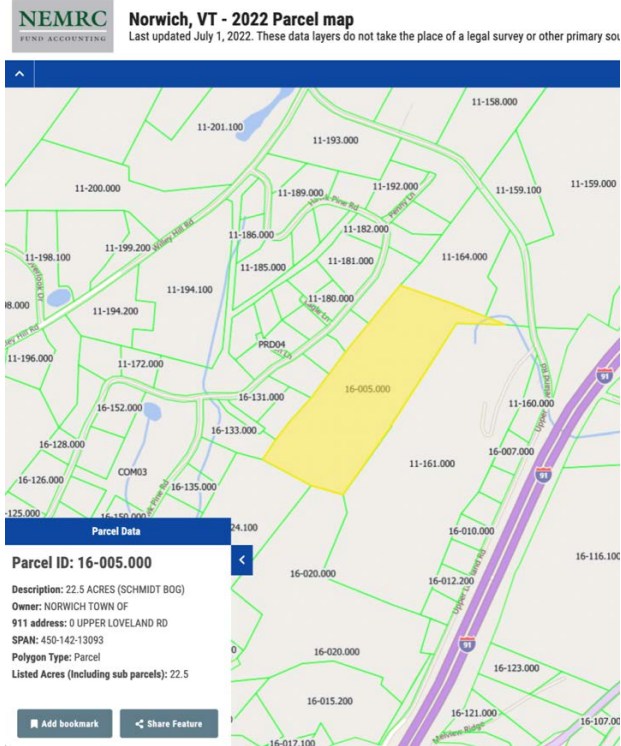
Similar to Petitioner's efforts to strike pertinent Exhibits from Mr. Gorman's testimony, the Motion to Strike contains what amounts to testimony which is appropriate for Rebuttal testimony allowed for in the schedule. The same objections submitted above with specific reference to hearsay are similarly asserted against the objections regarding Ms. Kenseth's testimony. In addition, Neighbors submit the following:

Expert witness Kenseth finds it incredible that Norwich Solar Technologies would attempt to strike evidence regarding the Norwich Town Forest that adjoins the Upper Loveland Road Solar project. It is common knowledge throughout the community that Troy McBride of Norwich Solar Technologies is one of the people who created trails through this specific town forest which adjoins his property in Norwich. The insertion of the Norwich Trails Map in the Motion to Strike is an example of what is appropriately addressed in Rebuttal testimony.

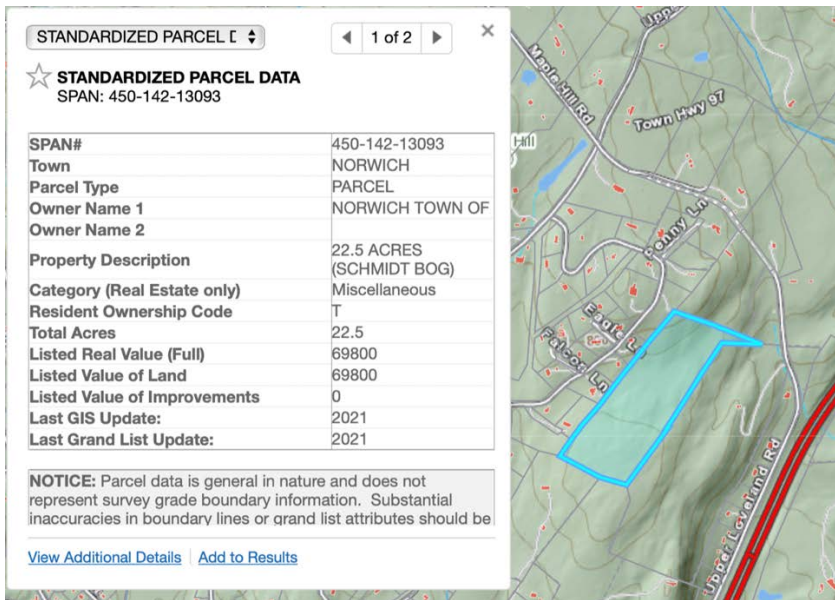
It is a matter of public record that the parcel adjoining the proposed solar project is town-owned property.

From the town's website:

1. Town of Norwich Interactive Parcel Map
[https://map.nemrc.info/nemrc/maps/a5994f66-7517-11eb-a19f-06765ea3034e/Norwich, VT - 2020 Parcel map#](https://map.nemrc.info/nemrc/maps/a5994f66-7517-11eb-a19f-06765ea3034e/Norwich,_VT_-2020_Parcel_map#)



2. From Vermont’s GIS Map, Parcel layer. The Property Description calls it Schmidt Bog



3. From the Norwich Trails website,

<https://norwichtrails.org/work-day-may-16-a-new-path-of-least-resistance-on-upper-loveland/>

Work Day: May 16th — A new path of least resistance on Upper Loveland

Upon completing the work, the crew explored nearby Schmidt Bog on town property, accessible via trails across private property.

4. Draft Memorandum from the Norwich Trails Committee to Norwich Selectboard and Norwich Planning Commission, Date April X, 2022. |

Town-owned trail infrastructure – Each of the trails on town-owned land or rights of way has infrastructure investments that have a finite lifetime, require annual maintenance, or are vulnerable to weather extremes. Here are trail infrastructure items that may require budgeting attention in upcoming years:

- **Schmidt Bog:** This bog is a town-owned 22.5-acre natural area, **accessible from Upper Loveland Road**. It was acquired for preservation with the advocacy of Bill Ballard, because of its habitat for lady slippers and other bog species. It features a boardwalk, which is visited by school groups. As of 2022, the boardwalk was to be assessed for maintenance or replacement. Lacking also are trailhead information and interpretive signage. (*emphasis added*)

Petitioner’s effort to strike critical evidence about the proximity of a public investment from which the public would have direct views of the proposed solar array by denying the existence of the adjoining town forest should be denied.

Exhibits NN-JK-8 “Transcript of 7-13-21 Norwich Planning Commission Meeting” and NN-JK-9 “Transcript of 8-11-21 Norwich Selectboard Meeting”

The Norwich Planning Commission and Select Board Meetings are video recorded and provide the necessary foundation to include them in the record. The transcripts enable the PUC to efficiently review the video recordings. The accuracy of the transcripts can be assessed by watching the videos and following along with the transcripts. The video recordings supported by the transcripts are not hearsay and are directly relevant to the issues in this case.

What transpired during these two meetings where the Preferred Site Letter was obtained is critical to the PUC’s understanding of the genesis of this solar project, the town’s role in issuing

the Preferred Site Letter and Norwich Solar's role in providing an inaccurate plan. The meeting video and transcripts must be included in the record for consideration by the PUC. The same objections submitted above regarding hearsay are similarly asserted against the objections regarding Ms. Kenseth's testimony.

Dated this 9th day of January, 2023 in Norwich, Vermont. Respectfully submitted on behalf of Neighbor Intervenors Stephen Gorman, the Bensons, Jayoung Joo and Samin Kim, the Goulets, Larry Ufford and Joy Kenseth:

/s/ Stephen Gorman

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