



VERMONT PUBLIC  
SERVICE BOARD

JW  
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**State of Vermont**

Office of General Counsel  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901

[phone] 802-828-1295

2016 JAN 7 AM 9 53 Agency of Natural Resources

January 6, 2016

Judith Whitney, Acting Clerk  
Vermont Public Service Board  
112 State Street  
Montpelier, VT 05620-2701

Re: Docket No. 8585  
Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the Construction and Operation of a  
Meteorological Tower located in Irasburg, Vermont

Dear Ms. Whitney:

Enclosed for filing in the above-captioned matter, please find a copy of the Agency of Natural Resources' *First Set of Information Requests on Respondent*, along with an accompanying *Certificate of Service*, in the above-referenced matter.

Please contact me if you have any questions.

Sincerely,

Beverly Smith, Paralegal  
Vermont Agency of Natural Resources  
Office of Planning & Legal Affairs  
1 National Life Drive - Davis Building 2nd Floor  
Montpelier, VT 05620-3901  
[beverly.smith@vermont.gov](mailto:beverly.smith@vermont.gov)

Enclosure

cc: Service List



VERMONT PUBLIC  
SERVICE BOARD

**State of Vermont**

Office of General Counsel  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901

Ph: (802) 490-6103

2016 JAN 7 AM 9 03

*Agency of Natural Resources*

January 6, 2016

**By U.S. Mail & E-Mail**

Leslie A. Cadwell, Esq.  
Alison Milbury Stone, Esq.  
Legal Counselors & Advocates, PLC  
P.O. Box 827  
Castleton, VT 05735  
[lac@lac-lca.com](mailto:lac@lac-lca.com)  
[alison@lac-lca.com](mailto:alison@lac-lca.com)

RE: PSB Docket No. 8585; ANR's First Set of Information Requests on Respondent

Dear Leslie and Alison:

Enclosed please find "ANR's First Set of Information Requests on Respondent" in the above-captioned matter.

Please contact me with any questions.

Sincerely,

Leslie A. Welts, Litigation Attorney  
Agency of Natural Resources

Enclosures

Cc: Service List

STATE OF VERMONT  
PUBLIC SERVICE BOARD

VERMONT PUBLIC  
SERVICE BOARD

2016 JAN 7 AM 9 03

Investigation into Meteorological Tower at )  
700 Kidder Hill Road in Irasburg, Vermont )  
Vermont )

PSB Docket No. 8585

ANR's FIRST SET OF INFORMATION REQUESTS ON RESPONDENT

The Agency of Natural Resources ("Agency" or "ANR") by undersigned counsel, hereby serves the following First Set of Information Requests upon Respondent David Blittersdorf in accordance with Public Service Board Rule 2.214 and V.R.C.P. 33 and 34, and requests that Petitioner answer the requests in accordance with V.R.C.P. 33 and 34. Respondent is requested to provide a copy of its answers in electronic format, that is, Word or other format readable by the Agency. Please produce two copies of your responses.

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## INSTRUCTIONS AND DEFINITIONS

1. Please reproduce the request being responded to before the response. Provide two complete hard copies of your responses and an electronic copy on disk. Provide two complete copies of all documents produced. All spreadsheets and computer data should also be provided on disk.
2. Responses to any and all Agency requests that are contained herein or that may be filed later should be supplied to the Agency as soon as they become available to Respondent. That is, Respondent should not hold answers to any requests for which it does have responsive data, documents, etc., until responses to any or all other requests are compiled.
3. The response to each request should be made under oath by a person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.
4. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), please provide all information with respect to the subject matter of the question that can be identified in Respondent work papers and files or that is otherwise available.
5. These requests shall be deemed continuing. Respondent is directed to change, supplement and correct its answers to conform to all information as it becomes available, including the substitution of actual data for estimated data. Responses to requests for information covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time and supplementary data as it becomes available.
6. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
7. Some of the Agency's requests may make particular reference to a portion of a filing in this matter. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Respondent that is responsive to the questions stated.
8. Documents produced pursuant to these requests shall be organized and labeled in correspondence with the paragraph number to which they are alleged to respond. With respect to each document produced by Respondent, identify the person who prepared the document and the date on which the document was prepared.

9. If any request to admit is responded to by a denial or an objection, explain in detail the reason for such denial or objection.
10. If in response to any request for information, the responding party asserts attorney client privilege, attorney work product, or any other privilege, please provide in addition to the basis of the privilege the date of the allegedly privileged communication(s), the identity of all persons who were party to the allegedly privileged communication(s) or who received photocopies of such communication(s), and the subject matter of the allegedly privileged communication.
11. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject matter of the document as well as the complete legal and factual basis for the objection.
12. These discovery questions are organized under broad general topic headings in an effort to facilitate ease of processing by both Respondent and Agency staff. Notwithstanding this approach to organization, each question shall be understood to seek discovery of all information available to Respondent that is responsive to the question stated.
13. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
15. "Document," shall be construed as broadly as possible and means any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including all originals, prior drafts, and all non-identical copies.
16. "Identify" means:
  - a. with respect to a natural person, to set forth: the person's full name, the person's present or last known employer (include full name and address), and the person's current title, position, or business;
  - b. with respect to a corporation, partnership, or other business entity (including a sole proprietor) to set forth: the entity's full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
17. The term "you," "your," or "Respondent" shall mean David Blittersdorf and shall include any employee, contractor, trustee, successor, assign, and agent of David Blittersdorf.

18. The "meteorological tower" means the temporary meteorological tower constructed on property owned by David Blittersdorf in Irasburg described in the Prefiled Testimony and Exhibits of David Blittersdorf dated December 18, 2015.

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### Information Requests and Questions

Q.ANR.DB.1-1. Did the Respondent conduct any review of the protected resources identified in Section 3 of the Public Service Board's "Application for a Certificate of Public Good for Temporary Meteorological Stations, Pursuant to 30 V.S.A. §§ 246 and 248"? If the answer is yes, please explain in detail the review(s) conducted, identify all person(s) who assisted in the review, and provide all documents related to the review(s). If the answer is no, please explain why the Respondent did not conduct a review of the protected resources identified in Section 3.

Q.ANR.DB.1-2. Is the meteorological tower located on, within 150 feet, or within any of the following:

- a. Floodways
- b. Shorelines
- c. Streams
- d. Wetlands
- e. Outstanding Resource Waters
- f. Rare and Irreplaceable Natural Areas
- g. Necessary Wildlife Habitat
- h. If the answer to any of (a) through (g) is yes, please:
  - (i) identify the date you first made this determination;
  - (ii) provide a map that shows the location of the meteorological tower in relation to the resource;
  - (iii) explain what steps you took to avoid or minimize impacts to the resource; and
  - (iv) identify all persons who you consulted with and/or advised you regarding this determination.
- i. If the answer to any of (a) through (g) is no, please:
  - (i) identify the date you first made this determination;
  - (ii) explain how you made a determination that the meteorological tower was not located on, near, or within the resource;
  - (iii) provide all documents you relied upon to make this determination; and

- (iv) identify all persons who you consulted with and/or advised you regarding this determination.

Q.ANR.DB.1-3. Is it your opinion that the installation of the meteorological tower will not have an undue adverse effect for the following:

- a. Floodways
- b. Shorelines
- c. Streams
- d. Wetlands
- e. Outstanding Resource Waters
- f. Rare and Irreplaceable Natural Areas
- g. Necessary Wildlife Habitat

Q.ANR.DB.1-4. For each answer to Q.ANR.DB.1-3, provide each and every basis for that conclusion.

Q.ANR.DB.1-5. Please describe any measures taken to avoid or minimize impacts to the following:

- a. Floodways
- b. Shorelines
- c. Streams
- d. Wetlands
- e. Outstanding Resource Waters
- f. Rare and Irreplaceable Natural Areas
- g. Necessary Wildlife Habitat

Q.ANR.DB.1-6. Please describe how the construction of the meteorological tower or any associated constructed followed the recommendations of the *Vermont Erosion Control Handbook*.



Q.ANR.DB.1-7. Please describe the method(s) and system(s) by which surface and/or sub-surface water was drained during the construction of the meteorological tower.

Q.ANR.DB.1-8. Please describe the method(s) and system(s) by which surface and/or sub-surface water erosion is being drained from the location where the meteorological tower is installed.

Q.ANR.DB.1-9. Please described the sedimentation controls in place for the duration of time the meteorological tower remains installed.

Q.ANR.DB.1-10. Regarding the testimony filed by Mr. David Blittersdorf on page 2, lines 16-19: "On November 19, 2010, I used a Bobcat to transport components of the 60-meter tall, 10/8-inch diameter mast to the field on the high point of my property."

- a. Please identify the latitude and longitude coordinates of the location described as "the high point" of Mr. Blittersdorf's property.

Q.ANR.DB.1-11. Regarding the testimony filed by Mr. David Blittersdorf on page 2, lines 18-19: "On December 29, 2010, the mast was raised and installation was completed."

- a. Please identify the latitude and longitude coordinates of the location where the mast was raised and installation was completed.
- b. If the final location of the meteorological tower and associated clearing was determined in the field at the time of installation, indicate on plans the location and depict the entire area in which the meteorological tower is located.
- c. Please identify any consultants, contractors, or subcontractors used in natural resource assessment, and the installation of the meteorological tower. For each consultant, contractor or subcontractor, please provide their name(s), description of involvement, contact information, and any contracts.

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**Requests to Produce**

RTP.ANR.DB.1-1. Please produce all documents requested in the information requests.

RTP.ANR.DB.1-2. Please produce all documents identified, referenced, relied upon, or referred to in responding to these information requests and requests to admit.

RTP.ANR.DB.1-3. Please produce all maps in Respondent's possession that show the location of the meteorological tower in relation to floodways, shorelines, streams, wetlands, outstanding resource waters, rare and irreplaceable natural areas, and necessary wildlife habitat.

Dated this 6th day of January, 2016, at Montpelier, Vermont.

State of Vermont  
Agency of Natural Resources

By:

  
\_\_\_\_\_  
Leslie A. Welts, Esq.

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Investigation pursuant to 30 V.S.A. §§ 30 and 209 ) Docket No. 8585  
regarding the Construction and Operation of a )  
Meteorological Tower located in Irasburg, )  
Vermont )

**CERTIFICATE OF SERVICE**

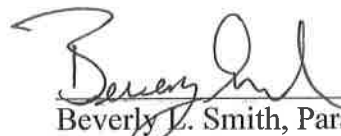
I, Beverly Smith, certify that on January 6, 2016, I served a copy of the Vermont Agency of Natural Resources' *First Set of Information Requests on Respondent*, in the above captioned matter, to the following interested persons, by U.S. Mail, postage prepaid and by electronic mail:

Geoffrey Commons, Director of Public Advocacy  
Aaron Kisicki, Special Counsel  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
[geoff.common@vermont.gov](mailto:geoff.common@vermont.gov)  
[aaron.kisicki@vermont.gov](mailto:aaron.kisicki@vermont.gov)

Leslie A. Cadwell, Esq.  
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PO Box 827  
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[lac@lac-lca.com](mailto:lac@lac-lca.com)  
[Alison@lac-lca.com](mailto:Alison@lac-lca.com)

Dr. Robert R. Holland, Moderator  
Town of Irasburg  
4328 Route 14  
PO Box 88  
Irasburg, VT 05845  
[kcf.rrh@gmail.com](mailto:kcf.rrh@gmail.com)

Dated at Montpelier, Vermont this 6<sup>th</sup> day of January, 2016.



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Beverly L. Smith, Paralegal  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, Vermont 05602-3901