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State of Vermont

Office of General Counsel
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Montpelier, VT 05620-3901

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2016 FEB 26 AM 9 24

Agency of Natural Resources

February 24, 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
alison@lac.lca.com

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

Dear Leslie and Alison:

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

Please contact me if you have any questions.

Sincerely,

Leslie A. Welts, Litigation Attorney
Vermont Agency of Natural Resources

Enclosures

Cc: Service List

STATE OF VERMONT
PUBLIC SERVICE BOARD

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SERVICE BOARD

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

PSB Docket No. 8585

ANR's SECOND SET OF INFORMATION REQUESTS ON RESPONDENT

The Agency of Natural Resources ("Agency" or "ANR") by undersigned counsel, hereby serves the following Second 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.

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.2-1.** In your response to ANR 1-1, you indicate that you “installed the mast using practices designed to avoid or minimize environmental impacts.”
- a. Identify each and every “practice” you used that you believe is designed to avoid or minimize environmental impacts.
 - b. For each of these practices, please identify each and every basis for your belief that it is “designed to avoid or minimize environmental impacts.”
- Q.ANR:DB.2-2.** Admit that the study area referenced in Bates-8585-ANR-001 includes significant (Class II) wetlands.
- Q.ANR:DB.2-3.** Admit that the Agency has not confirmed VHB’s wetlands delineations as depicted in Bates-8585-ANR-001.
- Q.ANR:DB.2-4.** Admit that the Agency has not confirmed VHB’s wetlands classifications as depicted in Bates-8585-ANR-001.
- Q.ANR:DB.2-5.** Admit that the meteorological tower is located within 150 feet of Class II wetlands.
- Q.ANR:DB.2-6.** In your response to ANR 1-4, you indicate that you “have spent around 30 years building meteorological masts.” Please list any and all Certificates of Public Good you have sought in connection with building “meteorological masts.” In addition:
- a. Identify and list each Certificate of Public Good received prior to March 9, 2010.
 - b. Identify and list each Certificate of Public Good received on or after March 9, 2010.
- Q.ANR:DB.2-7.** Admit that the Section 246 application form requires the applicant to certify that any construction activities will follow the recommendations of *the Vermont Erosion Control Handbook*.
- Q.ANR:DB.2-8.** In your response to ANR 1-11, you identify the latitude and longitude coordinates of the location where the mast was raised and installation was completed as N44° 49’ 19.93” and longitude W72° 20’ 57.77” which is a different location from the “approximate location of met mast” depicted on Bates-8585-ANR-002. Please indicate whether the response provided to ANR 1-11 or Bates-8585-ANR-002 accurately depicts the location of the MET tower. In addition, please provide revised latitude and longitude coordinates of the location of the MET tower if the location depicted in Bates-8585-ANR-002 accurately depicts the location of the MET tower.
- Q.ANR:DB.2-9.** On page 4, lines 10-11 of his prefiled testimony, Mr. Blittersdorf states that “no roads were needed to bring the met mast and equipment to the site or to erect the

mast." Please clarify whether any roads have since been built to access and/or maintain the MET tower.

- a. If a road or multiple roads have been built to access and/or maintain the MET tower, for each and every road built:
 - i. Please identify the location of the road;
 - ii. Please identify the dimensions of the road;
 - iii. Please describe the material used to construct the road; and
 - iv. Please describe the current condition of the road and indicate how long the road has been in that condition.
- b. If no roads have been built to access and/or maintain the MET tower:
 - i. What is the path or route you follow to access and/or maintain the MET tower?
 - ii. List each and every type of vehicle you have used to access and/or maintain the MET tower since it was erected in 2010.
 - iii. List each and every type of vehicle you intend to use to access and/or maintain the MET tower that you have not already identified in response to 2-8(f)(ii).

Q.ANR:DB.2-10. In your response to DPS 1-3, you indicate that "[i]n 2010, I was aware of the Vermont Technical College Anemometer Program funded through the Department of Public Service which informed participants that only local permits were needed." Please identify each and every basis for your understanding that the Department of Public Service "informed participants that only local permits were needed."

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Requests to Produce

RTP.ANR:DB.2-1. Please produce all documents requested in the information requests.

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

Dated this 24th day of February, 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

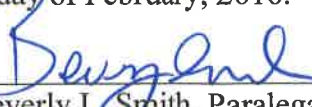
I, Beverly Smith, certify that on February 24, 2016, I served a copy of the Vermont Agency of Natural Resources' *Second Set of Information Requests on Respondent*, in the above captioned matter, to the following interested persons, by U.S. Mail, postage prepaid and by electronic mail:

Geoffrey Commons, Director of Public Advocacy
Aaron Kisicki, Special Counsel
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Dr. Robert R. Holland, Moderator
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4328 Route 14
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kcf.rrh@gmail.com

Dated at Montpelier, Vermont this 24th day of February, 2016.



Beverly L. Smith, Paralegal
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Montpelier, Vermont 05602-3901