

STATE OF VERMONT
PUBLIC SERVICE BOARD

VERMONT PUBLIC
SERVICE BOARD

2016 JUN 29 PM 2 33

Docket No. 8585

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

NOTICE OF DEPOSITION

TO:

Leslie Welts, Esq.
Vermont Agency of Natural Resources
One National Life Drive, Davis 2
Montpelier, VT 05620-3901

Dr. Robert R. Holland
P.O. Box 88
4328 Route 14
Irasburg, VT 05845

Geoffrey Commons, Esq.
Aaron Kisicki, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Irasburg Select Board
P.O. Box 51
Irasburg, VT 05845

PLEASE TAKE NOTICE that the Respondent in the above-captioned action, by his attorneys, Legal Counselors & Advocates, PLC, will take the deposition *duces tecum* of the Vermont Agency of Natural Resources, pursuant to Rule 30(b)(6) of the Vermont Rules of Civil Procedure, by the representative(s) authorized to speak on its behalf who is most knowledgeable with respect to the topics enumerated on the List of Topics below, on July 26, 2016, or such other date as is negotiated by the parties, commencing

at 9:30 am in the Boardroom, Capital Plaza Hotel, 100 State Street, Montpelier, Vermont before a duly authorized court reporter. The Agency of Natural Resources is directed, as required by Rule 30(b)(5) of the Vermont Rules of Civil Procedure, to produce for use at the deposition, to the extent not already produced, the documents listed on the List of Documents, below. The deposition may also be videotaped. Oral examination will continue from day to day until completed. You are invited to attend and cross examine.

List of Topics

1. The impacts to the environment caused by the installation of the met tower that is the subject of investigation in this Docket No. 8585.
2. The presence of the following natural resources or natural resource features on the property where the met tower that is the subject of investigation is located:
 - a. Class I, II and III wetlands
 - b. Streams
 - c. Shorelines
 - d. Rare, threatened or endangered plant species
 - e. Rare, threatened or endangered animal species
 - f. Necessary wildlife habitat
 - g. Floodways
 - h. Outstanding resource waters
3. Impacts to the following specific resources caused by the installation of the met tower that is the subject investigation in this Docket No. 8585:
 - a. Class I, II and III wetlands

- b. Streams
 - c. Shorelines
 - d. Rare, threatened or endangered plant species
 - e. Rare, threatened or endangered animal species
 - f. Necessary wildlife habitat
 - g. Floodways
 - h. Outstanding resource waters
4. Construction best practices to avoid undue adverse impacts to natural resources and the environment.
5. Site visits to David Blittersdorf's property on Kidder Hill Road in Irasburg, Vermont made by Agency staff and/or officials between August 1, 2013 and December 31, 2013 in connection with Wastewater System and Potable Water Supply Permit #WW-7-3908 permit.
6. What factors the Agency of Natural Resources will recommend that the Public Service Board take into account when assessing whether to impose a penalty if the Board determines in this Docket No. 8585 that the Respondent violated the law.
7. What aggravating circumstances the Agency will recommend that the Public Service Board consider in assessing a penalty if the Board determines in this Docket No. 8585 that the Respondent violated the law.

8. What mitigating circumstances the Agency will recommend that the Public Service Board consider in assessing a penalty if the Board determines in this Docket No. 8585 that the Respondent violated the law.
9. The contents of documents and photographs produced in response to requests #1 through 3 described in the List of Documents, below.
10. The involvement of the Agency of Natural Resources, any of the Agency's Departments or Divisions, and any of the Agency's staff or officials in reviewing meteorological tower installations done in connection with the Vermont Anemometer Loan Program between 2008 and 2013.

List of Documents

1. All photographs taken between December 1, 2011 through July 30, 2016 that are in the possession, custody or control of the Agency of Natural Resources depicting (1) any portion of David Blittersdorf's real property on Kidder Hill Road in Irasburg, Vermont, and (2) the met tower that is the subject of the investigation in this Docket No. 8585.
2. All communications between the Agency of Natural Resources and the Department of Public Service regarding the subject matter of the investigation in this Docket No. 8585.

3. All communications between the Agency of Natural Resources and the Town of Irasburg, including all Town agents and representatives, regarding the subject matter of the investigation in this Docket No. 8585.
4. All communications between the Agency of Natural Resources and one or more members of the Irasburg Ridgeline Alliance regarding the subject matter of the investigation in this Docket No. 8585.
5. Documents in the possession, custody or control of the Agency of Natural Resources that pertain to David Blittersdorf's compliance with orders, rules, and regulations of (a) the Public Service Board, (b) any Department or Division of the Agency of Natural Resources, (c) the Natural Resources Board, (d) any Vermont municipal zoning authority, and (e) any Act 250 District Environmental Commission.

Dated at Castleton, Vermont this 29th day of June, 2016.



Leslie A. Cadwell
Alison Milbury Stone
Legal Counselors & Advocates, PLC
P.O. Box 827
751 Frisbie Hill Road
Castleton, VT 05735
lac@lac-lca.com
alison@lac-lca.com
Respondent's Attorneys