

STATE OF VERMONT  
PUBLIC SERVICE BOARD

VERMONT PUBLIC  
SERVICE BOARD

Docket No. 8585

2016 JUN 29 PM 2 33

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

NOTICE OF DEPOSITION

TO:

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

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

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

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 Department of Public Service (PSD), 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 27, 2016, or such other date as is negotiated by the parties,

commencing at 9:30am in the Boardroom, Capital Plaza Hotel, 100 State Street, Montpelier, Vermont before a duly authorized court reporter. The PSD 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 PSD's involvement and role in administering state and federal grants that helped fund in whole or in part the Vermont Anemometer Loan Program.
2. The PSD's role in planning, proposing, and executing the installation of meteorological towers to assess the suitability of sites for wind electric generation facilities between 2008 and 2012 where Vermont Environmental Research Associates was (1) an adviser; (2) a contractor; (3) a subcontractor; or (4) a grantee, for all or part of the installation.
3. The terms and conditions of all state and federal grants that contributed funding to the Vermont Anemometer Loan program between 2008 and 2013 and were administered by the PSD or the Clean Energy Development Fund, including terms and conditions relating to acquisition of state and local permits for work performed using grant funds, compliance with state and local laws, rules, and

regulations, grant condition compliance certifications, and grant reporting requirements.

4. What factors the PSD 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.
5. What aggravating circumstances the PSD 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.
6. What mitigating circumstances the PSD 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.
7. The contents of documents and photographs produced in response to requests #1 through 7 described in the List of Documents, below.

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 PSD 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 PSD and the Agency of Natural Resources regarding the subject matter of the investigation in this Docket No. 8585.

3. All communications between the PSD 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 PSD and one or more members of the Irasburg Ridgeline Alliance regarding the subject matter of the investigation in this Docket No. 8585.
5. All communications between 2008 and 2012 between the PSD and John Kidder regarding (1) meteorological tower installations planned and executed through the Vermont Anemometer Loan Program, and (2) permits and approvals needed to install meteorological towers in Vermont.
6. All communications between PSD staff, officials, agents, or employees and David Blittersdorf about (1) grant funding for the Vermont Anemometer Loan Program; (2) the features of the Vermont Anemometer Loan Program, including the Program's division of responsibility among stakeholders for the planning, permitting, installation, operation, and removing meteorological towers loaned out through the program.
7. All reports and all certifications of compliance with grant conditions submitted by or on behalf of the PSD to any federal agency, department, division regarding

federal funds disbursed in connection with the Vermont Anemometer Loan program.

8. Documents in the possession, custody or control of the Department of Public Service 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.
9. All documents supporting the witness's knowledge of the subject matter of topics #4, 5, and 6 in the List of Topics, above.

Dated at Castleton, Vermont this 29<sup>th</sup> 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