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VERMONT PUBLIC
SERVICE BOARD
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Alison Milbury Stone
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July 1, 2016

By Email and U.S. Mail

Judith C. Whitney, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Re: Docket 8585: Respondent's Discovery Requests

Dear Ms. Whitney,

Enclosed please find originals and three (3) copies of Respondent's first-round discovery requests on the Agency of Natural Resources and the Department of Public Service, respectively, in the above-referenced proceeding. Copies are being served on the parties electronically today and sent to them via US Mail.

Thank you for your time and attention to this matter. Please contact me with any questions or concerns.

Best regards,

Alison Milbury Stone

Enclosure

cc: Geoffrey Commons & Aaron Kisicki, Vermont Department of Public Service
Leslie A. Welts, Vermont Agency of Natural Resources
Robert R. Holland, for the Town of Irasburg

STATE OF VERMONT
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Docket 8585

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

**RESPONDENT'S DISCOVERY REQUESTS TO
THE AGENCY OF NATURAL RESOURCES**

NOW COMES Respondent David Blittersdorf, by and through the undersigned counsel, and pursuant to Public Service Board Rule 2.214, V.R.C.P. 26, 33, 34, and 36, hereby serves the Vermont Agency of Natural Resources (ANR) with the following discovery requests, to be answered in accordance with the aforementioned rules by August 9, 2016.

Interrogatories

1. With respect to each of the following interrogatories, requests to admit, and requests to produce, identify by name, position and telephone number each person who assisted in ANR's response thereto.
2. Other than David Blittersdorf's testimony, exhibits and discovery responses in Docket 8585, please identify all documents and sources ANR has consulted in connection with its review of the impact on the environment of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont.
3. Please identify any of the following who have visited the 700 Kidder Hill Road property in Irasburg, Vermont and provide the date and purpose of their visit:

- a. Current ANR employee(s)
 - b. Former ANR employee(s)
 - c. Current ANR contractor(s)
 - d. Former ANR contractor(s)
4. For any ANR employee(s) who have reviewed the 700 Kidder Hill Road property remotely or in person, in connection with Docket 8585 or otherwise, please:
- a. State their full name(s) and title(s)
 - b. Indicate whether they are a current or former employee
 - c. Describe the scope of their review
 - d. State any conclusions they reached.
5. For any Agency of Natural Resources contractors(s) who have reviewed the 700 Kidder Hill Road property remotely or in person, in connection with Docket 8585 or otherwise, please:
- a. State their full name(s) and title(s)
 - b. Indicate whether they are a current or former contractor
 - c. Describe the scope of their review
 - d. State any conclusions they reached.
6. Please describe in detail any and all recommendations ANR has made between 2006 and the present with respect to penalties under 30 V.S.A § 30 in Public Service Board dockets regarding meteorological stations that were installed without a Certificate of Public Good pursuant to:

- a. 30 V.S.A. § 246
 - b. 30 V.S.A. § 248.
7. Identify each person whom ANR expects to call as a witness in Docket 8585.
 8. For each person whom ANR expects to call as a witness in Docket 8585, please state:
 - a. the subject matter on which the expert is expected to testify
 - b. the substance of any and all facts and opinions as to which the expert is expected to testify
 - c. a summary of the grounds for each and every opinion as to which the expert is expected testify
 - d. if the witness is an expert, identify the subject matter in which they have expertise and their qualifications to testify as to that subject matter.
 9. State whether the installation of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont substantially harmed, or was likely to substantially harm, the environment.
 10. With respect to ANR's response to question 9 above, please describe each and every basis for ANR's conclusion.
 11. For any request to admit below that is denied, please explain in detail the basis for such denial.

12. With respect to any and all document(s) produced by ANR in response to Request to Produce number 3 below, please provide each and every basis for ANR's conclusion that:

- a. The document supports any fact(s) set out in David Blittersdorf's testimony in Docket 8585
- b. The document contradicts any fact(s) set out in David Blittersdorf's testimony in Docket 8585.

Requests to Admit

1. Admit that the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont was installed in frozen conditions.
2. Admit that no access roads were installed in connection with the installation of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont.
3. Admit that ANR determined that a site visit was not necessary in order for ANR to assess the impact on the environment of the installation of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont.

Requests to Produce

1. Please produce all documents (including but not limited to emails and text messages) in ANR's possession, custody or control that bear on David Blittersdorf's record of compliance.

2. Please produce all documents (including but not limited to emails and text messages) that ANR intends to enter into evidence in Docket 8585 regarding any and all:
 - a. aggravating circumstance(s) with respect to the matter under investigation in Docket 8585
 - b. mitigating circumstance(s) with respect the matter under investigation in Docket 8585.

3. Please produce any and all document(s) in ANR's possession, custody or control that:
 - a. support any fact(s) set out in David Blittersdorf's testimony in Docket 8585
 - b. contradict any fact(s) set out in David Blittersdorf's testimony in Docket 8585.

4. Please produce all documents in ANR's possession, custody or control that demonstrate the impact of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont on:
 - a. Floodways
 - b. Shorelines
 - c. Streams
 - d. Wetlands
 - e. Outstanding Resource Waters

- f. Rare and Irreplaceable Natural Areas
 - g. Necessary Wildlife Habitat
5. Please produce any documents in ANR's possession, custody or control that bear on whether the installation of the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont substantially harmed or was likely to substantially harm the environment.
 6. Please produce any documents (including but not limited to field notes, memoranda, emails and text messages) in ANR's possession, custody or control with respect to site visits to 700 Kidder Hill Road in Irasburg, Vermont made by any of the following:
 - a. Current ANR employees
 - b. Former ANR employees
 - c. Current ANR contractors
 - d. Former ANR contractors
 7. For any request to admit that is denied in whole or part, please produce any and all evidence in the ANR's possession, custody or control that formed a basis for that response.
 8. Please produce all documents identified, referenced, relied upon, or referred to in responding to the interrogatories and requests to admit above.

Dated at Burlington, Vermont this 1st day of July, 2016.

RESPONDENT DAVID BLITTERSDORF

By: 

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Leslie A. Cadwell

Legal Counselors & Advocates, PLC

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Attorneys for Petitioners

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Docket 8585

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

**RESPONDENT'S DISCOVERY REQUESTS TO
THE DEPARTMENT OF PUBLIC SERVICE**

NOW COMES Respondent David Blittersdorf, by and through the undersigned counsel, and pursuant to Public Service Board Rule 2.214, V.R.C.P. 26, 33, 34, and 36, hereby serves the Department of Public Service (the Department) with the following discovery requests, to be answered in accordance with the aforementioned rules by August 9, 2016.

Interrogatories

1. With respect to each of the following interrogatories, requests to admit, and requests to produce, identify by name, position and telephone number each person who assisted in the Department's response thereto.
2. Please describe in detail any and all recommendations has the Department made between 2006 and the present with respect to penalties under 30 V.S.A § 30 in any Public Service Board dockets regarding meteorological stations that were installed without a Certificate of Public Good pursuant to:
 - a. 30 V.S.A. § 246
 - b. 30 V.S.A. § 248.

3. Identify each person whom the Department expects to call as a witness in Docket 8585.
4. For each person whom the Department expects to call as witness in Docket 8585, please state each of the following:
 - a. the subject matter on which the witness is expected to testify;
 - b. the substance of the facts and opinions as to which the witness is expected to testify;
 - c. a summary of the grounds for each opinion as to which the witness is expected testify;
 - d. if the witness is an expert, identify the subject matter in which they have expertise and their qualifications to testify as to that subject matter.
5. With respect to the Vermont Anemometer Loan Program, please identify all of the following:
 - a. any and all current Department employees who worked in any capacity on said Program;
 - b. any and all former Department employees who worked in any capacity on said Program; and
 - c. any and all individuals and entities who worked under contract on the Program.

6. Please identify any and all communications regarding permitting requirements for meteorological stations that the Department had with:
 - a. Participants in the Anemometer Loan Program
 - b. John Kidder
 - c. The House Committee on Natural Resources and Energy
 - d. The Senate Committee on Natural Resources and Energy
 - e. Any federal agency, department or division
 - f. Members of the public.
7. With respect to each of your answers to question 6 above, please identify:
 - a. The date of any and all such communication(s)
 - b. The form of any and all such communication(s)
 - c. the content of any and all such communication(s).
8. For any request to admit below that is denied, please explain in detail the basis for such denial.
9. With respect to any and all document(s) produced by the Department in response to Request to Produce number 7 below, please provide each and every basis for the Department's conclusion that:
 - a. The document supports any fact(s) set out in David Blittersdorf's testimony in Docket 8585
 - b. The document contradicts any fact(s) set out in David Blittersdorf's testimony in Docket 8585.

Requests to Admit

1. Admit that the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont is not temporary.
2. Admit that the Department does not have any documents or things in its possession, custody or control indicating that David Blittersdorf knew or had reason to know that a Certificate of Public Good was required for the meteorological station at 700 Kidder Hill Road at the time he installed it.
3. Admit that the Department does not have any documents or things in its possession, custody or control indicating that David Blittersdorf intended to violate the law by installing the meteorological station at 700 Kidder Hill Road without a Certificate of Public Good.

Requests to Produce

1. Please produce all correspondence between the Department and David Blittersdorf or any representative of David Blittersdorf regarding the meteorological station at 700 Kidder Hill Road in Irasburg, Vermont.
2. Please produce all correspondence (including but not limited to emails, text messages, and letters) between David Blittersdorf and the Department regarding permitting requirements for meteorological stations.

3. Please produce all documents (including but not limited to emails and text messages) in the Department's possession, custody or control bear on David Blittersdorf's intent when he installed the meteorological station at 700 Kidder Hill in Irasburg, Vermont.
4. Please produce all documents in the Department's possession, custody or control that bear on whether the installation of the meteorological station at 700 Kidder Hill in Irasburg, Vermont substantially harmed or might have substantially harmed:
 - a. the public health safety, or welfare
 - b. the interests of utility customers
 - c. the environment
 - d. the reliability of utility service
 - e. the financial stability of the company.
5. Please produce all documents (including but not limited to emails and text messages) in the Department's possession, custody or control that bear on David Blittersdorf's record of compliance.
6. Please produce all documents that the Department intends to enter into evidence in Docket 8585 with respect to any and all:
 - a. Aggravating circumstance(s) in the matter under investigation in Docket

- b. Mitigating circumstance(s) in the matter under investigation in Docket 8585
7. With respect any facts set out in David Blittersdorf's testimony in Docket 8585, please produce any and all document(s) in the Department's possession, custody or control that:
 - a. Support such facts
 - b. Contradict such facts
8. Please produce any documents (including but not limited to emails and text messages) in the Department's possession, custody or control regarding the Petition of Endless Energy Corporation for an Amended Certificate of Public Good, Pursuant to 30 V.S.A. Section 248(j), for Installation of Three Temporary Wind Measurement Towers on Little Equinox Mountain in Manchester, Vermont (Docket No. 6154).
9. Please produce any documents (including but not limited to memoranda, notes, and testimony) in the Department's possession, custody or control related to the legislative establishment (via 2009 Vt. ACT 45 and 2009 Vt. H. 446) of the anemometer loan program's eligibility for American Recovery and Reinvestment Act (ARRA) funds, which is codified in 30 V.S.A § 8015(h)(3).
10. Please produce all documents in the Department's possession, custody or control with respect to the Anemometer Loan Program that evidence the following with respect to that Program:

- a. David Blittersdorf's involvement
 - b. NRG Systems' involvement.
11. Please produce any and all communications identified in the Interrogatories numbered 6 and 7 above.
 12. For any request to admit that is denied in whole or part, please produce any and all evidence in the Department's possession, custody or control that formed a basis for that response.
 13. Please produce all documents identified, referenced, relied upon, or referred to in responding to the interrogatories and requests to admit above.

Dated at Burlington, Vermont this 1st day of July, 2016.

RESPONDENT DAVID BLITTERSDORF

By: _____



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