



LEGAL COUNSELORS & ADVOCATES PLC  
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VERMONT PUBLIC  
SERVICE BOARD

2016 JUL 25 AM 9 07

JW  
GJ

Alison Millbury Stone  
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802-343-8853

July 22, 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 on Agency of Natural Resources

Dear Ms. Whitney,

This letter is to inform you that the Respondent has withdrawn the notice of depositions served on the Agency of Natural Resources on June, 29, 2016. Accordingly, the issues related to the Respondent's notices of deposition on ANR raised in Non-respondents' motion to quash are now moot.

I have spoken with Attorney Welts, counsel for ANR, and am authorized to state that ANR has agreed to permit Respondent to revise the written discovery requests to cover areas that were addressed in the June 29 Notice of Deposition to ANR. ANR has also agreed to answer Respondent's revised written discovery requests by the August 7 deadline.

Enclosed please find an original and three (3) copies of the modified discovery requests to ANR per the aforementioned agreement. Copies are being sent to the parties today, both electronically and via US Mail.

Thank you for your time, and for bringing this matter to the Hearing Officer's attention. Please contact me with any questions or concerns.

Best regards,

*Alison Milbury Stone*  
by *[Signature]*

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  
PUBLIC SERVICE BOARD

2016 JUL 25 AM 9 07

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.

13. Please list any and all of the following:

- a. factor(s) the Agency of Natural Resources will recommend that the Public Service Board take into account when assessing whether to impose a penalty if the Public Service Board determines in Docket No. 8585 that the Respondent violated the law.
- b. aggravating circumstance(s) the Agency of Natural Resources will recommend that the Public Service Board consider when assessing whether to impose a penalty if the Public Service Board determines in Docket No. 8585 that the Respondent violated the law.
- c. mitigating circumstance(s) that the Agency of Natural Resources will recommend that the Public Service Board consider when assessing whether to impose a penalty if the Public Service Board determines in Docket No. 8585 that the respondent violated the law.

14. Please describe the involvement of the Agency of Natural Resources in reviewing meteorological installations done in connection with the Vermont Anemometer Loan Program between 2008 and 2013.
15. With respect to any involvement described in response to question 14 above, please list the following:
  - a. the role of any and all Agency of Natural Resources Department(s) or Division(s) in connection with such review.
  - b. the names of any and all Agency of Natural resources staff and officials involved in such review.
  - c. the role of any and all Agency of Natural resources staff and officials involved in such review.
16. With respect to any and all photographs produced in response to Request to Produce number 9 below, please identify:
  - a. The name of the person who took the photograph
  - b. The date on which the photograph was taken
  - c. The location from which the photograph was taken.

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
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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.
  9. Please produce all photographs taken between December 1, 2011 through July 2016 that are in the possession, custody or control of the Agency of Natural Resources depicting:
    - a. any portion of David Blittersdorf's real property on Kidder Hill Road in Irasburg, Vermont
    - b. the meteorological station that is the subject of the investigation in this Docket 8585.
  10. Please produce 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 8585.
  11. Please produce all 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 Vermont Public Service Board
- b. the Agency of Natural Resources (including any and all Department(s) or Division(s) thereof)
- c. the Natural Resources Board
- d. any Vermont municipal zoning authority
- e. any Act 250 District Environmental Commission.

Dated at Burlington, Vermont this 22nd day of July, 2016.

RESPONDENT DAVID BLITTERSDORF

By: \_\_\_\_\_



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STATE OF VERMONT  
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- b. the Agency of Natural Resources (including any and all Department(s) or Division(s) thereof)
- c. the Natural Resources Board
- d. any Vermont municipal zoning authority
- e. any Act 250 District Environmental Commission.

Dated at Burlington, Vermont this 22nd~~1st~~ day of July, 2016.

RESPONDENT DAVID BLITTERSDORF

By: \_\_\_\_\_  
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