

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NO. 8585

INVESTIGATION INTO METEOROLOGICAL
TOWER AT 700 KIDDER HILL ROAD IN
IRASBURG, VERMONT

Deposition of Dr. Robert R. Holland
held at Capitol Plaza
100 State Street
Montpelier, Vermont
on August 5, 2016
beginning at 1 p.m.

A P P E A R A N C E S

For the Respondent

LESLIE CADWELL LEGAL COUNSELOR & ADVOCATE, PLC
Appearing for the Petitioner
751 Frisbie Hill Road
Castleton, VT 05735

BY: LESLIE A. CADWELL, ESQUIRE
ALISON MILBURY STONE, ESQUIRE

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I N D E X

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None	

1 (12:55 p.m.)

2 DR. ROBERT R. HOLLAND

3 Having been duly sworn, testified

4 as follows:

5 EXAMINATION

6 BY MS. CADWELL:

7 Q. And please state your name for the record.

8 A. Robert R. Holland.

9 Q. Okay. And may I call you Dr. Holland today?

10 A. You certainly may.

11 Q. Thank you. And what is your role with respect
12 to the 8585 investigation before the Public Service Board?

13 A. My role is to participate and look out for the
14 interests of the town of Irasburg.

15 Q. And were you given a written scope of
16 authority from the town for your role in the docket?

17 A. There was no written scope of authority.

18 Q. Okay. Do you know what statements that you
19 make here today will be binding on the town, meaning we
20 could attribute your statements as statements to the town?

21 A. So please rephrase the question. Or just
22 repeat.

23 Q. Sure. I want to understand if there is -- if
24 there are some boundaries in terms of what you state here
25 today, that could not be -- I'm going to use the term held

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1 against the town. Meaning they are the town's statements
2 or they are Dr. Holland's statements?

3 (Ms. Stone entered the room)

4 THE WITNESS: Hello.

5 MS. STONE: Hi. How are you? Alison
6 Stone.

7 THE WITNESS: Ron Holland.

8 BY MS. CADWELL:

9 Q. I can repeat the question a different way if
10 it's still too lawyerly.

11 A. I understand, I think. Basically very little
12 of what I have done and what I do has to do with binding
13 the town to any kind of agreement or decision, so forth.
14 It's more simply listening, paying attention, so I mean
15 I'm not so much a decision maker as I'm an observer.

16 Q. Okay.

17 A. The only -- the only binding decision that we
18 have made wasn't made by me. It was made by the select
19 board which had to do with the offer that you proposed.
20 And that was a decision -- that's the only decision that I
21 can think of since this process began that has some sort
22 of binding nature to it.

23 Q. Okay. So is it fair to say -- and the reason
24 I'm asking is because I want to be sure that we don't
25 attribute something you say here today to the town of

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1 Irasburg if the town didn't authorize you to take any
2 particular position. That your testimony today is from
3 Dr. Holland personally, but not necessarily speaking for
4 the town of Irasburg. Is that fair?

5 A. That's fair, and I'll certainly notify you if
6 I think I'm speaking for the town versus myself.

7 Q. Perfect. Perfect. Okay.

8 MS. CADWELL: And Alison, these are the
9 documents that --

10 THE WITNESS: That you asked for.

11 MS. CADWELL: -- that Dr. Holland
12 brought that I asked for. You wouldn't mind just
13 taking a look through while he and I talk. I may
14 have some follow up from this. If you see anything
15 that you think would be of interest given what we --
16 sort of what we are looking for here for the purposes
17 of the proceeding, you know, you and I can talk about
18 it before we let him go and see if there is an area
19 of inquiry.

20 MS. STONE: Great.

21 MS. CADWELL: Thank you.

22 BY MS. CADWELL:

23 Q. All right. So Dr. Holland, I want to start
24 with the issue of property taxes for David Blittersdorf's
25 property in Irasburg specifically related to the

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1 meteorological tower. What do you know about the town of
2 Irasburg's decision to tax the David Blittersdorf's
3 property in Irasburg because there was a meteorological
4 tower?

5 A. Essentially nothing.

6 Q. Okay. Did you attend a grievance hearing --

7 A. Yeah.

8 Q. -- where Mr. Blittersdorf grieved his tax
9 assessment? Can you describe what you observed there?

10 A. I heard a reasonable, rational discussion
11 between people about misunderstandings.

12 Q. And who was in the room that you recall?

13 A. David Blittersdorf, Tom Stelter. S-T-E-L-T
14 -E-R, and he was the major participant because he's the
15 one that had done it. And then there were two other
16 listeners present also. Their names escape me at the
17 moment. One was from an adjacent town, and the other I
18 know him, but I don't have his name at my fingertips.

19 Q. Okay. And what was the topic of discussion?

20 A. The topic of discussion was the nature of the
21 wind towers, whether they had foundations or not, whether
22 they were painted or not, what their market value was. It
23 was all quite reasonable.

24 Q. Was it the wind towers or the met tower?

25 A. Both I think.

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1 Q. Okay. And do you have any background on
2 property tax assessments in Irasburg?

3 A. Minimal.

4 Q. Okay.

5 A. I was a lister once because we had a big town
6 controversy about listing, how properties were listed.

7 Q. What was that controversy?

8 A. Oh, you don't want to get into that. Totally
9 irrelevant to this.

10 Q. Well tell me a little bit about what the
11 controversy was.

12 A. The controversy was that new homes in the
13 village seemed to be under appraised, and older homes were
14 over appraised. And then looking at -- and then that
15 seemed to follow along lines of family relationships
16 between the listers and the homeowners. And it turned out
17 that none of the older homes had ever been -- had any
18 depreciation attributed to them. So they just sat there
19 and depreciated, but their taxes stayed the same.

20 Q. And so in your capacity as a lister, did you
21 assess the value of property that was only temporarily
22 installed?

23 A. No.

24 Q. So is it fair to say that the property taxes
25 are for permanent improvements on a piece of land?

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1 A. I don't know. I don't have an informed
2 opinion on that.

3 Q. Okay. Do you know whether Mr. Blittersdorf's
4 -- the meteorological tower was taxed because it's a
5 permanent structure?

6 A. No.

7 Q. What's your background -- let me -- what is
8 your -- can you give me just sort of a sketch of you, of
9 your professional -- your educational and professional
10 background?

11 A. Sure. Sure. Educational background is I'm
12 primarily trained as a physicist which means that you
13 don't remember a lot of details, but you remember big
14 relationships. Like F equals MA. And you remember laws,
15 and you see how these fundamental laws spin out in
16 complexity, so you can forget about the complexity as long
17 as you understand the fundamental laws.

18 And then I went to medical school. Have been
19 a physician; graduated in 1972. Been practicing medicine
20 ever since 1972, and then did further training in decision
21 analysis and policy analysis, and which actually relates
22 to the issue at hand.

23 I've done several professional publications
24 doing cost effectiveness analysis. And was professionally
25 troubled by Vermont's renewable energy policy as it was

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1 billed as cost effective renewable energy policy and yet
2 meets no standard criteria -- acceptable professional
3 criteria for being cost effective renewable energy policy.
4 That's how I got into this domain. Primarily practice as
5 an emergency physician where basically you're making
6 decisions like this. (Snapping fingers). I have a few
7 general principles about how to make decisions. I
8 followed them; for the most part they would turn out
9 pretty good. That's me in a nutshell.

10 Q. Okay. And in connection with the training on
11 cost effectiveness and policy, did you -- did you ever
12 have occasion to do any kind of renewable energy
13 development work yourself?

14 A. I did a cost effectiveness analysis of a
15 Lowell wind project which wasn't published professionally,
16 but it's out there.

17 Q. Okay. But and do you have in your home or in
18 your property any renewable energy systems?

19 A. I do not. That's because I'm sending my
20 daughter to college. Can't afford them both.

21 Q. Fair enough. What is your familiarity with
22 installation of meteorological towers generally?

23 A. I mean I have no knowledge of them beyond that
24 of a layperson.

25 Q. Okay. Have you seen one in person?

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1 A. From my backyard.

2 Q. Okay. And where do you see your -- the
3 meteorological tower from your backyard?

4 A. On Mr. Blittersdorf's land.

5 Q. Okay. So your backyard abuts Mr.
6 Blittersdorf's land?

7 A. No. It's probably several miles away. But
8 you know, has a good exposure -- good view of the
9 ridgeline.

10 Q. Okay. And can you see it without binoculars
11 or a telescope? Can you see the -- Mr. Blittersdorf's
12 meteorological tower from your property without the use of
13 a binoculars or telescope?

14 A. Yes, I can.

15 Q. And how visible is it?

16 A. It's -- you have -- it's not obvious. You
17 have to point it out to people.

18 Q. Can you see what instrumentation is attached
19 to it?

20 A. No.

21 Q. Other than Mr. Blittersdorf's testimony in
22 this case, do you have any personal knowledge of the
23 instrumentation that's attached to the met tower?

24 A. Not really.

25 Q. Okay.

1 A. Not -- I'm sure that there is anemometers at
2 different altitudes.

3 Q. But you don't know for sure?

4 A. Well I'm pretty confident that that's the
5 case.

6 Q. And what gives you that confidence?

7 A. Just you look up and see something. Oh, must
8 be that. I mean, you know, I think there is some
9 commonalities of people what goes on with these things.

10 Q. Okay. And are you aware of any wind project
11 in Vermont where a met tower was not used to assess the
12 suitability of the site for wind prior to the installation
13 of the project?

14 A. No. I have no in-depth knowledge of that.

15 Q. Okay. Do you know whether a meteorological
16 tower is an essential part of a residential-scale wind
17 installation?

18 A. I'm sure it's not because my neighbors have
19 put up wind towers without them.

20 Q. They have. Okay. And what size are the wind
21 towers that your neighbors have?

22 A. You know, just above treetops. Home scale.

23 Q. Okay. Are they -- are you familiar with the
24 two wind turbines that are on Mr. Blittersdorf's property
25 in Irasburg?

1 A. Not -- you know, you can see them from the
2 road, but I can only see one of them from the road. I've
3 seen the one that you can see from the road. I haven't
4 been on the property.

5 Q. Is that about the same size as your neighbor's
6 wind turbine?

7 A. It would appear to be.

8 Q. Okay. And are your neighbors net metered, do
9 you know?

10 A. Gee, I don't know.

11 Q. Okay.

12 A. I don't think they are.

13 Q. Do you think they are what we call off grid?

14 A. I think so.

15 Q. Okay. Do you have an opinion as to why Mr.
16 Blittersdorf might have needed a Certificate of Public
17 Good for his met tower?

18 A. Well do I have an opinion of what he might
19 have needed? Well it's my understanding that there is a
20 statute that says -- that came online sometime like 2010
21 that they need a CPG for these projects. And it was set
22 up as an expedited process to make it easier so the people
23 don't have to go through very complicated proceedings,
24 250s or 248s or something.

25 Q. And do you have an opinion on whether the
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1 statute covers permanent installations or temporary
2 installations?

3 A. Well I think reading of the statute says it's
4 temporary. I don't think it -- I mean it's not intended
5 -- they are not intended by their nature unless you're, of
6 course, you're a developer of met towers, and then you
7 might want a permanent one, right? But if you're not a
8 developer, but it would seem -- well I don't want to
9 meander.

10 Q. Fair enough. Are you aware of other permanent
11 installations of meteorological equipment in Vermont?

12 A. Well I'm sure there is something on top of Mt.
13 Mansfield because they report the weather. They always
14 say from Mt. Mansfield, so I'm sure there is some
15 permanent ones.

16 Q. What about at airports?

17 A. I'm sure. Sure.

18 Q. Have you ever noticed anemometers along with
19 equipment along the side of Vermont's highways?

20 A. Yeah. I think I have. Are those permanent or
21 temporary?

22 Q. That was going to be my question to you. Do
23 you know whether they are permanent or temporary?

24 A. I don't know.

25 Q. Okay.

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1 A. I mean it seems like -- I don't know.

2 Q. And do you know what, in addition to an
3 anemometer, do you know what other instrumentation is on
4 Mr. Blittersdorf's met tower in Irasburg?

5 A. No.

6 Q. Do you have any information to believe that
7 the met tower on Mr. Blittersdorf's property is not
8 permanent?

9 A. No. You know it's interesting, I mean it's
10 interesting social contracts, I mean you know, how do you
11 know something is permanent? You don't know. Right? How
12 do you know, how would you -- it's impossible to know.

13 Q. Have you met David Blittersdorf?

14 A. I actually have.

15 Q. Do you recall when?

16 A. I met him in probably August, just about a
17 year ago. I had a conversation with him.

18 Q. And do you recall the context?

19 A. Yeah. He had come to the select board
20 meeting, and after the meeting I approached him and
21 introduced myself, and we had a conversation. It was
22 pleasant.

23 Q. And what was the conversation about?

24 A. It was about renewable energy policy and
25 problems with it, so forth.

1 Q. And do you recall what Mr. Blittersdorf said
2 to you?

3 A. I recall, yeah, I recall a few things that he
4 said.

5 Q. And can you tell us what those were today
6 please.

7 A. He said that the renewable energy certificates
8 for this project would be retired in Vermont. He said
9 that -- something to the effect that Vermont could not
10 afford to buy more power from Hydro-Quebec because they
11 couldn't pay the prices that Massachusetts would pay for
12 the power, something like that.

13 Q. And when you say this project, what do you
14 mean?

15 A. His proposed two-turbine project on Kidder
16 Hill in Irasburg.

17 Q. Okay. And that's different from the two
18 residential wind turbines he has currently; correct?

19 A. Yes.

20 Q. Okay. And do you have an opinion -- let's
21 assume for the sake of argument that the Public Service
22 Board finds that Mr. Blittersdorf should have received a
23 CPG for installing the met tower. Do you have an opinion
24 on what an appropriate penalty would be for such a
25 violation if the Board were to find it?

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1 A. Do I have an opinion? The select board has
2 expressed to me that they would like something that is --
3 that gives them the same kind of warning and protection
4 they would have had if he had applied for a CPG. So they
5 are not particularly interested in monetary things. It
6 would just like to have something that is in balance with
7 the apparent violation.

8 Q. And do you have some ideas of what that might
9 be?

10 A. It could be -- it could be something that
11 takes into account the time span of the current violation,
12 you know, so for example -- for example, if it's been --
13 let's say the -- this would be -- the tower's probably
14 been up for five or six years, and so it would be
15 information from that tower -- knowledge that came from
16 that tower could be used with an application five or six
17 years from now.

18 Q. Is it possible that -- well let me strike
19 that.

20 So when you say the information from the tower
21 used five or six years from now, what do you mean by that
22 specifically?

23 A. That would mean that if an application goes in
24 for two turbines, that application could go in in 2022.
25 Using six as the number as opposed to five.

1 Q. Okay. So I think is it fair to say that there
2 is an assumption that information from that tower would be
3 used in connection with an application for a Certificate
4 of Public Good for the Kidder Hill Community Wind Project,
5 is that the assumption?

6 A. That is the assumption. Yes. That is the
7 assumption.

8 Q. And what's that assumption based on?

9 A. Why you put it up if you're not going to --
10 that's what the purpose of a met tower is to gather data
11 that would indicate the economic viability of such a
12 project.

13 Q. Are you aware that there are other methods of
14 gaining information to assess the economic viability of a
15 wind project that does not require a met tower?

16 A. I'm aware of that.

17 Q. Are you aware that the State of Vermont
18 gathered data from around the state on wind for the
19 purposes of using that to assess viability of sites for
20 wind?

21 A. I'm not aware of that. I'm aware of those
22 wind maps that maybe that's where the data from the maps
23 came from. I'm not sure. I've seen the maps.

24 Q. And if the data for the wind maps was
25 collected from met towers that did not have a CPG, do you

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1 have an opinion on whether that data should be permitted
2 to be used by a developer to develop a wind project?

3 A. It would certainly seem reasonable. Public
4 domain data.

5 Q. Okay. And if Mr. Blittersdorf wasn't going to
6 use the data from the met tower in connection with his
7 planning of the Kidder Hill Community Wind Project, does
8 the town of Irasburg have a different penalty in mind?

9 A. I don't think -- the assumption of your
10 question is town of Irasburg is a very sophisticated
11 thinking organism, which is not the case. They are nice
12 people, but that's not something that have ever occurred
13 to a native Vermonter.

14 Q. So do you have an opinion about -- if the data
15 isn't used in connection with the development of the
16 Kidder Hill Community Wind Project, does that make a
17 difference to you in terms of a penalty?

18 A. I guess it's really a bit like -- it's a
19 little bit like the question about whether something is
20 permanent or not. You know, how do you possibly know the
21 data is not used. I mean when I make decisions about
22 taking care of patients, I frequently make decisions based
23 upon information that is not reflected in the record. You
24 know, so for my -- I could say it's not used, but
25 decisions are made based upon things that are not always

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1 apparent.

2 I mean if one knew what the data was, how
3 could you -- it seems like an impossible situation to say
4 that you haven't used some data. With me?

5 Q. Yeah. But I don't necessarily agree with you.

6 A. That's fine.

7 Q. But I'm a lawyer. So I know there are ways.
8 Some of it has to do with trust --

9 A. Yeah.

10 Q. -- that someone is telling the truth?

11 A. True, yes.

12 Q. Right?

13 A. Right.

14 Q. Just like how do I know you're not lying to me
15 right now?

16 A. Right.

17 Q. You took an oath, and I'm making the
18 assumption that you're telling me the truth. And that's
19 the assumption I always make after somebody makes an oath,
20 that they are telling me the truth. But I don't know that
21 for sure. Right? So I do get your point. And I
22 appreciate it.

23 Have you read David Blittersdorf's testimony
24 that he provided in this case?

25 A. The answer to the questions?
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1 Q. Yeah. Well the prefiled testimony that he
2 filed.

3 A. Yeah. Yeah.

4 Q. Do you recall his testimony that the tower's
5 installed to do prototype testing?

6 A. I do recall that.

7 Q. Do you believe that testimony?

8 A. It seems reasonable.

9 Q. Okay. You have no reason --

10 A. But I mean --

11 Q. Go ahead.

12 A. But it would seem I mean if I -- it would seem
13 that if when somebody does something that can appear -- it
14 can be easily misinterpreted, it would be -- it seems like
15 there is an ethical responsibility to forewarn people
16 that, hey, this really isn't a met tower. This is a
17 testing tower for my meteorological equipment. Because I
18 mean you might think it's a met tower, but it's not.

19 Q. And so are you suggesting that Mr.
20 Blittersdorf should have notified somebody that he was
21 installing a met tower for prototype testing?

22 A. I think that would have been helpful probably.

23 Q. And who would he have notified?

24 A. His neighbors.

25 Q. Okay. Are you aware that he contacted the
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1 town?

2 A. Yeah. I am aware. I was surprised.

3 Q. Why did it surprise you?

4 A. Well because it seemed like a very reasonable
5 thing to do, and it seems like there should have been a
6 reasonable discussion which doesn't appear to have
7 happened. Not you know, I mean he seemed like --

8 Q. Seemed like what? I'm sorry.

9 A. Seems like he fulfilled some reasonable
10 responsibility for notifying people, but people left it at
11 that.

12 Q. And he did notify people that he was putting
13 up residential wind turbines; correct?

14 A. He did.

15 Q. Have you ever been involved in a research and
16 development for a new medical device or medical product?

17 A. Sort of.

18 Q. Okay. In what context?

19 A. I worked for six years on a computerized
20 Health Information System. You know, data development and
21 experiment. Suffered. Never flew.

22 Q. And where did you do that?

23 A. University of Vermont.

24 Q. And was that done -- was this research done
25 open to the public?

1 A. Yes.

2 Q. It was. Are you aware that some research and
3 development is done in confidence?

4 A. Sure.

5 Q. And sometimes there are trade secrets that
6 need to be kept in the context of research and development
7 for new products?

8 A. I appreciate that.

9 Q. Is it possible that Mr. Blittersdorf put the
10 met tower up because he did not want his competitors to
11 know that he was prototype testing?

12 A. Certainly possible; isn't it?

13 Q. Okay. Would you agree that the location in
14 Irasburg would be a -- a pretty good place to test
15 prototypes for wind equipment?

16 A. Because of its remoteness?

17 Q. Yes.

18 A. Yes. It would seem reasonable.

19 Q. Now when you met Mr. Blittersdorf, what was
20 the purpose of the occasion that you had the opportunity
21 to meet him?

22 A. It was he had come to a town meeting where his
23 proposal had been -- was to be discussed, was discussed.

24 Q. And the proposal was for the two-turbine
25 Kidder Hill Community Wind Project?

1 A. Correct.

2 Q. Okay. And do you know whether Mr.
3 Blittersdorf has sent a written notice to the town or
4 planning commission or neighbors about that project yet?

5 A. I don't know that there had been a written
6 notification. There had been verbal communication to
7 neighbors.

8 Q. Okay. Is it fair to say that there was a
9 response by the town and some folks in town to Mr.
10 Blittersdorf's notice about the Kidder Hill Community Wind
11 Project?

12 A. There was a response.

13 Q. And what was that response?

14 A. It was -- on a scale of one to ten it was a
15 fairly maximal negative response.

16 Q. So it's fair to say that people in the town of
17 Irasburg are aware of his intent to put up -- or to try to
18 develop the Kidder Hill Community Wind Project?

19 A. They were aware. Yeah.

20 Q. Okay. And this is a project that you have an
21 opinion about; isn't it?

22 A. It is a project I have an opinion about.

23 Q. If Mr. Blittersdorf had provided notice about
24 his meteorological tower before he put it up, would that
25 have made any difference to the response to his project,

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1 the Kidder Hill Community Wind Project?

2 A. Certainly if there had been an -- any kind of
3 public process engaged in so reasonable discussion could
4 occur, it would have made a difference. Yeah.

5 Q. In what way?

6 A. You know, these are -- remarkable things can
7 happen if people sit down and talk and have some shared
8 values; they can talk face to face and eye to eye.

9 Q. Do you think it would have made a difference
10 in terms of the support for the Kidder Hill Community Wind
11 Project in Irasburg?

12 A. Yes. I do.

13 Q. You do. In what way?

14 A. Well like I tried to say is, you know, if you
15 engage in a healthy process, you're not quite sure what
16 the outcome is going to be, but it certainly can be better
17 than if you don't engage in the process.

18 Q. Is there an opportunity to engage in a process
19 about the Kidder Hill Community Wind Project aside from
20 the met tower?

21 A. That has been offered.

22 Q. So it's still a possibility irrespective of
23 the met tower?

24 A. Absolutely.

25 Q. Okay. Do you know whether the met tower is
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1 needed to operate the Kidder Hill Community Wind Project?

2 A. Is it needed to operate? I don't think it's
3 needed to operate.

4 Q. Okay. Do you know whether it's needed to
5 operate the two residential wind turbines he has on his
6 property?

7 A. I can't imagine that it is.

8 Q. Okay. What is the basis of your knowledge on
9 the requirement for a Certificate of Public Good for a met
10 tower?

11 A. I've read the statute. That's it.

12 Q. Okay.

13 A. And I wasn't -- I really wasn't aware of it
14 until somebody else brought it up. I wasn't aware of it.

15 Q. Who else brought it up to you?

16 A. At the meeting that we spoke of, one of the
17 participants there mentioned it.

18 Q. Okay. Off the record.

19 (A discussion was held off the record.)

20 BY MS. CADWELL:

21 Q. So do you plan on filing testimony in this
22 case?

23 A. I'm not sure. I'm uncertain. Sometimes I
24 imagine doing it; sometimes I don't.

25 Q. Okay. And on what topics do you think you
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1 might want to testify to?

2 A. Well I really have no -- no expertise related
3 to whether in fact a violation occurred or not. That's a
4 legal thing. I may have something to think about or say
5 about in terms of that phrase in the statute where it
6 talks about penalties, and it says based upon history of
7 compliance or something like that.

8 Q. Okay. And tell me about what your
9 understanding is about Mr. Blittersdorf's history of
10 compliance?

11 A. I don't have very much, much to say about
12 that. Well let me say this. One of my major concerns
13 about Vermont's renewable energy policy is the embedded
14 deception to the public in terms of the word -- use of the
15 word renewable. And I find that all developers, Green
16 Mountain Power, and the Georgia Mountain Community Wind
17 have violated the standard of DC guidelines for an
18 accurate description of their work on the projects. And
19 that does not come under the domain of the compliance as
20 in the statute, that's outside of that.

21 But it seems like it's also relevant that
22 public portrayals just as -- just as in this -- in this
23 testimony, this deposition, you know, you're told to --
24 you're asked to speak the truth and the whole truth. This
25 deceptive use of the word renewable to describe energy

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1 where the RECs are sold out of state I think it's
2 fundamentally a deception that has come from the highest
3 level of government.

4 Q. So let's take Georgia Community -- Georgia
5 Mountain Community Wind as an example. Why do you think
6 the developer is engaged in deception if the developer has
7 sold the RECs to a Vermont utility?

8 A. Oh, well that Vermont utility resells the
9 RECs. And the public is not aware of this, you know, you
10 sell a \$60 REC and you a buy \$1.50 REC, and you know, they
11 are not aware of the shell game that goes on here.

12 Q. Why isn't that the responsibility of the
13 utility not the developer? If the developer is selling it
14 to a Vermont utility, and has no control over what the
15 utility does, why is it the developer not the utility
16 that's being deceptive?

17 A. Well the developer is the one describing in
18 the project as a renewable energy project. And describing
19 as in the case, which is why I asked that question in one
20 of the early on, you know, it's not renewable energy for
21 Vermont homes.

22 Q. But if the energy and the renewable attributes
23 are sold together, doesn't that make that energy
24 renewable? They are bundled.

25 A. You mean when they went to Burlington Electric
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1 Department.

2 Q. A-hum.

3 A. And then Burlington Electric Department sells
4 them?

5 Q. When they go to Burlington Electric
6 Department. Because that's where the transaction ends.

7 A. Well it's still -- in my mind that's still
8 deceptive to the public that this is renewable energy for
9 Vermont.

10 Q. Because the party that buys the bundled energy
11 unbundles it?

12 A. Because the party that bought the bundled
13 product unbundles it.

14 Q. Okay. Fair enough. And what is your basis to
15 state that the public is unaware of Burlington Electric's
16 selling of RECs high and buying them low?

17 A. What's the basis? I mean people don't
18 understand it. People don't understand RECs, and they
19 certainly don't understand this second stage of REC
20 deception.

21 Q. Do you base this on your knowledge of people
22 in Burlington, or is this just sort of a -- well do you
23 base this knowledge on talking to ratepayers in Burlington
24 who use the power from Burlington Electric?

25 A. No. I don't.
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1 Q. Okay. Are you familiar with AllEarth
2 Renewables?

3 A. Only at a distance.

4 Q. Okay. What do you know about AllEarth
5 Renewables' policies about renewable energy credits?

6 A. Very little.

7 Q. Are you aware that AllEarth Renewables does
8 not sell RECs? They retire the RECs for the projects that
9 they develop in Vermont?

10 A. I wasn't -- I was not aware of that.

11 Q. And if Kidder Hill Community Wind entered a
12 contract that ensured that the RECs stayed in Vermont,
13 would you consider that project to be an exception to the
14 deception you're talking about?

15 A. Yes, I would.

16 Q. How many developers have you talked to about
17 their REC policy?

18 A. I haven't talked to very many developers.

19 Q. Okay. Who have you talked to about REC policy
20 in Vermont?

21 A. I talked to David Blittersdorf, I talked to a
22 lot of lay people. I've talked to Kevin Jones. You know,
23 talked to and I've written Op Eds on RECs.

24 Q. Have you advocated to the Vermont Public
25 Service Board to require utilities to retire the RECs from
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1 their renewable energy projects?

2 A. Have I advocated to? No, I haven't advocated.
3 I mean I've certainly expressed that opinion in public,
4 but not directly to the Public Service Board.

5 In fact, I wrote an Op Ed criticizing the
6 Public Service Board for their use of the word renewable
7 because they -- the standard they set in public was
8 depending upon the context, use the word or not use the
9 word, you know. If that was an official report if they
10 would use it precisely, but if it was in a hearing they
11 had let it slide even though it was incorrect.

12 Q. Do you consider a meteorological station to be
13 a renewable energy project?

14 A. Well it's certainly related to renewable
15 energy projects. I don't think it is a renewable energy
16 project.

17 Q. Would it depend on the purpose of the
18 meteorological station?

19 A. I mean it depends upon what the definition of
20 renewable energy project is.

21 Q. Okay. Well how would you define that?

22 A. I would say it was a project that generates
23 renewable energy.

24 Q. Where the --

25 A. Where the RECs are maintained.
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1 Q. Okay. So and I have been using the term
2 bundled so that there is -- you don't strip off the
3 attribute from the energy. You keep them together.

4 A. You know this is -- I mean this is a major --
5 you know, I mean renewable energy it's a social construct
6 the way it's set up now. Okay, and boy, I mean how many
7 people understand that. Not very many.

8 Q. And when you say it's a construct, do you mean
9 because there is this -- a marketable commodity that has
10 an attribute called renewable that you can separate from
11 the electrons that don't know whether they are renewable
12 or not?

13 A. Right.

14 Q. Isn't it fair to say that electrons have no
15 idea whether they are renewable?

16 A. I think it's totally fair.

17 Q. And in fact you can't tell a renewable
18 electron to go one place and a non-renewable electron to
19 go another place when you're putting the power on to the
20 grid; correct?

21 A. Right.

22 Q. So it all mixes up in the -- our electricity
23 is actually all mixed up no matter what you call it;
24 correct?

25 A. Yes.

1 Q. All right. I want to take a break, if that's
2 okay. Because this is -- off the record.

3 (A discussion was held off the record.)

4 BY MS. CADWELL:

5 Q. Back on the record. So Alison reminded me I
6 think I asked you whether you had an opinion about the
7 Kidder Hill Community Wind Project. And then I don't
8 think I asked you what that opinion was. So I would like
9 to know what your opinion is. Based on what you know.

10 A. Well I'm still having difficulty getting over
11 being deceived. Okay. And so the first thing that
12 happens that -- to sort of get me to participate is an
13 apology from the State of Vermont saying we deceived you
14 folks about this renewable energy policy. This is not
15 renewable energy policy. This is whatever. Whatever. So
16 that's -- so I'm still in a very negative frame of mind
17 about all these projects because of profound deception has
18 occurred.

19 And so my -- that's you know, certainly if it
20 was a true renewable energy project, you know, it would
21 require significant consideration. But I'm also having
22 difficulty getting over the -- the problem that, you know,
23 that this is a global problem requiring global solutions.
24 And the illusion that in fact this is doing something
25 meaningful other than generating corporate profits is -- I

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1 still haven't got over that.

2 So at this point I'm still opposed to it.

3 Q. And when you say an apology, that really --
4 that goes back to the idea that you can call something
5 renewable but actually have the renewable attributes not
6 stay in Vermont.

7 A. Right.

8 Q. Is that right?

9 A. And give the impression that we are doing
10 something to make Vermont a -- more a leader in this as
11 opposed to just generating profits for Green Mountain
12 Power, Gas Metro, and Enbridge, the owner of Gas Metro?

13 Q. I know who you mean. So I want to go back to
14 just some really basic stuff about the pending met tower
15 proceeding. Does the town of Irasburg intend to file any
16 testimony even if it's not from you?

17 A. Well this goes back to your initial opening
18 question. You know, I can't say anything binding for the
19 town of Irasburg, but I have never heard them express an
20 intention along those lines.

21 Q. Okay. And is -- what's your involvement with
22 the complaint by Mr. Garthwaite against Mr. Blittersdorf's
23 installation of his net-metered wind turbines?

24 A. Just to be precise, would you just restate
25 that question?

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1 Q. Sure. What involvement, if any, do you have
2 in the complaint against Mr. Blittersdorf that he
3 installed net-metered wind turbines in violation of his
4 Certificate of Public Good?

5 A. I have no current involvement with that. I do
6 -- I assisted Mr. Garthwaite in putting together the
7 information necessary to file that complaint.

8 Q. Okay. And do you have any personal knowledge
9 of Mr. Garthwaite's claims about noise from the wind
10 turbines?

11 A. Only I know about his claims. I have no -- I
12 mean I haven't experienced the noise. I've never been to
13 his place.

14 Q. Okay. And you can't hear the wind turbines
15 from your house?

16 A. No.

17 Q. Can you hear the wind at your house?

18 A. Yes.

19 Q. Do you have an opinion on whether Mr.
20 Blittersdorf misrepresented the location of those wind
21 turbines on his property?

22 A. No, I don't.

23 Q. Do you have any knowledge about the location
24 of the wind turbines in relation to what was in the
25 application for a Certificate of Public Good?

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1 A. Not direct. I know what people say, but I
2 haven't put my foot on the ground. I don't know where
3 they are located.

4 Q. Okay. Do you recall a meeting at the
5 Department of Public Service with Aaron Kisicki?

6 A. I've met with Mr. Kisicki on a couple
7 occasions.

8 Q. Okay. And what were the purpose of those
9 meetings?

10 A. Just to get a sense of the overall process,
11 and what we could do, and what, you know, what seemed
12 appropriate. I mean it was just trying to understand the
13 process better.

14 Q. And when you say the process, do you mean the
15 process of the met tower investigation?

16 A. Yeah.

17 Q. And what did you learn?

18 A. Well it's hard to put that in a couple
19 sentences. And I'm still significantly confused about
20 some of it, which I mean it was never clear for me and
21 still isn't clear to me how much of this is a two-phase
22 thing. You know, guilty or not guilty, what's the
23 penalty. Is it that way, or is it more sort of a holistic
24 thing. It's totally mystifying to me, unbelievably
25 mystifying. Here we are, you know, probably 11 months

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1 later since this process began and we -- it seems like we
2 haven't gotten anywhere. And you know, I figured that,
3 you know, could be over within a week or two. So it's
4 hard to imagine why it takes so long to deal with
5 something that's relatively simple. So I guess it's the
6 old wheels of justice grind slowly but exceedingly fine.

7 Q. And why does it seem so straightforward and
8 simple to you?

9 A. Well either the statute applies or it doesn't
10 apply. And either it's -- it was put up or wasn't put up.
11 Two relatively simple questions.

12 Q. We are done. Thank you.

13 (Whereupon, the proceeding was
14 adjourned at 1:55 p.m.)

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S I G N A T U R E

This deposition has been read by me and the answers contained therein are true and accurate.

Dr. Robert R. Holland

Subscribed and sworn to before me this _____ day of _____, 2016.

Notary Public

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C E R T I F I C A T E

I, Kim U. Sears, do hereby certify that I reported by stenographic means the deposition of Dr. Robert R. Holland at the Capitol Plaza Hotel, 100 State Street, Montpelier, Vermont, on August 5, 2016, beginning at 1 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 37 pages are a transcript of the stenographic notes taken by me of the evidence and the proceedings, to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 8th day of August, 2016.

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