

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NO. 8585

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

Deposition of Andrew Perchlik
held at Capitol Plaza
100 State Street
Montpelier, Vermont
on August 5, 2016
beginning at 10:30 a.m.

A P P E A R A N C E S

For the Vt. Department of Public Service

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(Exhibits 5, 10, 2, 3, 6, 7, 11, 12, 13 and 4 attached to the original transcript)

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between counsel as follows:

1. That the requirements of notice of
the taking of the deposition have been
complied with;

2. That the proof of the qualifications
of the Notary Public be waived;

3. That all objections except as to the
form of the question shall be reserved to
the time of trial.

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(10:27 a.m.)

(Exhibits 1 - 10 were marked for
identification)

ANDREW PERCHLIK

Having been duly sworn, testified
as follows:

EXAMINATION

BY MS. CADWELL:

Q. Please state your name for the record.

A. Andrew John Perchlik.

Q. And where do you work, Mr. Perchlik?

A. I work at the Department of Public Service.

Q. And in what capacity?

A. I'm the fund manager of the Clean Energy
Development Fund.

Q. Okay. And is it okay if I call you Andy?

A. Yes.

Q. Okay. You can call me Leslie.

A. Okay.

Q. And it's fair to say that we know each other;
correct?

A. Correct.

Q. Okay. And you and I have worked together in
the past; is that right?

A. Yeah. Or at least worked in the same
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1 building.

2 Q. Okay, fair enough. And is there any reason
3 that because of your familiarity with me you would be
4 reluctant to be honest and truthful today?

5 A. No.

6 Q. Okay. And did you have a good night's sleep?

7 A. I did.

8 Q. Okay. So is there anything that you're
9 suffering from today that would impair your ability to
10 recall past events?

11 A. No. Not today that -- any different from just
12 normal brain decay.

13 Q. Okay. And when you talk about normal brain
14 decay, you're just really talking about the aging process
15 that we all go through, some people's memories are better
16 than others?

17 A. Right. Yes.

18 Q. Okay. And you're prepared to answer the
19 questions truthfully today?

20 A. I am prepared.

21 Q. Okay. Do you know David Blittersdorf?

22 A. I do.

23 Q. Can you tell me in what capacity you know Mr.
24 Blittersdorf?

25 A. Capacities maybe. I knew him as one of the
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1 founding board members of Renewable Energy Vermont. He
2 was on the board while I served as the executive director
3 there for many years.

4 And I knew him when I worked for the Clean
5 Energy Development Fund. He was on the clean energy
6 development board. He was on the investment committee I
7 think prior to that, so he was one of the board or
8 investment -- the board members that hired me to be the
9 fund manager. And he was a grant recipient of the Clean
10 Energy Development Fund. So I knew him in that capacity.
11 Those would be like the official capacities.

12 Q. Do you hold any bias or animus towards Mr.
13 Blittersdorf?

14 A. Bias or animus? Mean -- animus being a
15 negative word. No. I do not.

16 Q. Okay. And is your --

17 A. What do you mean bias? You mean like a
18 negative bias?

19 Q. Yes. Do you have a positive bias against or
20 about Mr. Blittersdorf?

21 A. A positive bias against?

22 Q. A positive bias in favor of Mr. Blittersdorf
23 in some way?

24 A. I mean I guess I don't know if bias is the
25 right word. No.

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1 Q. Okay. Well explain to me what you -- do you
2 have any opinions about Mr. Blittersdorf?

3 A. Yeah. I would say so. I would say I have
4 opinions on everybody I know.

5 Q. Would you share those with me, please?

6 A. With everybody I know or?

7 Q. No. About Mr. Blittersdorf.

8 A. Well just that I guess I have more than the
9 official -- those capacities, I also kind of just have
10 known him beyond him being on the board. I know other
11 board members too. But you know, I have been to his
12 house, I've talked to him outside of that. So I mean
13 that's kind of what I meant by that. Just that I've known
14 him somewhat personally even though we have known each
15 other more professionally.

16 Q. Okay. And is there anything in your personal
17 relationship with Mr. Blittersdorf that would make you not
18 answer truthfully today?

19 A. No.

20 Q. Are you looking to curry favor with Mr.
21 Blittersdorf?

22 A. No.

23 Q. And did you speak to Mr. Blittersdorf about
24 this deposition before today?

25 A. I have not.

1 Q. Okay. I want to go back to your role at the
2 Department. What is it that you do currently for the
3 Department of Public Service?

4 A. I am the fund manager of the Clean Energy
5 Development Fund which is a separate role laid out in
6 statute specifically about the Clean Energy Development
7 Fund. In addition to that, I play a role of I would say
8 maybe renewable energy specialist, so anything that might
9 come up on renewable energy policies, not always, but
10 sometimes I would help work on those or talk about them or
11 -- whether it be a legislative event or policy or like net
12 metering with utilities. Things like that.

13 Q. Okay. And before this particular role at the
14 Department, what did you do prior?

15 A. Prior to that I worked at the Department?

16 Q. Correct.

17 A. So before I worked for the Department as --
18 well, to be official, I worked for the Department --
19 before I worked for the Department I just worked for the
20 clean energy development board which was separate. Even
21 though I was housed at the Department, I didn't work for
22 the Department officially. And then before that, I worked
23 for Renewable Energy Vermont as the executive director.

24 Q. Okay. And can you take me through just the
25 time period when were you executive director of Renewable

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1 Energy Vermont?

2 A. That would have started -- I think in the year
3 2000 is when we started Renewable Energy Vermont, which at
4 that time I was also working part time at the Department
5 of Public Service. So I had kind of a dual role for a bit
6 there. For a couple years I think I worked for both
7 organizations. I think it became full time in 2002 with
8 Renewable Energy Vermont or one. I can't remember
9 exactly. And then I worked for Renewable Energy Vermont
10 either part time or full time until 2009 when I came into
11 work for the Department of Public Service full time
12 starting in November of 2009.

13 Q. Okay. So and in 2009 were you working for the
14 Department, or were you housed at the Department working
15 for the Clean Energy Development Fund board?

16 A. Yeah. The latter.

17 Q. Okay.

18 A. Working for the board at the Department.

19 Q. Okay. And if I said to you -- if I used the
20 term CEDF, what would that mean to you?

21 A. Clean Energy Development Fund.

22 Q. Okay. For the purposes of the deposition do
23 you want to use CEDF so that we don't have to say Clean
24 Energy Development Fund every time? Does that work for
25 you?

1 A. Yes. Yes.

2 Q. Okay.

3 A. That works.

4 Q. So how long between -- after 2009 or -- hang
5 on a second.

6 When did you stop working directly for the CEDF
7 board and become a full-time Department employee?

8 A. That would have been after Governor Shumlin
9 was elected which I think was in 2012. You know, and so
10 the election was 2012. He came in January, so it would
11 have been somewhere around that time. I think it was what
12 happened was in 2013, that legislative session is when
13 they switched it back.

14 Q. Okay. I'm going to hand you what I have had
15 marked as Deposition Exhibit 5. I think this might help.
16 I just want to make sure that this looks right.

17 Can you identify that for the record?

18 A. It's a clean energy development board time
19 line. That's what it says on it.

20 Q. Do you recognize it?

21 A. I don't. Oh, it was from the evaluation that
22 MNR did. Yes, I do recognize it.

23 Q. Okay. Take a look at it and take a couple
24 minutes, if you don't mind. I can cut through some of the
25 time line. I just want to understand your different roles

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1 over the period of time you worked for the Department and
2 the CEDF. And if that looks accurate, we will just use
3 that as a proxy instead of having me go through your whole
4 resume.

5 A. Might be fun. I don't -- yeah, I don't see
6 here on what I just said, but yeah. Was there a question?

7 Q. I just want to make sure that it looks
8 accurate to you in terms of when the CEDF was a part of
9 the Department of Public Service and managed, and then
10 when it was independent. You talked about being housed at
11 the Department as part of the CEDF but not working
12 directly for it.

13 A. Right. I think it was color. I think this
14 legend up here was maybe colors. And these colors on this
15 black and white don't represent, so this doesn't show --
16 like in the text here I guess I could read it more
17 carefully, but I don't see like 2011 CEDF administration
18 and board restructured oversight returned to PSD. They
19 say that was in 2011.

20 I would assume -- I thought it had something
21 to do with the election of Shumlin. Did he get elected in
22 2010?

23 MS. STONE: '12.

24 THE WITNESS: Maybe it was 2010. It
25 was six years. Yeah, I got my time line mixed up.

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1 So this is accurate. It was after he was elected.
2 2011. Legislative term of 2011 was when they changed
3 that. But that's accurate.

4 BY MS. CADWELL:

5 Q. Okay. And in the years that you worked doing
6 work for the CEDF whether in the Department or housed in
7 the Department --

8 A. Yeah.

9 Q. -- was there a significant difference in your
10 role?

11 A. I would say no.

12 Q. Okay. And is it fair to say that the biggest
13 difference was who you reported to?

14 A. Yeah. Well I would say the biggest difference
15 was the amount of time I spent kind of at board meetings
16 and working for the board. They met more regularly, so it
17 was more on that because I still -- I mean did the
18 official like line of authority change? So that's
19 significant, but as far as day-to-day what I did was
20 different -- was also different.

21 So I think your question was who I reported to
22 was different. But I don't know. I remember it more as
23 like when that changed my day-to-day work stuff sort of
24 changed because I wasn't so focused on the board and the
25 board meetings and more on my supervisors within the

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1 Department or the Division.

2 Q. Okay. And when you say the Department or
3 Division supervisors, who were they?

4 A. So the -- that would be the director of the
5 energy planning division which at that point I think was
6 still Dave Lamont at the beginning. And then it switched
7 to Asa shortly after.

8 Q. When you say at that point was that 2011 or
9 2009?

10 A. 2009 it was definitely Dave Lamont. I'm
11 trying to remember. Asa came I think in, you know,
12 shortly after the election when there was a change. But I
13 can't remember exactly when that happened in relationship
14 to the change of the board.

15 Q. Okay. And do you recall who else -- who the
16 other leaders at the Department were in 2009? And let me
17 start with the commissioner.

18 A. Yeah. David O'Brien was the Commissioner.

19 Q. And who was the deputy commissioner?

20 A. It was -- was it Rich Smith? Or was it John
21 Sayles or was it --

22 Q. Just only if you can remember. If you can't
23 remember, that's fine.

24 A. Yeah. It was one of those two or maybe
25 somebody else. I can't remember.

1 Q. Okay.

2 A. No, it would have been Rich Smith. Or was it
3 John Sayles? I can't remember I guess. I thought it was
4 John Sayles, then he moved. I can't remember who was
5 after that. Oh no, it was Wark. Steve Wark is who it
6 was.

7 Q. Okay. And in 2009 do you recall who the
8 director for public advocacy was?

9 A. Sarah Hofmann.

10 Q. Okay. And then in 2011 after Dave Lamont
11 left, you said it was Asa Hopkins who took over for Dave
12 Lamont; is that right?

13 A. That's the way I remember it, yes.

14 Q. And do you recall who was commissioner when
15 Mr. Hopkins was the division director?

16 A. I do.

17 Q. And who was that?

18 A. Liz Miller.

19 Q. Okay. And who was Liz Miller's deputy
20 commissioner?

21 A. That was not Darren Springer, but somebody
22 else.

23 Q. You don't remember?

24 A. For some reason I'm forgetting.

25 Q. Okay. Do you remember who the director for
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1 public advocacy was?

2 A. After Sarah, it was Geoff Commons.

3 Q. Okay. And where did Sarah do --

4 A. Yeah. Sarah Hofmann was the deputy
5 commissioner.

6 Q. Under Liz Miller?

7 A. Yes.

8 Q. Okay. Thank you.

9 A. At least that's how I remember it.

10 Q. Fair enough. This is just based on what you
11 remember.

12 A. Yes, okay. Kind of goes for everything.

13 Q. Yeah. It's been a -- you worked at the
14 Department for a long time?

15 A. Yeah.

16 Q. Or at least in the Department's building?

17 A. Yeah, right.

18 Q. And just maybe this will help, can you list
19 the commissioners that you worked -- who was in the
20 commissioner's office during your tenure at the
21 Department?

22 A. Do you want me to go back to when I was there
23 in the '90s when I was a part-time employee?

24 Q. Sure.

25 A. So when I got there it was Rich Sedano, and
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1 then before I left it switched over to Christine
2 Salambier. Then I left. And then when I came back it was
3 O'Brien, and then Liz Miller and now Chris Recchia.

4 Q. Okay. Great.

5 A. Glad I didn't forget the current one.

6 Q. Okay. Is part of your role -- let me ask you
7 this. You talked about your day-to-day duties changing.
8 Can you talk about your day-to-day duties when you were
9 working part time in the '90s, and then when you came
10 back, and then after the election when the CEDF went back
11 into the fold of the Department? I would like you to talk
12 about those three periods of time.

13 A. Okay. On day-to-day duties generally?

14 Q. Generally what you did on a day-to-day basis.

15 A. How about what I worked on, is that --

16 Q. That's fine.

17 A. And the '90s which I think was like '97 to
18 2002 I want to say somewhere kind of in that period I
19 worked half time for the Department kind of in the -- for
20 Scudder Parker which was called the Energy Resources
21 Division at the time, and I worked on renewable energy
22 projects, kind of what Scudder wanted me to work on
23 basically. So I worked on some energy efficiency things
24 as the Efficiency Vermont utility was just being thought
25 about and created.

1 But, you know, DSM programs are still run
2 through that. So I would work a little bit with what
3 those folks were working on, some federal grants that had
4 to do with renewable energy. But I remember doing a lot
5 of work on net metering because net metering was new,
6 started in '98. So we spent a lot of time on that and
7 getting it passed.

8 Then through that work with some other
9 legislative work working with Scudder on renewable energy
10 legislation, wanted to form a group to help on that. So
11 that's how Renewable Energy Vermont was created. And I
12 spent a lot of time for the Department creating Renewable
13 Energy Vermont for the last couple years. And then once
14 Renewable Energy Vermont came up, still kind of just
15 worked on I guess whatever renewable energy project that
16 was happening until I worked full time for REV.

17 When I came back to the Department's building
18 I was working for the CEDF, and I was totally focused on
19 the Clean Energy Development Fund. And at the same time
20 is when the ARRA funds came in. The American Recovery and
21 Reinvestment Act, 30 million dollars to the state for
22 energy, which the legislature directed to come through the
23 Clean Energy Development Fund.

24 So there was a lot of work because just to
25 deploy that money because the federal government -- that

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1 money came through the Department of Energy, and the
2 Department of Energy in the Obama administration put a lot
3 of pressure on the states to spend the money quickly. We
4 had over a hundred grants at any one time trying to
5 administer, trying to move things along but also do so
6 responsibly and to get the highest best use. So it was a
7 lot of grants management, solicitations, scoring, those
8 kinds of things just getting projects funding and also
9 dealing with the board.

10 And there was legislative things in there, I
11 would -- at the time for the Department, sometimes I would
12 be the kind of point person on renewable energy
13 legislation. And then when the -- and just like I said
14 before, when I worked for the board there was a lot of
15 board stuff. They met sometimes biweekly. They would
16 have -- they would approve everything, and they wanted a
17 lot of documents. And I did all the meetings and
18 administered the meetings, and did minutes, and answered
19 questions and supplied information, and got the grantees
20 ready, and worked with the board chairs on agendas and
21 those kind of things for the board meetings.

22 And there was not -- it was not a board of one
23 mind. There was appointees from both Democratic and
24 Republican elected officials so the people on the board
25 didn't agree, so it was more work kind of dealing with

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1 that. And there was some controversy that took up a lot
2 of time during that period.

3 Then when the board became kind of an advisory
4 board, and I worked for the Department, I didn't have to
5 deal with so much of that board stuff. They switched to
6 meeting quarterly. They didn't have to approve
7 everything. So I was able to spend more time kind of
8 doing administrative work and strategic planning, more
9 long-term thinking. Oversaw some employees both when I
10 worked for the fund and for the Department with ARRA
11 money. But when ARRA money left, those employees left
12 that we didn't need, because we didn't have as much money
13 going out as much grants at anyone time.

14 And depending on who the deputy commissioner
15 was or the commissioner and what was going on in the
16 legislature, it was like some years I would be more
17 legislative and other years I wouldn't really go over
18 there at all. Some years there was controversy around the
19 Clean Energy Development Fund in the legislature so I
20 would be over there more or less based on that. And -- I
21 don't know. Is that an answer?

22 Q. Of course it was. Thank you. That's really
23 helpful. That gives me some orientation to understand a
24 little bit about what your role was.

25 So would you consider yourself pretty
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1 knowledgeable in renewable energy issues generally in
2 Vermont as a result of your experience?

3 A. I would.

4 Q. Okay. Do you consider yourself an expert?

5 A. I don't know. I guess you would have to
6 define the term. I'm too humble maybe to say that. But
7 --

8 Q. Sure enough. Do you have any renewable energy
9 systems at your own property?

10 A. I do.

11 Q. What do you have?

12 A. I have a solar hot water system and then a
13 solar electric system. And a wood heat system.

14 Q. Okay. Fair enough. And are you familiar with
15 the development of wind projects?

16 A. Yeah.

17 Q. Okay. Can you describe to me what your
18 familiarity is with developing wind projects?

19 A. When I was executive director of Renewable
20 Energy Vermont we had members that were wind project
21 developers and wind equipment manufacturers, you know,
22 like NRG Systems, anemometer manufacturers, and wind,
23 commercial utility wind, consultants. So their
24 involvement I would learn about their businesses through
25 that just through my role as being executive director.

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1 And then as projects were specifically trying to get
2 built, those developers wanted REV to help them with their
3 projects and legislative efforts and things like that. So
4 I would become involved in that because I was involved in
5 legislation at REV. And sometimes I would help them with
6 public meetings, public outreach at the sites.

7 Q. Okay.

8 A. And meetings with either the developers, with
9 towns or landowners, and I went to wind energy
10 conferences, meetings. National.

11 Q. Excuse me. Sorry I interrupted. Did you ever
12 do any presentations on wind energy development?

13 A. Probably.

14 Q. Do you have any specific recollection?

15 A. I don't.

16 Q. Okay.

17 A. I mean I probably did something like a Vermont
18 perspective on something or something like that.

19 Q. But this is just a general memory. You don't
20 have a specific memory of a particular presentation at a
21 particular place?

22 A. I don't.

23 Q. Okay.

24 A. But it does kind of like makes me think, yeah,
25 I think I did do a presentation at like maybe a regional

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1 AWEA, American Wind Energy Association meeting, or
2 something like that. Sometimes they would have regional
3 meetings. I remember doing a Cow Power presentation, but
4 that's not wind so --

5 Q. Well --

6 A. Really.

7 Q. Can you just go off the record?

8 (A discussion was held off the record.)

9 MS. CADWELL: Back on the record.

10 BY MS. CADWELL:

11 Q. Going back to your presentation, you don't
12 have any specific memory -- I just want to make sure.
13 What I'm trying to do is give you an out that if you later
14 remember something --

15 A. Okay.

16 Q. -- you can come back with it. But you're not
17 remembering anything specific here today that you had
18 given a presentation on wind development?

19 A. No. But I probably did. I mean it definitely
20 sounds like -- I mean I gave presentations all the time.
21 And so but I can't remember like one I did. But I'm sure
22 I did --

23 Q. Okay.

24 A. -- kind of thing, you know.

25 Q. Fair enough. And if you had given a
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1 presentation on that, do you recall like what you would
2 have talked about?

3 A. Well could have been on the resource, it could
4 have been on the grants that we were giving out or
5 projects that we did, or yeah, probably like here's what's
6 going on in Vermont with wind kind of presentation.

7 Q. Okay.

8 A. Here's the cool projects that we have done or
9 like here's the, you know, the mapping or the wind on
10 state lands. Could have been any number of projects that
11 we were working on.

12 Q. Okay. And you mentioned the term anemometer?

13 A. Yes.

14 Q. What is an anemometer?

15 A. An anemometer is a device for measuring wind
16 speed and direction.

17 Q. Okay.

18 A. I don't know if an anemometer measures
19 direction, it measures wind speed.

20 Q. Is there -- are you familiar with other
21 instrumentation that is used in connection with a wind
22 project?

23 A. Other instrumentation?

24 Q. Let me back up. Isn't an anemometer something
25 that's used in connection with developing a wind project?

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1 A. Yes.

2 Q. Are they used in developing every wind
3 project?

4 A. I don't know.

5 Q. Okay. And --

6 A. They are used -- developing depends on how you
7 define the term. But I would say they are used to measure
8 the wind which could lead to the development of a wind
9 project.

10 Q. Okay. Is there other instrumentation that's
11 used in connection with assessing wind resources for
12 developing a wind project that you're familiar with?

13 A. Well the anemometer is a device that goes on a
14 tower, so you could count the tower as a device, that --
15 is that what you mean? And there might be these -- I
16 can't remember if you need a different part of the
17 anemometer to do direction. Because you want to know the
18 wind rows which tells you the direction, which direction
19 the wind is coming from. But that might just be a more
20 like a weathervane kind of thing that's part of the met
21 tower.

22 Q. Okay.

23 A. And there is software that's involved,
24 computers, but --

25 Q. And what are the computers and software used

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1 for, do you know?

2 A. To crunch that data. So to get data from the
3 anemometer or the wind vane or the temperature sensors
4 and/or all three maybe, even humidity, dew point, things
5 like that. So they would collect all that. And then the
6 computers and the data loggers would take that and either
7 crunch it into a report or just provide raw data to the
8 wind developer or the wind resource measurement company.

9 Q. Okay. And if I said -- if I used the term
10 atmospheric conditions, what does that term mean to you?

11 A. That in relation to wind projects, or just in
12 general?

13 Q. Just in general, and then we will talk about
14 in relation to wind projects.

15 A. I would say it makes me think of the weather.

16 Q. Okay. In what way?

17 A. Just like what the weather is like.
18 Atmospheric conditions meaning what the temperature,
19 humidity, precipitation.

20 Q. Okay. And is there instrumentation that
21 measures atmospheric conditions that you're aware of?

22 A. Yeah.

23 Q. Okay. And what are those?

24 A. Thermometers, humidity gauges.

25 Q. Okay. And in connection with assessing wind
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1 resources, is it necessary to have instruments that
2 collect data on atmospheric conditions?

3 A. What was the question, necessary?

4 Q. A-hum.

5 A. I don't know for sure. But I would think that
6 it's very helpful.

7 Q. Okay. And have you had any experience with
8 either installing or participating in the installation of
9 a meteorological tower with instruments?

10 A. You mean me personally?

11 Q. Yes.

12 A. There like on the ground?

13 Q. Yes.

14 A. No, I don't think so.

15 Q. Have you ever seen a meteorological tower with
16 instrumentation to measure the weather or wind?

17 A. I have.

18 Q. Can you describe the times you've seen them?

19 A. I've seen them inside of NRG's building, not
20 the whole tower. I've seen them at NRG's site because
21 they have one up next to their building because that's
22 what they make. It's like here's what we make kind of
23 thing.

24 I've seen it at Georgia Mountain Wind when
25 I've done a tour there. They have one, of course. They

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1 usually have one before and during the wind project.

2 I've seen one at the top of Lowell Mountain.

3 I might have seen one at some other. I think I did a site
4 visit at Sheffield before the turbines, and there was just
5 a met tower there. Those are some of the -- there might
6 have been other times that I don't remember.

7 Q. And for the tower that you saw at NRG, do you
8 know what instruments were on that tower?

9 A. No. I mean I could see the anemometer wind
10 cups, I mean that's the most visible part of the met tower
11 because it's moving.

12 Q. Okay.

13 A. Well if it's windy, it's moving. It's not
14 always moving.

15 Q. And could you see the instrumentation on the
16 met tower at Georgia Mountain Community Wind?

17 A. I would assume so. Yeah.

18 Q. Do you recall seeing it?

19 A. Not specifically. I remember seeing the
20 tower. Like there is the met tower. So I'm sure it was
21 there. But I can't bring back that picture into my head
22 of the instrumentation.

23 Q. Okay.

24 A. I mean these towers are 120 feet at least
25 high.

1 Q. So is it possible that the met tower had an
2 anemometer but didn't have instruments that measured
3 atmospheric conditions?

4 A. Definitely possible.

5 Q. Okay. And what about the tower at Lowell
6 Mountain?

7 A. Same.

8 Q. Okay. And the Sheffield?

9 A. Yeah.

10 Q. Okay. And have you ever been involved or
11 aware -- have you ever -- are you aware of any wind
12 turbine installation of any size that was put in without a
13 met tower wind assessment before the wind turbine was
14 installed?

15 A. Can you rephrase the question?

16 Q. Yeah. Let me rephrase that.

17 Have you been involved or are you aware of
18 small wind turbine installations in Vermont?

19 A. Small wind installations?

20 Q. Yes.

21 A. Yes.

22 Q. Okay. And can you describe your familiarity
23 with small wind installations in Vermont.

24 A. Okay. I think I can. Well when I worked at
25 -- I don't know if I did it when I worked at the
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1 Department prior -- but there probably was some activity
2 then, but I don't remember any.

3 Renewable Energy Vermont we had members that
4 were installers of small wind. We had members maybe that
5 definitely later years had at least one member that was a
6 manufacturer of small wind and dealt with other
7 manufacturers of small wind that weren't in Vermont but
8 wanted to do business in Vermont. So I dealt with them.

9 Went to conferences where small wind came up.
10 Small wind was an area that we thought had potential for
11 growth in Vermont. So we did do work on that. And I
12 don't think I ever was at the installation of one, but
13 definitely visited many homes or several that had wind
14 towers there up.

15 Q. Okay. And for the --

16 A. And then get grants within the Clean Energy
17 Development Fund provided grant money through the small
18 scale wind, to help small wind projects get installed.

19 Q. When you say small wind, can you quantify what
20 you mean in terms of rough capacity?

21 A. Yeah. The rule of thumb is under a hundred
22 kilowatts. But a hundred kilowatt turbine is still pretty
23 big if you're standing next to it. So sometimes I think
24 of it as really like under the 50, like a 10K Bergey and
25 under is small wind, kind of residential wind. I have

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1 also used the term to include the Northland one hundred
2 since that's a Vermont manufacturer, and we have those
3 installations in the state.

4 Q. Is one of those installed at the Blue Spruce
5 Farm?

6 A. Yes. They have one. Yeah.

7 Q. Great. I happen to drive by there.

8 Okay. So for the small wind installations
9 that you're familiar with, do you know whether a
10 meteorological station was installed for each of those
11 projects before the wind turbine was installed?

12 A. I do not know.

13 Q. Okay. Is it possible that those wind turbines
14 were installed without meteorological station first having
15 been installed?

16 A. That's possible.

17 Q. Okay. Are you familiar with the wind turbine
18 at the Alburgh Welcome Center?

19 A. Yeah. I know -- sort of. I've never been
20 there, but I know that it's been there and talked with
21 people about it.

22 Q. Okay. And how are you familiar with that wind
23 turbine?

24 A. Well the state gave them a grant, but I can't
25 remember the timing and what grant it was. Could have

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1 been when we had some federal money at one point through
2 Senator Jeffords. They got a 10 Bergey installed at is it
3 a rest area?

4 Q. Yes.

5 A. It's a rest area. And I remember one time
6 they were mowing and the mower clipped one of the guy
7 towers and it fell over. And so I think we provided
8 another grant to fix it and put it back up. And for
9 awhile it was one of the turbines most people saw because
10 we didn't have many installed. So people that saw that
11 would say, oh, I saw the one at Alburg. Not many people
12 go to Alburgh, so it tells you how few turbines we had at
13 one point.

14 Q. Do you know whether there was a meteorological
15 tower installed in Alburgh before that wind turbine was
16 installed?

17 A. I do not know.

18 Q. Okay. Were you -- are you familiar with the
19 Vermont Environmental Research Associates?

20 A. Yeah. VERA.

21 Q. And who there do you know?

22 A. I know John Zimmerman and I know Martha
23 Staskus.

24 Q. Okay. And explain how you know Martha and
25 John.

1 A. Martha and John -- well VERA was a member of
2 Renewable Energy Vermont and both John and VERA -- John
3 and Martha have worked for -- worked at VERA at that time
4 when I was working at REV, and they were REV members. And
5 Martha I think was on the board of REV for a part of the
6 time. And so I knew them through REV. And then I worked
7 with them at the CEDF because we had a grant with them to
8 do a small-wind program.

9 Q. Can you describe the small-wind program?

10 A. I hope so. Try. The small-wind program
11 started, pretty sure, could be wrong, with Senator
12 Jeffords' money he had back when there was earmarks that
13 they called earmarks. Now they call them other things. I
14 think it was \$300,000 if I remember correctly to support
15 wind projects. And I think this was right around the time
16 when I was starting REV but still working at the
17 Department. Or I was at the Department. I can't remember
18 the timing, because I think there was a transition when I
19 worked on this project both from REV's perspective and
20 from the Department's perspective.

21 But one of the ideas was to install small-wind
22 projects around the state at farms and schools. And then
23 I think that Alburch one might have gotten in there on
24 that even though that's neither a farm or a school. It
25 was 90 percent of the cost was covered by this federal DOE

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1 money. DOE's wind program. And VERA helped maybe
2 identify the sites or at least screen the sites. Like is
3 that a good wind site or not.

4 And then they specifically did a program where
5 they measured the output at the sites. They might have
6 installed some meteorological or anemometers at the sites
7 in addition to the data that's collected by the turbine
8 itself. And they also helped kind of monitor the, if you
9 want to call it a fleet, I want to say it was maybe 10
10 turbines or something like that. So they monitored them.
11 If people called and had a problem, they called VERA. So
12 we paid VERA to do this stuff.

13 Issue reports. I think part of the project
14 was for them to collect data and incorporate that wind
15 data into a statewide mapping to try to improve the
16 state's knowledge of the wind resource. But there was
17 some, you know, some other data collection that they were
18 doing at these sites.

19 Q. And for the -- so was part of this then there
20 was a wind turbine, a small-wind turbine installed at
21 these schools and farms; is that right, as part of this
22 program?

23 A. Yeah. Yeah.

24 Q. Okay. And do you know whether prior to the
25 installation of those wind turbines whether there was a

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1 meteorological tower to assess the viability of the site
2 for wind?

3 A. I don't think -- yeah, I can't remember for
4 sure. But I don't think so.

5 Q. Okay. And when you said that VERA was
6 assessing the wind, do you know how they did that?

7 A. It could have been with the mapping that we
8 did have. VERA had some long-term data, there's been some
9 anemometers up in certain locations, and then you can use
10 computer modeling based on elevation to decide -- or to
11 kind of give you an idea what the wind resource -- I think
12 part of that program was well we think the wind is eight
13 miles an hour average at this site. Is it? So use that
14 data to improve our knowledge because we had -- the
15 knowledge that we had about Vermont's wind speed at the
16 time was based on just a few locations around the state up
17 at high elevations.

18 So and these were not high elevation sites
19 since they were schools and such. So I think part of the
20 purpose was to have them verify or, you know, to improve
21 the data. So I can't remember exactly what
22 instrumentation was involved.

23 Q. Okay. And for the wind mapping program, can
24 you explain the purpose of the wind map?

25 A. I can't really remember. I think there was

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1 different one -- different grants or different efforts.
2 Like there was an effort that we had with VERA to map
3 state lands specifically. They did a state lands wind map
4 for the Department. They also did this small -- they had
5 this contract or grant to do the small-wind assessment
6 program or whatever that program.

7 And I think -- it was either part of that or
8 separate from that, they worked on maps. But I can't
9 remember if those other statewide maps that they did were
10 a contract, or they just did them because that's the
11 business they were in. I can't remember the relationship
12 between VERA's statewide wind energy maps and state
13 contract.

14 Although I do remember another project where
15 we did -- because there was like a wind guide. There was
16 a wind video. And I think VERA was kind of involved in
17 those. And we had wind stakeholder groups. And VERA I
18 think might have helped produce the maps for those. And I
19 can't remember if that was like how -- what the
20 contractual relationship was with VERA on those.

21 Q. Would the information that was gathered about
22 wind resources in Vermont be available to somebody who is
23 interested in developing a wind project?

24 A. It was public information. Yeah.

25 Q. Yes. It's -- based on your experience, is
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1 that information useful to determining the, you know, the
2 suitability of a site for a wind project?

3 A. Well it depends I guess.

4 Q. Depends on what?

5 A. I guess it depends on -- can you define -- it
6 depends on what you're saying -- well wind project, any
7 size wind? If you have a commercial wind project it would
8 not be. You would need --

9 Q. Okay.

10 A. -- need to have more than a map or likely to
11 get financing and all those kind of things to get a
12 permit.

13 Q. Okay. And what about a small wind like a
14 residential-size turbine, would the data that was
15 collected through VERA's efforts be helpful for that?

16 A. Well it's helpful, and then but I think
17 whether it's necessary or not, it depends on the person
18 spending the money on the wind project.

19 Q. Okay.

20 A. How much of a gamble are they willing to take
21 that the modeling is correct.

22 Q. Okay.

23 A. And that's -- you know, one thing that we were
24 interested in is are these models correct. Or how correct
25 are they. And do we need to have met towers in each

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1 location, or can you use these maps.

2 Q. Okay. And you said earlier that there was
3 some anemometers around the state that were used as part
4 of that mapping. Do you recall that testimony?

5 A. Do I recall the testimony I just gave like two
6 minutes ago?

7 Q. Yeah. Yeah, yeah.

8 A. I do remember that.

9 Q. Do you recall where those anemometers were?

10 A. I don't. I think there was one on Mt.
11 Mansfield, and there was -- I think there's one actually
12 for some reason I want to say it was on Lowell Mountain or
13 somewhere around there. For some reason there's been one
14 there for a long time. I can't remember where the other
15 ones were. I think there was only a few. I want to say
16 three for some reason.

17 Q. Okay. And were you working at the Department
18 of Public Service or CEDF when those anemometers were
19 installed?

20 A. No. These are old.

21 Q. Okay. And is it fair to say -- would you
22 agree with me that you can find anemometers in all kinds
23 of places in Vermont such as the Burlington airport?

24 A. I would assume -- I don't know if there is one
25 at the Berlin airport, but I would think so.

1 Q. Have you ever seen them located along the
2 state highways?

3 A. I have seen those little wind cup things.
4 Yeah. Yeah, I've seen wind speed anemometers at other
5 places.

6 Q. Okay. And going back to -- I just want to--
7 going back to the small scale, I'm handing you what I have
8 marked as Exhibit 10. Can you take a look at that and see
9 whether you're familiar with it.

10 A. Yeah. I remember this picture. Yeah. So
11 this was, yeah. I remember this.

12 Q. Can you identify it for the record?

13 A. This is the final report done by VERA for the
14 performance monitoring of the Vermont small-scale wind
15 energy demonstration program.

16 Q. And do you recall whether VERA installed wind
17 measuring equipment on top of the small-wind turbines as
18 part of this program?

19 A. I don't remember.

20 Q. Would doing a quick review of the information
21 in that report maybe help your recollection?

22 A. Refresh my recollection? Page is upside down.

23 Q. Sorry. That's my inability to put the paper
24 in myself.

25 A. It goes from page four to page three.

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1 Q. My manual -- here, let me print a new one.

2 A. No. I can turn it upside down. Everything
3 else seems to be in order.

4 Q. Well keep turning the page. It might be
5 upside down.

6 A. There is page four again. That's fine. I
7 will only read page four once.

8 Q. I think it's on page four and five.

9 A. Monitoring equipment. Yeah. I'm remembering
10 now.

11 Q. So it indicates that they put an anemometer,
12 wind vane, temperature sensor and other equipment to
13 gather data; is that right?

14 A. Yeah.

15 Q. Okay. And then on page five it shows a
16 diagram; is that right? Of where the anemometer and the
17 wind vane were?

18 A. Yeah.

19 Q. Plus the other equipment?

20 A. Correct.

21 Q. And this was done in connection with a grant
22 that you administered?

23 A. Yes.

24 Q. Is that right?

25 A. This one was -- this grant was a continuation
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1 of the program that had started prior to my arriving at
2 the Department.

3 Q. Okay. Do you know whether before that
4 equipment was installed whether there was any Certificate
5 of Public Good issued to install that equipment on these
6 towers?

7 A. So whether there was a CPG to install the
8 equipment on the towers or --

9 Q. Yes.

10 A. Or to install the towers?

11 Q. No, no. To install the equipment.

12 A. I don't know.

13 Q. Okay. Do you know whether a CPG was issued
14 for -- to install the turbines themselves?

15 A. I don't know, I guess, for sure.

16 Q. Okay. And would the data that VERA collected
17 from that grant, was that data necessary to operate those
18 wind turbines?

19 A. Was the data that VERA collected, was that
20 necessary to operate the wind turbine?

21 Q. Correct.

22 A. I don't think so.

23 Q. Okay. Was the wind measuring equipment that
24 was put on in connection with the grant, was that
25 equipment necessary to run the wind turbines?

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1 A. Isn't that the same question you just asked?

2 Q. No. I asked about the data.

3 A. Was the data collected necessary?

4 Q. Right. I'm asking two things; one is the data
5 and you answered no. But we can clarify that.

6 A. No, don't need the data.

7 Q. And the equipment itself. Was that necessary
8 to run the wind turbine?

9 A. No. Like the anemometer itself.

10 Q. Yeah.

11 A. No. For these. No.

12 Q. Are you aware of any wind turbine that
13 requires the use of an anemometer or other wind measuring
14 equipment in order to properly operate?

15 A. It's my understanding, and I could be wrong,
16 that the very large wind turbines rely on anemometers and
17 wind vanes to operate, because they are too large. They
18 don't spin in the wind per se, they turn to the wind based
19 on the anemometer telling them which way the wind is
20 blowing. Like these megawatt-class size turbines.

21 Q. So the megawatt-class size turbines function
22 -- or the anemometers function in conjunction with the
23 operating wind turbine?

24 A. That's my understanding.

25 Q. Okay.

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1 A. Could be different today. But that's how I
2 remember learning.

3 Q. And you've not actually installed your own
4 megawatt-size wind turbine?

5 A. No. No.

6 Q. And you haven't worked for somebody who has
7 installed their own megawatt-size wind turbine; is that
8 fair?

9 A. Yes. Yeah. On that type of work. Yeah. No.
10 I've not been involved.

11 Q. Do you want to be involved?

12 A. I'm willing to consider it.

13 Q. Fair enough. To learn. Yeah. Okay.

14 Are you familiar with the anemometer that was
15 installed in Shelburne Farms?

16 A. Hmm, seem to remember having conversations
17 about that, but no crystal clear memories.

18 Q. I'm going to hand you what's been marked as
19 Exhibit 2. And this is just an article, and I thought it
20 might help refresh your recollection about the anemometer
21 that was done in Shelburne Farms. And take a look. And
22 let me know if it does.

23 A. Okay.

24 Q. I just want to ask you a few questions about
25 that.

1 A. Do you want me to read the whole thing?

2 Q. Not necessarily.

3 A. I wasn't involved in the installation. This
4 was an article about the installation. But --

5 Q. Does it jog your memory at all about what
6 happened at Shelburne Farms?

7 A. It doesn't.

8 Q. Okay.

9 A. I mean but it makes sense. Like I'm not
10 surprised like, wow, this article is surprising. But it's
11 -- doesn't help.

12 Q. Doesn't really help. Okay. Fair enough. So
13 could I characterize, and tell me if I'm wrong, that you
14 have sort of a general sense that there was an anemometer
15 installed at Shelburne Farms, but it's kind of vague and
16 you don't really remember?

17 A. I just remember that -- this is what I do
18 remember. People at Shelburne Farms wanted to install a
19 wind turbine, and there was controversy from certain
20 neighbors about the prospect of them doing so. That's
21 what I remember.

22 Q. Okay.

23 A. I don't remember the anemometer per se.

24 Q. Okay. So you wouldn't know whether that
25 anemometer had a Certificate of Public Good before it was

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1 installed?

2 A. I don't.

3 Q. Okay. What is your familiarity with the wind
4 energy system installed at Middlebury College?

5 A. I just -- I know -- I think it's a Bergey one
6 K. It's behind like kind of a facility building, if I
7 remember it's kind of like near some dumpsters. I have
8 been there. I saw it. Might be a 10 K. But for some
9 reason I think it was a smaller --

10 Q. And was that --

11 A. -- Bergey.

12 Q. Was it installed through a grant from the
13 Department of Public Service?

14 A. I don't remember, but yeah, I would think so.
15 I would be surprised if it wasn't. But I don't remember.

16 Q. Specifically?

17 A. Yeah.

18 Q. Okay. I'm going to hand you what's been
19 marked as Exhibit 3 to see if that helps refresh your
20 recollection at all.

21 A. Yeah. Makes sense. Maybe it was a 10 K.
22 Doesn't say.

23 Q. Okay. So does that refresh your recollection
24 on whether the Department provided a grant to Middlebury
25 College for a wind turbine?

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1 A. This was 2005. I didn't work at the
2 Department at that time, so I think it was part of the,
3 you know, the Jeffords' money I talked about perhaps. Or
4 maybe not. I don't know. So I wasn't there, so I don't
5 remember.

6 Q. Okay. Do you know whether before they
7 installed the wind turbine whether there was a
8 meteorological tower installed first?

9 A. I don't know.

10 Q. Okay. All right. Do you know Sam Burr?

11 A. Sam Burr.

12 Q. From Last Resort Farm?

13 A. Sounds familiar but doesn't --

14 Q. You said you did some work across the street
15 at the legislature. Do you remember working with somebody
16 from Ledge Council who had a farm in Monkton or Hinesburg?

17 A. Burr and the legislature seem to go together
18 in my mind.

19 Q. Okay. You don't recall him as part of any
20 grant funding from the Department?

21 A. I don't.

22 Q. Okay. Did you ever in the context of your
23 role either at the Department or the CEDF, did you ever
24 have occasion to talk to David Blittersdorf about
25 meteorological towers?

1 A. At the CEDF or REV did you say? Or CEDF or
2 Department.

3 Q. CEDF or Department or REV for that matter.

4 A. Did I ever talk to David about anemometers?

5 Q. Anemometers and/or met towers?

6 A. Yes.

7 Q. Do you remember the substance of those
8 conversations?

9 A. I'm sure there was lots of conversations. So
10 I don't remember all of them. No.

11 Q. Can you recollect any kind of specific
12 discussion that you would have had with him about those
13 topics?

14 A. I mean nothing specific stands out in my mind
15 as like the day we were standing out by the lake and he
16 told me about anemometers. It was a beautiful day.

17 Q. Fair enough.

18 A. No, I don't remember anything specific. He
19 was the one that told me what an anemometer was and taught
20 me how to spell it and things like that. Definitely
21 educated me on the importance of all that kind of stuff,
22 but there is not like one conversation that we had that I
23 remember.

24 Q. Okay. Are you familiar with his -- with his
25 invention of -- or his invention of anemometer, anemometer
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1 types?

2 A. Yes.

3 Q. Is it fair to say that he is an inventor of
4 wind-measuring equipment?

5 A. Yes.

6 Q. Is that what his role to the extent that you
7 know at NRG?

8 A. Was that the extent of it?

9 Q. I mean was that part of his role at NRG?

10 A. Yeah, I would say so. Yeah. Part of it.

11 Q. Are you aware -- do you know whether he still
12 does that kind of work?

13 A. I don't. I don't know. I can't say for sure.

14 Q. Okay. So have you talked to him recently
15 about developments in anemometer equipment?

16 A. No.

17 Q. Okay. Have you talked to him about the
18 installation of the meteorological tower at his property
19 in Irasburg?

20 A. Have I talked to him about the fact that it's
21 there?

22 Q. Yeah.

23 A. I think so. Yeah.

24 Q. Do you recall the substance of those
25 conversations?

1 A. I think I did have a conversation with him
2 when he bought the land and maybe -- I don't think he
3 said, oh, you know, I think he might have said he's going
4 to put up a wind turbine there when he bought the land or
5 he was building his cabin. And I think that I did have a
6 conversation with him when the issue came up about whether
7 it had a permit.

8 Q. Okay. Do you recall that conversation?

9 A. I don't remember like where it was or when it
10 was. But I'm pretty sure we had a conversation about it.
11 You know, that -- him talking about that he had installed
12 it like when the folks -- when he proposed his megawatt-
13 size turbine at that location. And then the opposition
14 pointed out that he didn't have a permit.

15 This is how I remember it, I did have a
16 conversation -- I want to say it was like over at the
17 legislature we saw each other or walking to and from the
18 legislature like out front or in the hallways. He was
19 there for something. And that was kind of in the news
20 that week or that month, so we talked about it. And he
21 was explaining what the issue was.

22 Q. Do you recall what he said?

23 A. Just I recall that he said that he had put it
24 up because he, you know, he was going to build his cabin
25 there, and he wanted to see about the wind resource that

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1 was there. And he owns the anemometer company, or did,
2 and had anemometers lying around. It was easy for him to
3 put one up.

4 Q. Okay. Do you recall what you said to him?

5 A. I don't.

6 Q. Okay. And when you say when this first came
7 up, this was then in -- would it be fair to say within the
8 last year that conversation?

9 A. Yeah. I don't remember -- I don't recall
10 whether it was last year or two years. But yeah, it seems
11 like that all happened not that long ago.

12 Q. Okay. Have you ever been to his cabin in
13 Irasburg?

14 A. No.

15 Q. Have you ever seen pictures of it?

16 A. I don't know if I have. Maybe.

17 Q. Okay.

18 A. Not that I remember.

19 Q. Okay. Did he ever tell you that he was going
20 to put a couple residential wind turbines there?

21 A. Yeah.

22 Q. And do you recall the purpose of those
23 turbines?

24 A. Well if I recall, he applied for an incentive
25 to install one through the CEDF incentive program which I

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1 think was one of his AllEarth Turbines. So it was kind of
2 as a demonstration site or a pilot site. Because he was
3 just trying to get those projects, you know, get enough
4 turbines out there to run and get run time and experiment
5 with them. So I remember he was going to put one -- we
6 talked about that specifically.

7 Because either applied for a grant and/or got
8 one. I can't remember if he ended up getting the grant or
9 not. And then he told me that he also put up a Bergey
10 there.

11 Q. Okay. And did you have any other
12 conversations with David about the wind -- the
13 residential-size wind turbines at his Irasburg property?

14 A. Maybe. Not that I remember.

15 Q. Okay. Nothing specific that you can recall
16 here today?

17 A. No.

18 Q. Okay. Did you have any E-mail exchanges with
19 him about the wind turbines at his property in Irasburg?

20 A. Not that I remember.

21 Q. Okay.

22 A. Well other than the permit -- there was
23 probably -- I'm sure there was E-mail -- well I'm not
24 sure, I guess it could have been on the phone. But I
25 remember communicating with him about the AllEarth turbine

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1 and a permit or a grant. I think it was the AllEarth
2 turbine. Not the Bergey turbine.

3 Q. Okay. Does anyone else -- would anyone else
4 be interested in a nature break?

5 A. Yes.

6 Q. Thank you. Can we go off?

7 (Recess was taken.)

8 BY MS. CADWELL:

9 Q. I think we can go back on. All right. So I
10 want to turn your attention now -- we are going to talk
11 about grants.

12 A. Okay.

13 Q. So you have administered grants for the
14 Department; correct?

15 A. Correct.

16 Q. And I think you said you were involved in
17 doing some work on the A-R-R-A grants?

18 A. Yeah. But nobody ever calls them that.

19 Q. What do they call them?

20 A. ARRA.

21 Q. I was spelling it out for Kim's benefit.

22 A. Or ARRA.

23 Q. As opposed to aura. Like aura?

24 A. Right.

25 Q. And I'm going to hand you what I have marked
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1 as Exhibit 6.

2 A. Yup.

3 Q. And what is that, if you can identify it for
4 the record?

5 A. This is a grant agreement with Vermont
6 Technical College and the Clean Energy Development Fund.

7 Q. For?

8 A. Oh, for the anemometer loan program probably,
9 subject matter this grant agreement is the continued
10 operation of the existing anemometer loan program at VTC,
11 and investigation in making the program self sustaining
12 under the assumption of no further CEDF or DPS funding.

13 Q. Okay.

14 A. Award year 2009. It's not the signature page
15 but --

16 Q. Do you recall what the anemometer loan program
17 was about?

18 A. I do.

19 Q. Could you describe it for the record.

20 A. The anemometer loan program which I think
21 started, it doesn't say in here, but 2000 sometime maybe
22 around 5 or somewhere around there. And it was to loan
23 anemometers and towers to homeowners, business owners,
24 that were interested in installing small wind projects but
25 wanted to measure the wind before they do invest the money

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1 in the small wind or before the state invests in a grant
2 to install a turbine so that we knew whether it was
3 adequate wind speed or not.

4 And VTC, under the administration of John
5 Kidder faculty there, was going to run this program and
6 install the turbines with students.

7 Q. Okay.

8 A. And kind of use it as a student learning
9 opportunity for VTC students.

10 Q. And do you recall how long the program was in
11 effect roughly?

12 A. Well if it started around 2005, and I think
13 this -- as I read on the subject matter, this was a kind
14 of a continuation, I think we used some of the federal
15 ARRA money that we needed to spend to help them wrap it
16 up. Kind of like, okay, you're not going to get anymore
17 money. How are you going to keep this project going. And
18 maybe this ended in 2010 or '11 or something like that.
19 So maybe five, six years. This said it was going to end
20 in 2 -- at the end of 2010. I don't know if it did.

21 Q. Okay. And do you recall how many met towers
22 were put up as part of that program?

23 A. I don't.

24 Q. Okay. I'm going to hand you what's been
25 marked as Exhibit 7. If you can identify it and then turn

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1 to page 12.

2 A. Okay. This is the Clean Energy Development
3 Fund's annual report which is sometimes referred to as our
4 annual legislative report that we are required by statute,
5 we being the Clean Energy Development Fund, the CEDF, is
6 required to submit every year in January to the
7 legislature. This is the 2011 fiscal year report
8 submitted in January of 2012. And on page 12 --

9 Q. Look at the green box.

10 A. The big green box, the side box?

11 Q. Yeah. I think it's the second paragraph down.
12 Does it indicate that there were 27 met tower
13 installations as part of the program?

14 A. Yes, it does say that. It says the loan
15 program has placed seven met towers and instrumentation
16 sets at 27 sites.

17 Q. Does that -- is that consistent with your
18 recollection of the program?

19 A. I'm not surprised by it, if that's what you
20 mean. Like I don't remember. If somebody said they did
21 27, I would say okay.

22 Q. Okay. And in connection with your -- did you
23 administer this grant for the Department?

24 A. This one, yes. But not the program, since it
25 started when I wasn't there.

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1 Q. Okay. And can you explain what that grant
2 administration required?

3 A. The -- of this grant?

4 Q. Correct.

5 A. It requires writing the grant and getting it
6 -- well I guess back then I signed them. And if they send
7 an invoice, you need to make sure that the activities on
8 the invoice are activities that one, were things that they
9 were supposed to do. Two, eligible expenses. Three,
10 documented correctly. So and you have to code the invoice
11 and get it paid for. That's kind of one of the main
12 things. You would also be -- administrating the grant
13 would be if there is any problems. So if the grantee
14 would call and say, you know, in our scope of work we said
15 we were going to do X, but we can't do X. So can I do Y.
16 And you would either, depending on the delta between Y and
17 X, have to do an amendment or say sure, fine.

18 So you deal with any kind of problems or
19 questions that the grantee has. And you're basically, you
20 know, seeing that they are following the scope of work of
21 the project.

22 Q. Okay.

23 MS. STONE: What "this grant," what
24 that is?

25 THE WITNESS: This grant being the
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1 grant agreement of the Vermont Technical College.

2 BY MS. CADWELL:

3 Q. Exhibit 6.

4 A. Yeah, Exhibit 6.

5 Q. There you go. Now do you recall whether the
6 Technical College as the grantee or the landowners who
7 received the anemometer on loan were required to get
8 permits?

9 A. Do I remember if they were required?

10 Q. Yes.

11 A. Well no.

12 Q. You don't remember?

13 A. No. Well I wasn't part of the whole program.
14 But since -- during this program, I don't remember.

15 Q. Okay. And if the grant recipient was required
16 to get a permit for the installation that was being
17 funded, is that something that you were required to ensure
18 happened before grant funds were spent?

19 A. No.

20 Q. Okay. So I want you to take a look at that.

21 Page five of Exhibit 6. Attachment B. I want you to go
22 down to the section where it says "General payment
23 criteria," and read that. Does that change your answer at
24 all?

25 A. It wouldn't -- it would change my answer if
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1 the anemometers were renewable energy systems. This is
2 boilerplate language that we have -- we have in all the
3 grant agreements at the time. So if it needed a CPG, you
4 need to get one, you know, to install it --

5 Q. Okay.

6 A. -- is what this was about.

7 Q. Okay. So this says -- can you read just the
8 first two bullets under general payment criteria for the
9 record?

10 A. Yeah. The first one is: "If a Certificate of
11 Public Good, CPG, or a FERC, hydro, license is required
12 for the renewable energy system being installed with
13 funding under this grant agreement, the grantee will not
14 receive reimbursement for any invoices or costs incurred
15 above 10 percent of the total grant amount until the
16 CPG/FERC license has been issued."

17 Second bullet says: "For projects exempt from
18 the CPG/FERC requirement, no funds will be paid until all
19 project permits have been obtained, and the final 50
20 percent of the grant will be withheld until the system is
21 installed and operational."

22 Q. Okay. So if there was a legal requirement for
23 a permit, whether a CPG or not, for the installation of
24 one of the anemometers under the program, could you pay
25 out the entire grant if they didn't have the permit?

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1 A. Can you rephrase that?

2 Q. Sure. So let's take under the first criteria,
3 if a CPG had been required to install the meteorological
4 towers that were part of the loan program, would this
5 first paragraph prohibit you from providing the funding
6 until that CPG was issued?

7 A. If it was renewable energy system, yeah -- I
8 guess so.

9 Q. Okay. And under the second bullet, if there
10 was no CPG or FERC requirement, but another permit was
11 required for the installation of the met tower, would you
12 have been able to fund -- fully fund or fully reimburse
13 the grantee if they didn't have a permit?

14 A. And follow this bullet point?

15 Q. Yes.

16 A. Yeah. I mean I see what your point is, but
17 yeah, it seems like that you shouldn't; whether you could
18 or not, I don't know.

19 Q. Okay. So let me understand when you say you
20 shouldn't but whether you could or not I don't know, what
21 do you mean?

22 A. I would say you're following the -- this
23 general payment criteria says that no funds will be paid
24 until all project permits have been obtained, then that
25 would mean no funds will be paid until all project permits

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1 have been obtained.

2 But that doesn't mean that maybe a grant
3 administrator at some point might have done it for other
4 reasons, or something like that, you know, other
5 extenuating circumstances, or that this was the
6 requirements that were in all the grant agreements, but
7 they might not have followed it for whatever reason or
8 something like that.

9 Q. Okay. So it's possible that grant money was
10 paid without all permits having been received, it's
11 possible?

12 A. Right.

13 Q. Okay.

14 A. Because it would be -- it could be more of
15 like the -- more when you're like paying the -- definitely
16 when you're paying the invoice, you're looking at
17 activities that are in the invoice. And in the attachment
18 A, like is this part of the scope of work, and is this an
19 eligible expense as far as like the invoices. Like you
20 would see the invoice from the hardware store for the
21 materials, that's what you would be focused on.

22 Q. Okay.

23 A. But depending on the project. You know, if
24 it's a -- if it was a project to install a solar system,
25 and you wanted to make sure they had a CPG, then you would

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1 look for that CPG.

2 Q. Okay. Do you recall in connection with the
3 anemometer loan program whether you or anyone that worked
4 with you on this grant required proof that permits had
5 been issued for the installations?

6 A. I don't think so.

7 Q. Okay. All right. And can you explain the --
8 what reporting had to be done to -- let me withdraw that.

9 Who provided the grant funding for this
10 particular grant in Exhibit 6 that you identified?

11 A. Which organization? Like where the dollars
12 come from?

13 Q. Correct.

14 A. The Department of Energy.

15 Q. Okay.

16 A. U.S. Department of Energy. The federal
17 Department of Energy.

18 Q. Okay. And do you recall what reporting you or
19 the Department Clean Energy Development Fund had to do in
20 order to satisfy the grant conditions?

21 A. With DOE?

22 Q. Yes.

23 A. Do I remember all of them, no.

24 Q. Okay. What do you remember?

25 A. What reporting requirements were we -- what
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1 things were we required to report to DOE for the whole DOE
2 grant?

3 Q. Yes.

4 A. We had to report number of installations of
5 renewable energy projects, numbers of -- any kind of
6 number, projects, reports. We had to do kilowatts, or
7 BTUS, or efficiency. We had to do dollars saved. We had
8 to do fossil fuels, not used, you know, the displacement
9 of any fossil fuel use. A bunch of energy metrics. We
10 had to do a lot of Davis Bacon reporting. National
11 Historic Preservation reporting, NEPA reporting.

12 Q. And when you -- do you recall if there was
13 anything special that you had to do to close out a grant?

14 A. There was a property certification form we had
15 to do if the property purchased with federal funds was
16 over a certain dollar amount. I remember that was part of
17 a closeout. I don't remember the others.

18 Q. Did you have to provide any kind of
19 certification that all of the grant conditions had been
20 met?

21 A. I don't remember, but it sounds logical.

22 Q. Okay. Why does it sound logical?

23 A. That the federal government would want you to
24 certify that.

25 Q. Okay. Do you know whether the requirement

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1 that any project that has to get a CPG got a CPG before
2 the funds were issued was part of the certification to the
3 DOE?

4 A. I don't remember.

5 Q. Would it be logical that it would be?

6 A. Can you rephrase the question?

7 Q. Yeah. Sure. Would it be logical for the
8 Department of Energy to require a grantee to certify that
9 they got all their permits as required in the grant
10 condition that you read earlier?

11 A. That this grant agreement -- well that
12 condition was us to the sub grantee or the sub recipient
13 in the federal language. But to answer your question, I
14 think, yes, it would make sense that the federal
15 government would require us to certify that any projects
16 that we did that required a permit we got a permit.

17 Q. Okay. I have a couple documents I'm going to
18 show you. I'm going to print them out.

19 (Exhibits 11 - 13 were marked for
20 identification)

21 BY MS. CADWELL:

22 Q. I'm handing you three documents, 11, 12 and
23 13. And I don't know whether you recognize them or not.
24 But --

25 A. These look familiar.
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1 Q. So that's 11. What does that look like to you
2 if you recall?

3 A. Exhibit 11 looks like the ARRA quarterly
4 reports that we had to submit.

5 Q. And is this related to the anemometer loan
6 program?

7 A. I don't know. Let me see. Looks like it.
8 Because it says Vermont State Colleges d/b/a Vermont
9 Technical Colleges under recipient name. And the grant
10 number and the total agreement dollars. Yeah. These --
11 so this wasn't -- that's quarterly reports. I guess maybe
12 every quarter we had to do one of these for each grantee.
13 Maybe at this time we only had one. I can't remember.

14 Q. Okay. And what's the time period -- the
15 reporting period on this exhibit?

16 A. You can probably tell me where it says that.
17 Grant period from 4/1/10 to 12/31/10.

18 Q. Okay. And in -- if you look at section B --

19 A. D as in David?

20 Q. B as in boy.

21 A. Yes.

22 Q. Does it give you a date for box 22 for the
23 calendar quarter?

24 A. It does. 9/30/10.

25 Q. Okay. So is it fair to say that this is the
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1 quarterly report due on or about the end of September,
2 2010?

3 A. Yeah.

4 Q. Okay. All right. And now I want you to look
5 at the next exhibit which is 11. Or 12. Sorry. 12.

6 MS. CADWELL: And Aaron, I'll have
7 copies made of all this stuff for you.

8 MR. KISICKI: I appreciate it.

9 MS. CADWELL: Yeah. I didn't bring my
10 photocopier with me.

11 MR. KISICKI: That's fair. That's
12 fair.

13 MS. CADWELL: I can actually get them
14 done today at Capitol Copy, if you don't mind. I can
15 have Alison run down after this.

16 MR. KISICKI: No worries. I'm just
17 taking some notes.

18 BY MS. CADWELL:

19 Q. So 12. Do you recognize 12 at all?

20 A. I don't.

21 Q. Okay. Can you describe what you see on
22 Exhibit 12?

23 A. It says "Vehicle request schedule. Randolph
24 Center, Vermont Technical College," named. It looks like
25 it's a VTC form to maybe get reimbursed for costs.

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1 Q. Okay. And is there a date on it?

2 A. Yeah. This says 9/10/10.

3 Q. Okay. And then second page what does it say?

4 A. Same thing, 9/18/10.

5 Q. Okay. Can you turn to the third page?

6 A. Yeah.

7 Q. And what does the third page indicate?

8 A. Vermont Technical College grants activities
9 summary sheet for grant year 2010. And it says that there
10 was a description of activity, trip to St. Albans, two
11 different trips; one on September 10th, one on September
12 18, and a number of passengers involved. And it says that
13 the reason -- the relevance to the wind anemometer loan
14 program was the trips were taken to install wind
15 measurement equipment.

16 Q. Okay. Does it indicate whether it was
17 allowable expense under the grant?

18 A. Yes. Underlines the word yes.

19 Q. Now I know that this is not -- you said you're
20 not familiar with this form; correct?

21 A. I don't remember it.

22 Q. Would -- based on your knowledge of the 2010
23 grant that was Exhibit 6, would a trip to install wind
24 measurement equipment be an expenditure allowed under the
25 grant?

1 A. I don't know for sure. I would have to go
2 back and look at the terms, but I would think it would.

3 Q. Okay. And the cost to install the measurement
4 equipment, would that be an allowable expenditure under
5 the grant?

6 A. I don't know for sure. It's likely. I don't
7 think there was much cost. I think like because they
8 weren't paying people, it was -- you know, that wasn't a
9 big part of the grant.

10 I remember that because they were using
11 student labor, and John was getting paid by the college.
12 So I can't remember if we were reimbursing the college for
13 his time or not. But they weren't like subcontracting out
14 which would have been a much higher amount.

15 Q. Okay. Let me grab 6 for a sec. I'm turning
16 your attention to the very last page of Exhibit 6. It's
17 marked addendum two. Do you recognize that?

18 A. Addendum two. No, not right off the bat. But
19 I recognize the memo format.

20 Q. Okay. And who is the memo from?

21 A. Andrew Perchlik.

22 Q. Is that you?

23 A. It is. Unless there is another one.

24 Q. And who is the memo to?

25 A. To the CDF board. Should be the CED board.
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1 But -- they are often referred to as the CEDF board.

2 Q. Okay. And what are you communicating to the
3 CED board?

4 A. It looks like I'm with this memo recommending
5 to the board to approve a grant. It says two grants, but
6 there is one here, is the VTC anemometer loan program
7 grant of \$50,328. And it says what the subject of the
8 grant is for four parts.

9 Q. Is this an accurate -- do you recall this
10 memo?

11 A. I don't. But it's not -- it wasn't a
12 memorable moment to draft this memo, so I don't remember
13 in particular. But I'm not surprised to see it. I do not
14 doubt its authenticity.

15 Q. Okay. Fair enough. And when you -- what did
16 you know -- before you prepared this memo, what did you
17 know about the anemometer loan program that VTC was
18 operating?

19 A. What did I know about it? I knew that they
20 had operated it. I knew that VTC had some problems. I
21 talked to John Kidder off and on, and he would often say
22 talk about difficulties that they were having with the
23 program and specifically kind of like, you know, what the
24 funding stream was.

25 I know at one point they were getting a lot of
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1 inquiries. It was taking a lot of time to deal with the
2 inquiries that they were getting and sussing out who they
3 should give an anemometer to and who they should not. And
4 I know there was issues within VTC about driving students
5 hither and yon and having them install turbines -- not
6 turbines, but install these anemometers and do kind of
7 physical labor, which there was questions about liability
8 and what if one of these anemometers fell on them or
9 something like that.

10 So I think at one point John was saying he
11 wasn't going to get away with using students for the work,
12 and so we need to figure out how to wrap it up and things
13 of that nature.

14 Q. Okay. And when you said that they were having
15 -- can you describe again the problems that they were
16 having with the -- you said they were slow to get up off
17 the ground or something? What was that?

18 A. No. They had problems with having too many --
19 I think I remember that they had problems with getting a
20 lot of inquiries but not -- but they only had like four
21 anemometers or something. So they had to decide who would
22 get them, and you really want them to do it during the
23 winter because that's the windy time. So if you install
24 it in June is it really going to be there all the way
25 until next spring. And then do you just have it for the

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1 summer so you can do more of them.

2 And they kind of work around administering the
3 program for VTC, for John to do his full class load plus
4 do this, talk to all these people that want anemometers,
5 plus talking about going to take it down. Doing all that
6 kind of work was taxing if I recall those kind of
7 conversations.

8 Q. Did you ever have a conversation with John
9 about permitting for the meteorological tower
10 installations?

11 A. Not that I recall.

12 Q. Did you ever have a conversation with anyone
13 at the Department of Public Service about permitting for
14 the met towers that were part of the Vermont anemometer
15 loan program?

16 A. Not until there was a public record request
17 asking for information about the anemometer loan program.

18 Q. And when was that public record request, do
19 you recall?

20 A. I don't know. Like a few months ago.

21 Q. Was that from me?

22 A. Yes.

23 Q. Okay. It was not a separate public record
24 request?

25 A. No. Your public record request generated some
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1 questions about the program and permitting.

2 Q. Okay. And aside from counsel, because I don't
3 want to inquire anything that you talk to any of the
4 Department's lawyers about, but for other people, what
5 were those -- substance of those conversations and who did
6 you have them with?

7 A. I don't know if I had any with other than the
8 lawyers. That I remember. I might have asked Anne
9 Margolis who ran the program, you know, if she remembered
10 -- I know I probably checked in with her about the public
11 records request. I can't be certain I did. But that
12 would be somebody that I would have talked about or
13 checked in. Or Kelly Launder might have ran the program
14 too before I got there.

15 Q. Okay.

16 A. Like -- you know, do you guys remember this
17 stuff, kind of conversations.

18 Q. And do you recall what Anne said about it?

19 A. She couldn't remember precisely. She was only
20 at the Clean Energy Development Fund for a little over a
21 year, near the end, like right before I was there, like
22 2008, 2009. And she didn't remember a lot of -- she
23 remembered talking to John that the program was running,
24 but she didn't remember it as being like a main thing that
25 she did or worked on. She didn't recall.

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1 And when I talked to Kelly about it she had a
2 similar reaction, is that yeah, that was running when I
3 was in charge, but Aaron Lawrence was really the person
4 that did the day-to-day kind of grant management of it so
5 I don't remember. Those were the gists of both of those
6 conversations.

7 Q. You referred to John, you mean John Kidder
8 from VTC?

9 A. Yeah. I think so.

10 Q. I just want to know for the record.

11 A. Because there was a John that ran CDF for a
12 little bit of time too. John --

13 Q. Becker?

14 A. Becker, yeah. He was the CDF director right
15 before Anne but for only like eight months or something.

16 Q. Okay. Okay. Does the just as a general --
17 just as a general matter, not on any specific topic, but
18 does -- do the folks that work on grant administration at
19 the Department talk to the Department's lawyers about
20 administering grants?

21 A. Rarely.

22 Q. Okay. Is there any legal guidance that's
23 given to the grant folks from the AG's office or another
24 agency?

25 A. As needed.

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1 Q. Okay.

2 A. In like I know sometimes if we changed the
3 grant agreement, we would run it by the lawyers like --
4 because my understanding is whenever I've needed to make a
5 change, then I would run that by the lawyers. Because my
6 understanding is the template's been approved, so if
7 you're going to change the template make sure you run that
8 by the lawyer. But that's what --

9 Q. Okay.

10 A. Only if something else came up would you
11 purposefully go talk to a lawyer.

12 Q. Okay.

13 A. That's why we keep them on a different floor.

14 Q. I'm handing you what's been marked as Exhibit
15 4.

16 A. This was a fun experience.

17 Q. So can you identify what Exhibit 4 is, and
18 explain what you mean by what a fun experience it was?

19 A. This is an article in the Newport Express, I
20 think the name of the paper is, Newport Daily Express or
21 Newport Express which I didn't even know was a paper until
22 a week ago or this week. This is an article that a
23 reporter named Ed Barber wrote for the Express about
24 Lidar, L-I-D-A-R wind measurement, light detection
25 arranging -- that's what Lidar stands for.

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1 Q. Do you know what Lidar does?

2 A. It shoots lasers.

3 Q. For what purpose?

4 A. It can do -- LIDAR is used for many purposes,
5 but in the context of this article, these Lidar machines
6 are used to measure wind speed and direction.

7 Q. Okay. And do you have an opinion about
8 whether a Lidar equipment requires a Certificate of Public
9 Good from the Public Service Board?

10 A. A personal opinion?

11 Q. Well any opinion whether it's personal or
12 otherwise.

13 A. Yeah. I guess what other type of opinions are
14 there? I mean I definitely speak for myself. I can't
15 speak for the Department obviously. But yes.

16 Q. And what is that opinion?

17 A. My opinion is that it should not -- would not
18 require a CPG as long as there is no soil disturbance.

19 Q. Okay. And why does soil disturbance make a
20 difference?

21 A. Because any soil disturbance could have an
22 environmental impact, and my understanding of the Section
23 248 preconstruction, you know, that the Board has
24 authority over the preconstruction of projects that would
25 be -- might be interconnected. And the purpose of that is

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1 so that that preconstruction work that might have an
2 environmental impact can be regulated.

3 And soil disturbance is maybe a shorthand way
4 of where you kind of draw the line. Because you could
5 have paving a whole top of a mountain and say that to
6 install a Lidar, but that could have a severe impact so
7 that that should be considered by the Board.

8 Q. Okay.

9 A. But my understanding is -- I don't know if any
10 Lidar will ever need soil disturbance. I would assume
11 that they don't. My understanding is you can just set
12 them on the ground. But I think I have seen photos after
13 this article, I did look, I did a Google image search of
14 LIDARs. And I did see some images of LIDARs guyed down,
15 so the guy wires. And some of the Lidar seems like they
16 were installed behind a chain link fence. So you could
17 maybe have an impact that the Board would care about.

18 But no, my opinion would be that as long as
19 you're not disturbing the soil, permission from the
20 landowner wouldn't matter to the Board, but you wouldn't
21 need a CPG.

22 Q. Okay. And I want to give you the opportunity
23 to say whether this article accurately reflects what you
24 told the reporter?

25 A. I do not think that this article accurately

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1 reflects what I told Ed Barber, the reporter. And I told
2 Ed that. I sent him an E-mail.

3 Q. And what did you tell Mr. Barber was wrong
4 with your statements in the article?

5 A. There were several. There was one where he
6 said that I confirmed Annette Smith's assessment that
7 rural communities were being targeted. I specifically did
8 not say anything. He didn't ever mention anything about
9 Annette.

10 We talked about rural communities being areas
11 where these get installed and some of these rural
12 communities not having zoning. That was kind of our
13 discussion. And so if a community doesn't have zoning,
14 this was a discussion around met towers, so met towers
15 being over 30 feet you would normally need a local zoning
16 permit. I said if you don't have a local zoning permit
17 you could put up a met tower without a local permit, so
18 you would need a CPG. So that was our discussion about
19 that.

20 And then I didn't say they were being
21 targeted. So that was one thing I disagreed with in here.
22 Seemed to be saying that I was confirming Annette's
23 assessment that they were being targeted in some way. It
24 also says here that while there is a 246 section of the
25 statute that talks specifically about permitting of met

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1 towers, and the article said that the state statute
2 doesn't specifically address met towers. And I did say to
3 him that met tower 246 legislation doesn't mention Lidar.
4 When that statute was written it was all about met towers.
5 And I think it has a definition of met towers that Lidar I
6 didn't think would meet. So I did say that.

7 But then he said that I said that should not
8 stop the PSB from regulating the devices. And I
9 definitely did not say shouldn't stop. But I did say --
10 this quote is accurate -- I said an argument could be made
11 that could be -- that the Lidar must be regulated if it is
12 used predeterminately, I don't know that I would ever use
13 that word, but premeditatedly. That's a weird word. Is
14 that what that word is? To apply for a wind project.

15 So I did tell him that the Board could -- I
16 said I didn't know how the Board would rule on the case,
17 but a Board could say that this was preconstruction, so I
18 did talk to him about that. But I didn't say it should or
19 that they would likely to or that anything like that. I
20 said an argument could be made. Therefore let me check
21 with our legal department. It's really a question for
22 them. I'll get back to you with an answer. And then he
23 published the article like two days later saying that I
24 said that the PSB should regulate the devices.

25 Q. Okay.

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1 A. And I didn't -- and I didn't also say that
2 creation of the special Certificate of Public Good for met
3 towers was due to the fact that there was towns that
4 didn't have zoning. That's not the reason why it was
5 done. So he was just confused on that point.

6 Q. Do you know what the reason why it was done,
7 the met tower statute?

8 A. I have my opinion on the matter.

9 Q. I would love to hear it.

10 A. It was done because the full CPG process was
11 seen as too onerous for the impacts of a temporary met
12 tower.

13 Q. And are you familiar with geotechnical testing
14 that's done in connection with the development of a
15 renewable energy project?

16 A. No.

17 Q. Okay. Are you familiar with any type of
18 predevelopment activity other than -- that wouldn't be
19 part of the construction of the project?

20 A. What do you mean?

21 Q. Let me rephrase it that way. So you have not
22 actually developed a renewable energy project other than
23 the solar?

24 A. Right.

25 Q. Hot water you have at your house?

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1 A. Right. Solar electric, right, both on roofs.

2 Q. Okay. Are you familiar -- are you aware that
3 before a solar project -- ground-mounted solar project is
4 put in that developers will do soil testing, are you aware
5 of that?

6 A. I guess I was because I note that part of --
7 well I guess before the project like as part of the
8 permitting, SHPO would require them to do that.

9 Q. Okay. As part of -- and you say SHPO, you
10 mean to do testing for archeological artifacts?

11 A. Yes.

12 Q. And is that -- are you aware that those are
13 called test pits?

14 A. I don't know if that's -- yes. Or no. I mean
15 I've heard the term. But I can't say for sure that's what
16 people at SHPO call them.

17 Q. Why don't you explain to me that you think the
18 testing that's done for the SHPO. That's S-H-P-O.

19 A. The state historic preservation office. My
20 understanding is they would require either that you dig a
21 hole or holes throughout the site to see if there is
22 artifacts, or they could require almost like a plowing of
23 an area different than a hole.

24 Q. Okay. And is that done before a Certificate
25 of Public Good is issued?

1 A. Yes.

2 Q. Are you aware of any other kind of soil
3 testing that's typically done before there are posts put
4 in the ground for a renewable energy project?

5 A. I'm not. But I could imagine they might do a
6 -- see if it's adequate. Like can it hold it.

7 Q. You mean the soil hold the post?

8 A. Yeah. But I don't know.

9 Q. Okay. And would that testing require a
10 Certificate of Public Good in your opinion?

11 A. I don't know.

12 Q. Okay. Fair enough.

13 A. I guess -- I mean I haven't thought about it.
14 I would have to think about it.

15 Q. Okay. And you mentioned the section 246.

16 A. Yes.

17 Q. Does section 246 cover the permanent
18 installation of a met tower or only temporary towers?

19 A. I don't know for sure. I think it's
20 temporary.

21 Q. Okay.

22 A. The permit's usually temporary. Like when I
23 remember looking at the permits it says you have to take
24 this out within two years or something.

25 I never did see the second page. Somebody
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1 sent me this first page.

2 Q. So we are just for the record, Mr. Perchlik is
3 reading the second page of the newspaper article from the
4 Newport Daily Express. In reaction to what you've just
5 read Mr. Perchlik, do you agree with what is attributed to
6 you as quotes on that second page?

7 MR. KISICKI: Can I just stop real
8 quick and just note for the record that the second
9 page that we are looking at, the first column of that
10 second page, there are words that have been cut off
11 from the photocopy. And there are also words that
12 are cut off on the tail end of the sentences in the
13 third column of the photocopy.

14 We don't have all the words on the
15 page.

16 MS. CADWELL: It's not all cut off.

17 MR. KISICKI: If we just have a better
18 copy of it.

19 MS. CADWELL: Yeah.

20 THE WITNESS: It seems like it's maybe
21 even a couple words or something. This probably says
22 Lidar, this much.

23 MS. CADWELL: Sorry about that. I'm
24 going to substitute the page so you can read it. So
25 do you guys mind if we reattach the right page so she

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1 doesn't have to mark another exhibit.

2 MR. KISICKI: No.

3 MS. CADWELL: There we go.

4 BY MS. CADWELL:

5 Q. I want you to be able to correct whatever is
6 wrong.

7 A. Yeah. Right. I didn't -- when it says this
8 wording: He said grants the PSB jurisdiction over wind
9 cubes. I definitely did not say that. I probably said
10 something like it's a matter left to the attorneys'
11 reading of the statute whether or not the PSB has any
12 jurisdiction over wind cubes

13 Q. Okay.

14 A. But I think I did give him this example -- I
15 mean I did do that. That's the only correction I would
16 say.

17 Q. Okay. Great.

18 MS. CADWELL: I think I may be done.
19 But I just want to consult with Alison for a just
20 really quick -- so we can go off the record, if you
21 don't mind, for a sec.

22 (Recess was taken.)

23 (Whereupon, the proceeding was
24 adjourned at 12:40 p.m.)

25

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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.

Andrew Perchlik

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 Andrew Perchlik at the Capitol Plaza Hotel, 100 State Street, Montpelier, Vermont, on August 5, 2016, beginning at 10:30 a.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 82 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 6th day of August, 2016.

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