

DIAMOND & ROBINSON, P.C.

ATTORNEYS AT LAW

MONTPELIER, VERMONT
www.diamond-robinson.com

15 EAST STATE STREET
P.O. BOX 1460
MONTPELIER, VERMONT 05601-1460
TEL. (802) 223-6166
FAX (802) 229-4457

Catherine E. Radigan, Legal Assistant
E-mail: cer@diamond-robinson.com

June 21, 2013

Susan M. Hudson, Clerk
VT Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620-2701

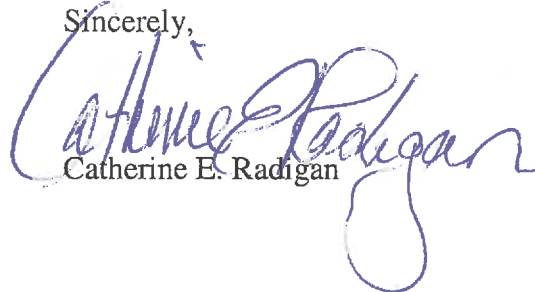
Re: Docket 7970

Dear Sue:

Enclosed for filing with the Board please find the Town of Monkton's First Set of Discovery Requests upon ANR in the above docket. Also enclosed is a Discovery Certificate.

Please feel free to call if you need anything further.

Sincerely,



Catherine E. Radigan

Enclosure

cc: Service List

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc.,)
requesting a Certificate of Public Good pursuant)
to 30 V.S.A. § 248, authorizing the construction)
of the “Addison Natural Gas Project”)
consisting of approximately 43 miles of new)
natural gas transmission pipeline in Chittenden)
and Addison Counties, approximately 5 miles of) Docket No. 7970
new distribution mainline in Addison County,)
together with three new gate stations in)
Williston, New Haven, and Middlebury,)
Vermont)

DISCOVERY CERTIFICATE

NOW COMES The Town of Monkton, by and through its attorney, Joshua R.
Diamond, and hereby certifies that The Town’s First Set of Discovery Requests upon
ANR have been sent via electronic mail and U.S. First Class Mail, postage prepaid, on
June 21, 2013 to the following:

Louise C. Porter, Special Counsel
Timothy M. Duggan, Special Counsel
VT Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Paul S. Gillies, Esquire
Tarrant, Gillies, Merriman & Richardson, LLP
P.O. Box 1440
Montpelier, VT 05601-1440

Kimberly K. Hayden, Esquire
Christopher Roy, Esquire
Downs Rachlin Martin PLLC
199 Main Street
P.O. Box 190
Burlington, VT 05402-0190

Toni H. Clithero, Esquire
Assistant Attorney General’s Office
VT Agency of Transportation
One National Life Drive
Montpelier, VT 05633-5001

John H. Marshall, Esquire
Downs Rachlin Martin PLLC
90 Prospect Street
P.O. Box 99
St. Johnsbury, VT 05819-0099

Cindy Ellen Hill, Esquire
Law Office of Cindy Hill
P.O. Box 314
East Middlebury, VT 05740

Judith Dillon, Esquire
VT Agency of Natural Resources
103 South Main Street, 3rd Floor
Center Building
Waterbury, VT 05671-0301

Benjamin W. Putnam, Esquire
Karl W. Neuse, Esquire
Neuse, Duprey & Putnam, P. C.
One Cross Street
Middlebury, VT 05753

Adam Lougee, Esquire
Addison Cty. Reg. Plan. Commission
14 Seminary Street
Middlebury, VT 05753

Diane E. Zamos, Esquire
Assistant Attorney General
Office of VT Attorney General
109 State Street
Montpelier, VT 05609-1001

Heidi Trimarco, Esquire
Downs Rachlin Martin PLLC
8 South Park Street, P.O. Box 191
Lebanon, NH 03766-0191

Richard F. Peterson, Jr., Esquire
VT Land Trust
8 Bailey Avenue
Montpelier, VT 05602

Sandra Levine, Esquire
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602

Aldo E. Speroni, *Pro se*
Mary L. Speroni
4840 St. George Road
Williston, VT 05473

S. Mark Sciarrotta, Esquire
Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701

Leonard Singer, Esquire
Adam T. Conway, Esquire
Couch White, LLP
540 Broadway – P.O. Box 22222
Albany, NY 12202-2222

David Cain, Esquire
International Business Machines Corp.
1000 River Street, Mailstop 957-P
Essex Junction, VT 05452

Richard H. Saudek, Esquire
Christopher Smart, Esquire
Cheney, Saudek & Grayck, P.C.
159 State Street
Montpelier, VT 05602

E. M. Allen, Esquire
Stetler, Allen & Kampmann
95 St. Paul Street
Burlington, VT 05401

Elizabeth M. Egan, Esquire
Project Counsel
VT Housing and Conservation Board
58 East State Street
Montpelier, VT 05602

Michael Hurlburt, *Pro se*
821 Parks-Hurlburt Road
New Haven, VT 05472

Nathan B. Palmer, *Pro se*
986 Rotax Road
North Ferrisburgh, VT 05473

DIAMOND &
ROBINSON, P.C.
ATTORNEYS AT LAW
P.O. BOX 1460
MONTPELIER, VERMONT
05601-1460

(802) 223-6166

Thomas R. Melloni, Esquire
Burak Anderson & Melloni, PLC
30 Main Street, Suite 210
P.O. Box 787
Burlington, VT 05402

Joseph S. McLean, Esquire
Stitzel, Page & Fletcher, P.C.
171 Battery Street
P.O. Box 1507
Burlington, VT 05402-1507

Matthew Baldwin
2188 Baldwin Road
Hinesburg, VT 05461

Thomas L. Donahue, Exec. Vice
President
Rutland Region Chamber of Commerce
50 Merchants Row
Rutland, VT 05701

Charles A. Romeo, Esquire
City of Rutland
1 Strongs Avenue
Rutland, VT 05701

Lowell E. Blackham, Chief Counsel
International Paper Company
International Place II
6400 Poplar Avenue
Memphis, TN 38197

John W. Kessler, General Counsel
Agency of Commerce and Community
Development
National Life Building, Drawer 20
Montpelier, VT 05620-0501

Jeffrey M. Messina, Esquire
Daniel P. O'Rourke, Esquire
Bergeron, Paradis & Fitzpatrick, LLP
34 Pearl Street
Essex Junction, VT 05453

Robin P. Scheu, Exec. Dir.
Addison County Economic Development Corp.
1590 Route 7 South, Suite 8
Middlebury, VT 05753

James B. Stewart, Exec. Dir.
Rutland Economic Development Corporation
112 Quality Lane
Rutland, VT 05701

Wm. Andrew MacIlwaine, Esquire
W. Scott Fewell, Esquire
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402-0988

William Bryant, Town Administrator
Town of Bristol
One South Main Street
P.O. Box 249
Bristol, VT 05443

Robert O'Neill, Esquire
Matthew Stern, Esquire
Gravel & Shea
76 St. Paul Street, 7th Floor
P.O. Box 369
Burlington, VT 05402

James Ouimette, Esquire
James Runcie, Esquire
257 Main Street
Vergennes, VT 05491

Geoffrey Hand, Esquire
Andrew Raubvogel, Esquire
Dunkiel Saunders Elliott Raubvogel &
Hand, PLLC
91 College Street
P.O. Box 545
Burlington, VT 05401

David and Claudia Ambrose
175 Plank Road
Vergennes, VT 05491

Frank H. Langrock, Esquire
111 South Pleasant Street
P.O. Drawer 351
Middlebury, VT 05753

Interested Persons:

JoAnn Q. Carson
11 Northshore Drive
Burlington, VT 05408

Kim Sears
18 Paddock Lane
Williston, VT 05495

Dated at Montpelier, Vermont this 21st day of June, 2013.

DIAMOND & ROBINSON, P.C.

By: 

Joshua R. Diamond, Esquire
Attorney for Town of Monkton
P.O. Box 1460
Montpelier, VT 05601-1460
(802) 223-6166
E-mail: jrd@diamond-robinson.com

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc.,)
requesting a Certificate of Public Good pursuant)
to 30 V.S.A. § 248, authorizing the construction)
of the “**Addison Natural Gas Project**”)
consisting of approximately 43 miles of new)
natural gas transmission pipeline in Chittenden)
and Addison Counties, approximately 5 miles of)
new distribution mainline in Addison County,)
together with three new gate stations in)
Williston, New Haven, and Middlebury,)
Vermont)

Docket No. 7970

**TOWN OF MONKTON’S FIRST SET OF DISCOVERY REQUESTS FOR
AGENCY OF NATURAL RESOURCES**

NOW COMES the Town of Monkton, by and through its attorney, Joshua R. Diamond of Diamond & Robinson, P.C., and pursuant to VT Public Service Board (the “Board” or “PSB”) Rule 2.214 and V.R.C.P. 33 & 34, hereby request that Vermont Agency of Natural Resources (“ANR”) answer the following discovery requests in writing in accordance with V.R.C.P. 33 & 34:

INSTRUCTIONS

The full text of the definitions and rules of construction set forth below are incorporated by reference into all interrogatories, requests to produce, and requests to admit but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations or (iii) a more narrow definition of a term defined below. The following definitions apply to all interrogatories.

A. **COMMUNICATION.** “Communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise). The term includes, but is not limited to, oral discussions, written correspondence, e-mails, etc.

B. **DOCUMENT.** “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term in V.R.C.P. 34. Please note that a draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes, but is not limited to, writings, memoranda, e-mail, excel files, letters, notes, minutes, drawings, drafts, estimates, invoices, bills, charts, photographs, movies, phonograph records, video tape, audio tape, computer files or other recording tape, and every other type of data compilation from which information can be obtained, translated or transcribed, whether originals or copies. Copies of all excel files should contain full access to formulas and computations utilized.

C. **IDENTIFY.** (With Respect To Persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

D. **IDENTIFY.** (With respect to other than a natural person), When referring to an entity, such as a business, corporation, limited liability company, partnership, governmental entity, or other business entity means to give, to the extent known, the person’s full name, present or last known address, and principal place of business.

E. **IDENTIFY.** (With Respect To Documents). When referring to documents, “to identify” means to give, to the extent known, (i) the type of document; (ii) its general subject matter; (iii) the date of the document; (iv) its author(s), addressee(s) and recipient(s); (v) its present location and/or custodian; and (vi) if the document is claimed to be protected from discovery by privilege, the grounds on which the privilege is claimed. Please note that as an alternative to identifying a document, you may instead produce a complete and legible copy.

F. **YOU.** “You” means ANR and any of its subdivisions, departments, offices, bureaus, employees, agents, etc., to whom the question or request is directed and, where applicable, its agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries or affiliates, as applicable.

G. **AND/OR.** The phrase “and/or” means either or both.

H. **PERSON.** “Person” means any natural person, association, organization, corporation, partnership or other business entity, or governmental entity.

I. **PROJECT.** “Project” means the VGS’ proposed natural gas transmission pipeline, which is the subject of these proceedings.

J. **RELATE TO.** The phrase “relate to” means: concerns, refers to, or otherwise describes evidence.

K. **DEPARTMENT.** The phrase “Department” means the Vermont Department of Public Service.

L. **BOARD OR PSB.** The phrase “Board” or “PSB” means the Vermont Public Service Board.

M. V.R.C.P. 33 requires the response to each request to be made under oath by a person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.

N. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject-matter of the document as well as the complete legal and factual basis for the objection.

O. These requests shall be deemed continuing and must be supplemented in accordance with V.R.C.P. 26(e). Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available to Petitioner, including the substitution of actual data for estimated data. Responses to requests for information covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time and supplementary data as it becomes available.

P. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.

Q. If in response to any interrogatory you refer to industry practice, industry standard, regulatory standard, or similar requirements, please identify the specific practice, standard, or requirement to which you are referring or relying upon.

R. The Town of Monkton reserves the right to submit additional discovery requests to ANR after receipt of answers to these interrogatories and requests to produce.

DISCOVERY REQUESTS

1. Please provide a copy of each of your responses, both narrative and documentary, to each discovery request propounded to you by a party other than Town of Monkton in this proceeding.

2. Do you agree that the Town of Monkton's goal to have the Project placed more than three hundred (300) feet from residential homes is a reasonable request to address or mitigate concerns about safety related to the construction and/or operation of the Project? If your answer is not in the affirmative, please explain fully your reasons.

3. Do you agree that the Town of Monkton's goal to have the Project placed more than three hundred (300) feet from wells is a reasonable request to address or mitigate concerns about the adverse impact to potable water quality resulting from the construction and/or operation of the Project? If your answer is not in the affirmative, please explain fully your reasons.

4. Do you agree that the Town of Monkton's goal to have the Project placed more than three hundred (300) feet from wells and residential homes is a reasonable

request to address or mitigate concerns about the adverse impact upon residential property values resulting from the construction and/or operation of the Project within the Town of Monkton? If your answer is not in the affirmative, please explain fully your reasons.

5. In the pre-filed testimony of Alan Quackenbush, at p. 6, he states that “petitioner should reexamine areas where the line could be built parallel to existing roads.” With regard to this statement, please answer the following:

- a. Is Mr. Quackenbush recommending any re-routing of the Project within the Town of Monkton? If the response is in the affirmative, please provide a full description of the proposed re-routing and copies of maps reflecting such rerouting.
- b. Is such rerouting the Project within the Town of Monkton necessary to prevent undue, adverse impacts upon wetlands or other sensitive wetland areas of significance? If the answer is in the affirmative, please explain fully your reasons for the response.
- c. Will such rerouting come within 300’ of any residential homes, wells, or other source of potable water? If so, please identify specifically which properties will be impacted and produce all maps showing the location of the proposed rerouting in relationship to the impacted properties identified herein.

6. In the pre-filed testimony of Eric Sorenson, p. 18, he states that “impacts to the forested wetland complex could be avoided by moving the VTGas alignment as little as 200 feet to the east, beginning at Rotax Road and extending south to the point where it rejoins the VELCO right of way...” Is such a routing or realignment of the Project necessary to prevent undue, adverse impacts upon necessary wildlife habitat and/or endangered species within the Town of Monkton? If the answer is in the affirmative, please explain fully your reasons.

7. Will such rerouting referenced in the discovery response above come within 300’ of any residential homes, wells, or other potable water resource? If so, please identify specifically which properties will be impacted and produce all maps showing the location of the proposed rerouting in relationship to the impacted properties identified herein.

8. In the prefiled testimony of Eric Sorenson, p. 18, he recommends that the Project be realigned to “...follow the VELCO right-of-way to approximately pole # 218, directly south behind the residences to Monkton Road, then west along Monkton Road to rejoin the VELCO right-of-way at pole # 228.” Is such a rerouting or realignment of the Project necessary to prevent undue, adverse impacts upon necessary wildlife habitat and/or endangered species within the Town of Monkton? If the answer is in the affirmative, please explain fully your reasons.

9. Will such rerouting referenced in the discovery response above in # 8 come within 300' of any residential homes, wells, or other potable water resource? If so, please identify specifically which properties will be impacted and produce all maps showing the location of the proposed rerouting in relationship to the impacted properties identified herein.

10. Do you agree that the rerouting or realignment referenced in discovery request # 8 above would directly impact the pre-existing amphibian crossing within the Town of Monkton? If not, please fully explain your answer.

11. Is it ANR's position that a rerouting of the Project adjacent to the Parks Hurlburt Road in the Town of Monkton, as referenced in the prefiled testimony of Eric Sorenson at p. 21-22, is necessary to prevent undue, adverse impacts upon necessary wildlife habitat and/or endangered species within the Town of Monkton? If your answer is in the affirmative, please provide:

- a. A full explanation for your reasons as to why such a rerouting is necessary to prevent an undue, adverse impact.
- b. Please describe fully such rerouting and produce maps reflecting such rerouting.
- c. Would such rerouting come within 300' of any residential homes, wells, or other potable water resource? If so, please identify specifically which properties will be impacted and produce all maps showing the location of

the proposed rerouting in relationship to the impacted properties identified herein.

12. In the prefiled testimony of Robert Popp, at p. 9, he states that “we request avoidance and minimization of any direct impacts by re-routing...” Is Mr. Popp making any reference to re-routing in the Town of Monkton? If the answer is in the affirmative, please provide or answer the following:

- a. A full description of such rerouting and copies of maps reflecting such rerouting.
- b. Is such rerouting necessary to prevent undue, adverse impacts upon necessary wildlife habitat and/or endangered species within the Town of Monkton? If the answer is in the affirmative, please explain fully your reasons.
- c. Will such rerouting come within 300’ of any residential homes or wells? If so, please identify specifically which properties will be impacted and produce all maps showing the location of the proposed rerouting in relationship to the impacted properties identified herein.

13. Produce copies of all documents identified in the above set of interrogatories.

***ANR IS REMINDED OF THE CONTINUING DUTY TO
SUPPLEMENT RESPONSES TO THESE INTERROGATORIES AND
REQUESTS TO PRODUCE DOCUMENTS
AS REQUIRED BY V.R.C.P. 26(e).***

DATED at Montpelier, Vermont this 21st day of June, 2013.

DIAMOND & ROBINSON, P.C.

By: 

Joshua R. Diamond, Esquire
Attorney for Town of Monkton
P.O. Box 1460
Montpelier, VT 05601-1460
(802) 223-6166
E-mail: jrd@diamond-robinson.com