

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 mainlines in Addison County,)
together with three new gate stations in)
Williston, New Haven, and Middlebury,)
Vermont)

Docket No. 7970

**PETITIONER’S FIRST SET OF DISCOVERY REQUESTS TO
NATHAN AND JANE PALMER**

Vermont Gas Systems, Inc. (“Petitioner”), serves the following discovery requests on the Nathan and Jane Palmer (“Palmer” or “Respondent”).

Petitioner respectfully requests that the Respondent answer the following discovery Requests in writing and under oath and deliver one complete copy of all documents, plus an electronic version of such responses, by July 12, 2013 to Petitioner’s counsel whose names and addresses are set forth on the Certificate of Service accompanying this request.

DEFINITIONS

The following definitions apply to the following discovery requests:

1. **Communication.** The term “communication” means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

2. **Document.** The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Vermont Rule of Civil Procedure 34(a) and includes any and all writings or other materials, whether handwritten, typed, printed, recorded or reproduced by any other physical, mechanical, electronic or electrical means, including, but not limited to, records, papers, correspondence, telegrams, memoranda, notes, letters, photographs, photographic slides or negatives, films, filmstrips, computer diskettes, computer files, tapes and recordings, summaries or records of telephone conversations, summaries or records of personal conversations, and all carbons or photocopies bearing any underlining, highlighting, additions, corrections, or marginal notations which are in the possession, custody, or control of Palmer, its agents, employees, representatives, attorneys or experts, wherever located.

3. Identify (With Respect to Persons). When referring to a person to “identify” means to provide, 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 the person need be listed in response to subsequent discovery requesting the identification of that person.

4. Identify (With Respect to Documents). When referring to documents, to “identify” means to provide, to the extent known, information about the (i) type of document; (ii) its general subject matter; (iii) the date of the document; and (iv) its author(s), and each recipient.

5. You or Your(s): Palmer, you or your(s) means Nathan and Jane Palmer and, where applicable, its officers, directors, employees, representatives, subsidiaries or affiliates.

6. Person. The term “person” is defined as any natural person or any business, legal or governmental entity or association.

7. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

8. Produce. The term “produce” means to provide the original or an exact legible copy of a requested document to Petitioner’s counsel. A draft or non-identical copy is a separate document within the meaning of this term.

The following rules of construction apply to all discovery requests: --

1. All/Each. The terms “all” and “each” shall both be construed as all and each.
2. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

1. Provide a separate page for each separate question. Reproduce the discovery request made before presenting the response.

2. The response to each request should 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, state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the date on which each question was answered.

3. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), provide all information with respect to the subject matter of the question that can be identified in your work papers and files or that is otherwise available.

4. These discovery requests are continuing in nature, and require you to file supplementary answers pursuant to the Vermont Rules of Civil Procedure as incorporated by the Rules of the Vermont Public Service Board. Change, supplement and correct your responses to conform to all information as it becomes available to you, including the substitution of actual data for estimated data. Responses to requests 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.

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

6. For any matter where a request for admission is being answered by a denial or objection, the answer should set forth in detail the reasons for the denial or objection, in conformity with Vermont Rule of Procedure 36.

7. In construing these discovery requests, the terms "refer to" and "relate to" shall include any and all logical or factual connections to the subject of the discovery request as specified.

8. Organize responses and supporting documents using the identifying number to which they respond.

DISCOVERY REQUESTS

Q.PET:Palmer.1-1. With reference to your testimony at page 4 lines 2-3, state the date when you applied for certification, describe where you are in the process, and produce copies of all communications with NOFA-Vermont regarding your certification status as it relates to your farming operations.

Q.PET:Palmer.1-2. With respect to your testimony at page 5, regarding water following a trench, admit that you have not considered the planned installation of "trench breakers" by VGS as presented in the EPSC Plan.

Q.PET:Palmer.1-3. With regards to your testimony at pages 5-6, admit that water from an adjacent farm currently drains into your property containing "fertilizer, herbicides and pesticides."

Q.PET:Palmer.1-4. Provide contact information for each of the realtors and appraisers who provided the estimate for the devaluation of property values stated in your testimony on page 11. Provide copies of all communications with each realtor or appraiser and reports utilized by same to arrive at their conclusions.

Questions for Heather Darby

Q.PET:Palmer.1-5. Admit that the statements and opinions in your testimony are not those of UVM or UVM Extension.

Q.PET:Palmer.1-6. With respect to your testimony at A6:

- a. What is the scientific basis for your statement that the "severe soil disturbance such as that created by VGS during the construction of the pipeline is equivalent of an earthquake, hurricane, tornado, and forest fire occurring simultaneously in the world of soil organisms?"
- b. Produce all documents that support this statement.
- c. Describe exactly what soil disturbance you attribute to VGS that would have the

equivalent of an earthquake, hurricane, tornado, and forest fire occurring simultaneously. Specify the activities and produce all documents supporting your statements.

- d. Describe your previous experience with VGS pipeline construction on agricultural land.
- e. Describe your previous experience with any natural gas pipeline construction on agricultural land.
- f. Provide all studies identifying or quantifying impacts on soil organisms of pipeline construction.

Q.PET:Palmer.1-7. With respect to A7 of your testimony, identify, describe and produce the information provided by the Palmers regarding the proposed VGS pipeline construction.

Identify and produce all documents that you have reviewed, including the testimony and exhibits submitted by Petitioner in this docket (these do not need to be produced), regarding construction.

Q.PET:Palmer.1-8. Explain how the Petitioner's documents informed the opinions you present in A7.

Q.PET:Palmer.1-9. Provide any studies, reports or evidence you have relied upon in making the statement at A8 which characterize pipeline installation as "extremely detrimental to the soils and crop production of the Palmer Farm."

Q.PET:Palmer.1-10. Provide any studies, reports or evidence you have relied upon in making the statement at A8: "The damage could take up to 10 years to be repaired back to its original state."

Q.PET:Palmer.1-11. Have you communicated your comments, concerns opinions to the Vermont Agency of Agriculture? If so, produce all such communications.

Questions for Curt M. Freedman

Q.PET:Palmer.1-12. Admit that you do not have prior experience with the design and construction of natural gas pipelines, for both transmission and distribution systems.

Q.PET:Palmer.1-13. If the above answer is anything other than an admission, identify and describe your experience and specific engineering role and responsibility with the design and construction of natural gas pipelines, for both transmission and distribution systems.. Produce a list of each project and contact information for the companies with whom you worked.

Q.PET:Palmer.1-14. With respect to A5 of your testimony, identify and describe the investigation experience you reference, specifically listing each investigation, its date, location, for whom you conducted the investigation, your specific role and responsibility within the investigation and produce your reports and all related documents.

Q.PET:Palmer.1-15. Regarding A5 of your testimony, admit that you are being paid by the Palmers to provide your testimony in this proceeding.

Q.PET:Palmer.1-16. Prior to providing your testimony in this matter, identify each federal and state pipeline safety regulation and code reviewed by you in forming your opinion.

Q.PET:Palmer.1-17. Prior to providing your testimony in this proceeding, identify each member of the Vermont Department of Public Service or Pipeline and Hazardous Materials Safety Administration ("PHMSA") consulted by you in forming your opinion. If not, why not?

Q.PET:Palmer.1-18. Admit that you have never been employed by any department of the U.S. government involved in the regulation of gas system and hazardous liquid infrastructure, security, and safety. If the answer is anything other than an admission, identify each such position and the dates held.

Q.PET:Palmer.1-19. Admit that you have never been employed by any company engaged in the design, construction or operation of a natural gas pipeline. If the answer is anything other than an admission, identify each such position and the dates held.

Q.PET:Palmer.1-20. Identify and describe your education, training and experience in the area of natural gas transmission system design, construction and operation. Please be specific with

reference to natural gas transmission.

Q.PET:Palmer.1-21. Are you a member of the American Institute of Chemical Engineers or the National Association of Corrosion Engineers?

Q.PET:Palmer.1-22. Have you ever attended any PHMS workshop, meeting or training? If so, identify and describe each, including topic and dates.

Q.PET:Palmer.1-23. With respect to your resume, produce all forensic engineering reports and testimony referenced on page 2 thereof.

Q.PET:Palmer.1-24. Admit that the natural gas pipeline safety is regulated by the Office of Pipeline Safety ("OPS"), within the U.S. Department of Transportation ("DOT"), Pipeline and Hazardous Materials Safety Administration ("PHMSA").

Q.PET:Palmer.1-25. Admit that the natural gas pipeline safety regulations governing design, construction and inspection of natural gas pipelines are codified at 49 CFR Parts 192, 193, and 195.

Q.PET:Palmer.1-26. Admit that 49 CFR Part 192 references the following standards which relate to the construction and operation of gas pipelines:

- American Society of Mechanical Engineers (ASME) Standards B31.8 and 16 B31.8S, 17

- American Petroleum Institute (API) Standards 5L and 1104, and 18
- NACE International (NACE) standards for cathodic protection and corrosion control.

Q.PET:Palmer.1-27. Admit that neither 49 CFR Part 192 or the standards referenced therein as set forth in the previous question require or recommend the setback you reference in A6 of your testimony. If denied, identify and produce each such regulation and standard.

Q.PET:Palmer.1-28. Identify all federal and state safety regulations that support the statements in your A5 and A6 regarding proximity to homes/structures.

Q.PET:Palmer.1-29. Produce the report referenced at A6 of your testimony.

Q.PET:Palmer.1-30. Identify each jurisdiction and each gas pipeline safety code or regulation that, to your knowledge, has adopted the set-back approach stated in A6 of your testimony. Produce all documents supporting same.

Q.PET:Palmer.1-31. Admit that neither 49 CFR Part 192 or the standards referenced therein as set forth in the previous question require or recommend the setback you reference in A6 of your testimony. If denied, identify and produce each such regulation and standard.

Q.PET:Palmer.1-32. Produce the calculations supporting the distances recommend in A6 of your testimony.

Questions for Craig Heindel

Q.PET:Palmer.1-33. Are you or have you ever been employed by any company engaged in the design, construction or operation of a natural gas pipeline? Identify each such position, the dates held.

Q.PET:Palmer.1-34. Identify and describe your education, training and experience in the area of natural gas transmission system design, construction and operation. Please be specific with reference to natural gas transmission.

Q.PET:Palmer.1-35. Describe in detail all investigation performed by you to prepare your testimony and form the opinions stated in your testimony including, but not limited to, all project plans and testimony submitted by Petitioner in this proceeding or in response to discovery in this proceeding. Produce all documents relating to same not already submitted by Petitioner.

Q.PET:Palmer.1-36. What assumptions have you made regarding construction specifications for the project? Explain the basis for these assumptions and produce all documents relating to same.

Q.PET:Palmer.1-37. With respect to your testimony at A5, provide a map showing the locations that you walked on March 31, 2013, depicting all features noted, including "the large

slope", locations of groundwater observations, locations of saturated ground surface conditions.

Produce any documents relating to your site investigation.

Q.PET:Palmer.1-38. With respect to your testimony at A6, identify and produce all documents that support your statement at lines 4-7. Explain the basis for your statement. Identify the construction specifications for all utility installations included in these documents.

Q.PET:Palmer.1-39. With respect to your testimony at A6, identify and produce all documents that support your statement at lines 7-12. Explain the basis for your statement.

Q.PET:Palmer.1-40. With respect to your testimony at A7, explain the basis for the statement at lines 16-17.

Q.PET:Palmer.1-41. Describe the basis for the statement made at A8 of your testimony and identify and produce all supporting documents relating to same.

Q.PET:Palmer.1-42. With respect to your testimony at A9, identify and produce all documents that support your statement at lines 1-4. Explain the basis for your statement.

Q.PET:Palmer.1-43. With respect to your testimony at A9, identify and produce all documents regarding the location, design and operational characteristics of the existing tile drainage system

on the Norris property that you relied upon in forming your opinion support your statement at lines 8-12.

Questions for Jeffrey D. Wolfe, P.E.

Q.PET:Palmer.1-44. Produce all documents, including emails, relied on in support of your testimony.

Q.PET:Palmer.1-45. Provide all studies relied on and empirical data supporting your assertion in A.4 on page 3 that the proposed pipeline will decrease the market for renewable energy systems in Vermont.

Q.PET:Palmer.1-46. In regards to state energy policy, which you address in A4 on page 3, admit that Vermont's Comprehensive Energy Plan ("CEP") indicates that Vermont's strategy for achieving its goal of achieving 90% of the state's energy needs from renewable sources by 2050 is as follows: "eliminate Vermont's reliance upon oil by mid-century by moving toward enhanced efficiency measures, greater use of clean, renewable sources for electricity, heating and transportation, and electric vehicle adoption, *while increasing our use of natural gas* and biofuel blends where nonrenewable fuels remain necessary." 2011 CEP, vol. 1, p. 3, available at [http://publicservice.vermont.gov/publications/energy plan/2011 plan](http://publicservice.vermont.gov/publications/energy%20plan/2011%20plan) (*emphasis added*).

Q.PET:Palmer.1-47. Is it your position that customers who would be serviced by the pipeline

extension should not have the choice between oil, natural gas, and other sources of energy? If so, please explain why not.

Q.PET:Palmer.1-48. Admit that the WRI working paper entitled *Clearing the Air: Reducing Upstream Greenhouse Gas Emissions from Natural Gas Systems*, available at http://pdf.wri.org/clearing_the_air_full_version.pdf (linked to from the WRI webpage that you cite in footnote 2 on page 5) concludes at page 12 that the Howarth study—which you cite in footnote 5 on page 5 regarding estimates of fugitive methane emissions—“estimated exceptionally high leakage rates from the flow-back stage of hydraulic fracturing operations and also from transmission and distribution infrastructure.”

Requests to Produce

1. Please produce any and all documents you expect to offer as exhibits at the technical hearing of this proceeding.
2. Please produce all supporting workpapers, notes, reports, spreadsheets and all other documents used, referred to or relied upon for the development of your prefiled testimony.
3. For each of the witnesses that have offered prefiled testimony in this matter on your behalf, please identify and produce for the past 5 year period, copies of the following:
 - (a) a list of all court or administrative proceedings in which the witness has been a witness or a party;

- (b) a detailed description of any testimony given by the witness in any court or administrative proceeding, and copies of all transcripts, prefiled testimony, exhibits, reports, and other documents relating to such testimony;
4. Please produce all supporting workpapers, notes, reports, spreadsheets and all other documents used, referred to or relied upon for the development of your responses to these discovery questions.

Dated at Burlington this 21st day of June, 2013

VERMONT GAS SYSTEMS, INC.

By: _____

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cc: Certificate of Service

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