

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 7970

Petition of Vermont Gas Systems, Inc. for)
a certificate of public good, pursuant to)
30 V.S.A. § 248, authorizing the construction)
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)

**FIRST SET OF INFORMATION REQUESTS AND REQUESTS FOR ADMISSION
SERVED UPON VERMONT GAS SYSTEMS, INC
BY CONSERVATION LAW FOUNDTION**

Pursuant to Vermont Public Service Board Rule 2.103 and 2.214, and V.R.C.P. 33, 34 and 36 the Conservation Law Foundation (CLF) serves the following requests for admission and information requests on Vermont Gas Systems, Inc. (Company or VGS) to be answered separately and fully under oath by delivering a complete copy of all documents, plus an electronic version of such responses to CLF counsel identified on the service list no later than the close of business on May 3, 2013.

INSTRUCTIONS AND DEFINITIONS

1. Reproduce the request being responded to before the response. Kindly provide a separate page for each separate question.
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, 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.
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), please 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 requests shall be deemed continuing to the full extent permitted by law. You are directed to change, supplement and correct your answers to conform to all information as it becomes available to you, 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.
5. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
6. "Identify," requires you to:
 - a. state the full name and current business address of the person or entity provided in response;
 - b. state whether there is or was any document(s) which bears upon, discusses, or pertains to the facts or issues to which the interrogatory and the question is addressed;
 - c. set forth in detail: (i) a description of the nature (i.e., letter, memorandum, etc.) and the exact contents of each such document(s); (ii) the name and address of the author(s), signer(s), recipient(s), and addressee(s) of each said document; (iii) where each said document is located; (iv) the date of each said document; (v) the name and address of the person(s) or other entity having custody, control or possession of each said document; and (vi) if a document, or copy thereof, is no longer in existence or is no longer in your custody, control, or possession, the name and address of the person(s) or other entity last having custody and/or possession of said document to the best of your knowledge and the reason for it no longer existing or being under your custody, control or possession.
 - d. state whether there were any oral communication(s) bearing upon, discussing, or pertaining to facts or issues to which the interrogatory and question is addressed, and if so, set forth in detail: (i) the contents of each said oral communication; (ii) where and when each said oral communication occurred; (iii) the name and address of each person participating in each or any said communication; (iv) the name and address of each person present at each or any said communication; and (v) the nature, identity, and location of each and every document which bears

upon, discusses or pertains to each or any said communication, and attach a copy thereof.

7. "Document," as used herein, shall be construed as broadly as possible to include any and all means and media by which information can be recorded, transmitted, stored, retrieved or memorialized in any form, and shall also include all drafts, versions or copies which differ in any respect from the original. The term 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, reports, workpapers, memoranda, notes, letters, e-mails, photographs, photographic slides, negatives or films, computer diskettes, computer files, tapes and recordings, summaries or records of telephone conversations, summaries or records of personal conversations, and all copies bearing any underlining, highlighting, additions, corrections, or marginal notations which are in the possession, custody, or control of Entergy, its agents, employees, representatives, attorneys or experts, wherever located.
8. With respect to each document produced by you, identify the person who prepared the document and the date on which the document was prepared.
9. "You" and "your" as used in these information requests, means Entergy and its agents, employees, contractors, consultants and representatives.
10. "Person" as used in these information requests means any natural person or any business, legal or governmental entity or association.
11. "Concerning" or "regarding" as used in these information requests means relating to, referring to, describing, evidencing or constituting.
12. "Produce" as used in these information requests means to provide the original or an exact legible copy of a requested document to CLF's counsel. A draft or non-identical copy is a separate document within the meaning of this term.
13. The terms "all" and "each" shall both be construed as all and each.
14. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the information request all responses that might otherwise be construed to be outside its scope.
15. The use of the singular form of any word includes the plural and vice versa.
16. Documents produced pursuant to these requests shall be organized and labeled in correspondence with the paragraph number to which they are alleged to respond.

With respect to each document produced by VGS, identify the person who prepared the document and the date on which the document was prepared.

17. If in response to any request for information, the responding party asserts attorney client privilege, attorney work product, or any other privilege, please provide, in addition to the basis of the privilege, the date of the allegedly privileged communication(s), the identity of all persons who were party to the allegedly privileged communication(s) or who received photocopies of such communication(s), and the subject matter of the allegedly privileged communication.
18. 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. If any information is withheld on the grounds of privilege, immunity or qualified immunity, trade secrets, including without limitation, the work product doctrine or attorney client privilege, the following information shall be provided in a privilege log: (a) the basis upon which the privilege or protection is claimed; (b) the identity of the person who is the source of the information; (c) the identity of the person to whom the information has been communicated; (d) whether the information, or any part thereof, is based upon or evidenced by or is contained in any document and the identity of all such documents; and (e) the subject matter of the information and interrogatory to which it responds, sufficient for its identification.

REQUESTS TO ADMIT, INTERROGATORIES AND REQUESTS TO PRODUCE

Environmental and Water Quality Permitting and Impacts

1. Produce all documents regarding VGS's environmental permits, including without limiting this request:
 - a. Application, supporting materials and communications both to and from VGS or its consultants regarding any Clean Water Act (CWA) permits being sought for this project.
 - b. Application, supporting materials and communications both to and from VGS or its consultant regarding any National Environmental Policy Act (NEPA) review for this project.

- c. Application, supporting materials and communications both to and from VGS or its consultants regarding any state of Vermont environmental permits or approvals being sought for this project.
 - d. Without limiting the above requests, in particular, provide any updates to the alternatives analysis as a result of the petition amendment, and the applications for permits identified in Exhibit Petitioner Supp. JAN-3 (2/28/13).
2. Regarding Exhibit Petitioner Supplement JH-15 (2/28/13) are the sixteen crossings identified the only crossings that VGS plans to use Horizontal Directional Drill (HDD)?
 - a. If not, identify the other crossings that VGS plans to utilize HDD.
 3. Admit that HDD poses fewer and reduced water quality impacts because it avoids impacts to the waterway from pipeline installation.
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
 4. Explain why HDD is not proposed for all water crossings.

Easements and Rights of Way

5. Produce all documents describing the terms of any easements proposed to landowners for use of their property.
 - a. This request seeks the terms of any proposed easements. If identical language is proposed in more than one easement, only one document need be produced.
6. Identify any communication and produce all documents regarding the use of Agency of Transportation Rights of Way, including the CCCH ROW, for this project.
 - a. Without limiting this request, this response should include any communication regarding the terms considered or proposed for use of the CCCH ROW.

Greenhouse Gas Emissions

7. Admit that the analysis of greenhouse gas (GHG) emissions undertaken by VGS for this project assumes gas used will replace other fossil fuels.
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
8. Admit that the GHG emissions would increase if gas provided by this project is used in place of non or lower emitting resources, including wind, solar and hydro.

- a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
 9. Admit that VGS is proposing no restrictions on use of gas provided by this project to ensure reduced GHG emissions over the useful life of the project.
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
 10. Identify and produce all documents analyzing the full life-cycle GHG emissions for the project.
 11. Identify and produce all documents analyzing the GHG emissions from the secondary and cumulative impacts associated with the project, including without limiting the impacts from:
 - a. Future expansion to Rutland
 - b. Connection to the larger national gas system
 - c. Future development of a distribution network along the pipeline
 - d. Expansion to serve the International Paper facility in New York
 12. What is the maximum volume of gas this project would be capable of delivering for use in Vermont on a daily, monthly or annual basis?
 - a. Identify and produce all documents regarding any evaluation or analysis of the maximum capacity of this project.
 13. Identify and produce all documents regarding VGS's annual gas losses:
 - a. as a percentage of total throughput from 2000 to the present.
 - b. as measured in therms from 2000 to the present.
 14. Identify and produce all documents regarding VGS's annual unaccounted for gas:
 - a. as a percentage of total throughput from 2000 to the present.
 - b. as measured in therms from 2000 to the present.
 15. Identify and produce all documents showing the total amount of natural gas taken off the transmission system for each year from 2000 through the present.
 16. For each year from 2000 through present, identify and produce all documents showing:
-

- a. the amount of gas delivered to customers;
 - b. the amount of gas used by the company;
 - c. the amount of gas classified as lost and unaccounted for.
17. For any year in which the figure for unaccounted for gas is negative, explain the reason for the negative value.
18. Identify and produce any estimate of the amount of gas lost due to leaks on the existing system in thousands of cubic feet.
- a. Explain how VGS calculated the amount of gas lost due to leaks on the existing system.
19. Based on the amount of gas lost through current leaks on the system, what is the total gas cost paid by ratepayers as a result of these leaks.
20. Does VGS participate in the United States Environmental Protection Agency (EPA) Natural Gas Star Program?
- a. If yes, produce a copy of all annual reports filed by VGS with the United States Environmental Protection Agency under the EPA Natural Gas Star program from 2009 through the present.
 - b. If no, identify and produce any documents regarding any consideration by VGS of participation in the EPA Natural Gas Star program.

Stakeholder Engagement

21. Produce all documents regarding the establishment, structure and scope of the stakeholder engagement process described by Mr. Wark in his testimony on pages 2 – 6.
22. Admit that no individual landowners were included in the Advisory Group of the stakeholder engagement process described by Mr. Wark in his testimony on pages 3 – 5.
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
23. Produce all communications between VGS and Adamant Accord regarding the stakeholder engagement process described by Mr. Wark in his testimony on pages 2 – 6.
24. Produce all communications to or from Advisory Group members regarding the project.
25. Admit that the Advisory Group neither developed nor advanced any recommendation or route configuration for the project.

- a. If denied identify all facts and produce all documents on which VGS relies to support its denial

Secondary and Cumulative Impacts

26. Admit that the location and configuration of the proposed pipeline make it likely that an expansion in the future will support both a natural gas electric generating facility and connection with gas supply in New York State that may source fuel from natural gas wells that are "fracked."
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.
27. Admit that VGS has not evaluated the impacts of future foreseeable uses described in question 18 above.
 - a. If denied identify all facts and produce all documents on which VGS relies to support its denial.

Route Selection and Impacts

28. Regarding Exhibit Petitioner JAN-13 Appendix 1:
 - a. Provide an update of this appendix that reflects the route changes set forth in VGS amended petition.
 - b. Regarding project cost on page 3, is the last line of this table identifies the "Costs Associated with Refinement of the Preferred Alternative (Alternative 5a)" and shows a figure of \$83.8 US\$. Is this cost \$83.80 or is it \$83.8 Million dollars, or some other value?
 - i. Is this additive to the cost for alternative 5, or does it replace the cost of alternative 5?
 - c. Explain the significant change in cost of Alternative 1 (\$79.6 million) compared to the estimate provided on February 8, 2012 during the Advisory Group process (\$56.1 million).
29. How many miles of the existing VGS are within highway rights of way?
30. What is the VMT for roadways adjacent to the existing VGS system?
31. Identify and produce any documents regarding any limitation on the use of the CCH ROW to avoid future conflicts such as those identified regarding Alternative 1.

Dated at Montpelier, Vermont, this 29th day of March, 2013.

CONSERVATION LAW FOUNDATION

By: Sandra Levine

Sandra Levine
Senior Attorney
Vermont Advocacy Center
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992 x.4013
(802) 223-0060 (fax)
slevine@clf.org