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April 19, 2013

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In Re: Petition of Vermont Gas Systems, Inc., requesting a certificate of public good, pursuant to 30 V.S.A. Section 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

Dear Attorneys Hayden and Roy:

Enclosed is VERMONT FUEL DEALERS ASSOCIATION FIRST SET OF INFORMATION REQUESTS.

Sincerely yours,



Christopher J. Smart

Enclosure

cc Service List
Susan Hudson, Clerk, PSB

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7970

In Re: Petition of Vermont Gas Systems, Inc., requesting a certificate of public good, pursuant to 30 V.S.A. Section 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

**VERMONT FUEL DEALERS ASSOCIATION
FIRST SET OF INFORMATION REQUESTS**

Vermont Fuel Dealers Association, Inc., asks petitioner Vermont Gas Systems, Inc. to answer this First Set of Information Requests in accordance with PSB Rule 2.214 and Rules 33, 34 and 36 of the Vermont Rules of Civil Procedure by no later than May 3, 2013.

INSTRUCTIONS

1. ***Refer to Instructions, Construction Rules and Definitions.*** Do not answer these requests without first reviewing these instructions, the rules of construction that follow them, and, for terms appearing in *small capitals*, the definitions that follow those rules.
2. ***Reproduce Requests.*** Re-type each of these requests before each of your answers.
3. ***Answer completely.*** Each request must be answered as completely as YOU are able, without reference to another answer. In every answer, provide all information (including information within each DOCUMENT) that is known or available to YOU, that is in YOUR

possession or under YOUR control (including information within the possession or control of a PERSON who is under your control). If YOU cannot answer a request completely, clarify in your answer what you are unable to answer, noting that a lack of information, knowledge or belief is not a sufficient reason for failing to answer unless YOU have made reasonable inquiry and the information known, possessed, or controlled by YOU is insufficient to enable YOU to answer, and you expressly say so in your answer. If YOUR answer includes estimates or assumptions, IDENTIFY in your answer the methods or calculations on which YOUR estimates or assumptions are based. For each item of information that you provide in YOUR answers, IDENTIFY the PERSON who knows of, possesses or controls such information. For each DOCUMENT YOU produce, note the corresponding request to which the DOCUMENT applies by physically marking the number of that request on the DOCUMENT, on its first page, noting that number in parenthesis in the electronic file name of the DOCUMENT, or some other reasonable manner (e.g., creating an index of DOCUMENTS cross-referencing the requests).

4. ***Object sparingly.*** YOU may not object to answering because YOU believe the information sought will be inadmissible as evidence (if it appears reasonably calculated to lead to discovery of admissible evidence) or because it calls for the application of law to fact. Ordinarily, YOU may object to answering only when the COMMUNICATION of the information sought is protected by the attorney-client privilege or the work-product doctrine and such information has not been communicated by another means which is not privileged or protected. If YOU do object, state in YOUR answer the complete legal and factual basis for YOUR objection.

5. **Supplement and correct promptly.** VRCP 26(e) imposes upon YOU “a duty to supplement or correct” every answer that, later, YOU learn “is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to [VFDA] during the discovery process or in writing.” This duty is ongoing, and YOU should supplement and correct YOUR answers immediately upon there being cause. This duty also extends to information that first becomes available, or is first generated, *after* YOU answer.

6. **Electronic Format.** Provide your answers (and as possible, DOCUMENTS, particularly spreadsheets and computer data) in usable electronic format (Word and PDF), *rather than* paper hard copy. Again, **electronic copy may be used in lieu of hard copy.**

RULES OF CONSTRUCTION

In these requests: (a) the singular form of terms includes the plural, and vice versa; (b) the conjunctive includes the disjunctive, and vice versa (e.g., a request saying “support or refer” means “support and refer” if both can be made, and an interrogatory saying “support and refer” means “support or refer” if only one can be done); (c) terms specified after “including” or “for example” are merely examples and do not preclude additional terms from applying; (d) income, wages, consideration, values, balances and amounts are to be expressed in United States dollars; and (e) terms in SMALL CAPITALS are defined in the definitions.

DEFINITIONS

COMMUNICATION means every method by which information is (a) recorded onto or into DOCUMENTS or (b) conveyed by PERSONS.

DOCUMENT means any tangible thing on which appears or which contains (or from which can be obtained and translated, if necessary, by detection devices, into reasonably usable form) information, including words, numbers, symbols, sounds and images. Tangible things include originals and non-identical copies, reproductions and drafts (electronic, handwritten, typed, printed and otherwise, whether meant for internal use or for distribution externally) of accounts, advertisements, agreements, appointment books, books, books of account, brochures, bulletins, cables, calendars, charges, circulars, communications, computer files, contracts, correspondence, data compilations, desk calendars, data processing cards, data sheets, disks (including CDs and DVDs), drafts, drawings, diaries, directives, documents, envelopes, facsimile (a.k.a. fax), file notations, files, films, graphs, graphics, indexes, invoices, laboratory records, ledgers, letters, lists, logs, magazines, mail, maps, memoranda, microfilms, minutes, newspapers, notes, notices, orders, pamphlets, papers, periodicals, phonographs, photographs, prints, prospectuses, records, recordings (audio and video), renderings, reports, sketches, studies, surveys, tapes, telecopies, telegrams, telexes, time sheets, transcripts, videos, vouchers, working papers, writings and similar tangible things, however produced or reproduced. Unless YOU expressly state otherwise, each copy of any DOCUMENT YOU produce will be conclusively deemed to be “genuine” within the meaning of VRCP 36(a).

FIRST NEW YORK EXTENSION: YOUR plans, beyond from the PROJECT, to expand YOUR transmission and distribution facilities to serve users, primarily International Paper, in a corridor through Shoreham, Vermont and ultimately reaching the vicinity of Ticonderoga, New York.

FRACKING: Hydraulic fracturing or hydro-fracturing, being a technique to extract natural gas by injection into rock layers of pressurized fluid (often or typically chemical-laced water and sand) to break apart the rock and release the gas.

IDENTIFY: (a) when referring to a *human* PERSON, state his or her (i) full name and aliases, (ii) residential and business addresses and telephone numbers, (iii) last known occupation, and, if he or she is an expert, (iv) curriculum vitae or resume establishing his or her expertise (*provided*, if YOU have produced such curriculum vitae or resume in YOUR filings to date, then YOU need not state them but may instead include them by specific reference to YOUR prior filing); (b) when referring to a *non-human* PERSON, state its (i) legal name, (ii) other names by which it operates or does business, (iii) form (e.g., corporation, partnership, etc.), (iv) type and general location of operation or business, (v) address and telephone number of its principal place of operation or business, (vi) IDENTIFY PERSONS primarily responsible for its day-to-day operations or business, and (vii) IDENTIFY PERSONS who own or control the operation or business; (c) when referring to a DOCUMENT, state its number of pages, form (e.g., letter or memorandum), title, date, author, recipient, substance, present location and custodian, and, additionally, if lost, discarded, or destroyed, the approximate date and reason it was lost, discarded, or destroyed, the reason, a summary of its substance, and the identity of each PERSON having knowledge of its contents; (d) when referring to a COMMUNICATION, (i) IDENTIFY PERSONS participating therein, (ii) state its date, manner, place and substance, and (iii) IDENTIFY each DOCUMENT referring thereto.

INTERSTATE PIPELINE SYSTEM: Any U.S. interstate natural gas pipeline system bordering Vermont.

PERSON: Any *human* and (however formed, public or private, incorporated or unincorporated, domestic or foreign) any *non-human* entity, including (a) federal, state and local governments, (b) corporations, (c) partnerships, (d) companies, (e) organizations, (f) partnerships, (g) proprietorships, (h) trusts, (i) estates and (j) each department, agency and subdivision thereof.

PETITION: the petition YOU filed that is identified in the caption of this request.

PROJECT: The “Addison Natural Gas Project” identified in the PETITION.

RUTLAND EXTENSION: YOUR plans, beyond from the PROJECT, to expand YOUR transmission and distribution facilities to serve users in a corridor through and including Rutland, Vermont.

SECOND NEW YORK EXTENSION: YOUR plans, beyond from the PROJECT, to expand YOUR transmission and distribution facilities to serve users, primarily International Paper, in a corridor through Fair Haven, Vermont and ultimately reaching the vicinity of Whitehall, New York.

VFDA: Vermont Fuel Dealers Association, Inc., a Vermont corporation.

VGS: Vermont Gas Systems, Inc., a Vermont corporation, and each of its directors, officers, employees, agents, representatives, servants, independent contractors, and other PERSONS acting with its authorization or under its direction or control, including its attorneys, accountants, auditors, consultants, expert witnesses, investigators, and other professionals, as well as all PERSONS acting under the direction or control of any of the foregoing PERSONS, such PERSONS so acting being deemed by these requests to be under VGS control.

YOU: VGS.

YOUR: possessive of YOU.

RESERVATION

VFDA reserves the right to submit additional requests to YOU, including requests that follow-up on YOUR answers to requests propounded on YOU by other persons in this proceeding.

REQUESTS OF INFORMATION: *Requests for Admission*

Request for Admission No. 1: The purpose of the PROJECT is to transmit and distribute natural gas.

Request for Admission No. 2: Transmitting and distributing natural gas is likewise the purpose of the RUTLAND EXTENSION, FIRST NEW YORK EXTENSION and SECOND NEW YORK EXTENSION.

Request for Admission No. 3: The primary component of natural gas is methane.

Request for Admission No. 4: Methane is a greenhouse gas.

Request for Admission No. 5: Greenhouse gases contribute to global warming.

Request for Admission No. 6: Global warming is damaging Vermont's environment.

Request for Admission No. 7: Methane released into the atmosphere has, by volume, approximately twenty-five (25) times the global warming potential than does carbon dioxide (CO₂), by volume.

Request for Admission No. 8: No less than twenty-five percent (25%) of the anthropogenic (man-made) sources of methane released into the atmosphere are attributable to the production, transmission and distribution of energy.

Request for Admission No. 9: Methane from natural gas is released into the atmosphere primarily through leaks in the production, transmission and distribution facilities for natural gas.

Request for Admission No. 10: Robert Howarth, a scientist at Cornell University, has calculated that as much as eight percent (8%) of the methane produced in the production, transmission and distribution of natural gas is released into the atmosphere through such leaks.

Request for Admission No. 11: Even if only four percent (4%) of the methane contained in natural gas is released into the atmosphere through leaks in the production, transmission and distribution of natural gas, the net effect of the PROJECT, given YOUR estimates of how many users will convert to natural gas, will be to increase the rate of global warming, not decrease it.

Request for Admission No. 12: Even if only three percent (3%) of the methane contained in natural gas is released into the atmosphere through leaks in the production, transmission and distribution of natural gas, the net effect of the PROJECT, given YOUR estimates of how many users will convert to natural gas, will be to increase the rate of global warming, not decrease it.

Request for Admission No. 13: The transmission and distribution facilities YOU propose in the PROJECT will leak methane into the atmosphere and thereby contribute to global warming.

REQUESTS OF INFORMATION: Interrogatories

Interrogatory #1: To the extent after reasonable inquiry YOU cannot admit, without qualification, each of the preceding requests for admission, then, in each instance, (a) admit as much as YOU can, (b) specify what YOU deny or cannot answer and why, (c) state all facts on which YOUR denial or failure to answer is based, (d) state what knowledge, information or belief YOU have with respect to that which YOU deny or cannot answer, (e) IDENTIFY each DOCUMENT bearing on YOUR denial or failure to answer (even if outside YOUR possession or control), and (f) IDENTIFY each PERSON who may have knowledge, information or belief bearing on YOUR denial or failure to answer. *(Do not respond here; instead, insert YOUR response directly into each such request for admission to which your response is applicable.)*

Interrogatory #2: How much of the natural gas that YOU presently transmit and distribute through YOUR system (measured in cubic feet and as a percentage of the total natural gas YOU transmit and distribute) has been produced through FRACKING in each of the last three (3) years?

Interrogatory #3: In what states or provinces has that FRACKING occurred?

Interrogatory #4: How much of the natural gas that YOU expect to transmit and distribute through YOUR system (measured in cubic feet and as a percentage of the total natural gas YOU transmit and distribute, assuming the PROJECT is completed as YOU now envision) will be produced through FRACKING in each of the first ten (10) years that YOU expect the PROJECT to be operational?

Interrogatory #5: In what states or provinces do you anticipate that such FRACKING will occur?

Interrogatory #6: How and to what extent do YOUR economic projections for the PROJECT, including your projections about savings to users, assume completion of (a) the RUTLAND EXTENSION, (b) the FIRST NEW YORK EXTENSION and (c) the SECOND NEW YORK EXTENSION?

Interrogatory #7: YOU say in YOUR pre-filed testimony (Teixeira): “Since Vermont Gas’s long range plan is to extend service to Rutland, the potential loads for serving the Rutland area customers were also modeled to optimize the pipe size for ANGP and to conceptualize future pipeline construction requirements.” IDENTIFY and explain all of those “future pipeline construction requirements” and, to the extent they include more than the RUTLAND EXTENSION, the FIRST NEW YORK EXTENSION and the SECOND NEW YORK EXTENSION, explain how and to what extent YOUR economic projections for the PROJECT, including your projections about savings to users, assume completion of those additional “future pipeline construction requirements.”

Interrogatory #8: If YOUR system connects to an INTERSTATE PIPELINE SYSTEM (by the SECOND NEW YORK EXTENSION or otherwise), would it be *physically possible* for natural gas that is produced in the United States, through FRACKING, to be transmitted, through your system, to Vermont users?

Interrogatory #9: If YOUR answer to the immediately preceding interrogatory is that it *would* be physically possible for such transmission, (a) to what extent have YOU discussed that possibility, internally or publicly, (b) what were the nature of those discussions, and (c) how would (and does) such transmission impact YOUR economic projections concerning the PROJECT, including YOUR projections about the effect of the PROJECT on Vermont rate payers?

Interrogatory #10: If YOUR system connects to an INTERSTATE PIPELINE SYSTEM (by the SECOND NEW YORK EXTENSION or otherwise), would it be *physically possible* for natural gas

that is produced in the United States (by any means) to be transmitted, through your system, to Canada?

Interrogatory #11: If YOUR answer to the immediately preceding interrogatory is that it *would* be physically possible for such transmission, (a) to what extent have YOU discussed that possibility, internally or publicly, (b) what were the nature of those discussions, and (c) how would (and does) such transmission impact YOUR economic projections concerning the PROJECT, including YOUR projections about the effect of the PROJECT on Vermont rate payers?

Interrogatory #12: If the FIRST NEW YORK EXTENSION is completed, what percentage of the natural gas passing through the PROJECT lines will be used by the International Paper Plant in New York?

Interrogatory #13: If the FIRST NEW YORK EXTENSION is completed and the International Paper Plant closes, what impact would its closure have on YOUR current and future ratepayers?

Interrogatory #14: To justify YOUR assertion that the PROJECT will "lower Addison County residents energy bills by \$200 million over the next 20 years," what assumptions do YOU make about the price of (a) natural gas, (b) propane, (c) oil, (d) cord wood, (e) wood pellets and (f) coal, and, in each of those six cases, what is YOUR basis for each such assumption YOU make?

Interrogatory #15: If YOUR assumptions about the price of propane, oil, cord wood and wood pellets were accurate, but YOUR assumptions about the price of natural gas were not, high would the price of natural gas have to be (all of YOUR other assumptions being

constant) for this statement to be true: “The project will have no impact, up or down, on the energy bills of Addison County residents over the next 20 years”?

Interrogatory #16: To justify YOUR assertion that the PROJECT will “reduce greenhouse gas emissions by 300,000 tons over the next 20 years,” what assumptions do you make about the environmental impacts of (a) natural gas, (b) propane, (c) oil, (d) cord wood, (e) wood pellets and (f) oil, and, in each of those six cases, what basis do YOU have for each such assumption?

Interrogatory #17: Regarding YOUR projections about the environmental impacts of *natural gas* over the next 20 years, what are YOUR assumptions about the *rate* of carbon dioxide (CO2) discharge by users of natural gas, and what basis do YOU have for each such assumption?

Interrogatory #18: Regarding YOUR projections about the environmental impacts of *natural gas* over the next 20 years, what are YOUR assumptions about the *rate* of methane loss that will be seen through the (a) production, (b) transmission and (c) distribution of natural gas (itemizing each), and, in each of those three cases, what basis do YOU have for each such assumption?

Interrogatory #19: IDENTIFY YOUR “interruptible customers.”

Interrogatory #20: What fuels will those “interruptible customers” use if your supply is “interrupted”?

Interrogatory #21: What assumptions do YOU make (and, for each assumption, on what basis) regarding the availability and sufficiency of such fuels to those “interruptible customers,” and regarding the cost to those customers of maintaining a supply of such fuels, after connection to YOUR system?

REQUESTS OF INFORMATION: Document Production

Produce under Rule 34 of the Vermont Rules of Civil Procedure copies of (or produce for inspection and copying by Cheney, Saudek & Grayck PC, at 9:00 a.m. on May 3, 2013, at their law offices, located at 159 State Street in Montpelier, Vermont): (1) every DOCUMENT that YOU disclose in YOUR responses to these requests for information, or to which YOU may refer or rely on, directly or indirectly, in preparing YOUR responses, except you need not produce (i) DOCUMENTS that YOU have already submitted in YOUR filings to date (simply refer to those DOCUMENTS in YOUR responses by specific reference to the filing in which they appear), and (ii) DOCUMENTS YOU refuse to produce on the basis of a legally-recognized privilege or doctrine; and (2) any electronic versions you may possess of the same, including drafts. For each DOCUMENT as to which YOU assert a privilege, state fully the grounds for YOUR assertion of such privilege.

DATED: April 19, 2013

CHENEY SAUDEK & GRAYCK PC

BY



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