

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
SECOND SET OF INFORMATION REQUESTS**

Vermont Fuel Dealers Association, Inc., asks petitioner Vermont Gas Systems, Inc. to answer this Second 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 30, 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: Every method by which information is (a) recorded onto or into DOCUMENTS or (b) conveyed by PERSONS.

DOCUMENT: 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.

PRIOR ANSWER(S) means the answer(s) given by Petitioner to the Request for Admission or Information Request, as the case may be, in the "Response of Petitioner to the Vermont Fuel Dealers Association First Set of Information Requests of Petitioner" and references to individual **PRIOR ANSWERS** are numbered in the same way they are numbered in the document.

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 FOR ADMISSION

1. With reference to PRIOR ANSWER VGS.RFA.1-5:
 - (a) Is the statement "VGS is not able to answer this question" YOUR full and complete YOUR objection to Request for Admission No. 5?
 - (b) Do YOU contend that a question exists as to whether greenhouse gases contribute to global warming?
 - (c) If YOUR answer to (b) is "Yes," IDENTIFY the source of all information that YOU contend support(s) that conclusion.

2. With reference to PRIOR ANSWER VGS.RFA.1-6:
 - (a) Is the statement "VGS is not able to answer this question" YOUR full and complete objection to Request for Admission No. 6?

- (b) Are you aware of any DOCUMENT(S) that maintain that global warming is damaging or threatening to damage Vermont's environment? If so, IDENTIFY such DOCUMENT(S) and produce copies of any that are in YOUR possession.
3. With reference to PRIOR ANSWER VGS.RFA.1-7: Is Petitioner aware of any DOCUMENT(S) that compare, by volume, the global warming potential of methane released into the atmosphere with that of carbon dioxide? If so, IDENTIFY such DOCUMENT(S) and produce copies of any that are in YOUR possession.
4. With reference to PRIOR ANSWER VGS.RFA.1-8: Is Petitioner aware of any DOCUMENT(S) that discuss the percent of the anthropogenic (man-made) sources of methane released into the atmosphere that are attributable to the production, transmission and distribution of energy? If so, IDENTIFY such DOCUMENT(S) and produce copies of any that are in YOUR possession.
5. With reference to PRIOR ANSWER VGS.RFA.1-9: Is Petitioner aware of any DOCUMENT(S) that conclude that methane from natural gas is released into the atmosphere primarily through leaks in the production, transmission and distribution facilities for natural gas? If so, IDENTIFY such DOCUMENT(S) and produce copies of any that are in YOUR possession.
6. With reference to PRIOR ANSWERS VGS.RFA.1-11 and 1-12: Do you have in your possession any DOCUMENT(S) that discuss(es) the release of the methane in natural gas into the atmosphere through leaks in the production, transmission and/or

distribution of natural gas? If so, IDENTIFY such DOCUMENT(S) and produce copies.

7. With reference to PRIOR ANSWERS VGS.RFA.1-11 and 1-12: Do you have in your possession any DOCUMENT(S) that discuss(es) the effect on the atmosphere of the methane in natural gas into the atmosphere through leaks in the production, transmission and/or distribution of natural gas? If so, IDENTIFY such DOCUMENT(S) and produce copies.
8. With reference to PRIOR ANSWER VGS.RFA.1-13: Do YOU have in YOUR possession any DOCUMENT(S) that discuss(es) the release of methane into the atmosphere through leaks in the production, transmission and/or distribution of natural gas and the contribution of such leaks to global warming? If so, IDENTIFY such DOCUMENT(S).

INTERROGATORIES

9. With reference to PRIOR ANSWER VGS.1-16: IDENTIFY the sources from or within the Environmental Protection Agency and U.S. Energy Information Administration that form the basis for each assumption.
10. With reference to PRIOR ANSWER VGS.1-17, answer the question, which asks for assumptions about the *rate* of carbon dioxide discharge by users of natural gas, and the basis YOU have for each such assumption. Do not refer to a previous answer.
11. With reference to PRIOR ANSWER VGS.1-18: Have YOU sought to determine the answers to the questions? Do YOU have in YOUR possession or do you know of

any DOCUMENT(S) that YOU consider credible that discuss the answers to the questions? If so, IDENTIFY such DOCUMENT(S) and produce copies.

DOCUMENT PRODUCTION

12. With reference to PRIOR ANSWER VGS.RTP.1-1: Specify the documents to which YOU refer and the responses in which YOU produced them.

DATED: May 17, 2013

CHENEY SAUDEK & GRAYCK PC

BY



Richard H. Saudek, Esquire
Christopher J. Smart, Esquire
Cheney Saudek & Grayck PC
159 State Street
Montpelier, VT 05602
rsaudek@csgvt-law.com
csmart@csgvt-law.com

cc PSB & Service List

CHENEY SAUDEK &
GRAYCK PC
159 State Street
Montpelier, VT 05602