

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Entergy Nuclear Vermont Yankee,)
LLC and Entergy Nuclear Operations, Inc., for a)
certificate of public good, pursuant to 30 V.S.A.)
§ 248 and 10 V.S.A. § 6522, authorizing the)
construction of a second independent spent fuel) Docket No. 8300
storage installation storage pad and related)
improvements, including installation of a new)
diesel generator with an electrical rating of)
approximately 200 kW, at the Vermont Yankee)
Nuclear Power Station in the Town of Vernon,)
Vermont)

**ENERGY NUCLEAR VERMONT YANKEE, LLC, AND ENTERGY NUCLEAR
OPERATIONS, INC.’s FIRST SET OF DISCOVERY REQUESTS FOR THE
WINDHAM REGIONAL COMMISSION**

Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (collectively, “Entergy VY”), serve the following discovery requests on the Windham Regional Commission (“WRC”).

Entergy VY respectfully requests that the WRC 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 September 30, 2015, to Entergy VY’s counsel whose names and addresses are set forth on the service list 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 the WRC, 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 (i) the 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): You or your(s) means WRC, its employees, consultants, representatives, and designated fact and/or expert witnesses.

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 that is within your custody, possession or control to Entergy VY’s counsel. A draft or non-identical copy is a separate document within the meaning of this term. Further, please furnish dynamic data files (e.g., databases, spreadsheets) in their native format, that is, in or compatible with Excel or other standard applications.

9. VY Station. This term refers to the Vermont Yankee Nuclear Power Station.

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 Civil 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

Questions for Chris Campany:

Q.EN.WRC.1-CC-1: Identify and produce all exhibits to be introduced or used at hearing in support of Mr. Campany's prefiled testimony in this proceeding.

Q.EN.WRC.1-CC-2: Identify, list and produce all documents, data compilations, workpapers, or other tangible things provided to, prepared by, reviewed by, relied upon or used by Mr. Campany in developing his prefiled testimony, including the exhibits to his prefiled testimony.

Q.EN.WRC.1-CC-3: With respect to the witnesses for whom prefiled testimony was submitted and who were identified as an expert in this proceeding, to the extent not already produced:

- (i) Produce a curriculum vitae or resume;
- (ii) Identify and produce all publications authored by the witness within the preceding ten years;
- (iii) Identify all matters in the last five years in which the witness has testified as an expert at hearing or trial, or by deposition, in the preceding five years and identify, list and produce any transcripts, affidavits, testimony or other written statements by the witness in connection with the matters.

Q.EN.WRC.1-CC-4: At page 18 of Mr. Campany's prefiled testimony, he states (at lines 5-7) that "ENO will have ongoing revenue even after the [VY] Station ceases producing electricity...."

- a. State in detail WRC's understanding of ENO's sources of ongoing revenue, the amount of such revenue and the amount of such revenue that is offset by costs.
- b. Identify, list and produce all documents relied upon to support WRC's response to (a).

Q.EN.WRC.1-CC-5: At page 18 of Mr. Campany's prefiled testimony, he states (at lines 9-11) that the Board should "hold Entergy Corporation, as the parent, ultimately responsible for all future spent fuel management costs that are not reimbursed by DOE."

- a. State in detail the basis for WRC's position that Entergy Corporation should be held liable for such costs.
- b. Identify, list and produce all documents relied upon to support WRC's response to (a).

Q.EN.WRC.1-CC-6: At page 18 of Mr. Campany's prefiled testimony, he states (at lines 1-4) that WRC has made "extensive prior arguments that both ENVY and ENO have jointly operated the [VY] Station for more than 12 years, and made decisions regarding operations and spent fuel management on behalf of and with the direct oversight of Entergy Corporation" and that the Board should hold Entergy Corporation, "as the parent, ultimately responsible for all future spent fuel management costs that are not reimbursed by DOE."

- a. Identify and list all documents containing WRC's "prior arguments," made before Board Docket 7082, in which it argued that Entergy Corporation's relationship to both ENVY and ENO with respect to management of the VY Station's spent fuel warranted liability for such management to any entity other than ENVY and ENO, including specifically Entergy Corporation.
- b. Produce all documents identified in WRC's response to (a).
- c. Admit that WRC was established in 1965.
- d. Admit that there was no legal obstacle to WRC seeking to participate as a party in Docket 6545.
- e. Admit that WRC did not seek to participate as a party in Docket 6545 before July 31, 2002.
- f. Identify any and all "prior arguments" made by WRC to the Public Service Board in Docket 6545 before July 31, 2002 as to the respective liability of ENVY, ENO and Entergy Corporation with respect to the operation and decommissioning of the VY Station.
- g. List and produce all documents identified and/or relied upon to support WRC's response(s) to subsections (a) through (f).

Q.EN.WRC.1-CC-7: At pages 12-13 of Mr. Campany's prefiled testimony, he states (at page 12, lines 9-10) that "Entergy VY apparently intends to pay these costs [for spent fuel storage pads] from the Decommissioning Trust Fund and the Site Restoration Fund and then hope for reimbursement from DOE, which is not assured"; (at page 13, lines 3-6) that Entergy VY deferred "costs for a second consolidated pad to the post-operation period such that those costs would likely be assigned to the Decommissioning Trust Fund"; and (at page 13, lines 7-9) that "Entergy VY elected to sell property in the area known as the 'North 40' to VELCO for a switchyard, raising capital for itself, but potentially rendering that area unsuitable for a consolidated ISFSI."

- a. State in detail all information known to WRC that supports the statements by Mr. Campany quoted in Q.EN.WRC.1-CC-7.

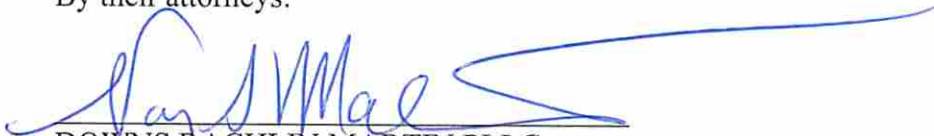
- b. Admit that WRC was a party to Vermont Public Service Board Docket 7373, *Joint Petition of Vermont Electric Power Company, Inc., Vermont Transco, LLC, and Central Vermont Public Service Corporation for a certificate of public good pursuant to 30 V.S.A. Section 248, authorizing the construction of the Southern Loop Transmission Project.*
- c. Admit that WRC did not appeal or otherwise challenge the Vermont Public Service Board's February 11, 2009, findings of fact and order in Docket 7373.
- d. Identify all statements by WRC that the Vernon Substation for which a certificate of public good was requested by Vermont Electric Power Company, Inc., Vermont Transco, LLC and Central Vermont Public Service Corporation in Docket 7373 was not needed for reliability purposes.
- e. Identify all statements by WRC in Docket 7373, made in prefiled testimony or in any other filing in that docket, that any funds received by Entergy VY from the sale and/or lease of property at the VY Station site in connection with construction of the Vernon Substation should be set aside by Entergy VY to fund later decommissioning of the plant.
- f. State in detail WRC's understanding of (a) which costs of constructing the first ISFSI pad were recovered by Entergy VY from DOE and (b) how such recovery affects the likelihood of recovery of the costs related to the construction of the second ISFSI proposed in this docket.
- g. Identify all statements by WRC made in any filing in Docket 7082 or otherwise with respect to that docket that the Board should condition the issuance of a certificate of public good to construct the first ISFSI on Entergy VY's commitment to pre-fund the cost of any future ISFSI construction, required to decommission the plant, from operating revenues received prior to shutdown.
- h. State in detail WRC's understanding of how Entergy VY intends to fund spent-fuel management at the VY Station.
- i. List and produce all documents identified and/or relied upon to support WRC's response(s) to subsections (a) through (h).

Dated at St. Johnsbury, Vermont, September 2, 2015.

ENERGY NUCLEAR VERMONT YANKEE, LLC, AND
ENERGY NUCLEAR OPERATIONS, INC.

Respectfully submitted:

By their attorneys:



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