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# CONBOY, MCKAY, BACHMAN & KENDALL, LLP

*Serving Northern New York Since 1876*

Watertown Office

July 13, 2018

## **VIA EMAILING**

Honorable Kathleen H. Burgess  
Secretary to the Commission (DPS DMM)  
New York State Public Service Commission  
Empire State Plaza Building 3  
Albany, NY 12223-1350

Honorable James A. Costello ([James.Costello@dps.ny.gov](mailto:James.Costello@dps.ny.gov))  
Administrative Law Judge  
Department of Public Service  
Three Empire State Plaza  
Albany, NY 12223-1350

Honorable Lisa Wilkinson ([Lisa.Wilkinson@dec.ny.gov](mailto:Lisa.Wilkinson@dec.ny.gov))  
Administrative Law Judge  
Department of Environmental Conservation  
625 Broadway, First Floor  
Albany NY 12233-1550

RE: Case No.: 16-F-0267 – Deer River Wind Energy Project, PSS Phase  
CMBK Matt No.: 38546.0002 (Town of Pinckney, Intervenor Funds Request)  
Spending reports: Q2 of 2018

Dear Secretary Burgess, Judge Costello, and Judge Wilkinson,

Pursuant to the requirements of 16 NYCRR 1000.10 and the Ruling, we are submitting this report to give an overview of work that was performed during the second quarter of 2018 for the Town of Pinckney. Please note that the Town has retained our firm to handle other ongoing matters, both related and unrelated to the Deer River project. The total expenses billed to the town and described in this report cover only those items which we understand may be reimbursable from the intervenor fund. We expect to submit the Town's vouchers and invoices in the near future.

### **Overview of Work Performed in Q2 of 2018**

Our firm was retained by Pinckney in October of 2015 to provide general legal assistance in all municipal matters. The Town was named as a potential site for wind development in early 2016, and since then, the firm has provided assistance to the Town in navigating the Article 10 process. Bernier, Carr and Associates was hired to provide technical expertise with respect to the project.

Reimbursable legal work for this past quarter included reviewing stipulations and preparing quarterly expense reports, and the engineering firm providing expert analysis of Article 10 PSS files and stipulations.

The funds were awarded in order to offset the costs of the PSS phase – costs which are especially high for a town as sparsely populated as Pinckney, but for which the impact of development of this scale could be severe.

**Expenses incurred for Q2 of 2018**

For Q2 2018, the town incurred \$2,931.54 in reimbursable expenses consisting of \$2,771.54 in legal fees and \$160.00 in engineering fees.

**Additional information**

Our Q 1 report indicated that no work had been performed in the month of March by the engineering firm. Since submitting our Q1 report, Pinckney received a bill showing one hour of work on March 10, which was spent reviewing PSS files and stipulations and which I believe was not previously reported. We are reporting it here.

**Current status**

The availability of intervenor funds is allowing the Town to participate in a meaningful way through the pre-application phase of the project. The law firm and engineering firm were able to review the stipulations. We are pleased to report that the purpose for which the funds were awarded (i.e., meaningful participation by the Town in the pre-application phase) are being achieved, though the PSS phase is not yet complete.

Should you have any questions, please contact me or attorney Jim Burrows.

Very truly yours,

CONBOY, MCKAY, BACHMAN & KENDALL, LLP

/s/

Ian W. Gilbert, Esq.

cc: DMM Party List (via submission),  
Kris Dimmick, P.E., BCA

Enclosure

**Conboy, McKay, Bachman & Kendall, LLP.**

407 Sherman Street  
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**Bernier, Carr & Associates**

Engineers, Architects, & Land Surveyors, P.C.  
 327 Mullin Street  
 Watertown, NY 13601

Q2

Apr-18	Fees	\$ 2,706.00
	Disbursements	\$ 10.50
	Service charge	\$ -
May-18	Fees	\$ -
	Disbursements	\$ -
	Service charge	\$ 1.55
Jun-18	Fees	\$ -
	Disbursements	\$ -
	Service charge	\$ 53.49
	<b>Total Quarter 3:</b>	<b>\$ 2,771.54</b>

Apr-18	Fees	\$ 80.00
	Support Services	\$ -
	Reimbursables	\$ -
May-18	Fees	\$ -
	Support Services	\$ -
Jun-18	Fees	\$ 80.00
	Support Services	\$ -
	<b>Total Quarter 3:</b>	<b>\$ 160.00</b>

Total Prior Expenditures Incurred	\$ 14,937.15
Total Intervenor Funds Awarded	\$16,000.00
<b>Disbursement Request Amount</b>	<b>\$ 3,091.54</b>

Mar-18	Unreported Fees	\$ 160.00
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