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CONBOY, MCKAY, BACHMAN & KENDALL, LLP

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Watertown Office

April 18, 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)
Administrative Law Judge
Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Honorable Lisa Wilkinson (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: Q1 of 2018

Dear Secretary Burgess, Judge Costello, and Judge Wilkinson,

Our firm represents the Town of Pinckney in Lewis County, New York, with respect to the Deer River Wind Project. On June 25, 2017, the Town was awarded \$16,000.00 out of the Applicant's Intervenor Fund, to be used for legal and engineering costs related to the Preliminary Scoping Statement phase of the Project.

The \$16,000.00 award was granted in response to a request for \$20,000.00, of which \$10,500.00 was earmarked for engineering fees for services provided by Bernier, Carr, and Associates and \$9,500.00 would be used to offset legal fees for services provided by Conboy, McKay, Bachman and Kendall, LLP.

Under 16 NYCRR 1000.10(c)(1)(vi), and the July 25, 2017 "Ruling on Intervenor Funding Requests", intervenor funding is approvable only for proposed legal and engineering services that "will contribute to the compilation of a complete record as to the appropriateness of the site and facility." For that reason, work that is performed for the Town but is not reimbursable under the intervenor funding guidelines is being invoiced separately. Such work includes reviewing zoning laws and negotiating PILOT agreements with the Applicant.

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 first 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 are reimbursable from the intervenor fund. We expect to submit the Town's vouchers and invoices in the near future. We also recognize that, pending the approval of the voucher requests, we have exceeded the amount of awarded intervenor funds for this phase.

Overview of Work Performed in Q1 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 work for this past quarter included the law firm reviewing, compiling, and submitting invoice information for the intervenor fund reports for the last three quarters of 2017, 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 Q1 of 2018

For Q1 2018, the town incurred \$3,689.80 in reimbursable expenses consisting of \$3,289.80 in legal fees and \$400.00 in engineering fees.

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 contracts, Article 10 files, and stipulations and offer comments. 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
Watertown, NY 13601

Bernier, Carr & Associates

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

Q1

Jan-18	Fees	\$ 592.00
	Disbursements	\$ -
	Advances	\$ -
Feb-18	Fees	\$ 333.00
	Disbursements	\$ -
	Advances	\$ -
Mar-18	Fees	\$ 2,360.00
	Disbursements	\$ 4.80
	Advances	\$ -
	Total Quarter 1:	\$ 3,289.80

Jan-18	Fees	\$ 400.00
	Support Services	\$ -
Feb-18	Fees	\$ -
	Support Services	\$ -
Mar-18	Fees	\$ -
	Support Services	\$ -
	Total Quarter 1:	\$ 400.00

Total Prior Expenditures Incurred	\$ 13,785.15
Total Intervenor Funds Awarded	\$16,000.00
Q1 2018 total	\$ 3,689.80