

Form RFIF (2/12/13)

**REQUEST FOR INTERVENOR FUNDS**

TO THE SECRETARY:

I hereby provide a request for intervenor funds in the following Article 10 case before the NYS Board on Electric Generation Siting and the Environment:

**Case Number:**

Re: Case 12-F-0410

**Title of Case:**

Cape Vincent Wind Power, LLC

**Name of Party:**

Town of Cape Vincent

**Contact Person:**

Urban Hirschey - Town Supervisor  
Clif Schneider - Town Councilman

**Firm Name:**

**Contact Address:**

Town of Cape Vincent, 1964 NYS Rte 12E, Cape Vincent, NY 13618

**Contact Telephone Number:**

315-654-3795

**Contact E-mail Address:**

Uhirschey@townofcapevincent.org  
clif.schneider@gmail.com

**Amount of Funds Requested:**

\$11,320

**The basis of eligibility for intervenor funds is as follows: (underline one)**

**X Eligible Municipal Party**[County, city, town or village located in New York State that may be affected by the proposed major electric generating facility]

**Eligible Individual Local Party**[Person residing in a community who may be individually affected by the proposed major electric generating facility]

**Eligible Group Local Party**[Persons residing in a community who may be collectively affected by the proposed major electric generating facility]

**1(a) Provide a statement of the number of persons the requesting party represents:**

Represents the Town of Cape Vincent

**1(b) Provide a statement of the nature of the interests the requesting party represents:**

The Town has an interest in any action that may usurp its laws and plans.

**2(a) Provide a statement of the efforts that have been made to obtain funds from other sources:**

Other than taxpayer funds, BP's intervenor funding is the only other source of funds.

**2(b) Provide a statement of the availability of funds from the resources of the requesting party:**

The Town does not have all of the funds needed to fully represent all its interests.

**2(c) Provide a statement of the availability of funds from the resources of sources other than the requesting party:**

Only other source of funds are intervenor funds.

**3(a) Indicate the type of funds being sought: (underline one) Pre-App funds or App funds**

Pre-application funding.

**3(b) State the amount of funds being sought:**

\$11,320

**4(a) If expert witnesses, consultants, attorneys, or others are to be employed, provide to the extent possible, the name and qualifications of each person to be employed.**

Mr. Paul J. Curtin, Jr.,  
Shulman Curtin & Grunder P.C.

**4(b) If expert witnesses, consultants, attorneys, or others are to be employed and it is not possible to provide the name of each person to be employed, provide for each person that cannot be named a statement of the necessary professional qualifications for the person:**

na

**5 Provide, if known, the name of any other interested person or entity who may, or is intending to, employ any such expert witnesses, consultants, attorneys, or others:**

na

**6(a) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed statement of the services to be provided:**

Mr. Curtin represents the Town of Cape Vincent in the current Article 10 proceeding. To date his cost to the Town has been underwritten by local taxpayers. During the stipulation phase when the Town and applicant are negotiating what to include in the final scoping document and what is to be considered for examination and study in the formal application, Mr. Curtin will attend all of these formal meetings and negotiations. The funding request is to cover any preparation costs for the stipulation phase and any legal costs associated with attending, participating and representing the Town.

**6(b) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed basis for the fees requested, including hourly fee, wage rate, and expenses:**

Hourly Rates	\$210
Review & Reporting (4 hrs)	\$840
Stipulation Conference (32 hrs)	\$6,720
Travel (4 days)	\$3,760
Total:	\$11,320

**6(c) For all expert witnesses, consultants, attorneys, or others to be employed during the Pre-Application Stage, provide a detailed statement specifying how such services and expenses will make an effective contribution to review of the Preliminary Scoping Statement and the development of an adequate scope of appropriate studies for the application to be submitted and thereby provide early and effective public involvement:**

Article 10 rules state that once a stipulation agreement has been reached the parties can no longer object to any issues related to the methods and approach in future hearings and proceedings. For that reason, the Town has elected to have its attorney present during these negotiations to protect the Town's interests and to ensure that all issues considered by the applicant are comprehensive and studied fully.

**6(d) For all expert witnesses, consultants, attorneys, or others to be employed during the Application Stage, provide a detailed statement specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility and will facilitate broad participation in the proceeding.**

na

**7(a) For any study to be performed, a description of the purpose of the study:**

na

**7(b) For any study to be performed, a description of the methodology and a statement of the rationale supporting the methodology:**

na

**7(c) For any study to be performed pursuant to any proposed methodology that is new or original, explaining why pre-existing methodologies are insufficient or inappropriate:**

na

**7(d) For any study to be performed, provide a description of the timing for completion of the study and a statement of the rationale supporting the timing proposed:**

na

**8(a) For any study to be performed, a statement as to the result of any effort made to encourage the applicant to perform the proposed studies or evaluations and the reason it is believed that an independent study is necessary:**

na

**9 For all expert witnesses, consultants, attorneys, or others to be employed, provide a copy of any contract or agreement or proposed contract or agreement with each such expert witness, consultant, attorney, or other person.**

**10 Provide a statement of any additional justification for the funding request not already addressed above:**