



Lippes Mathias Wexler Friedman LLP

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VIA ELECTRONIC MAIL AND DMM FILING

Honorable Kathleen H. Burgess (DPS DMM)
Secretary to the Commission
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, Presiding Examiner
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, New York 12233-1550

Re: *Quarterly Reports for Intervenor Funding for Case 16-F-0267, Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for construction of the Deer River Wind Energy Project in Lewis and Jefferson Counties.*

Dear Secretary Burgess and ALJs Costello and Wilkinson:

Our office represents the intervenors the Concerned Citizens of Deer River ("Concerned Citizens") in the above-referenced Article 10 case before the New York State Board on Electric Generation Siting and the Environment.

On July 25, 2017 the Presiding Examiners issued a Ruling on Intervenor Funding and Deadline for Submitting Funding Requests. This Ruling awarded the Concerned Citizens \$5000.00 for participation in the pre-application phase of these proceedings. A quarterly report for Q3 was thereafter due in November of 2017 pursuant to the requirements of 16 NYCRR 1000.10 and the Ruling. A Q4 report was due on January 15th of 2018. In light of these requirements, please accept this combined report on behalf of the Concerned Citizens of Deer River for Q3 and Q4 of 2017. This combined Q3 and Q4 2017 report indicates the monies spent on behalf of the



Concerned Citizens in relation to this proceeding during both respective periods, and describes the work performed. The Concerned Citizens apologizes for neglecting to file Q3 or Q4 2017 reports nearer to the expiration of each quarter, and will comply with all requirements moving forward.

1) **Accounting Information —16 NYCRR 100010(a)(11)(i).**

Quarter	Expenditures	Firm
Q3	\$7,156.00	Lippes Mathias Wexler Friedman LLP
Q4	\$537.50	Lippes Mathias Wexler Friedman LLP
Adjustment	\$374 Discount	Lippes Mathias Wexler Friedman LLP

Total Prior Expenditures Incurred	\$7,319.50
Total Intervenor Funds Awarded	\$5,000.00
Disbursement Request Amount	\$5,000.00

The adjustment listed above corrects a billing error whereby Mark C. Davis billed at his normal rate of \$270/hr instead of the approved rate of \$250/hr.

Copies of the Lippes Mathias Wexler Friedman LLP invoices reflecting the specific tasks performed during these periods—broken down by professional, task description, and time spent per task— will be submitted to ALJs Costello and Wilkinson under separate cover.

2) **Description of Work Performed —16 NYCRR 1000.10(a)(11)(ii)**

(a) Provide the results of any studies and a description of any activities conducted using the intervenor funds.

During the Q3 2017 and Q4 quarterly periods, Lippes Mathias Wexler Friedman LLP reviewed comments and other pre-application documents filed with the DPS, prepared a request for intervenor funding, attended a pre-application conference regarding funding and stipulations, requested party status for the applicant, conducted research, coordinated with other concerned parties and interest groups, and otherwise provided the Concerned Citizens with legal advice on the pre-application phase of the Article 10 process.

(b) State whether the purpose for which the funds were awarded has been achieved

The purpose for which the funds were awarded has been achieved. As a result of the award, the Concerned Citizens was able to retain legal representation during the stipulation negotiations with the applicant. This was the specific purpose for which the



pre-application intervenor fund was created—i.e. “to defray preapplication expenses incurred by municipal and local parties []for expert witness, consultant, administrative and legal fees.” N.Y. Public Service Law § 163(a); New York Public Service Commission, “The Fund for Municipal and Local Parties: A Guide to Intervenor Funding Pursuant to Article 10 of the Public Service Law,” (Feb. 14, 2013), <http://www.tughill.org/wp-content/uploads/2016/11/Guide-to-Intervenor-Funding-2-14-13.pdf> (noting the pre-application fund is generally intended “to defray certain expenses incurred by municipal and local parties as they participate in the pre-application scoping process...”).

(c) If the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved and why further expenditures are warranted.

The purpose for which the funds were awarded has been achieved. That said, the Concerned Citizens has incurred expenses in excess of the intervenor funding award, and anticipates that additional monies will be needed to fully participate in the pre-application phase of these proceedings.

3.) Conclusion

In closing, I would note that the funds awarded to the Concerned Citizens have already been consumed, which will make it difficult for the Citizens to continue participating in the Stipulation process. Please contact me with any questions or concerns.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Benjamin E. Wisniewski', with a long horizontal flourish extending to the right.

Benjamin E. Wisniewski

cc: DMM Party List (via email)