

SCALFONE

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Licensed to Practice in New York and the U.S. Virgin Islands

VIA ELECTRONIC FILING ONLY

May 14, 2018

Hon. Kathleen H. Burgess
Secretary to the Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

RE: Town of Redfield – Intervenor Funds
2018 1st Quarter Update
Mad River Wind Project - Case 16-F-0713

Dear Secretary Burgess:

As you are aware, our firm represents the Town of Redfield in the above-referenced proceeding under Article 10 of the NY Public Service Law.

Pursuant to an Award dated February 26, 2018, the Town was awarded \$50,000.00 for participation as a local party in the Pre-Application phase of the Project. Pursuant to the direction of the Administrative Law Judges in awarding the Town's pre-application intervenor funds and 16 NYCRR § 1000.10, the Town hereby submits the following report on its First Quarter activities and use of the intervenor funds.

Overview of work Performed in Q1 of 2018

Scalfone Law PLLC was retained on or about July 26, 2017, to represent the Town of Redfield with respect to the Mad River Wind Project. However, pursuant to 16 NYCRR § 1000.10, intervenor funds are not available for any work performed prior to the filing of the PSS on December 29, 2017, and therefore is not contained in this quarterly update.

First, our firm reviewed the PSS filed by Atlantic Wind LLC, then drafted and submitted its comments on January 18, 2018. We also provided insight for the Town Board regarding the other local parties' comments on the PSS and the Response to Comments from Atlantic Wind. This included extensive research into the assumptions made in the PSS and the environmental, economic, and political factors that would rebut such assumptions. In conjunction with the PSS comments, my firm advised the Town on the Article 10 process and where our comments fall within the system created by Article 10. While there remain a plethora of unresolved questions between the Town of Redfield and Atlantic Wind LLC regarding the project, the PSS and the

series of related filings has effectively contributed to the record moving forward and informed the public about the questions involved in the Project.

Following the PSS and related submissions, my firm began to research and prepare ourselves and our clients for the Stipulations phase. This included making a request for intervenor funds, appearing at the Preliminary Conference, and conducting further research on the unaddressed comments from the Town to the PSS.

Simultaneous with our review of the PSS and other filings, my firm assisted the Town Board in advocating its position to members of the community, local groups concerned with the Project, and legislators whose constituents would be impacted by the Project.

Lastly, my firm drafted and prepared a series of ten proposed local laws for the Town Board to submit to public comment, debate and, ultimately a vote. The Town Board has not yet passed any of the proposed laws, they are committed, as the representative government of the people of Redfield, to give its constituents the ability to get involved in the Article 10 process as much as possible by providing an opportunity to debate and comment on the preventative and prophylactic measures proposed in the local zoning laws. The proposed laws are attached hereto as Schedule A, and the next scheduled Town Board meeting is on May 15, 2018, and the published purpose of the meeting for the Town Board to discuss the proposed Wind law.

Expenses incurred in Q1 of 2018

My firm has billed \$95,712.5 to the Town of Redfield on the aforementioned work performed during Q1 of 2018. While this exceeds the \$50,000.00 award, the Town will wait until Q2 of 2018 to make any revised application for Intervenor funds based on the progress of the Stipulations phase.

Status of the Town of Redfield in the Article 10 Process

We are preparing to engage with the Applicant in meaningful discussions during the upcoming stipulations process. The Town is ready, willing and able to meet with Atlantic Wind LLC to get a better understanding of the facts underlying the assumptions made in the PSS and their plan to support those assumptions in the Application process.

Thank you for your attention to this matter.

Very truly yours,

Melody Westfall

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