

Request for Intervenor Funds

Instructions: Provide all applicable information by filling in the text boxes as indicated.
If necessary, attach additional information in a separate document.

This request is to be submitted either electronically (preferred) or by regular mail.

To submit this request electronically, save your changes and attach it to an e-mail sent to:
secretary@dps.ny.gov

To submit this request by regular mail, print it and mail it to:
Secretary,
NYS Board on Electric Generation
Siting and the Environment
3 Empire State Plaza
Albany, NY 12223

Copies must also be submitted to the Presiding Examiner and other parties to the proceeding.

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: 12-F-0410

Title of Case: Application of Cape Vincent Wind Farm for a Certificate of Environment Compatibility and Public Necessity for a 200-285 MW Electrical Wind Generating Facility in Cape Vincent, New York

Name of Party: Development Authority of the North Country

Contact Person: Dennis G. Whelpley

Firm Name: Schwerzmann & Wise, P.C.

Contact Address: 137 Main Avenue
watertown, New York 13601

Contact Telephone Number: 315-78-6700

Contact E-mail Address: whelpley@schwerzmannwise.com

Amount of Funds Requested: \$10,000

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

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

- 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:

Please see attach. DANC on behalf of its customers and ultimate end-users of its Western Jefferson County Regional Waterline(Waterline).

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

Protection of the Waterline. For more details please see DANC's comments on the Preliminary Scoping Statement (Doc No. 64).

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

Please see attached. No other source of funds are known.

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

Please see attached.

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

Please see attached. Municipal Government Ratepayers.

3(a) Indicate the type of funds being sought: (Check one)

- Pre-Application Stage Funds** [Generally available upon the filing by the Project Applicant of a Preliminary Scoping Statement (PSS)]
- Application Stage Funds** [Generally available upon the filing by the Project Applicant of an Article 10 Application]

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

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

\$10,000

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:

Schwerzmann & Wise , P.C.
Dennis G. Whelpley, Esq.
33 years of agency and local government representation.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 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:

Please 4 (a) above.

- 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:

None known.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

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

Review of all documents filed, preparation and filing all documents on behalf of DANC in the Article 10 proceeding, attendance at all hearings and conferences, negotiations with the applicant, coordination with other parties, review of proposed stipulations and general legal advice on the proceedings.

- 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:

Schwerzmann & Wise will bill on an hourly basis at its customary hourly rates which range from \$205-300 per hour. There is no written contract as the firm is DANC's general counsel which is appointed by DANC's governing board.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 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:

The services will provide DANC's input on the potential adverse impacts on the Waterline and potential mitigation measures to limit adverse impacts.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 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.

N/A

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

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

Please see attached.

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

Please see attached.

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:

Please see attached.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 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:

Please see attached.

- 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:

Please see attached.

- 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.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

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

The Development Authority of the North Country (“DANC”) is a public benefit corporation created by Article 29 of the Public Authorities Law. Its service area consists of St. Lawrence, Lewis and Jefferson Counties and is governed by an eight voting member board; two of which are appointed by each of the three counties’ Board of Legislators and two members appointed by the City of Watertown City Council. There are five additional nonvoting members appointed under Article 29 of the Public Authorities Law, who advise the voting members during deliberations.

The primary purpose of DANC is to assist municipalities in its three-county service area in providing infrastructure, housing, and economic development. DANC receives no annual state appropriations. Projects and its facilities are operated as a separate self-supporting enterprise funds. DANC charges its users fees or annual assessments to meet the debt service on its financed facilities, operations and maintenance costs and to fund capital reserve accounts.

The Western Jefferson County Regional Waterline (the “Waterline”) is operated as a stand-alone enterprise fund. DANC purchases water from the Village of Cape Vincent and transports the water through the Waterline from Cape Vincent to the Village of Brownville. DANC is a wholesaler of water which is purchased by town water districts and villages for their resale to their inhabitants and users, and in some cases other water districts and villages.

Any costs DANC incurs in representing its interests in this Article 10 proceeding must be passed on to DANC’s municipal customers, which would of necessity have to pass those costs on to their ultimate end-users, the vast majority of which are single family homes.

DANC's requests intervenor funds to avoid having those ultimate end-users pay for the costs DANC must incur to protect the Waterline facilities and operations in this Article 10 proceeding. For sake of brevity those interests and concerns are set forth in DANC's comments on the Preliminary Scoping Statement and are on file with the Board as Document No. 64.

While DANC is not requesting intervenor funds at this time in the pre-application phase for studies, it respectfully requests that it be allowed to reserve the right to do so at a later date. As noted in the comments on the Preliminary Scoping Statement by the Department of Environmental Conservation, Public Service Commission and DANC, the lack of detail provided by the Applicant makes a request for intervenor funding for studies premature. However, once the Applicant has provided DANC with more details, the need for independent studies may become more apparent.

In short, DANC is requesting intervenor funds at this time to cover its legal expenses in participating in the proceeding before the Siting Board, so that those costs will not have to be borne by the ultimate end-users of the water transported by the Waterline.