

Charles W. Malcomb
Direct Dial: 716.848.1261
Facsimile: 716.819.4737
cmalcomb@hodgsonruss.com



June 29, 2016

Via Email

Hon. Kathleen H. Burgess, Secretary to the Commission
Three Empire State Plaza
Albany, New York 12223-1350

Via Email

Kevin Casutto, Presiding Examiner
Three Empire State Plaza
Albany, New York 12223-1350

Nicholas Garlick, Examiner
625 Broadway, First Floor
Albany, New York 12233-1550

Dear Secretary Burgess, Presiding Examiner Casutto, and Examiner Garlick:

Re: Request for Intervenor Funding for Case 14-F-0490, *Application of Cassadaga Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 126 MW Wind Energy Project*

Our office represents the intervenors the Town of Arkwright, the Town of Charlotte, and the Town of Cherry Creek (collectively, the "Towns") in the above-referenced Article 10 case before the New York State Board on Electric Generation Siting and the Environment.

In accordance with the Notice of Availability of Intervenor Funds and Deadling for Submitting Funding Requests issued June 2, 2016, I have enclosed a Request For Intervenor Funds on behalf of the Towns.

Please contact me with any questions or concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Malcomb".

Charles W. Malcomb

CWM/say
Enclosures
cc: Party List

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 (hereafter the "Siting Board"):

Case Number: 14-F-0490

Title of Case: Application of Cassadaga Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 126MW Wind Energy Project

Name of Party: Town of Arkwright, Town of Charlotte, and Town of Cherry Creek

Contact Person: Daniel A. Spitzer

Firm Name: Hodgson Russ LLP

Contact Address: Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, NY 14202

Contact Telephone Number: 716-848-1420

Contact E-Mail Address: dspitzer@hodgsonruss.com

Amount of Funds Requested: \$113,400.00

The basis of eligibility for intervenor funds is as follows:

Eligible Municipal Party [Towns located in New York State that may be affected by the proposed major electric generating facility]

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

The requesting party represents the intervenors the Town of Arkwright, Town of Charlotte, and Town of Cherry Creek (hereafter, the "Towns").

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

The Towns, each being municipalities located in Chautauqua County, New York, submit this post-application request for intervenor funds on behalf of all taxpayers and residents of the Towns, all of whom will be impacted by the construction of the wind energy generating facilities proposed in the Application because they are proposed to be constructed on land situated within the Towns.

On or about May 27, 2016, Cassadaga Wind LLC (the "Applicant") submitted its application for authority to build the project. Under the Article 10 review process, the purpose of the post-application phase of a major electric generating facility project is two-fold. First, the Siting Board will review the application to determine whether it complies with the Article 10 filing requirements. Second, if the application does comply with those requirements, a public hearing will be set to address issues raised by the application as presented by the Siting Board and/or any affected intervenor parties.

The Towns and their residents will be directly affected by the proposed project since they own the property upon which the project facilities are intended to be built, and the Town's infrastructure (roads) will be directly impacted. The project will have significant impacts on the community character and aesthetics of the community for at least a generation. The construction of the project will have many potential environmental effects throughout the three towns, and implicates numerous provisions of each municipality's respective zoning codes. The Towns' participation in the public hearing is therefore required since they will contribute to a complete record by which the Siting Board can make an informed decision as to the appropriateness of the site for the proposed project, and will increase public involvement in the proceeding. The Town's role going forward is especially important as the sole local voice in crafting any mitigation to the impacts disclosed in the application review.

The Towns seek intervenor funds to allow them to meaningfully participate in the post-application phase of the project and associated public hearing, particularly by retaining legal counsel and experts experienced in reviewing wind energy generating facilities. Intervenor funds will permit the Towns to review and analyze the application to ensure that the Applicant is properly considering the impact(s) the project may have on the citizens of the Towns, that the project will substantially comply with applicable provisions of the local zoning codes, and to ensure that the Applicant responds appropriately to other concerns regarding the project that are raised during the public comment period on the same.

2(a) and (b) Provide a statement of the availability of funds from the resources of the requesting party and from other sources and of the efforts that have been made to obtain such funds:

The Towns have limited financial resources and no funds budgeted or available for this purpose. All three Towns comply with the New York State tax cap, which limits the ability of the Towns to utilize other resources to review this Project. Funding for operating municipal services is raised principally from property taxes and is limited. The Towns did not budget or plan for participation in this proceeding. If no intervenor funds are obtained, the Towns will be not be able to participate because levying additional tax levies would violate the tax cap and substantially burden the individual tax payers of the Towns. As noted by the Applicant in the Preliminary Scoping Statement and Towns' request for pre-application intervenor funds, significant areas of the three Towns are economically challenged. The Towns are unaware of any other sources of funding that would be available to facilitate their participation in this proceeding.

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

The Towns seek Post-Application Funds, which were made available by the order issued by the Siting Board dated June 2, 2016. A copy of that order is attached as Exhibit A.

The application for this project was filed on May 27, 2016.

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

The Towns are requesting 90% of the available amount of the intervenor funds, or \$113,400.00. This request is based on the fact that the estimated cost of the Towns' participation in this face is equal to and/or will exceed the full amount of the intervenor funds, as more fully broken down below. The Towns are only aware of one local resident who opposes the project that is interested in obtaining intervenor funding for purposes of participating in the public hearing. The Towns are therefore suggesting that 10% of the intervenor funds be reserved for use by that individual and/or other members public who wish to participate in the hearing.

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.

The intervenor funds would be used to retain the services of the following organizations with substantial experience in reviewing wind farm applications:

Daniel A. Spitzer, Charles W. Malcomb and Joel J. Terragnoli of Hodgson Russ, LLP, will provide legal advice to the Towns throughout these proceedings. These attorneys have extensive experience in the areas of environmental, renewable energy, municipal, and land use law. A copy of the firm biographies highlighting the experience of these attorneys are attached to this request as Exhibit B.

Hodgson Russ has been representing entities involved in renewable energy projects dating back to some of the earliest hydroelectric facilities. The firm has represented developers, land owners, lenders, municipalities, industrial development agencies, and vendors in wind, solar, landfill gas-to energy, geothermal, biomass, hydroelectric. Hodgson Russ represents more municipalities on wind farm projects in New York than any other firm, and is involved in such projects across the country, and from Quebec to Uruguay. Hodgson Russ also has substantial experience representing entities involved in State administrative procedure processes before multiple agencies

GHD Services, Inc., will provide engineering and environmental consulting services for the Towns on an as-needed basis during the public hearing. An overview of the services provided by GHD Services, Inc., is available on their website, <http://www.ghd.com/usa/>. GHD is a multi-national corporation that employs over 8500 people in more than 200 offices, and specializes in providing a wide range of services for clients developing and reviewing wind energy projects, including but not limited to, option advice and risk assessments, site identification and selection, concept design and feasibility studies, environmental planning studies and approvals, grid connection studies, project and construction management, and due diligence review. GHD has worked on behalf of municipalities on multiple wind farms in New York, as well as the rest of the United States and Canada. The specific individuals at GHD involved in this review would be Robert Adams, David Britton, and Camie Jarrell, each of whom are licensed engineers in New York

The Town Attorneys for the Towns of Cherry Creek (Dana A. Lundberg, Esq.) and Charlotte (William F. Duncanson, Jr., Esq.) will also be assisting the Towns in navigating the Article X process, as well as coordinating the efforts of Hodgson Russ LLP and GHD Services, Inc. as that process continues.

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:

As of the date of this request, the Towns are not anticipating hiring any additional expert witnesses, consultants or attorneys for purposes of the public hearing. The Towns will supplement this request if the need for additional professional assistance is required.

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:

The Towns are aware of one local resident who expressed an interest in obtaining intervenor funds for purposes of participating in the public hearing. On June 28, 2016, the resident's counsel informed Hodgson Russ they would not be intervening.

The Towns do not know whether this individual may change her plans or if others are considering intervening or participating in the public hearing, and/or whether that anyone else plans on employing any expert witnesses, consultants, attorneys, or other professionals.

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

Hodgson Russ LLP will provide the following services:

- (1) Review of the application to determine its compliance with Article 10 regulations, as well as reviewing any additional filings made by the Applicant;
- (2) Review of any comments on the application filed by the Department of Public Service staff or any other party;
- (3) Attendance at any post-application conferences, meetings, or public hearings as the Article 10 process continues;
- (4) Legal advice with regards identifying issues to present to the Siting Board for review during the public hearing, particularly with respect to applicable substantive provisions of the Towns' local zoning laws and necessary mitigation;
- (5) Communication and coordination with the Examiner and counsel or other representatives of the Applicant and other parties;
- (6) Communication with and oversight of any experts or consultants hired for purposes of preparing for and participating in the public hearing, including review and analysis of their work product;
- (7) Preparing and filing comments and other documents in the Article 10 docket as required to protect the interests of the Towns;
- (8) Analysis of Article 10 substantive law and procedures to assist the Towns in complying with the same throughout the post-application and public hearing stage of the project;
- (9) Legal advice as it relates to the Towns' rights and obligations under Article 10;
- (10) Negotiations with the Applicant, at various stages in the review process, for any agreements necessary for carrying out the construction and operation the Project, should the application be approved;

(11) Legal advice for presenting issues to the Siting Board during the public hearing, and presenting those issues during the hearing itself;

GHD Services will provide the following services:

(1) A review and analysis of the application to determine whether it properly addresses the broad range of environmental, visual, and/or health impacts the Project would have on Towns, and/or otherwise complies with the requirements of Article 10.

(2) Assist Hodgson Russ in preparing for the public hearing on the application, including providing expert opinion and other analysis as needed.

(3) Expert testimony as required during the public hearing to address issues raised by the Towns, the Siting Board, and/or any other parties to the public hearing.

The Town Attorneys will also be assisting the Towns in navigating the Article 10 process, as well as coordinating the efforts of Hodgson Russ LLP and GHD Services, Inc. with respect to the activities above.

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:

The rates for Hodgson Russ LLP will be as follows:

Daniel A. Spitzer: \$ 270 per hour
Charles W. Malcomb: \$ 257 per hour
Joel J. Terragnoli: \$ 257 per hour

The specific terms related to the Town of Charlotte's and the Town of Cherry Creek's retainer of Hodgson Russ LLP are contained in the retainer agreements that were previously filed with the Public Service Commission in conjunction with the Towns' pre-application stage request for intervenor funding. The engagement letter related to the Town of Arkwright's retainer of Hodgson Russ has since been executed by the Town, can be provided upon request.

As more fully discussed in those agreements, Hodgson Russ LLP may bill the Towns for certain out-of-pocket expenses, including, but not limited to travel expenses, photocopying, postage, delivery services, and any other services necessary to Hodgson Russ LLP's representation of the Town.

The rates for GHD Services will generally be as follows:

Camie Jarrell: \$141 per hour
 Dave Britton: \$177 per hour
 Robert Adams: \$187 per hour

The specific terms regarding the compensation rates related to the Towns' retainer of GHD services are included in the professional service agreements approved by the Towns. A copy of the agreements can be provided upon request.

The rate for Mr. Lundberg, Esq., Town Attorney for the Town of Cherry Creek, is \$170 per hour. The rate for Mr. Duncanson, Jr., Esq., Town Attorney for the Town of Charlotte, is \$150 per hour.

The Towns' request for intervenor funding is based on the following fee breakdown:

Firm/Item	Rate Per Hour	Expected Hours	Total
Hodgson Russ			
Daniel Spitzer	\$ 270	60	\$ 16,500
Charles Malcomb	\$ 257	60	\$ 15,420
Joel Terragnoli	\$ 257	40	<u>\$ 10,280</u>
Legal			\$ 42,200
GHD			
Robert Adams	\$ 187	100	\$ 18,700
David Britton	\$ 177	100	\$ 17,700
Camie Jarrell	\$ 141	100	<u>\$ 14,100</u>
Engineering			\$ 50,500
Dana A. Lundberg	\$ 170	25	\$ 4,250
William F. Duncanson	\$ 150	25	\$ 3,750
Expenses (Travel, copying, mailing)			<u>\$ 12,700</u>
			\$ 113,400

All requests for disbursements from the intervenor fund will be supported with a detailed explanation of each request, including the work performed, the names of the professionals from Hodgson Russ and GHD performing that work, and the costs, rates and expenses associated with performing that work.

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:

This request, as noted in Request No. 3(a), is for the Post-Application/Public Hearing Phase only

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.

Hodgson Russ, LLP:

The Article 10 process is new and complicated, and the installation of utility-scale wind generating facilities in the Towns will affect the municipalities and their residents for many years to come. Hodgson Russ LLP will assist the Towns in navigating the legal intricacies of the post-application phase of this Article 10 proceeding. In particular, it will assist the Towns in reviewing and analyzing the application and supporting documents submitted by the Applicant, and will identify issues with the application for review during a public hearing, should the application be deemed complete and ready for review. Hodgson Russ LLP will also raise issues with respect each town's respective substantive zoning laws, and advocate that the Siting Board imposes conditions on the project to ensure that it substantially complies with those laws. Articulating these issues prior to and during the public hearing is a statutorily required part of the Applicant's Article 10 review process. 16 NYCRR § 1000.10(b)(4). Namely, this process is necessary to build a complete record that will enable the State Siting Board to make an educated, informed decision of whether to approve the project at the conclusion of the public hearing.

In addition, since the Applicant is represented in this proceeding, the Towns would be at an inherent disadvantage in proceeding during the public hearing without the assistance of counsel.

Hodgson Russ will also oversee GHD's work with regards to the review and analysis of the application, its preparation for the public hearing, and coordinating the presentation of expert proof during the public hearing.

Further, the legal services and advice to be provided by Hodgson Russ are necessarily more complicated than they would otherwise be for a single intervenor since the Towns are composed of three separate municipalities, each with their own sets of laws and municipal and environmental concerns, all of which are relevant for purposes of analyzing the issues to be raised and addressed during the public hearing.

GHD Services, LLC:

GHD is fully qualified to examine the application and its supporting documents and a detailed review and analysis of the same. GHD's expertise in the area of wind energy development will enable GHD to determine whether the application includes all of the information required under Article 10, and will assist Hodgson Russ LLP in identifying and presenting relevant issues in the application for examination during the public hearing.

For the issues identified in the application, GHD will be able to explain why those issues are important to the Towns, and then propose solutions for addressing those issues within the bounds of the proposal, and/or whether those issues cannot be addressed or resolved, and why. GHD's expertise in analyzing environmental issues will be crucial for purposes of developing the record and assisting the Siting Board in making its decision of whether to approve the project.

In addition, the professional consulting services and advice to be provided by GHD are necessarily more complicated than they would otherwise be for a single intervenor since the Towns are composed of three separate municipalities, each with their own sets of laws and municipal and environmental concerns, all of which are relevant for purposes of analyzing the application and identifying municipality-specific issues for review during the public hearing.

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

The Towns do not anticipate performing any studies during the post-application/public hearing phase of the project. At this point, the Towns' participation in this proceeding will include reviewing the complete application, identifying issues for discussion during the public hearing, and preparing for and participating in that hearing. In the event that any other study or studies becomes necessary, the Towns will notify the presiding officer of the need for additional time and/or funding associated with performing that study or studies.

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

Not applicable, see response to 7(a) above.

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:

Not applicable, see response to 7(a) above.

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:

Not applicable; see response to 7(a) above.

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:

Not applicable,; see response to 7(a) above.

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.

Please see the responses to section 6(b)-(d), above.

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

None

EXHIBIT A

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 14-F-0490 - Application of Cassadaga Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 126 MW Wind Energy Project.

NOTICE OF AVAILABILITY OF INTERVENOR FUNDS
AND DEADLINE FOR SUBMITTING FUNDING REQUESTS

(Issued June 2, 2016)

Cassadaga Wind LLC (Cassadaga) filed an application on May 27, 2016, proposing a 126 megawatt (MW) wind energy project, including the installation and operation of up to 58 wind turbines, together with associated collection lines (below grade and overhead), access roads, meteorological towers, operation and maintenance building, collection and point of interconnect substations, and related facilities (the Project). The Project is proposed to be located in the Towns of Charlotte, Cherry Creek, Arkwright, and Stockton in Chautauqua County. Cassadaga proposes to interconnect the Project along the Dunkirk-Moon 115 kV transmission line.

TAKE NOTICE that, upon filing its application, Cassadaga submitted a required intervenor fee of \$126,000 to be used to defray certain expenses to be incurred by municipal and local parties in connection with their involvement as intervenors in this proceeding.

Eligible municipal and local parties may request funds by filing the requests with the Secretary of the Siting Board and submitting a copy to the two Examiners, Administrative Law Judge Kevin Casutto (Kevin.Casutto@dps.ny.gov) of the Department of Public Service and Administrative Law Judge P. Nicholas Garlick (Nicholas.Garlick@dec.ny.gov) of the Department of Environmental Conservation, and to the other parties to the proceeding. Parties intending to request intervenor funding must use the "RFIF Form" available on the Siting Board's

Website. From the home page <http://www.dps.ny.gov/SitingBoard>, click on "Forms" on the left side of the page.

A guide to intervenor funding and answers to frequently asked questions addressing the intervenor fund can be found by clicking on "Guides" and "FAQ" on the left side of the Siting Board home page.

Requests for funds must be submitted by the close of business, Wednesday, June 29, 2016.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

EXHIBIT B



DANIEL A. SPITZER

Partner; Cleantech, Green Building, Land Use & Economic Development, Real Property Tax Assessment & Eminent Domain, and Renewable Energy Practices Leader

dspitzer@hodgsonruss.com 716.848.1420

Dan concentrates his practice on a issues involving environmental law, renewable energy, sustainable development, land use law, municipal law, and real estate development. His practice involves numerous renewable energy projects, including representing municipalities, developers, land owners, and financing entities. His work, from project inception through successful litigation, includes some of the largest wind farms in the eastern United States, and he has also worked on landfill, gas-to-energy, biomass, solar, and energy efficiency projects. He successfully litigated a case of first impression concerning a municipality's right to regulate power-generating facilities based on greenhouse gas emissions.

A primary part of Dan's work focuses on National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) review and compliance with federal and state environmental statutes. His work includes environmental assessments for large-scale telecommunications projects and renewable energy projects. He counsels agencies and private clients on compliance with historic preservation laws, the Clean Water Act, the Clean Air Act, and other federal environmental statutes and regulations. His projects include coordinating responses among federal and state agencies as part of federal and state environmental assessments.

Dan's general municipal practice involves a wide area of services. He regularly counsels municipal clients on budgeting, leasing, environmental, zoning, assessment, financial, eminent domain, and other matters. His litigation experience includes tax assessment matters, land use issues, financial matters, and other issues before administrative and judicial forums. He assists developers and communities in development projects, including obtaining financial assistance and complying with historic preservation guidelines. Dan has successfully represented clients in local governmental and judicial forums, including cases involving zoning and development decisions. He has drafted laws for municipalities on issues ranging from enforcing zoning codes to green buildings to regulations under the Telecommunications Act of 1996. He is well versed in the requirements of the State

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

New York City
1540 Broadway
24th Floor
New York City, NY 10036
212.751.4300

Areas of Practice

Environment & Energy
Cleantech
Renewable Energy
Oil & Gas
International-U.S. Cross-Border
Administrative & Regulatory
Business Litigation
Education
Green Building
Land Use & Economic Development
Municipal
Municipal Finance & Special Districts
Real Property Tax Assessment & Eminent Domain
Tax Credits

DANIEL A. SPITZER

Environmental Quality Review Act and has guided many communities through the environmental review process.

Dan's practice also includes work in areas concerning the valuation of property. He represents property owners and municipalities in condemnation proceedings and tax assessment challenges, from the initial filing of claims through trial. His clients include municipal redevelopment agencies, developers, and taxpayers throughout New York State.

Dan brings a strong background in municipal affairs to his practice from an earlier era in his career, when he served as finance director for a sizeable city in Arizona.

Honors

- Listed, *Buffalo Business First's* Who's Who in Law (Energy)
- Listed, *Upstate New York Super Lawyers*, 2012-2015
- Former editor in chief, *Buffalo Law Review*

Experience

75-Turbine, 112.5 MW Wind Energy Project in Western New York

Development and Environmental Litigation in Connection With Municipal Courthouse Project

Drafting of New Waterfront Planned Development District Law

Financing Counsel on Project Named North American Renewables Deal of the Year

Host Community & Payment-in-Lieu-of-Tax Agreements for Wind Energy Facilities

Public-Private Partnership for Municipal Landfill Gas-to-Energy Project

Representation of Municipality in Creation of Cluster Subdivision

Successful Defense of Senior Housing Project on Behalf of NYS Municipality in Environmental Lawsuit

News

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

Industry Groups

Gaming

Manufacturing

Telecommunications

Bar Associations

New York State Bar Association

Admissions

New York

Education

B.S., cum laude, State University of New York at Oswego

J.D., magna cum laude, SUNY Buffalo Law School

DANIEL A. SPITZER

Court Halts Construction of New York Casino
Gambling Compliance, July 15, 2015

Critics Hope Court Ruling Dooms Proposed Casino in Finger Lakes Region
Buffalo News, July 13, 2015

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit
Buffalo News, December 23, 2014

New York Operators Seek Way Forward
American Oil & Gas Reporter, August 2014

IOGA NY Offers Multifaceted Meeting
American Oil & Gas Reporter, August 2014

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 28, 2013

Power to Energize
Buffalo Business First, October 25, 2012

Spitzer Talks Green
Buffalo Law Journal, May 19, 2011

Presentations

Oil & Gas: What You Need to Know Now
6557 Holiday Valley Road, Ellicottville, NY, April 30, 2015

NYC Cleantech Opportunities
1540 Broadway, 24th Floor, New York, NY, September 9, 2014

Municipal Law Seminar 2014
Hodgson Russ, Buffalo, NY, May 22, 2014

Municipal Law Seminar 2013
Hodgson Russ, Buffalo, NY, May 16, 2013

European American Chamber of Commerce New York Energy Forum
New York, NY, March 14, 2013

Agrion Panel: Financing Onshore Wind Projects
New York, NY, March 13, 2013

DANIEL A. SPITZER

Agrion Energy Summit and Sustainability Meeting
New York, NY, February 19, 2013

TVGA Consultants' Municipal Dollars & Sense Training Workshop
Buffalo, NY, November 2, 2012

Bavaria-Tri-State Partnering and Investors Forum: Building German-U.S. Growth Opportunities
New York, NY, September 22, 2012

International Trade Regulation and Export Compliance Seminar
Hodgson Russ, Buffalo, NY, May 24, 2012

Publications

New York's Green Bank Committing to Diverse Transactions
Cleantech Alert, February 13, 2015

New U.S. Cybersecurity Framework Likely to Become Baseline Standard
Legal & Tax Newsletter, March 2014

FTC Ramps Up Enforcement Actions Under Revised Green Guides to Include Deceptive Biodegradable Plastics Claims
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce, Fall 2013

Debate Over Federal vs. State Regulation of Fracing Heats Up
The Pipeline, a publication of the Independent Oil and Gas Association of New York, September 17, 2013

IOGA of NY Files Amicus Curiae Brief in Lawsuit Challenging the Town of Avon's Efforts to Regulate the Natural Gas Industry
The Pipeline, a publication of the Independent Oil and Gas Association of New York, March 21, 2013

U.S. Government Blocks Foreign Investment in Renewal Energy Project
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce, January 2013

New York Solar Initiative Moves Forward
Cleantech Alert, August 22, 2012

Supreme Court Subjects EPA's Administrative Compliance Orders to Judicial Review
Environment & Energy Alert, March 27, 2012

Can Municipalities Enact Local Laws Regulating the Oil and Gas Industry
Environment & Energy Alert, January 13, 2012

DANIEL A. SPITZER

New Developments in Environmental Law
April 8, 2011

Social Media

Dan is editor of Hodgson Russ's Clean and Green Law blog.

Professional Affiliations

- New York State Bar Association Municipal Law Section Executive Committee



CHARLES W. MALCOMB

Senior Associate

cmalcomb@hodgsonruss.com 716.848.1261

Chuck focuses his practice on a variety of issues involving environmental law, energy law, land-use law, municipal law, and real estate development. He has experience working with both private and public clients on issues involving both state and federal environmental statutes, and he assists municipalities with a wide range of legal issues, including environmental review and zoning.

Chuck frequently gives presentations and provides training programs for local government officials on zoning, environmental, and land-use law and has extensive experience guiding municipalities and developers through the requirements of the New York State Environmental Quality Review Act (SEQRA) and local, state, and federal permitting processes. He has counseled both municipalities and developers on SEQRA and permitting for several utility-scale energy projects and other large-scale projects. His work on these matters has run from project inception through successful litigation.

Chuck also counsels clients in the oil and gas industry on a variety of issues, including environmental compliance and administrative enforcement defense. Chuck and his colleagues represent several oil and gas companies in defending lawsuits alleging pollution resulting from drilling activities.

In addition, Chuck is conversant in Russian.

Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars, 2014 and 2015

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Areas of Practice

Cleantech
Environment & Energy
Green Building
Land Use & Economic Development
Municipal
Oil & Gas
Renewable Energy

Admissions

New York

Education

B.A., summa cum laude, University at Buffalo, State University of New York

J.D., magna cum laude, SUNY Buffalo Law School

CHARLES W. MALCOMB

Experience

75-Turbine, 112.5 MW Wind Energy Project in Western New York

Buffalo Sabres' HARBORCENTER Project

Counsel to Developers and Local Businesses for Land Use and Zoning Issues

News

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

Hodgson Russ Announces Five Newly Elected Partners
Press Release, December 30, 2014

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit
Buffalo News, December 23, 2014

Oil and Gas Trade Group Sets Agenda for Buffalo Meeting
Buffalo Business First, November 6, 2014

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Six Hodgson Russ Attorneys Newly Admitted to New York State Bar
April 1, 2011

Six Hodgson Russ Attorneys Newly Admitted to New York State Bar
March 11, 2010

Presentations

Oil & Gas: What You Need to Know Now - A Continuing Dialogue on Important Issues Facing the Oil and Gas Industry
Hodgson Russ and the Independent Oil & Gas Association of New York, Webb's Year-Round Resort, Mayville, NY, January 22, 2015

Municipal Law Seminar 2014
Hodgson Russ, Buffalo, NY, May 22, 2014

County Attorneys Association of the State of New York 2014 Annual Meeting
Cooperstown, NY, May 5, 2014

New York Planning Federation Annual Conference
Saratoga Springs, NY, March 31, 2014

CHARLES W. MALCOMB

Agrion Seminar: Reducing Solar Balance of System (BoS) Costs
New York, NY, August 27, 2013

Municipal Law Seminar 2013
Hodgson Russ, Buffalo, NY, May 16, 2013

Southern Tier Central Regional Planning & Development Board Regional Leadership Conference
Corning, NY, April 3 & 4, 2013

Association of Towns of the State of New York Annual Conference
New York, NY, February 18, 2013

New York State Bar Association Municipal Law Section Annual Meeting
New York, NY, January 26, 2013

Pace University Law School Land Use Law Center's 2012 Land Use and Sustainable Development Conference
White Plains, NY, December 7, 2012

Publications

Debate Over Federal vs. State Regulation of Fracing Heats Up
The Pipeline, a publication of the Independent Oil and Gas Association of New York, September 17, 2013

The Far Reach of California Proposition 65
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce New York, March 29, 2013

IOGA of NY Files Amicus Curiae Brief in Lawsuit Challenging the Town of Avon's Efforts to Regulate the Natural Gas Industry
The Pipeline, a publication of the Independent Oil and Gas Association of New York, March 21, 2013

When Disaster Strikes, Are You Ready?
Talk of the Towns, a publication of the Association of Towns of the State of New York, January 29, 2013

Supreme Court Subjects EPA's Administrative Compliance Orders to Judicial Review
Environment & Energy Alert, March 27, 2012

New Developments in Environmental Law
April 8, 2011

May a Court's Decision Effectuate a Taking, Implicating the Fifth and Fourteenth Amendments? While No Supreme Court Majority, Signs Point to Yes
Law of the Land, June 23, 2010

CHARLES W. MALCOMB

Social Media

Chuck contributes to Hodgson Russ's Clean and Green Law blog. His entries include:

- "Cuomo Announces State Investment of \$225 Million Toward the Buffalo High-Tech Manufacturing Innovation Hub," November 25, 2013
- "Solar Balance of System (BoS) Cost Continues to Be the Focus of Cost-Reduction Strategy," August 20, 2013
- "Will President Obama's Climate Change Policy Impact the 2014 Midterm Elections?," July 3, 2013
- "Proposed Amendments to New York's State Environmental Quality Review Act Do Little More Than Provide Lip Service to Sustainability," January 28, 2013
- "Will the Wind Energy Production Tax Credit Play a Major Role in the 2012 U.S. Presidential Election?," August 15, 2012

Professional Affiliations

- Environmental Law Institute
- New York State Bar Association
- Bar Association of Erie County

Community & Pro Bono

- Rivershore, Inc. advisory board



JOEL J. TERRAGNOLI

Associate

jtterragnoli@hodgsonruss.com 716.848.1370

Joel concentrates his practice in environmental and energy law. His practice includes representing businesses and municipalities in a variety of commercial and contract-based litigation, as well as advising clients on regulatory compliance, regulatory enforcement actions, and environmental risk assessment issues.

Prior to joining Hodgson Russ, Joel was a commercial litigation associate at a Buffalo law firm. As a student, he served as a law clerk for New York State Supreme Court Justice Richard C. Kloch and at the Erie County District Attorney's Office.

Honors

- Articles editor, *Buffalo Law Review*, 2012 - 2013
- Legal research and writing fellow, SUNY Buffalo Law School, 2012

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Areas of Practice

Business Litigation
Environment & Energy

Admissions

New York
U.S. District Court for the Western District of New York
U.S. Bankruptcy Court for the Western District of New York

Education

B.S., magna cum laude, University at Buffalo, State University of New York
J.D., magna cum laude, SUNY Buffalo Law School