

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 22-T-0157 - Application of Anbaric Development Partners, LLC
Pursuant to Public Service Law Article VII for a
Certificate of Environmental Compatibility and
Public Need for the Juno Power Express Electric
Transmission Facility.

RULING ON INTERVENOR FUNDING

(Issued June 2, 2023)

MICHAEL CLARKE, Administrative Law Judge:

Relevant background is provided in a ruling issued April 24, 2023, pursuant to which party status was awarded to various entities, the procedure for addressing future party status requests was set forth, and the Town of Hempstead received \$50,000 in intervenor funding.¹ Here, by motion submitted on May 18, 2023, the Long Island Commercial Fishing Association (LICFA) requests party status and the remaining \$50,000 in intervenor funds. Although parties were given the opportunity to respond to LICFA's motion by May 26, 2023, no party has done so.

DISCUSSION

That portion of LICFA's motion seeking party status need not be resolved here, as LICFA already has party status by virtue of its unopposed submission dated May 5, 2023.²

Turning to its request for intervenor funding, LICFA indicates that it represents approximately 300 commercial fishers throughout Long Island who are likely to be impacted by construction of the proposed Project.³ With an intervenor

¹ Case 22-T-0157, Ruling on Party Status and Intervenor Funding.

² Id. at 2-3.

³ LICFA RFIF at 1-2.

funding award, LICFA would retain Heath & O'Toole, PLLC, a municipal, environmental, energy, and land-use law firm with experience in Public Service Law Article VII proceedings, and Joel Kimber, Ph.D., a marine biologist who has "experience relevant to conducting environmental impact assessments related to construction and the operation of structures in benthic environments upon naturally occurring marine species."⁴ More specifically, Heath & O'Toole will provide LICFA with comprehensive legal services throughout this proceeding and Kimber will provide expert review of the Project's potential marine impacts. LICFA adds that it has limited financial resources, and that it would not be able to fully participate in the proceeding without an intervenor funding award.

As indicated above, LICFA's request is unopposed. More importantly, LICFA and its members may be impacted by the proposed Project, and the consultants identified in its request have the requisite experience to contribute to a complete record in this proceeding. LICFA's request is accordingly granted in full. This \$50,000 award should not be interpreted as a signal that I am endorsing or pre-judging the merits of any case ultimately presented by LICFA, whether using intervenor funds or otherwise.

LICFA is reminded that disbursement of funds will only be made after submission of a voucher, supported by appropriate documentation, in the form required by DPS. Funds will not be disbursed to defray costs that do not fall within the applicable statutory and regulatory criteria for allowable uses of intervenor funds. Finally, LICFA must adhere to such regulatory criteria, including the timely filing of quarterly reports and the execution of a local assistance contract with DPS in

⁴ Id. at 4.

connection with this funding, before funds will be released.⁵

(SIGNED)

MICHAEL C. CLARKE

⁵ 16 NYCRR §85-2.4(j), (1).