

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

-----X  
Proceeding on Motion to Examine Alternating  
Current Transmission Upgrades

Case No. 13-E-0488  
(formerly 12-T-0502)

-----X  
Application of North American Transmission Corporation  
and North American Transmission LLC for a Certificate  
of Environmental Compatibility and Public Need Pursuant  
to Article VII of the Public Service Law for an Alternating  
Current Transmission Upgrade Project Consisting of an  
Edic to Fraser 345kV Transmission Line and a New  
Scotland to Leeds to Pleasant Valley 345 kV Transmission  
Line

Case No. 13-T-0454

-----X  
Application of NextEra Energy Transmission New York  
Pursuant to Article VII for Authority to Construct and  
Operate Electric Transmission Line from Marcy to  
Pleasant Valley

Case No. 13-T-0455

-----X  
Application of New York Transmission Owners Pursuant  
to Article VII for Authority to Construct and Operate  
Electric Transmission Facilities in Multiple Counties  
in New York State

Case No. 13-M-0457

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PETITION FOR INTERVENOR FUNDING  
ON BEHALF OF THE TOWN OF MILAN, NY

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Case No. 13-M-0457

-----X  
**THE TOWN OF MILAN'S FIRST REQUEST  
FOR INTERVENOR FUNDING**

Pursuant to the Notice of Procedural Conference and Availability of Intervenor Funding dated October 4, 2013, the Notice of Availability of Intervenor Funding - Second Round, issued October 25, 2013, and in accordance with the provisions of the Public Service Law and 16 NYCRR 85-2.4(d), the Town of Milan, by Angela J. Maier-Lore, Esq., offers the following as and for its first Request for Intervenor Funding.

**TOWN OF MILAN DEMOGRAPHICS  
AND INTERESTS REPRESENTED**

The Town of Milan (hereinafter "the Town") is located on the northern border of Dutchess County, New York, and covers an area of 36 square miles. According to the 2010 U.S. Census, the

Town's population is 2,370. Many of these residents are multi-generational residents of the Town. These residents and landowners include, amongst others, farmers, war veterans, doctors, laborers, nurses, students, attorneys, judges, secretaries, retirees - all of who take great pride in where they live and raise their families.

The Town currently has a large high voltage power corridor, approximately 400 feet wide and consisting of four side by side towers, which runs approximately eight (8) miles through the Town. The electric transmission line proposed to be constructed would also run the same distance through the Town along this existing corridor or right-of-way (ROW). This existing ROW is what has been commonly referred to throughout these proceedings as "the existing corridor". Much confusion has been created by the use of this phrase. Its use had initially, and erroneously, led residents to believe that any new structures would be built within the existing ROW. However, through two informational sessions held by the Town of Milan with two of the applicants, residents learned that both applicants' proposals necessitated the taking of land for the construction of the new towers. The amount of land estimated to be taken is an additional 100 to 150 feet most likely on the east side of the existing corridor.

Many of the residents who are facing the potential of having land taken are the same residents whose families lost their land when the existing 115kv lines and towers were constructed in 1931 and again when the existing 345kv lines and towers were constructed in 1961.

Many of the residents who are facing the potential of having land taken are also the same residents whose families lost their land to the Iroquois Gas Transmission Pipeline which was built on the west side of the existing power line corridor in 1991.

The Town residents who live in the vicinity of the power line corridor have safety concerns regarding the Iroquois Gas Pipeline, with relation to the work to be performed by any of the potential applicants, which must be answered. No major work has been done in the area of the pipeline since it was constructed. However, none of the applicants appear to have addressed the pipeline at all.

There are 1,799 parcels of real property located in the Town. 138 of these parcels, or approximately 7.67%, are located on the existing corridor and will be directly affected by the proposed route on the east side and/or alternate route on the west side of the existing corridor.

There is also the potential of additional parcels being affected on the west side due to the location of the gas pipeline.

At the informational sessions held by the Town, family after family spoke of how they had already lost land to either the power lines or the gas pipeline. For example, we heard from a World War II veteran and his wife who already lost property to the gas pipeline and will now lose their home and the rest of their property. We heard from a young couple who recently moved their family 750 miles back to Milan to build their dream home on land given to them by the young man's mother; land which had been in their family for decades. This land is now at risk of being taken and their plans are on hold while they live indefinitely in temporary housing. We heard from a family whose property has been taken each time for the power lines or gas line so that there is not much left to take. There are residents who just built new homes which will be lost. Historic, pre-revolutionary homes and properties under conservation easement will be affected.

While everyone is cognizant of the fact that these displaced residents will be given some value for their property, "fair market value" does not seem fair. The publicity from the mere potential for additional power lines being constructed has and will continue to rapidly decrease market values and hinder the sale of property in the Town of Milan. For some of these people, their properties constitute their life savings and retirement.

These are the people and interests that the Town of Milan represents.

#### SUMMARY OF MILAN'S UNDERSTANDING OF PART A SOLUTIONS PROPOSED

None of the three applicants whose submissions affect Milan propose to use the existing ROW corridor. All three propose to install a new 345 kV line on newly acquired land to either the east or west side of the corridor.

North American Transmission did not contact Milan prior to October 1, 2013, as required. A meeting has been scheduled at Milan's request for December 11, 2013, for North American Transmission to meet with Milan's Supervisor for the first time.

Milan residents, at the Special Meetings, called for creative solutions that use 21<sup>st</sup> century technology, as opposed to the traditional solutions proposed. The term "retrograde" was used to describe the applicants' technology. Milan sees no evidence of current, renewable, or underground

technology in solutions that affect Milan.

### AVAILABILITY OF RESOURCES

The Town of Milan is a small town with a small population. There is no contingency budget or funds available for the hiring of experts and/or consultants to review this project on behalf of the Town or to perform the investigatory and fact-finding work the Town sees necessary to adequately represent its residents.

The Town of Milan has been in contact with Scenic Hudson, a non-profit organization dedicated to protecting and restoring the Hudson River and Hudson River Valley of New York State. While Scenic Hudson will not be a paid consultant on behalf of the Town of Milan, the Town hopes that they will be a source of useful knowledge in this process.

Upon information and belief, the Town has reached out to the County of Dutchess for input regarding this project, however, to date the County has not indicated what level of participation, guidance or support it will provide, if any.

The Town of Milan will always make the reports and information it obtains through its research and investigation available to neighboring towns, residents and other interested parties.

### AMOUNT OF FUNDS REQUESTED

The Town of Milan seeks Intervenor Funds in the amount of \$279,797.36, as set forth in the detailed statements of services annexed hereto and made a part hereof. As outlined in said statements, the funds requested are for services for a professional engineer/attorney who practices before the Public Service Commission; the present Town Attorney; a biological firm to conduct an environmental assessment; a videographer to produce a public service video; and a public relations consultant to develop a program involving the Town website, mailings, online surveys, and newspaper advertisements to keep the Town and area residents apprised of the status of the PSC proceedings.

Included in the above number is the cost of a sign and three mailings that the Town of Milan expended unbudgeted monies on to advise its residents of the status of the energy highway and to notify them of upcoming informational meetings with the various applicants. The postage for the mailings to Town residents totaled \$302.36 and the sign of upcoming dates was \$120.00.

## NAMES AND QUALIFICATIONS OF EXPERTS & CONSULTANTS

Daniel P. Duthie, Esq. - P.O. Box 8, Bellvale, NY 10912; (845)988-0453; (845)988-0455 fax; email [duthie@strategicpower.com](mailto:duthie@strategicpower.com). Mr. Duthie has maintained a continuous practice before the Commission since 1976. He also served on the Management Committee of the NYISO from its inception in 1999 through December 2004 as a representative of Strategic Power Management, Inc., a firm he co-founded. SPM was one of the first licensed energy service companies in NY and worked closely with Commission staff on developing the O&R retail access pilot program that became the model retail access in NY.

Hudsonia, Ltd., Erik Kiviat, PhD., Executive Director - P.O. Box 5000, 30 Campus Road, Annandale, NY 12504; (845)758-7273; (845)758-7033 fax; email [www.hudsonia.org](http://www.hudsonia.org). Hudsonia's work focuses on scientific data collection and observation, synthesis of information, and interpretation of conservation values and potential environmental impacts. Hudsonia has conducted many biodiversity assessments, including written reports, in connection with land use management or management proposals in rural and other environments. Hudsonia has collaborated with state and federal agencies, municipal governments, for-profit companies, NGOs, educational institutions, and individuals for over 32 years.

Target Studios; Marc Moss - Videographer/Photographer - 19 Garden Street, Red Hook, NY 12571; email [target38@aol.com](mailto:target38@aol.com); website [www.targetstudios.com](http://www.targetstudios.com). Marc Moss, owner of Target Studios, has produced over 200 cd/video music and commercial projects and is a highly respected producer in the Mid-Atlantic region.

CommunityNetwork.net - PublicRelations/Mailings - 232 Starbarrack Road, Red Hook, NY 12571; (845)758-3117; email [info@yourcommunitynetwork.net](mailto:info@yourcommunitynetwork.net); website [www.yourcommunitynetwork.net](http://www.yourcommunitynetwork.net). Community Network provides multi-media communication services, creates effective print and electronic mailings and electronic outreach and research, and delivers superior website development and support to NYS communities and agencies. Community Network's founder and President, Richard L. Wambach, is a US veteran, skilled in both technology and communication services. Its clients include villages and towns, Chambers of Commerce, business and merchant organizations, school districts and educational institutions, civic groups and associations, political organizations, candidates and elected officials, and non-profit organizations.

Angela J. Maier-Lore, Esq. - Town Attorney - 17 St. John Street, Red Hook, NY 12571; (845)758-6563 telephone; (845)876-1239 fax; email [lorelaw@live.com](mailto:lorelaw@live.com). Angela J. Maier-Lore has been in private practice since 1990, concentrating in the areas of real estate, estate law and municipal law, and has been the town attorney for the Town of Milan since January 2012. To date, Attorney Lore has maintained oversight of the Department of Public Service website to keep the Town of Milan up to date on the filings and status of the Part A action, has been in contact with the ALJ, has filed for party status on behalf of the Town and has filed a motion in this proceeding on behalf of the Town.

## OTHER PARTIES WHO MAY ALSO EMPLOY SUCH EXPERTS

Upon information and belief, the Town of Livingston, Columbia County, NY, has contacted Hudsonia Ltd. and Erik Kiviat, PhD., to discuss the potential for Hudsonia's assistance to the Town of Livingston in this matter. However, the Town of Milan does not believe that Hudsonia's services to the Town of Milan and to the Town of Livingston would be a duplication of services as the geographic locations, and therefore the areas studied and information provided, will be entirely different for each town.

Except as stated above, based upon information available at this time, no other party to this proceeding has employed any of the above named experts or consultants.

## STATEMENT OF SERVICES TO BE PROVIDED BY EXPERTS AND STATEMENT AS TO HOW SUCH SERVICES WILL CONTRIBUTE TO A COMPLETE RECORD LEADING TO AN INFORMED DECISION

The Town of Milan seeks approval for funding projects that will benefit all stakeholders and complete the PSC record. Milan proposes to address Part A gaps in knowledge and information, based on over 90 days of research conducted with PSC representatives, applicants, residents, other municipalities, online, and with professional engineers, attorneys, scientists, and communications firms.

The Town of Milan will use the services of its counsel and experts to first review the issue of need for the 1000 MW of incremental transfer capacity for the Central-East and Total East constraint in the New York State bulk power system. There is no denying that the current configuration of the system reveals that the system is constrained since this is reflected in the higher prices on the south side of the constraint. However, there are at least two transmission projects that may also alleviate or mitigate the constraint: The Champlain Hudson Power Express and the West Point Partners DC projects. And while this case is styled an AC proceeding, the first Article VII competitive case in the history of Article VII, the basic premise of need must be carefully examined. So the Town of Milan, through its qualified counsel and experts, will review all projects that have been proposed, including generating or repowering projects (including alternatives, renewable and distributed sources) south of the constraint, as well as all energy efficient and demand side management solutions that have the potential to be available by 2018. Included in this review will be the effects of price elasticity of demand due to the currently pending Con Edison electric, gas and

steam rate cases.

If a need is still found to exist, then the Town of Milan, through its counsel and consultants, will review the proposed routes through the Town to determine whether there may be superior routes that will not adversely burden the Town, including the alternative of undergrounding the new transmission line.

Daniel P. Duthie, Esq. will take the lead in matters dealing with the Public Service Commission and the New York Independent System Operator. Mr. Duthie has maintained a continuous practice before the Commission since 1976. He also served on the Management Committee of the NYISO from its inception in 1999 through December 2004 as a representative of Strategic Power Management, Inc., a firm he co-founded. SPM was one of the first licensed energy service companies in NY and worked closely with Commission staff on developing the O&R retail access pilot program that became the model retail access in NY.

Angela J. Maier-Lore, Esq. will continue working with the Town Board and local landowners, residents and businesses that may be affected by the proposed transmission lines and alternatives. She will oversee the Department of Public Service website for filings and Rulings and serve as liaison to the Town Board to ensure the Board is aware of the status of the case and has key policy input, and will prepare and file petitions and/or motions on behalf of the Town as deemed necessary for legal compliance.

Hudsonia will conduct an environmental review to assess biological diversity and the potential biological impacts of the proposed transmission lines on the active farmland, forest, streams, rocky ridges, wetlands and residential lands it will cross through the Town of Milan. Hudsonia does not take an advocacy position for or against land use proposals; but conducts scientific studies and provides the resulting data, interpretations and recommendations to assist in reducing the impacts of such projects.

Target Studios will produce a public service video documenting the comments, sentiment and plight of the residents of the Town of Milan with respect to the proposed electric transmission lines.

CommunityNetwork will develop and conduct a public relations program on behalf of the Town of Milan involving the use of online surveys with data analysis, post card mailings and quarterly mailings to Town residents, newspaper advertisements in local newspapers and Town

website management focusing on updating residents on the status of transmission line issues.

Further, due to the local knowledge of the Town Board and residents, additional information will be gathered for expert review on the location of sensitive areas of the Town from environmental, historical, cultural and aesthetic perspectives.

Statements of services to be provided and the basis for the proposed fees for each of the above experts and/or consultants are annexed hereto and made a part hereof.

#### EFFORTS TO ENCOURAGE APPLICANTS TO PERFORM STUDIES

The Town has had extensive and open communication with two of the applicants to date. However, through the two informational town meetings arranged by the Town it was discovered that the applicants, too, have much fact-finding to do. As this process is in its early stages, the Town hopes to gather additional information from the applicants as it becomes available.

The Town of Milan will always make the reports and information it obtains through its research and investigation available to neighboring towns, residents and other interested parties.

Based upon informational meetings held with Town and area residents and the valid concerns expressed thereat, the Town of Milan formally requests that all applicants be required to conduct detailed studies on the following:

\*Economic Impact Study - not only any beneficial impact, but detrimental economic impact the new power lines might have to the area, vis a vis tourism, property values, etc.

\*Security Review with Homeland Security - there are four main power lines and a gas pipeline that run parallel to each other through the Town of Milan. No applicant has addressed the safety issue of having all such power sources in one corridor.

\*Health Study - we hear that the lines meet EMF standards, however. what about when there are so many power lines concentrated in one corridor? We heard from one family who lives on the power lines who has lost 13 pets to cancer in a 30-year period.

#### COPY OF CONTRACTS/STATEMENT OF SERVICES

Attached hereto and made a part hereof are copies of contracts and/or statements of services to be provided which have been presented to the Town of Milan Town Board by each of the above named experts and/or consultants.

Whereas, the Town of Milan hereby requests intervenor funds as set forth herein to assist

the Town in representing its residents through the extensive review process in this proceeding to examine alternating transmission upgrades. Based upon informational meetings conducted with PSC representatives, the decision making process in this matter may continue for at least two years from now. As some proposals included herein do not contain estimates for services beyond the 2014 calendar year, and due to the complexity of the issues at hand, the Town requests permission to renew its application to seek additional funds in the future, if necessary.

Dated: Red Hook, New York  
November 27, 2013

Respectfully submitted,



Angela J. Maier-Lore, Esq.  
Attorney for Town of Milan, NY  
17 St. John Street  
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(845)758-6563  
(845)876-1239 fax  
[lorelaw@live.com](mailto:lorelaw@live.com)

To: Service List distributed by the  
Public Service Commission

**DANIEL P. DUTHIE, P.E.**  
**Attorney and Counselor at Law**  
**P.O. BOX 8**  
**BELLVALE, NY 10912**

845-988-0453  
Fax 845-988-0455  
[duthie@attglobal.net](mailto:duthie@attglobal.net)

November 26, 2013

**Proposed Budget in Support of Intervenor Funding Petition**

**Scope of Professional Services**

	<b>Hours Expected</b>
<b>Review of Part A Applications to determine potential impact on Town</b>	<b>40</b>
<b>Review all other projects including conservation and demand side management to help determine the need for any transmission projects</b>	<b>50</b>
<b>Develop Needs Assessment along with Cost and Benefit Analysis</b>	<b>50</b>
<b>Draft Comments on Scoping</b>	<b>40</b>
<b>Attend technical/procedural Conferences</b>	<b>30</b>
<b>Interview and Coordinate Expert Witnesses</b>	<b>20</b>
<b>Review and Finalize Expert Witness Testimony on Part A Applications</b>	<b>40</b>
<b>Attend Part A Hearings</b>	<b>40</b>
<b>Draft Initial and Reply Briefs to ALJs</b>	<b>50</b>
<b>Review Part A Recommended Decision</b>	<b>10</b>
<b>Draft Briefs on Exception and Opposing Exceptions to the Commission</b>	<b>40</b>
<b>Part A Subtotals</b>	<b>410</b>
<b>Hourly Rate</b>	<b>\$275.00</b>
	<b>\$112,750</b>

**DANIEL P. DUTHIE, ESQ.**

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Bellvale, NY 10912  
845-988-0453  
Cell: 845-987-6453  
Fax: 845-988-0455  
[duthie@attglobal.net](mailto:duthie@attglobal.net)

**PROFESSIONAL EXPERIENCE**

**DANIEL P. DUTHIE, ESQ. (1990 to Present)**

Currently working with a Municipal Consortium opposing the United Water New York 28.9% rate increase. The Municipal Consortium consists of all five towns in Rockland County, Rockland County itself, the Rockland County Solid Waste Management Authority, the Nyack Public Schools, and four villages with more village and school districts considering joining.

Currently working with the Towns of Clarkstown and Ramapo to analyze benefits of acquiring existing Orange and Rockland Utilities, Inc.'s street lighting system under new SC-6 tariff (eff. July 1, 2012). Negotiations with O&R are underway to obtain a purchase price and other terms in the public interest pursuant to Section 70 of the New York Public Service Law.

Recently complete assignment from the Citizens for Local Power and the Municipal Consortium in Opposition to the Fortis acquisition of Central Hudson. Intervened after Joint Proposal had been filed. ALJs wrote a Recommended Decision against the acquisition. The Public Service Commission reversed the Recommended Decision and the acquisition was approved.

Recently completed representing East River Housing Corporation on a Petition for a Declaratory Order seeking a Public Service Commission determination that the Power Plant ERHC operates is not jurisdictional steam plant. Responsible for multi-year natural gas procurement via request for qualifications and request for proposals for Boiler Modernization Project, converting from No. 6 oil. Multi-million dollar project will pay back in less than two years due to gas/oil price differential and enhanced efficiency of new boiler and burner replacements in existing units. PSC Order issued granting ERHC a Certificate of Public Convenience and Necessity, along with a light-handed and incidental regulatory regime, retroactive to mid-1990, as a jurisdictional steam plant serving 2700 apartments in lower Manhattan.

Currently representing Wehran Energy Corporation in negotiations to obtain a long-term purchase power agreement with the Long Island Power Authority for output from the Brookhaven Landfill methane to electricity project.

Currently representing The Arker Companies and Progressive Management NY, Inc., in a petition to the PSC to modify a previously issued submetering order for Sea Park East,

West and North (over 800 lower income apartments) that forbids the termination of electric service for non-payment.

Currently working with the St. Regis Mohawk Tribe to set up a regulatory commission that will oversee all telecommunication activities on the Akwesasne Reservation. Also assisting in the set-up of the wholesale broadband tribal business to be operated by Mohawk Networks.

Represented the Municipal Consortium in Support of Reasonable Electric Rates in the recently completed Orange and Rockland Utilities, Inc., electric rate case before the Public Service Commission. The Municipal Consortium consists of the Towns of Clarkstown, Ramapo, Chester, Goshen, Highland Falls, Monroe, Tuxedo, Warwick, and Waywanda and the Villages of Chester, Florida, Monroe, Warwick and Haverstraw.

Represented the City of Buffalo, the City of Syracuse, Town of Amherst, the Town of Tonawanda and the Village of Kenmore in opposition to 2010 Niagara Mohawk Power Corporation d/b/a National Grid rate increase pending before the New York Public Service Commission. Due to active intervention and development of expert testimony these five municipalities avoided \$1.5 million in increased street lighting costs.

Represented The Willows Home Owners Association, Inc. before the New York Public Service Commission in opposition to water rate increases by Aqua New York.

Represented Broome County before the PSC in opposition to NYSEG electric and gas rate increases decided in September 2010.

Represented the St. Regis Mohawk Tribe on various energy matters and successfully concluded franchise negotiations with Niagara Mohawk Power Corporation. Also represented SRMT in the National Grid – KeySpan merger proceeding before the NY PSC and in Federal Energy Regulatory Commission merger proceeding concluded in August 2007. Completed a Department of Interior funded project to determine the feasibility of exiting NMPC electric service. Working on exiting NMPC electric service and creating Mohawk Electric Cooperative – first electric cooperative in New York in 70 years.

Represented Wehran Energy Corporation in negotiations for a new Interconnection Agreement with the Long Island Power Authority and in opposition to a proposed change in the buy-back rates.

Represented Heritage Hills Society Ltd., a 2600 plus customer condo association in opposition to a proposed water rate increase pending before the NY PSC. Delayed increase by six months and cut it in half.

Represented the City of Utica and the Village of Sherburne in the New York Regional Interconnection Article VII proceeding (transmission line siting proceeding) before the NY PSC. Instrumental in creating delay by filing motion for additional information. NYRI withdrew its petition before the PSC and ended the ill-advised project.

Represented several investment funds in the acquisition of Energy East by Iberdrola before the NY PSC which concluded in September of 2008.

Providing legal advice and assistance to AalonBay Communities, Inc., Cappelli Enterprises and The Trump Organization on various electric, gas and water utility issues associated with large scale residential and commercial real estate developments, including the redevelopment of the Concord.

Various matters for Strategic Power Management, Inc. before FERC and the NY PSC, including an anti- competitive complaint against Orange and Rockland Utilities, Inc.

Qualified and testified as an expert witness on law and regulation before the New York State Public Service Commission (NY PSC) in obtaining on behalf of Northrop Grumman a Certificate of Public Convenience and Necessity to enable Northrop Grumman to operate, in competition with LILCO, a steam and electric system at Northrop's Bethpage site. This was the first new electric company in New York State in many decades.

Qualified as an expert witness developing and testifying on a \$5.3 million refund claim for street lighting service on behalf of the City of Albany against Niagara Mohawk Power Corporation. Retained by Albany's counsel Nixon Peabody. Hearings concluded in early 2005. Case settled on terms favorable to Albany.

**LEBOEUF, LAMB, LEIBY & MACRAE<sup>1</sup>** (Partner 1983 – 1990; Associate Partner 1976 – 1982)

Extensive experience in the development and prosecution of rate applications of water, sewer, gas, electric and telecommunications utilities before federal and state public service commissions. This experience includes "first chair" responsibility for all aspects of administrative hearings, motion practice, brief writing, appellate advocacy and settlement procedures in multi-party proceedings.

Extensive experience with rate design, cost allocation and economic theory of pricing utility services.

Extensive experience representing major electric and gas utilities in various generic regulatory proceedings, including long range forecasting, nuclear performance standards, fuel clauses, management audits, performance based regulation and, most recently, electric industry restructuring initiatives.

Experience representing cogenerators and independent power producers in negotiations with utilities, contract disputes and litigation.

Extensive experience with state and federal jurisdictional issues in the natural gas and electric power industry.

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<sup>1</sup> LeBoeuf Lamb merged with Dewey Ballantine in 2007 and became known as Dewey LeBoeuf. In 2012 Dewey LeBoeuf filed for bankruptcy - the largest law firm to do so in US history. Both firms were founded in the 1920s.

Assistant Secretary and Counsel to an electric utility sponsored research, development and demonstration corporation (not for profit).

Special Counsel to clients on various privatization issues.

Special counsel to 22 municipal water districts on Long Island to lower electric power costs.

Co- or lead counsel in three condemnation proceedings representing the condemnees (three private water utilities companies).

Federal and state litigation experience.

Experience in complex arbitrations.

Pro-bono award --1994 from NYS Bar Association for work with Nassau/Suffolk Law Service Committee, Inc.

**STRATEGIC POWER MANAGEMENT, Inc. - Vice President, Secretary and General Counsel (1995 – 2004)**

Founded Strategic Power Management, Inc. and participated in the development of the first retail access pilot program in New York State. Secured New York State Public Service Commission approval to provide retail electric and gas service in New York. Obtained a Federal Energy Regulatory Commission wholesale power marketing license. Reviewed all wholesale and retail electric contracts as well as represented SPM on the Management Committee of the New York Independent System Operator from its inception in November of 1999 to December 2004. Handled all legal and regulatory matters before the NYS PSC and FERC. SPM developed a unique business relationship that substantially reduced credit requirements.

**ENGINEERING**

Licensed Professional Engineer -- New York State

Project Manager -- EBASCO Services - 1973 - 1976

Project Engineer -- Havens and Emerson - 1970 – 1973

**EDUCATION**

MBA (Finance) Baruch College (CUNY) -- 2002

JD Fordham University School of Law-- 1976 (Admitted to Practice in NYS – 1977; NJ - 1983)

MSCE (Env. Eng.) Manhattan College --1972

BCE (Civil Eng.) Manhattan College-- 1970

**MEMBERSHIPS** (current or former): American Bar Association, Public Utility Committee; Administrative Law Committee New York State Bar Association, Public Utility Committee, Municipal Law Section; Energy Bar Association; Association of the Bar of City of New York, Energy Committee; New Jersey State Bar Association, Public Utility Section; Edison Electric Institute, Legal Committee; Long Island Association, Energy Committee; Fordham Law Alumni Association

### **TEACHING**

Participated in rate making Continuing Legal Education programs sponsored by the American Bar Association and the New York Bar Association; Lectured on land using planning and zoning for NBI

### **CIVIC**

Town of Warwick Conservation Board, Chairman since 2003 (recently completed major investigation into hydraulic fracturing and recommended that the Town Board of Warwick ban same. Local laws were recently enacted banning heavy industrial land uses and the use of production fluids on Town Roads);

Member of Warwick's Comprehensive Planning Committee

Member of Sterling Forest Partnership (2005 to 2006); Member of Warwick Historical Society; Member Orange County Citizens Foundation; Member of Sustainable Warwick; and member Orange County Conservation Advisory Council



# Hudsonia

a nonprofit institute

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## **Review of Documents and Biodiversity Assessment of the Electric Transmission Line Corridor Proposed to Adjoin the Existing Transmission Right-of-way in the Town of Milan, Dutchess County, New York**

Proposal to the Town of Milan

Erik Kiviat PhD  
Hudsonia, Annandale NY

### **Introduction**

The New York State Public Service Commission (PSC) proposes construction of a high voltage electric transmission line to include an approximately eight mile north-south route across the center of the Town of Milan adjoining either the east side or the west side of the existing transmission right-of-way (ROW). The proposed route crosses active farmland, forest, streams, rocky ridges, wetlands, and residential yards. Hudsonia was asked by the Town of Milan for a proposal to review environmental documents and assess biological diversity and the potential biological impacts of the proposed transmission lines. Hudsonia does not take advocacy positions for or against land use proposals; rather we conduct scientific studies and provide the resulting data, interpretations, and recommendations to assist in reducing the impacts of such projects.

We are proposing two items, Item 1 (habitat mapping, biodiversity assessment, and review of PSC and applicant documents) and Item 2 (breeding bird and rare plant surveys), as described below.

### **Proposal Item 1**

Item 1 includes review of the portions of Part A and Part B relevant to biological and biodiversity issues. This review will be performed as a written commentary referencing the PSC and applicant documents paragraph by paragraph (as appropriate) and addressing accuracy and completeness. Item 1 includes review of both Part A (filed on 10/1/13) and Part B (Article VII) documents from three applicants, New York Transmission Owners, NextEra Energy, and North American Transmission.

Item 1 also includes a habitat map and biodiversity assessment. This is necessary in order to independently check the applicant's submissions and gain information adequate for a full consideration of the impacts of the proposed transmission lines on biological resources. We will use Geographic Information System (GIS) software to map habitats using stereo aerial photographs and other existing data such as land use – land cover maps, soil maps, and the US Fish and Wildlife Service National Wetland Inventory Maps. In order to analyze both direct impacts of the proposed transmission corridor expansion, and edge effects extending into forest or other habitats, and because the proposed route may shift depending on ground conditions, we will map habitats in an approximately 700 meter (ca. 2300 feet) wide corridor centered on the midline of the existing transmission ROW. We will then field-check as much of the mapped area as is feasible, especially habitats that are either ambiguous in the available remotely-sensed data or that may have some particular conservation significance. We will also walk representative areas that will allow us to focus on those habitats, potential species occurrences, and powerline impacts most pertinent to the environmental review (Article 7). We will use the habitat map, field observations, and our knowledge of the Hudson Valley biota to predict which species of conservation concern (endangered, threatened, special concern, etc.) are likely to occur. We can then analyze how the proposed transmission line project would affect the habitats and species, and whether those impacts could be reduced or mitigated. The product of this biodiversity assessment will be a large scale printed map and a report describing and analyzing our findings; we can also provide the digital GIS files.

Deliverables for Item 1 are a commentary on the PSC and applicant documents, a large scale printed habitat map, a detailed report analyzing the habitat map and assessing observed biodiversity and potential biodiversity of each habitat, and if desired the digital GIS data files from the habitat map. A description of Hudsonia's habitat mapping program is on our Web site at <http://hudsonia.org/programs/biodiversity-resources-center/habitat-mapping/>. Habitat mapping of any individual area, of course, will vary somewhat in methodology depending on the local environment.

## **Proposal Item 2**

Biological surveys will constitute a rare plant survey of habitats potentially supporting rare species (New York Natural Heritage Program ranks S1, S2, S3 and selected regionally-rare species), and a breeding bird survey of selected representative habitats or habitats potentially supporting species that may be adversely affected by transmission line construction. The rare plant survey will be conducted at seasons appropriate for detecting and identifying those rare species likely to occur, generally June-August, and will consist of walking the selected habitat units and searching for target species. Specimens will be collected or photographed, and compared to identification manuals and identified herbarium specimens. If necessary, specimens or photographs will be submitted to experts in particular groups of species for verification.

The breeding bird survey will be conducted April-July, as appropriate (e.g., April for ducks and raptors, May-June for most songbirds, and July for late-nesting songbirds). The territory mapping method will be used with selected species to allow discrimination of breeding from non-breeding species and coverage of as much of the mapped swath as is feasible. Selected habitat units will be visited early or late in the day when birds are most conspicuous. Wherever species of conservation concern are encountered by sight or sound, the surveyor will return at intervals to document breeding status. In addition to endangered, threatened, and special concern

species, New York Species of Greatest Conservation Need (SGCN) and area-sensitive species will be surveyed for.

If the habitat mapping can be started early in 2014, Hudsonia field workers will be able to observe some of the winter (i.e., January-March) wildlife activity while field-checking the mapping. We will also make observations at a few selected important sites in fall 2014 to assess importance of those habitats to fall migrant birds such as ducks and day-active birds of prey.

Deliverables for Item 2 are a detailed report on the aims, methods, and results of the rare plant survey including analysis of potential transmission line impacts, and a detailed report on the aims, methods, and results of the breeding bird survey with analysis of potential impacts. Other noteworthy wildlife observations (e.g., in winter or fall) will be including the in reports. Voucher specimens of plants collected during the survey will be deposited in the herbarium of the Bard College Field Station or a major herbarium; voucher photographs will be submitted to the Town and the PSC if requested.

### **Hudsonia Qualifications**

Hudsonia has conducted many biodiversity assessments, including written reports, in connection with land use or management proposals in rural and other environments. We have also completed habitat maps for several entire towns and stream corridors in Dutchess, Ulster, Greene, and Orange counties. Other Hudsonia studies have addressed biological characteristics of the types of habitats present along the Milan transmission corridor. We have also studied the impacts of stringing new conductors on existing transmission lines, use of transmission line rights-of-way by animals and plants, and impacts of other linear developments such as gas pipelines and roads. Hudsonia pioneered methods for habitat analysis and biodiversity assessment (see, e.g., *Biodiversity Assessment Manual for the Hudson River Estuary Corridor*, *Biodiversity Assessment Handbook for New York City*, and various reports from habitat mapping and biodiversity assessment projects). Hudsonia has collaborated with state and federal agencies, municipal governments, for-profit companies, NGOs, educational institutions, and individuals for the 32 years of our history. Hudsonia has also conducted many biological surveys of birds, plants, and other groups of organisms. Our experience is strongest in Dutchess County although we work throughout the Hudson Valley and northeastern states. The résumé of the Project Director, Erik Kiviat PhD, is submitted with this proposal.

### **Calendar**

The two components of this proposal (1- habitat mapping and biodiversity assessment; 2- biological surveys) will be completed during the 2014 calendar year. The review of PSC documents (containing information relevant to biodiversity issues) associated with the proposed transmission lines will be completed on a rolling basis within approximately one month of public availability of each document or within the official public comment period if that period is less than 30 days. Document review is included in Item 1.

### **Budget**

The overall budget for Item 1 totals \$31,469 and for Item 2 totals \$44,504.

The budget for Item 1 includes the document review and additionally allows for four days of preparation and participation in PSC hearings. Document review is estimated at 4.5 days of project director and biologist time plus 5 days of technician time, as well as additional meeting and report preparation time. Overall Item 1 constitutes 94.5 person-days of time for all staff combined. If document review takes longer than the allotted time, time allotted to the rest of Item 1 can be reduced slightly to allow adequate time for document review.

The budget for Item 2 includes 62 days of rare plant survey (field, laboratory, report, etc.) time plus 55 days of bird survey (field, data analysis, report, etc.) time. Including supervisory and expert review time the overall budget for Item 2 is 137.5 person-days.

### **Need for the Proposed Work**

We recognize that there will be biological analysis included in environmental documents prepared by the company(ies) applying to build the proposed transmission lines. It is our experience, however, that documents of this sort lack detail and cogent analysis based on an appropriate level of experience and expertise in the region and groups of organisms in question. Based on our knowledge of nearby areas, the proposed ROW may adversely affect suitable or potential habitats for endangered, threatened, or special concern wildlife species (e.g., Indiana bat, pied-billed grebe, bald eagle, Cooper's hawk, red-shouldered hawk, cerulean warbler, bog turtle, spotted turtle, wood turtle, eastern box turtle, Blanding's turtle, blue-spotted salamander, marbled salamander) and rare plants (e.g., creeping spikemoss, barbed-bristle bulrush, rattlebox, yellow harlequin, winged monkeyflower). The permit applicant and the PSC will not be able to satisfy requirements of environmental review, or route transmission lines with minimal environmental impact, without accurate and thorough biodiversity analysis.

### **Non-advocacy Policy**

As is Hudsonia's general policy, we will not advocate for or against the proposed transmission line project or other land use. Hudsonia's work focuses on scientific data collection and observation, synthesis of information, and interpretation of conservation values and potential environmental impacts. Although we expect the Town of Milan and the PSC to weigh biodiversity and other ecological impacts with social, economic, and engineering considerations, Hudsonia will perform our proposed studies irrespective of other potential considerations.

# TARGET STUDIOS



11.18.2013

To: **Town of Milan**

Re: **Proposal for the Energy Highway Video**

From: **Marc Moss of Target Studio, Red Hook, NY**

**Project:** One 15 minute narrated video containing interviews and opinions of local Milan residents regarding the history of existing power lines and the future impact of a proposed larger power line corridor being built in Milan, NY. The video will also contain images of the present structures and possible land loss of proposed new corridor.

**Breakdown of the project as follows:**

Information gathering.....3hrs

Shooting raw footage.....35hrs

Editing.....20hrs

Sound mixing.....5hrs

Narration.....2hrs or more

Revisions and Approval...2hrs or more depending on revisions

YouTube Upload/Channel.....1hr

Total estimate.....68 hours x \$50.00 per hours-\$3,400.00

Target Studios is happy to have the opportunity to work with the Town of Milan on this project.  
Thank you for your consideration.

Marc Moss

Target Studio

19 Garden Street,

Red Hook, NY 12523

845-243-1993/target38@aol.com

# TARGET STUDIOS



Producer, engineer, and videographer with over 200 CD/video projects to his credit, Marc Moss, owner of Target Studio is one of the most respected producers in the Mid-Atlantic region. Born in Clarksburg, West Virginia, Marc has always made music his livelihood, both as owner and founder of Target Studio which he opened in 1986 while continuing to write, record and perform his own music.

More recent video clients of Target Studio include Goodwill Industries of Wilmington, DE, Astra Zeneca, Black Laser Learning, Hudson Valley Farmers Market and Stonescapes Landscaping of PA.

Examples of Marc's video work include the following:

[http://www.youtube.com/watch?v=o2fNTVB1lz8&list=UUF\\_rRkRciLWapUI0gceiAEg](http://www.youtube.com/watch?v=o2fNTVB1lz8&list=UUF_rRkRciLWapUI0gceiAEg)

[http://www.youtube.com/watch?v=lcYv74twts4&list=UUF\\_rRkRciLWapUI0gceiAEg](http://www.youtube.com/watch?v=lcYv74twts4&list=UUF_rRkRciLWapUI0gceiAEg)

<http://www.youtube.com/watch?v=b9i71y-esi8>

<http://www.youtube.com/watch?v=16J-xpVAe0g>

[http://www.youtube.com/watch?v=xCO4HtZxzE0&list=UUF\\_rRkRciLWapUI0gceiAEg](http://www.youtube.com/watch?v=xCO4HtZxzE0&list=UUF_rRkRciLWapUI0gceiAEg)

<http://www.youtube.com/watch?v=-JTh0AFnrI>

[http://www.youtube.com/watch?v=vw\\_ypn5\\_HQ4](http://www.youtube.com/watch?v=vw_ypn5_HQ4)

<http://www.youtube.com/watch?v=6HAr61GYYP8>

Marc Moss  
Target Studio  
19 Garden Street,  
Red Hook, NY 12523  
845-243-1993/target38@aol.com



CommunityNetwork.net / WCG, Inc.  
232 Starbarrack Road ~ Red Hook, New York 12571  
Phone 845-758-3117 ~ cell 845-417-5377  
email [info@yourcommunitynetwork.net](mailto:info@yourcommunitynetwork.net)  
website [www.yourcommunitynetwork.net](http://www.yourcommunitynetwork.net)

November 26, 2013

Town of Milan  
ATTN: Supervisor William Gallagher/Board Members  
20 Wilcox Circle  
Milan, NY 12571-4787

Good morning,

Thank you for the opportunity to provide you with a proposal for a public relations program regarding power line issues for the Town of Milan for the calendar year 2014.

Briefly, the program includes two separate online surveys with data analysis, up to 4 post card mailings and quarterly letter mailings to town residents, newspaper advertisements in two local newspapers and separate town web site section for focus on power line issues.

The fees are broken down into 1) studio charges for concept/design and administration of the program and 2) print, mailing production and postage charges; and 3) media placement charges.

#### 1) STUDIO CHARGES

- **Online Surveys to Milan Town Residents.** The purpose of each survey is to acquire research and data analysis from feedback on power line issues from two groups of residents: 1) Residents whose property abuts the power line right-of-way and 2) All residents
  - Develop content of surveys with client input, design and link surveys to Town of Milan web site, monitor data input and provide data analysis with regular reports and updates. Estimated time: 10-15 hours per survey.  
Cost: \$350.00 per survey. \$750.00
- **Post Card Mailings 2014.** The purpose of the four (4) post card mailings will be to inform residents of critical meetings, project updates and new findings during the year.
  - Concept/design – develop post card format master for 4C/1C mail card for 1<sup>st</sup> mailing. Estimated time: 3 hours. \$150.00
  - Using format master provide necessary updates to content for each additional post card mailing up to 3 more cards changes at \$75.00 each. Estimated time: 1.5 hours per card. \$225.00

- **Letter Mailings 2014.** The purpose of the letter mailings (one per quarter) will be to follow up with residents with detailed information on meetings, and project updates.
  - Concept/design – develop letter/envelope format master for 1<sup>st</sup> mailing. Estimated time: 2.0 hours. \$100.00
  - Using format master provide necessary updates to content for each additional letter/envelope mailing up to 3 more mailings at \$75.00 each. Estimated time: 1.5 hours per letter. \$225.00
- **Media Display Advertising 2014.** The purpose of media advertising is to enhance the post card and letter messages with public displays of announcements of meetings, project updates and other pertinent information.
  - Using similar design concept for continuity of message, develop display advertisement camera ready B/W content and place ads in local media. Estimated time: 1.5 hours per ad concept at \$75.00 each. \$150.00
  - Additional ads may be required to run with copy changes. Estimated time: .5 hour per change at \$25.00 each. Assuming potential to run additional 3 ads during 2014. \$ 75.00
- **Power Line Specific Town Web Site section 2014.** The purpose of a separate web site section devoted to power line information is to provide an area easily accessible and distinctive from the regular town web site to post survey analyses, frequent project updates, details on meeting agendas, listings of stake holders, details on presenters, and other important data that may change rapidly and is not generally be included in the printed materials due to scheduling and production time issues.
  - Concept/design of separate power line pages on Town Web Site. Estimated time for initial development: 10 hours. \$500.00
  - Routine updates on daily, weekly, monthly basis. Estimated time of 2-3 hours per month @ \$75.00/month for 2014. \$900.00
- **Administration of program 2014** – fee for overseeing print, mail and ad proofs, print/mail order placement, media insertion order placement and follow-up, scheduling & tracking program \$500.00

## 2) PRINT, MAILING, POSTAGE CHARGES 2014

- Printing 1,100 each lot of 4C/1C 5.5" x 8.5" post cards – price per lot \$425.00  
(Example: 4 post cards scheduled for mailing campaign – total print \$1,700.00)
- Mailing and Postage 1,100 each of post card, mailing list supplied by client – price per lot \$450.00  
(Example: 4 post cards scheduled for mailing campaign – total mail/post \$1,800.00)
- Printing 1,100 each lot of black and white letters, folding and inserting into printed envelopes - price per each lot \$375.00  
(Example: 4 letters, one per qtr. For mailing campaign – total print \$1,500.00)
- Mailing and Postage 1,100 each of letter/envelope, mailing list supplied by client – price per lot \$490.00  
(Example: 4 letters, one per qtr. For mailing campaign – total mail/post \$1,960.00)

### 3) MEDIA PLACEMENT CHARGES 2014

- Northern Dutchess News – 1/4 Page Ad – B/W space purchase 1X \$150.00  
(Multiple ads: 3X rate: \$125.00/ad, 6X rate \$100.00/ad)  
(Run ads three times (3X) total cost of placement - \$375.00)  
(Run ads six times (6X) total cost of placement - \$600.00)
- The Red Hook Observer – 1/5 Page Ad – B/W space purchase 1X \$225.00  
(Multiple ads: 3X rate: \$216.00/ad, 6X rate \$207.00/ad)  
(Run ads three times (3X) total cost of placement - \$648.00)  
(Run ads six times (6X) total cost of placement - \$1,242.00)

The total studio and production charges for this project will ultimately depend on number of post cards, letters and number of advertisements required as the plan is developed and finalized for calendar year 2014. Please feel free to contact me for any additional information you may require.

Kind regards,



Richard L. Wambach, President

CommunityNetwork.net/Wambach Communications Group, Inc.

**ANGELA J. MAIER-LORE**

*Attorney and Counselor at Law*

17 St. John Street  
Red Hook, NY 12571

845-758-6563  
Fax 845-876-1239

This office does not accept service  
by facsimile or email

November 27, 2013

Town of Milan  
Town Hall  
20 Wilcox Circle  
Milan, NY 12571

Re: Proposal For Legal Services  
Alternating Current Transmission Upgrades

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**LEGAL SERVICES FOR 2013-2014-2015 CALENDAR YEARS:**

Time expended to date in gaining knowledge of the Article VII process and Part A applications; Certificate review process; Town Board meetings and meetings with Town residents; meetings with NY Transmission Owners and NextEra Energy; research requirements for intervenor funding; conversations with ALJ; preparation of Motion to Extend Date for Submission of Comments; preparation of Petition for Intervenor Funding 39 hours

	<u>Expected Hours</u>
Attend monthly Board meetings to advise Board of status of issues before PSC <span style="float: right;">2 hours/month x 25 months</span>	50
Attend quarterly meetings with Town residents to apprise them of status of power line issues and progress <span style="float: right;">2 hours/quarter x 9 meetings</span>	18
Oversee dps website for new filings and rulings, print new filings, review new filings, conversations with ALJ, report to Board on new filings and need for responses, if any <span style="float: right;">4 hours/week x 108 weeks</span>	432
Prepare and file petitions/motions	60

Total 2013-2014-2015 Calendar Years\*: 599 hours @ \$125/hr\* = \$74,875.00  
(\*includes 39 hours expended to date)

\*represents a reduced rate from private rate of \$250.00/hour. Discount provided to Town to benefit the Town taxpayers.

**ANGELA J. MAIER-LORE, ESQ.**

17 St. John Street  
Red Hook, New York 12571  
(845)758-6563  
(845)876-1239 fax

ADMITTED TO NEW YORK BAR  
New York State Bar Association  
Dutchess County Bar Association  
Mid-Hudson Women's Bar Association (Past President)

**EDUCATION:** PACE UNIVERSITY SCHOOL OF LAW, White Plains, NY  
Juris Doctor, June 1989

MARIST COLLEGE, Poughkeepsie, NY  
Academic Dean's List  
B.A., Cum Laude, Political Science, May 1986

DUTCHESS COMMUNITY COLLEGE, Poughkeepsie, NY  
A.S., Business Administration, 1984

**EMPLOYMENT:** ANGELA J. MAIER-LORE, ESQ.  
17 St. John Street, Red Hook, NY  
January 2008 to present

LAW OFFICES OF VINCENT J. CATALANO, JR.  
4 Liberty Street, Poughkeepsie, New York  
June 1989 to January 2008

PAUL L. MOLLICA, ESQ. (*Deceased*)  
40 Cannon Street, Poughkeepsie, New York  
Of Counsel work  
June 2001 to January 2008

General practice including

- Justice Court practice
- Real Estate/Bank representation
- Real Estate Litigation
- Tax Certiorari Proceedings
- Wills/Estates/Probate

TOWN OF MILAN - Town Attorney  
20 Wilcox Circle, Milan, New York  
January 2012 to present

**REFERENCES:**

- Hon. Christine A. Sproat, Dutchess County Supreme Court  
Justice, Poughkeepsie, NY
- Hon. James V. Brands, Dutchess County Supreme Court  
Justice, Poughkeepsie, NY
- Hon. John B. Kane, Town of Rhinebeck Justice Court,  
Rhinebeck, NY
- Hon. Jeffrey C. Martin, Town of Red Hook Justice Court, Red  
Hook, NY