

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

- CASE 13-E-0488 - In the Matter of Alternating Current  
Transmission Upgrades - Comparative Proceeding.
- CASE 13-T-0454 - Application of North America Transmission.
- CASE 13-T-0455 - Application of NextEra Energy Transmission New  
York - Marcy to Pleasant Valley Project.
- CASE 13-T-0456 - Application of NextEra Energy Transmission New  
York - Oakdale to Fraser Project.
- CASE 13-M-0457 - Application of New York Transmission Owners.
- CASE 13-T-0461 - Application of Boundless Energy NE.

FIRST RULING ON INTERVENOR FUNDING APPLICATIONS

(Issued December 20, 2013)

MICHELLE L. PHILLIPS and DAVID L. PRESTEMON  
Administrative Law Judges:

Pursuant to Public Service Law (PSL) §122(5), an intervenor fund has been established for these proceedings. Two rounds of funding, for periods ending October 29, 2013 and November 29, 2013, have been authorized, and further funding requests will continue to be accepted from parties to these proceedings as long as funds remain available.

Prior notices and rulings have stated that the purpose of intervenor funding is to allow parties to contribute to the development of a complete record leading to an informed decision and to foster broad public participation. To successfully apply for such funding, requests must comply fully with each requirement of Commission rule 16 NYCRR 85-2.4(d) by containing:

- (1) a statement of the number of persons and the nature of the interests the requesting party represents;
- (2) 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;

- (3) if the requesting party represents owners or occupants of real property, the location of such real property in relation to the route proposed for the facility and any alternative route specified as reasonable in the application;
- (4) the amount of funds being sought;
- (5) to the extent possible, the name and qualifications of each expert to be employed;
- (6) if known, the name of any other party who may, or is intending to, employ such expert;
- (7) a detailed statement of the services to be provided by expert witnesses, consultants or others (and the basis for the fees requested), specifying how such services will contribute to a complete record leading to an informed decision as to the appropriateness of the facility and route;
- (8) a statement as to the result of any effort made to encourage the applicant to perform any proposed studies or evaluations and the reason it is believed that an independent study is necessary; and
- (9) a copy of any contract or agreement or proposed contract or agreement with each expert witness, consultant or other person.

In addition, disbursements of funding awards are premised upon compliance with the reporting requirements of 16 NYCRR 85-2.4(j) which state that any party receiving an award of funds shall:

- 1) provide an accounting of the monies that have been spent; and
- 2) submit a report to the presiding officer showing:
  - (i) the results of any studies conducted using such funds;
  - (ii) whether the purpose for which the funds were awarded has been achieved;
  - (iii) if the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved and why further expenditures are warranted.

The above rules, along with the finite nature of such funding that is available, require that applications be carefully scrutinized to ensure full compliance and to avoid funding duplicative efforts. In addition to determining whether the applications comply with the rules, we consider, among other things, the number and length of the transmission proposals

impacting the requesting party, whether size of the award sought by the requesting party is commensurate with the interests its represents (e.g., does the party represent more than one community; is the area of land or number of potentially impacted landowners in the region that the party represents large or small; is the party responsible for and adequately able to represent the interests of more than one impacted community); and whether funds are being requested for similar tasks by parties in similar or overlapping geographical areas. The decisions we make on these applications are not made lightly. Among our goals in these proceedings is ensuring that there is broad public participation, and that any monies awarded will contribute to the record in these proceedings in ways that maximize the public benefit by providing relevant and informative data to as many parties as possible.

This ruling addresses the funding applications that were filed within the deadlines established for the submission of first and second rounds of applications for intervenor funding. In total, five applications were submitted, one each from the County of Delaware (Delaware); the Town of Athens and the Village of Athens (Athens Town and Village); Scenic Hudson, Inc. (Scenic Hudson); the Town of Milan (Milan); and the County of Dutchess (Dutchess).

#### Delaware

By request dated October 22, 2013, and supplemented on November 1 and 25, 2013, Delaware seeks \$50,000 to pay for the services of a registered professional engineer and Young/Sommer LLC, a law firm with experience in environmental and energy issues. Delaware reports that it will review the various transmission projects, four of which are proposed to be located in the County, and identify specific environmental, economic, historic, and growth related concerns for each transmission

route. It adds that it will coordinate with the individual municipalities to identify and review these considerations and obtain the local perspective on such impacts.

Delaware reports that it is home to over 47,000 residents, in an area of 1,468 square miles, with 19 towns and 10 incorporated villages. Delaware has a County Planning Department, with a director and seven technical staff members, and a Department of Public Works with several engineers experienced in civil engineering and infrastructure. It states that initial stages of review and comment may be conducted by these technical staff, but that outside technical assistance will be required to evaluate the various alternatives, different technologies and design options for the proposed transmission lines. It adds that there are no funds available to designate for the review of the projects or to hire outside consultants.

Delaware's application substantially complies with 16 NYCRR 85-2.4(d). But, as explained further below, Delaware must provide additional information in order to fully comply with 16 NYCRR 85-2.4(d)(3).

When a requesting party represents owners or occupants of real property, 16 NYCRR 85-2.4(d)(3) requires that the application for intervenor funding contain the location of such real property in relation to the route proposed for the facility and any alternative route specified as reasonable in the application. Though Delaware states that it and its municipal entities own property throughout the area proposed for the projects, it thereafter states that it is still evaluating the locations of the various alternatives with respect to County-owned property. We therefore request that Delaware provide the level of detail called for in 16 NYCRR 85-2.4(d)(3) by the

deadline we have established for comments on scoping (i.e., February 21, 2014).<sup>1</sup>

Our regulation at 16 NYCRR 85-2.4(d) (7) requires a detailed statement of the services to be provided and the basis for the fees requested. Delaware has provided proposed contracts that we find sufficiently detailed as to the work to be performed. However, Delaware should be aware that it will have to explain how its estimate of the total number of hours it believes will be required for review of these projects breaks down for the components of review it has indentified when it requests disbursement of its award. For example, Delaware states that the professional engineer will provide consulting services that include review, analysis, technical guidance, correspondence and recommendations, and the law firm will conduct legal review. When it seeks disbursement of the funding award, it must indicate how these scopes of work were allocated by the professional engineer and by the various members of the legal staff; provide separate invoices for the contracts; and show how the work was allocated to the various parts of these proceedings (e.g., review of Part A submissions for purposes of commenting on scoping versus review of the Part A and B submissions and participation in the case thereafter). Delaware also will have to submit a report showing the results of any studies conducted using its award; whether the purpose for which the funds were awarded has been achieved; and, if the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved and why further expenditures are warranted.

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<sup>1</sup> Upon our review and acceptance of the additional information, we anticipate issuing a ruling confirming that the condition has been satisfied and confirming our conditional award.

We note that Delaware has five towns and two villages that are potentially impacted by four of the proposed projects; its County Planning agency is responsible for rendering assistance to those municipalities, and it says it is able and willing to coordinate with its municipalities. Because one of our goals is to facilitate broad public input, and Delaware is well positioned to ensure that numerous municipalities can benefit from this award, we grant Delaware's funding application in the amount of \$50,000.00, conditioned upon our receipt, review and acceptance of the additional information requested above. It is our intention, in making this award, subject to condition, that Delaware may proceed as expeditiously as possible with its review of the transmission projects proposed within its county borders.

Athens

By request dated November 22, 2013, Athens Town and Village seek \$85,050 to pay for the services of Barton & Loguidice, P.C., a technical consulting firm providing engineering services to review and evaluate the environmental and economic impacts associated with the proposed transmission projects, and Young/Sommer LLC, a law firm with experience in environmental and energy issues.<sup>2</sup>

Athens Town and Village encompass some 28.8 square miles, and are home to 5,757 residents (4,089 in the Town and 1,668 in the Village). They assert that because the Town and Village are home to the Leeds Substation and other existing major electric transmission infrastructure, they have been identified as a preferred location by three of the applicants in

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<sup>2</sup> Athens Town and Village note that they and Delaware are aware that Young/Sommer, LLC is representing them both, stating they do not believe such representation poses a conflict at this time, based on the information currently provided in the applications.

these proceedings. They note that they also may be traversed by a transmission facility proposed in a separate and unrelated PSC Article VII proceeding (West Point Partners, PSC Case 13-T-0292). Athens Town and Village contend that the consultants that would be funded by their requested award of intervenor funds will enable them to pursue inquiries concerning the applicants' plans regarding the use of, placement in or near, and expansion of the existing rights-of-ways with respect to their proposed preferred and alternate routes in and through the Town and Village. They add that such information, once garnered, will allow them to better assess the extent to which the proposals will impact residential and agricultural lands in both municipalities. They also state that they need the assistance of consultants to delve into the details they say are not provided in the applications, specifically those regarding the expansion of the Leeds Substation. Athens Town and Village also have concerns regarding the potential that West Point Partners might pursue an alternative location that might adversely affect them.

They state that they do not otherwise have funds to review the projects or to retain consultants. They highlight the joint nature of their application, touting the potential to reduce the overall cost of retaining experts while still allowing both the Village and the Town to protect their interests and provide a local perspective in these proceedings.

We find that the Athens Town and Village application substantially complies with 16 NYCRR 85-2.4(d). However, as with the Delaware application, additional detailed information is required from them in order to fully comply with 16 NYCRR 85-2.4(d)(3).

As we noted above, when a requesting party represents owners or occupants of real property, 16 NYCRR 85-2.4(d)(3)

requires that the application for intervenor funding contain the location of such real property in relation to the route proposed for the facility and any alternative route specified as reasonable in the application. Athens Town and Village state that they are evaluating whether there are such direct impacts to their lands. Athens Town and Village must provide the level of detail called for in the rule by the deadline we have established for comments on scoping (i.e., February 21, 2014).

With respect to complying with 16 NYCRR 85-2.4(d)(7), Athens Town and Village provided proposed contracts that we find sufficiently detailed as to the work to be performed and the fees charged for each type of review. Still, when seeking disbursement, Athens Town and Village will be required to explain how their estimate of the total number of hours required for review of these projects breaks down for the components of review indentified, as between the engineering and legal firms they have retained, and the different parts (A and B) of the transmission proposal applications, and over the long term of these proceedings when they seek disbursement of the award. Athens Town and Village also will have to submit a report showing the results of any studies conducted using its award; whether the purpose for which the funds were awarded has been achieved; and, if the purpose for which the funds were awarded has not been achieved, whether reasonable progress toward the goal for which the funds were awarded is being achieved and why further expenditures are warranted.

We note the references that were made to the West Point Partners case and to possible potential impacts of that case on Athens Town and Village. We therefore caution that any funding awarded to Athens Town and Village for these proceedings must be used exclusively for reviewing and responding to issues pertaining solely to these proceedings.

In recognition of the need for parties to provide any comments they may have on scoping by February 21, 2014, the need for Athens Town and Village for assistance in preparing such comments, and our goal of facilitating broad public input, we will grant Athens Town and Village intervenor funding in the amount of \$40,000, conditioned upon our receipt, review and acceptance of the additional information requested above. This is less than the amount requested; however, it recognizes, among other things, our concern about the smaller land area and shorter length of rights-of way potentially at issue and found within the borders of Athens Town and Village compared to the size of land area and length of rights-of-way which other equally deserving municipal parties -- e.g., Delaware County, which is responsible for numerous towns and villages and much longer stretches of proposed transmission lines -- wish to study. The size of the award we have granted attempts to balance our concern about potentially allocating an award whose size may be unjustifiably disproportionate to the scope of work that would need to be done to protect the interests of a town or village versus a whole county, with our desire to ensure that there is funding that will facilitate broad public participation.

Scenic Hudson

Scenic Hudson, a non-profit environmental organization, by request dated November 26, 2013, seeks a total award of \$53,813.52 to defray the cost of staff time spent on tasks necessary to participate as an active party to these proceedings. Scenic Hudson states that its interest in these proceedings is in representing the interests of over 20,000 members by preserving the scenic, ecological, recreational and historic and agricultural treasures of the Hudson River. Scenic Hudson says it is the largest environmental group focused on the

Hudson River Valley and many of its members reside in communities where the proposals might be located and have expressed concerns about the projects' potential impacts.

Scenic Hudson states that it has limited resources, and has been unable to secure funding from other sources. It says it will devote significant staff time and expense on legal, technical and administrative tasks related to its participation in these proceedings in an effort to ensure that any project that may be granted an Article VII certificate has minimal environmental and community impacts. Scenic Hudson also notes that (1) an affiliate, the Scenic Hudson Land Trust, holds interests in real property and (2) it owns conservation easements over parcels of lands that may be affected by the proposals, but, as yet, it has not yet determined which of these properties or parcels may be impacted.

Scenic Hudson is seeking to defray expenses for the salaries of four people within its organization -- an Environmental Advocacy Attorney, a Conservation GIS Manager, the Director of Conservation Science and the Director of Land Use Advocacy. Included with its application is salary information, tasks, percentage of each person's annual time allocated to the task, and total funds sought for each person.

We find that Scenic Hudson has substantially complied with the rules, but it must submit the additional detailed information that is required by 16 NYCRR 85-2.4(d)(3) (i.e., the location of its real property in relation to the route proposed for the facility and any alternative route specified as reasonable in the application) in order to fully comply. Also, we are concerned that Scenic Hudson's interests overlap with the responsibilities charged to some of the statutory parties to these proceedings, such as the New York State Departments of Environmental Conservation and of Agriculture and Markets, and

with the interests expressed by other parties to this proceeding. For example, Athens Town and Village also express concern for impacts on the Hudson River, Milan expresses concerns about environmental impacts, and all of the other applicants for intervenor funding express concerns about potential impacts to parcels of land that they and/or their residents own. In an effort to balance, on the one hand, our concern about awarding a finite amount of funding to pay for potentially duplicative efforts with, on the other hand, our goal of ensuring broad and informed public input, we will grant Scenic Hudson intervenor funding in the amount of \$25,000, conditioned upon our receipt, review and acceptance of the additional information required by 16 NYCRR 85-2.4(d)(3).

Milan

In its November 27, 2013 application, Milan states that it represents the interests of its residents, claiming many of them face the potential of having their land taken in order to accommodate the expansion of the existing right-of-way for the high voltage corridor that runs approximately eight miles through the town. Milan also says many of its residents have safety concerns and questions regarding any potential construction work that may have to be done in the vicinity of the Iroquois Pipeline, which was constructed along the corridor in 1991.

Milan states that it is a small town (36 square miles in area located on the northern border of Dutchess County) with a small population (2,370 residents) and it does not have a contingency budget or funding to hire needed experts or consultants to review the various proposals. It says that it has contacted both Scenic Hudson and the County of Dutchess, and while it expects Scenic Hudson may be a useful source for knowledge, it has not received any indication from the County as

to the level of support, participation or guidance that the County may provide. Milan states that any reports and information it obtains through its research and investigative efforts will be made available to neighboring towns, residents and other interested parties.

Milan seeks an award of \$279,797.36 to pay for the services of a professional engineer/attorney who practices before the Commission (\$112,750); the present Town Attorney (\$74,875); a biological firm to conduct an environmental assessment (\$75,973); a videographer to produce a public service video (\$3,400); a public relations consultant to develop a program involving Milan's website, mailings, online surveys and newspaper advertisements to keep Milan and area residents apprised of the status of the PSC proceedings (\$12,377); and the cost of a sign and three mailings that Milan has already incurred to advise its residents of the status of the Energy Highway initiative and to notify them of upcoming informational meetings with the various applicants (\$422.36).

Milan asserts that the funding it seeks will support programs that will benefit all stakeholders and complete the PSC record. Milan proposes to address Part A gaps in knowledge and information, and to 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. If a need is found to exist, then Milan, through its counsel and consultants, will review the proposed routes through the Town to determine whether there may be superior routes, including underground routes, that will not adversely burden the Town.

Milan also wants to hire a consultant to 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 the proposed lines would cross through Milan. Milan wishes to hire a studio to produce a public service video documenting the comments, sentiment and plight of Milan residents with respect to the proposed electric transmission lines and a public relations firm to develop and conduct a public relations program on behalf of the Milan using 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. Milan wishes to use the local knowledge of the Town Board and residents to gather additional information for expert review on the location of sensitive areas of Milan from environmental, historical, cultural and aesthetic perspectives.<sup>3</sup>

We find that Milan has substantially complied with 16 NYCRR 85-2.4(d). We do not agree, however that funding is appropriate for all of the purposes Milan has listed. The environmental studies and public outreach for which it seeks funding may be, to a large extent, duplicative of efforts to be undertaken by other parties to these proceedings including some of the statutory parties, such as the New York State Departments of Environmental Conservation, of Agriculture and Markets, and Public Service staff, and Scenic Hudson, a party awarded intervenor funding to study similar impacts in the same or

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<sup>3</sup> Milan also requests that all applicants be required to conduct detailed studies on the following: (1) Economic Impact Study (both beneficial and detrimental impacts (e.g., tourism and property values) new power lines might have in the area; (2) Security Review with Homeland Security (addressing the safety issue of having power lines and a gas line run parallel to each other through Milan); and (3) Health Study (to examine whether lines concentrated in one corridor still meet EMF standards). We will rule on Milan's request when we issue a ruling on initial and responsive scoping comments.

overlapping geographical areas. We will not award funding for such studies at this time.

Milan also requests funding for the creation of a narrated video containing interviews and opinions of local residents, the use of online surveys to acquire resident feedback, and the placement of ads to notify the public of project updates. While we would agree that the views of local residents contribute to the record in this case, these efforts would largely be duplicative of those already undertaken by the Commission. The Commission's web site allows for easy submission of comments electronically, and gives directions to those who prefer to submit them by e-mail, regular mail, or phone. The Commission also has been, and will continue to be, engaged in an extensive public outreach effort to ensure that information about this case is disseminated widely and often. In addition, we expect that most, if not all, municipalities have regular means of communication with their constituents that can be used to convey information about this case at little or no additional cost. Therefore, we will not award funds for these purposes.

Milan also requests funds for 230 hours of legal work associated with hearings on the Part A applications. There are no such hearings contemplated or expected. The Part A process is dedicated to preliminary screening of applications and development of the scope of work to be pursued by developers in preparing their Part B applications. It is at the Part B stage that hearings will take place if there is no negotiated resolution of the case. We will, therefore, not award the funds requested for these purposes.

Finally, we are concerned that Milan, a relatively small town in both area and population, has requested a level of funding that amounts to nearly one-eighth of the total funding

available for all municipalities, citizens groups, environmental organizations, and other case participants. There are at least 66 towns that would be directly impacted by one of the proposed projects, many of them, like Milan, by multiple proposals. We recognize that it can take some time for local governments to organize a response to unexpected, unbudgeted issues, and we have an obligation to ensure that funds remain available for a reasonable amount of time to allow for that response.

Therefore, we do not feel it would be appropriate to award the full amount requested by Milan even if the proposed uses of the funds were entirely appropriate.

We do, however, want Milan to have an award that helps to cover its reasonable costs of formulating and providing any comments it may have on scoping by February 21, 2014 and for participating in these proceedings thereafter. Accordingly, we grant Milan intervenor funding in the amount of \$40,000.<sup>4</sup> The funds may be applied to defray the cost of the services of the Town Attorney and the professional engineer/attorney. While this award is less than the amount requested, it recognizes all of the concerns outlined above, and balances them against countervailing considerations, such as our desire that Milan continue the efforts it has started and provide its input in creating the record of these proceedings.

We encourage Milan, prior to seeking additional funds from the intervenor account, to explore opportunities to reduce the potential for duplicative efforts by renewing its efforts to coordinate and share resources with other parties such as Scenic Hudson and Dutchess County.

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<sup>4</sup> This amount may be used to obtain reimbursement for the \$422.36 requested by Milan for a sign and mailings, notwithstanding our decision not to fund a broader outreach effort by the town.

Dutchess County

By request dated November 29, 2013, Dutchess seeks \$250,000 to pay for the services of an energy consultant. Dutchess states that it finds itself with leadership responsibilities as a result of these proceedings and therefore it will be developing a policy on transmission line upgrades, rebuilds, and development in general; a program of support and dialogue with its impacted communities; and an analysis of costs to ensure that upgrades are more cost effective than building new generation or repowering existing generation. Also, Dutchess will be working with applicants to ensure that community and County interests are served, that transmission facilities use modern designs to mitigate visual impacts, and that rights-of-way are maintained in park-like condition. Dutchess states that its interest is in ensuring that any new development is an improvement over what currently exists with overhead transmission lines, especially with respect to the attractiveness of the rights-of-way. Dutchess reports that it has already provided internal resources to support the proceedings, but says it does not have other funds or resources, other than the intervenor fund, available to it.

According to Dutchess, its request for funds is premised on the proceeding lasting one year, and breaks down as follows:

detailed review and analysis of the current proceeding from the State of the State address to the present (\$50,000);

active case participation during 2014, including cross-examination and direct testimony, if required (\$100,000);

hiring additional outside experts to do cost analyses, system studies, visual impacts studies and other projects to support the County's role (\$50,000); and

development of a County Policy on Siting and Rebuilding of Transmission within the County (\$50,000).

For many of these tasks, it appears that the County intends to use the services of Allan Page, principal in the energy consulting business, A. Page & Associates, LLC. Dutchess states that Mr. Page will manage the impact of these proceedings on the County and involved communities. Dutchess describes Mr. Page's previous experiences and provides his billing rate, but has not provided a copy of a proposed contract to retain A. Page and Associates.

The application does not comply with 16 NYCRR 85-2.4(d) (7) or (9) because it lacks a sufficiently detailed statement of the services to be provided and there is no contract or proposed contract provided with Mr. Page or with the other outside experts alluded to in the application. There is a disconnect between the tasks identified in the breakdown of the estimate (summarized above and listed on page 3-4 of the application) and the statement of the services to be provided by Mr. Page on page 5 of the application (he will "manage the impact of the proceeding on the County and the communities involved" and has "previous experience in managing people projects and systems").

We will deny funding for the proposed development of a policy on siting and rebuilding of transmission within the County. This appears to be for the internal use of the County and not something that will contribute to a complete record leading to an informed decision as to the appropriateness of a facility and route that must be sited pursuant to State law.

The application indicates that the County has certain internal resources that it has employed to date, expressly states that the County will "provide personnel to support the processes for which [the County] will access the funding

requested" and provides an average fully allocated billing rate for County employees (\$100 plus expenses). But no individuals are specified and there is no detail regarding the services they would provide, or the specific process or processes for which they are responsible. Because of this, there is insufficient information to determine whether the request for funds is reasonable or is for a purpose solely related to these proceedings.

Finally, it is unclear whether an award would benefit the impacted communities within Dutchess County, at this time. This is because Dutchess states that it has not yet developed a program to support or communicate with such communities.

Notwithstanding these concerns, we recognize that Dutchess County is directly impacted by three of the proposed projects, and that it has the potential to play an important role in these proceedings. Therefore, we will award funds now, contingent upon the prompt resolution of the application deficiency cited above concerning the retention of A. Page and Associates. Taking into account, as we did with Milan, the need to keep funds available both for other potential applicants and for the Part B phase of this process, we will award \$50,000 now. These funds are to be used exclusively for the retention of A. Page and Associates pending the supplementation of Dutchess's application with support for the use of internal County resources and their cost.

We encourage Dutchess, to the extent it has not yet done so, to initiate a dialogue with its impacted towns and to discuss ways of consolidating its efforts and presentations.

Conclusion:

An award of intervenor funds means that the amount awarded is made available to the recipient to use for the purposes that are consistent with the applicable Commission

rules and with our ruling awarding the funds. Each award is to be used only for the purpose(s) that have been specified in the particular application for intervenor funding and have been approved by us in our rulings granting an award of such funds.

A party that is awarded intervenor funding will enter into a contract with the Department of Public Service and will be provided with a form of voucher that it must submit in order to receive disbursements of funds. Such vouchers may be submitted by the party at its discretion, however, such parties are reminded that they must comply with the reporting requirements set forth in 16 NYCRR 85-2.4(j), *supra*. These reporting requirements, in part, are intended to enable the judges to provide meaningful oversight of funding awards, to track the progress of work performed with intervenor funds, and to ensure that the funds are used for the purpose(s) for which they were awarded. Failure to comply with these reporting requirements may result in a determination that further expenditures and disbursements are not warranted. If actual expenditures exceed the total budgeted amount awarded, they cannot be reimbursed from the intervenor fund.

We note that in making any award of intervenor funds at this stage of the proceedings, we are not making any determination on the merits of that issue or even indicating that a particular issue is or is not adjudicable in these PSL Article VII proceedings.

Finally, several parties requested permission to seek additional funding in the future, as necessary. We will continue to accept intervenor funding applications as long as

funding remains available.<sup>5</sup> Parties who have previously applied for funding and wish to request additional funding may incorporate their initial application by reference and need only submit the information necessary to support the additional funding requested. Parties who wish to renew requests for funding previously denied may also refer to the earlier application, but must present new information that would justify reversing the previous denial in whole or in part. Again, however, to avoid unnecessary duplication, we strongly encourage parties with similar interests and concerns to cooperate, coordinate, and consolidate their efforts and comments wherever possible. Applicants for intervenor funding should consider consolidating their funding applications and ultimately their presentations with other similarly-situated parties and demonstrate that they have explored creative and innovative ways to maximize the expected benefits of any future intervenor funding awards.

MICHELLE L. PHILLIPS

DAVID L. PRESTEMON

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<sup>5</sup> As we have stated, one of our goals is facilitating broad public participation. There are many potentially impacted communities that have not yet sought party status or requested intervenor funding. At this early stage of the proceedings, our funding awards reflect our cognizance of this fact.