

Kenai Peninsula Borough Legal Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: December 26, 2019

RE: Ordinance 2019-19-26, Appropriating Additional Funds to the Legal Department for the Costs and Fees for Outside Counsel to Continue Representing the Kenai Peninsula Borough in the Application of the Alaska Gasline Development Corporation Filed with the Federal Energy Regulatory Commission (Mayor)

Following the assembly's approval of Resolution 2018-032, authorizing the borough to intervene in the application of the Alaska Gasline Development Corporation before the Federal Energy Regulatory Commission ("FERC"), the borough retained the services of Norton Rose Fulbright US LLP ("Norton Rose") to represent it in this matter. Since then, the firm has successfully moved to intervene in the case, tracked filings with FERC, and filed numerous other documents with FERC supporting the borough's interest in locating the LNG facility and marine terminal in Nikiski.

Both the Matanuska-Susitna Borough and the City of Valdez have argued that the LNG terminal should be located in their respective jurisdictions instead of Nikiski. It is anticipated that the borough's interest would best be protected by continuing to participate in the process and retaining Norton Rose to advise and represent it.

It is difficult to accurately predict the extent the borough will continue to be involved going forward but we estimate that additional fees and costs will total at least \$150,000.00. This ordinance would appropriate that amount for some recent costs and legal services provided and preliminarily estimated future services.

As Norton Rose's fees recently exceeded the amount previously appropriated for this project, it is requested that the assembly make the effective date of this ordinance retroactive to October 1, 2019.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$ 150,000.00</u>
By: <i>PP</i>	Date: <u>12/26/2019</u>
By: <i>BH</i>	