

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 13-G-0136 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of National Fuel Gas Distribution Corporation for Gas Service.

RULING ON SCOPE AND SCHEDULE

(Issued August 26, 2013)

KEVIN J. CASUTTO and DAVID L. PRESTEMON
Administrative Law Judges:

On August 13, 2013, Staff Counsel advised us that the parties had agreed upon the scope of issues to be considered in the permanent rates phase of this proceeding, and a proposed schedule for the litigation of those issues. On August 19, 2013, Staff Counsel supplemented the proposed schedule with additional milestones intended to provide for consideration of the applicability of Public Service Law §66(20) to this case. To ensure that all parties had adequate opportunity to raise concerns about the proposals, we notified the parties that we would entertain objections through and including August 21, 2013. None were received.

The proposed scope and schedule, attached hereto as Appendices A and B, respectively, appear reasonable and are unopposed. We will, therefore, adopt them. The parties should be aware, however, that if this case is fully litigated according to the adopted schedule, with a recommended decision and the normal schedule for briefs on exceptions, the earliest

possible Commission adoption of an order at a regularly scheduled session would be in August 2014.

Kevin J. Casutto

David L. Prestemon

APPENDIX A

SCOPE AND ISSUES TO BE ADDRESSED

Permanent Rates

1. Time Periods
 - Prior to June 26, 2013 (PSL 66-20)-TBD
 - Temporary Rate Freeze Period: June 26, 2013 to RY
 - Prospective rates: term of Rate Plan
2. Revenue Requirement
3. Earnings Sharing
4. Revenues
5. Expenses
6. CapEx
 - Storm Hardening
7. Net Plant True Up
8. Low Income
9. Gas Safety
10. Customer Service/Consumer Policy
11. LAUF
12. Deferrals
13. Management Audit
14. Gas Expansion
15. Economic Development
16. Capacity Release Revenues

PSL §66(20)

1. Applicability of statute to this case - to be briefed by the parties, followed by a ruling from the ALJs.
2. If remedy is applicable, then whether, and if so how, it should be applied in this case will be part of the litigation.

APPENDIX B

SCHEDULE

<u>Date</u>	<u>Action</u>
September 13, 2013	National Fuel files brief addressing applicability of PSL §66(20) as a remedy in this proceeding
October 4, 2013	Parties file responses to National Fuel brief
October 16, 2013	National Fuel files response to parties
November 1, 2013	National Fuel files testimony and exhibits
January 17, 2014	Staff and intervenors file testimony and exhibits
February 7, 2014	Rebuttal testimony and exhibits filed
February 25, 2014	Initial date of Hearing
March 21, 2014	Initial post-hearing briefs
April 9, 2014	Reply briefs