

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 20-G-0101 - Proceeding on Motion of the Commission as to
the Rates, Charges, Rules and Regulations of
Corning Natural Gas Corporation for Gas Service.

RULING ON PROCEDURE AND SCHEDULE

(Issued April 24, 2020)

GREGG C. SAYRE and SEAN MULLANY, Administrative Law Judges:

On April 14, 2020, pursuant to Notices issued on March 25 and April 3, 2020, a telephonic Procedural Conference was held in this proceeding. A transcript of the Procedural Conference will be posted in due course. This Ruling reflects the rulings on procedural issues made by the Administrative Law Judges on April 14 and establishes the schedule for this proceeding.

Discovery Procedure

On their own motion pursuant to 16 NYCRR § 5.9(d), the Administrative Law Judges modify the discovery procedures in 16 NYCRR Part 5 as follows:

1. All discovery responses will be served by email on all parties. If the serving party receives notification that an emailed file cannot be delivered, e.g. because the file is too large, the serving party will notify the other party and make alternative arrangements to send copies or otherwise make copies available electronically.
2. The Administrative Law Judges should not be copied on discovery requests or responses, except responses that contain an objection. The receipt by the Administrative

Law Judges of an objection does not automatically trigger the ruling process.

3. The parties to a discovery dispute are required to attempt to resolve the objection informally between the parties. If a resolution is reached, the party initially filing the objection should send an email to the Administrative Law Judges stating that the objection has been resolved, with a reference to the data request number.
4. The Administrative Law Judges are available for an informal conference call to attempt to resolve an objection. Either party to a dispute may request such a conference call. Such a conference call is not mandatory.
5. If the above process does not result in a resolution, it is the responsibility of the aggrieved party to file and serve a Motion to Compel Responses. Any such motion must include a statement that an informal resolution was attempted. The usual rules of Commission motion practice will apply to such Motions, unless otherwise determined by the Administrative Law Judges after reviewing the circumstances of the motion.

Schedule

Prior to the Procedural Conference, the parties proposed a schedule to the Administrative Law Judges. No party objected to the proposed schedule. During the Procedural conference, the parties responded to questions from the Administrative Law Judges about the schedule and the need for the proposed periods of time between milestones on the schedule. After due consideration, the Administrative Law Judges approve the schedule as proposed with the exception of the date for the

commencement of hearings. We believe that the proposed period of a full month between the submission of rebuttal testimony and the commencement of hearings is unnecessarily long and would unduly shorten the amount of time remaining for briefs, reply briefs, a Recommended Decision, briefs on exceptions, briefs opposing exceptions and Commission action. We are therefore setting the first day of hearings eight days earlier than proposed by the parties. However, we recognize in light of the multi-year proposal filed by Corning Gas that settlement discussions are likely, and we will consider adjusting the date for the commencement of the hearing, if the parties provide good cause based on a showing that e settlement discussions have been productive and that parties would be prejudiced by the scheduled hearing date. Taking into consideration the above points and the parties' arguments, we adopt the following schedule:

Company Update to Staff and Parties	May 8, 2020
Staff and Intervenor Testimony	June 26, 2020
Rebuttal Testimony	July 24, 2020
First day of hearings	Aug. 17, 2020

We will set due dates for briefs and reply briefs at the time of the hearings.

(SIGNED)

GREGG C. SAYRE

(SIGNED)

SEAN MULLANY