

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 07-M-0548 - Proceeding on Motion of the Commission
Regarding an Energy Efficiency Portfolio
Standard.

RULING SETTING COLLABORATIVE AGENDA
AND MODIFYING COMMENT SCHEDULE

(Issued September 13, 2007)

ELEANOR STEIN, Administrative Law Judge:

This ruling concerns the following:

- (1) The agenda for the first collaborative meeting on Monday, September 17, 2007;
- (2) The purpose, organization, and coordination of the Working Groups, including details concerning teleconferencing and other capabilities for September 17; and
- (3) Modifications to the comment schedule in this proceeding.

Agenda for September 17, 2007 Collaborative Meeting

The collaborative meeting will commence at 11:00 a.m. on September 17, 2007. The meeting will have three components. First, Department of Public Service Staff (Staff) will briefly present the major points in its Preliminary Proposal for Energy Efficiency Program Design and Delivery (Staff Proposal), to give parties an opportunity to explore the Staff assumptions, and to clarify aspects of the Staff Proposal. This discussion will be for informational purposes. Second, there will be a discussion of the organization, function, charge and schedule for the Working Groups, as we move into the collaborative phase of this proceeding. Third, we will break into the Working Groups and each group will hold its first meeting, as detailed below. I do not expect to re-group as a plenary following the Working Group meetings. The Agenda for the day is as follows:

11:00 a.m.	Convene and introduction
11:15-12:15	Staff overview and questions on Staff Proposal
12:15-1:15	Discussion of the collaborative process
1:15-2:00	Lunch break
2:00-5:00	Working Groups meet

Purpose, Organization, and Coordination of the Working Groups

In light of parties' responses to Staff's and my questions, the Overview Forum, the issuance of the Staff Proposal, and the additional proposals and white papers of other parties filed September 10, 2007, critical EPS design issues are now presented for collaboration. To utilize the formidable expertise of this group of parties, the next phase of the proceeding will focus on the work of the collaborative. Each Working Group is organized to address one general area of the principal EPS design issues. The purpose of the Working Groups is to further refine the issues for decision and to seek consensus on issues in their designated areas. It is expected that the Working Groups will generally convene at least once every two weeks. This process will of necessity be an intensive one, but each Working Group will control its own meeting schedule, and groups are encouraged to use e-mail, teleconferencing and videoconferencing, and break-out groups to make their functioning efficient (and energy efficient).

The Working Group reports and recommendations will constitute an important part of the record of this proceeding. The Working Groups will report out to the parties and me in a plenary collaborative session. The collaborative process will be following by an evidentiary phase, and parties will have additional opportunities to present their individual positions on all issues.

On December 5, 2007, a plenary collaborative session will be held for Working Groups to report out their conclusions on their appointed issues. These conclusions may represent consensus of all Working Group participants on some or all points, or may consist of a range of options on the major issues.

Some parties indicated interest in participating in all groups, without designating individuals to do so; other parties assigned more than one person to a group. All parties' requests will be reflected in a Working Group list to be issued later this week. However, parties should consider how best to be effective, since Working Groups are likely to meet concurrently and need not restrict their meetings to dates or times when other Working Groups are not meeting.

To ensure that the Working Group process is managed with consistency, each group will have one trained facilitator responsible for group process, and two co-convenors drawn from group participants, responsible for the substantive work of the group. Brief minutes from each group meeting should be kept by participants designated by the facilitators or co-convenors. Minutes will be posted on the web site for the EPS proceeding, so all active parties are generally informed of the work of the groups.

The list of facilitators, co-convenors, Working Group participants and specific agendas for the groups will be issued later this week.

Teleconferencing and Videoconferencing on September 17

Arrangements have been made to observe, but not participate in, the proceedings by videoconference from 11:00 a.m. to 1:00 p.m. from the Commission's New York City offices to its Albany offices in the 19th Floor Boardroom, 3 Empire State Plaza, Albany, New York to accommodate parties unable to attend

in person. A teleconference line has also been established to allow parties to listen - but not participate - as follows:
Toll-free call in number: (888)622-5357; Participant code: 565623.

Modifications to the Comment Schedule

The current comment schedule provides for comments by parties on the Staff Proposal issued August 28, 2007, with the following deadlines:

- September 28, 2007: Comments on draft Staff Proposal
- October 26, 2007: Final Staff Proposal
- November 5, 2007: Technical Conference
- November 16, 2007: Comments on final Staff Proposal

After review of the Staff Proposal, and other parties' additional and alternative views represented by their September 10, 2007 filings, this schedule is modified in this Ruling. The Staff Proposal and other parties' documents sufficiently present program options to make the preparation of an additional comprehensive Staff report an unnecessary step. As proposed by Joint Utilities and other parties, the Working Groups will take the next steps in refining EPS design choices. However, parties should comment on those programs identified by Staff, or considered by other parties, as fast track. In particular, parties should identify those existing programs susceptible to immediate, additional investment to realize efficiency gains and garner public attention for efficiency programs in 2008. As to these programs only, parties may file comments on the Staff Proposal no later than October 15, 2007.

The revised schedule in this proceeding is as follows:

October 15, 2007 - Comments on fast track or
expansion of existing programs
only

October-November - Working Groups meet

November 5, 2007 - Plenary collaborative meeting

December 5, 2007 - Working Groups report out at
plenary collaborative meeting

To be scheduled - Technical Conference

(SIGNED)

ELEANOR STEIN