

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 03-E-0188 - Proceeding on Motion of the Commission Regarding
a Retail Renewable Portfolio Standard

FURTHER RULING CONCERNING SCHEDULE AND PROCEDURE

(Issued September 19, 2003)

ELEANOR STEIN, Administrative Law Judge:

There are several requests or motions and cross motions pending, concerning the inquiry into possible system reliability impacts of the addition of renewable resources to New York's bulk power system, further cost study, and additional collaboration or other procedures. The purposes of this ruling are to resolve some pending motions and establish a procedure for replies to others.

As to the comment schedule, on September 4, 2003 Tannery Island Power Corporation, Hydro Power, Inc., and Energy Enterprises, Inc., (Tannery) requested postponement of the initial and reply comment filings in this proceeding. In particular, Tannery argued that initial comments should be delayed until after a conference of parties scheduled in response to the request of the New York State Reliability Council (NYSRC) to discuss reliability issues. Multiple Intervenors, the Independent Power Producers of New York, Inc. (IPPNY), and the Joint Utilities joined in Tannery's request, at least to the extent they request that reply comments be scheduled so as to take into consideration the outcome of the parties' conference on reliability. The Renewable Energy Technology and Environmental Coalition (RETEC) opposed any further substantial extension of the schedule, asserting that reliability concerns can best be addressed in the context of resolution of some of the principal design issues underlying an RPS policy for New York.

As to the filing of initial comments, there is no persuasive reason to await the conference on reliability. Parties have filed preliminary comments, heard experts, met

collaboratively to develop issues, standards, and proposals, carried out extensive cost studies, and exchanged discovery materials relevant to a broad range of issues entailed in developing this complex policy. Further delay in briefing and evaluating the issues of eligibility, targets, overall design, credit trading, and contract structure, is likely to render the relevant data, studies, and analysis stale.

Additional development of this record to further examine reliability concerns, as appropriate, may follow the conference scheduled for October 10. Since the reply comments are now due October 31, on that issue parties will have three weeks between that conference and the filing of those comments. In addition, parties have already had an opportunity to shape the comprehensive NYSERDA and NYISO evaluation of the effects of integrating wind power on transmission system planning, reliability, and operations, and are expected to be able to review the first phase results of this study prior to a final Commission determination on RPS policy.

As to further process, parties had until September 15, 2003, to propose any additional procedure in this case. The Joint Utilities propose reconvening the collaborative process, for several purposes, including further examination of costs, reliability, and credit trading. Parties may respond to this proposal by September 26, 2003; a response included in parties' cover letters to their initial comments is the preferred form.

As I notified the active parties informally on September 17, 2003, the filing and conference schedule is modified as follows:

September 26, 2003	Initial comments and replies to Joint Utilities proposal filed
October 10, 2003	Conference on reliability issues
October 31, 2003	Reply comments filed

(SIGNED)

ELEANOR STEIN