

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 ESTABLISHING SCHEDULES

(Issued March 10, 2004)

ELEANOR STEIN, Administrative Law Judge:

On February 19, 2004, DPS Staff released its study "New York Renewable Portfolio Standard Cost Study Report II, Volume A." An errata notice with corrected data followed on February 25 and Volume B was released March 9, 2004. By letter, dated March 1, 2004, I invited parties to propose, by March 8, 2004, schedules for discovery, a technical conference, and filing supplemental comments concerning the Staff Cost Study. The March 1 letter suggested parties serve interrogatories and that staff would respond at a cost study technical conference, then tentatively scheduled for March 17, 2004.

Two groups of parties responded. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc., Independent Power Producers of New York, Inc., Multiple Intervenors, New York State Electric & Gas Corporation and Rochester Gas and Electric, Niagara Mohawk Power Corporation, Business Council of New York State, Inc., and the Energy Association of New York State (the Central Hudson group) responded that the March 17 date does not provide adequate time for parties to prepare (especially in light of the March 18 deadline for supplemental comments concerning the Phase I reliability study) and that staff should provide written interrogatory responses prior to the technical conference.

The Central Hudson group also argues the technical conference should not be held on March 17, 2004, as parties had insufficient time to review and analyze Volume A much less Volume B. The Central Hudson group requests the parties be permitted to serve interrogatories on the Staff for a 14-day period following the release of Volume B; that Staff experts should be required to respond to the interrogatories in writing within 14 days; and that the technical conference on the cost studies should be scheduled 14 days after the end of that response period; a proposal adding at least one month and possibly 45 days to this proceeding's schedule; presumably an additional period of weeks for comments would also be necessary.

By contrast, the RETEC coalition proposes that parties have had substantial time to review Volume A, the core of the cost study describing all the methodological assumptions and approaches used, and to address cost issues generally in this proceeding, and that they should prepare comments promptly. RETEC suggests one round of comments due March 29, following the technical conference held on March 17. In RETEC's view this schedule will provide ample opportunity to address new issues. RETEC also requests, essentially, that interrogatories on Volume A be submitted immediately and that interrogatories on Volume B be submitted no later than three days before the technical conference; the discovery process would then end.

Schedule Regarding the Staff Cost Study Report

As I tentatively informed parties in my letter dated March 1, 2004, and as discussed on March 8, the March 17, 2004 Technical Conference on the Staff Cost Study will be held, commencing at 9:00 A.M., in the Albany offices of the Commission, Three Empire State Plaza, third floor Hearing Room. The Technical Conference may continue the following day, as necessary. Consultant Robert Grace will be available on

March 17; therefore we will begin the Technical Conference with issues related to material he prepared for the Cost Study: the supply curve and Volume A, Appendix A.

Parties with interrogatories concerning the Staff Cost Study should make their best efforts to email these to Staff as soon as possible, preferably by close-of-business on March 11, 2004. Staff has agreed to respond as soon as possible, in order to facilitate discussions at the Cost Study Technical Conference commencing March 17, 2004. There will be one round of supplemental comments concerning the Cost Study Report II, Volumes A and B. Comments must be filed by April 8, 2004.

Schedule Regarding the Phase 1 Reliability Study

Following an off-the-record discussion about schedule at the close of the Technical Conference concerning the Phase 1 Reliability Report on March 8, 2004, parties were informed they could make specific data requests to the panelists by close-of-business March 10, by email to NYSERDA at als@nyserda.org, and that they should expect responses to those requests by close-of-business March 12, 2004. As indicated in the Notice of Technical Conference issued February 13, 2004, parties have until March 18, 2004 to file supplemental comments regarding the Phase 1 Report, "The Effects of Integrating Wind Power on Transmission System Planning, Reliability and Operations" (Phase 1 Reliability Report). As I informed parties on March 8, they may include in those supplemental comments any additional arguments regarding the pending motion to delay issuance of a

recommended decision until after the completion of Phase 2 of the Reliability Study.¹

(SIGNED)

ELEANOR STEIN

¹ This motion was made November 5, 2003, by IPPNY, Energy Association, Business Council, Municipal Electric Utility Association, MI, Utility Workers of America, Local 1-2 and International Brotherhood of Electrical Workers, Locals 83, 97, and 503 (Joint Movants); it met with considerable opposition and decision on it was reserved (Ruling on Procedural Motions, issued November 26, 2003).