

NEW YORK STATE BOARD ON ELECTRIC  
GENERATION SITING AND THE ENVIRONMENT

CASE 99-F-1314 - Application by Consolidated Edison Company of New York, Inc. for a Certificate of Environmental Compatibility and Public Need to Repower its East River Generating Station located in the Borough of Manhattan, New York City.

RULING ESTABLISHING PROCEDURAL SCHEDULE

(Issued December 21, 2000)

WALTER T. MOYNIHAN,  
RAFAEL A. EPSTEIN, Presiding Examiners, and  
DANIEL P. O'CONNELL, Associate Examiner:

In our ruling of November 22, 2000,<sup>1</sup> we deferred establishing a new schedule until after the Department of Environmental Conservation (DEC) issued its draft permits. On December 15, 2000, the DEC issued a notice stating that those permits are available. Thus, we can now proceed with establishing a schedule.

In DEC's motion dated November 14, 2000, which was the subject of our November 22, 2000 ruling, the DEC set forth the following proposed schedule:

Day 0	DEC issues and notices for public comment its draft permits.
Day 45	Issues Conference for permits & Article X issues; Public Statement Hearing.

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<sup>1</sup> Case 99-F-1314, Ruling Suspending Procedural Schedule (issued November 22, 2000), p. 3.

Day 55 Rulings on scope of issues.

Day 80 DEC Commissioner's ruling on scope of issues (if necessary).

Day 100 Direct testimony.

Day 115 Rebuttal testimony.

Day 125 Evidentiary hearings begin.

We generally will adopt the proposed schedule, with two exceptions. First, we intend to rule on the scope of issues from the bench on the final day of the issues conference. Therefore, the ten days allotted to preparing those rulings will be eliminated. Second, we will require that appeals from those rulings run concurrently with the preparation of testimony. As a result, we will eliminate the 25-day appeal process from our schedule. Should the DEC Commissioner reverse any of our rulings, we will establish a second round of hearings to consider those issues, if necessary. The DEC's proposed schedule was also adjusted to ensure that the various events fall on convenient business days. With those changes and the addition of several subsequent events, the schedule will be as follows:

December 20, 2000 DEC's draft permits are noticed for public comment.

January 24, 2001 Public Statement Hearing.

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February 20, 2001	Issues Conference for DEC permits and Article X issues commences, concluding with rulings on scope of issues.
March 20, 2001	Direct testimony to be prefiled.
April 4, 2001	Rebuttal testimony to be prefiled.
April 16, 2001	Evidentiary hearings begin.
April 16, 2001	Formal settlement negotiations commence.
May 22, 2001	Initial briefs due.
June 1, 2001	Reply briefs due.

The dates for prefiling of testimony and submission of briefs are in-hand dates.

(SIGNED)

WALTER T. MOYNIHAN

(SIGNED)

RAFAEL A. EPSTEIN

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DANIEL P. O'CONNELL