

July 21, 2009

VIA ELECTRONIC MAIL

Hon. Jaclyn A. Brillig
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case 09-M-0544 – In the Matter of Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR Parts 1-6, 8 and 17 to Incorporate References to Electronic Filing, Distribution and Issuance of Documents

Dear Secretary Brillig:

In response to the Commission's "Notice Regarding Document Filing" dated July 10, 2009 in this proceeding, please find enclosed the Joint Comments of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Mahati Guttikonda

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of Rules and Regulations of
the Public Service Commission,
Contained in 16 NYCRR 1-6, 8 and 17 to
Incorporate References to Electronic Filing,
Distribution and Issuance of Documents

Case 09-M-0544

Joint Comments of the National Grid Utilities

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**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Case 09-M-0544 – In the Matter of Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR Parts 1-6, 8 and 17 to Incorporate References to Electronic Filing, Distribution and Issuance of Documents.

JOINT COMMENTS OF THE NATIONAL GRID UTILITIES

I. Introduction

On July 10, 2009, the Commission issued its “Notice Regarding Document Filing” in this proceeding (“Notice”), in which it invited comments on the draft proposed changes to the Commission’s regulations to allow electronic filing, distribution, and issuance of documents. In response to this Notice, The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid (collectively, “National Grid” or the “Companies”) respectfully submit these comments in response to the Commission’s Notice.

II. National Grid Supports the Draft Proposed Changes

A. The Proposed Changes Better Reflect the Current and Future Electronic Environment and Promote Efficient Conduct of Business Between Parties and the Commission

National Grid agrees that the draft proposed changes suggested by the Department of Public Service (DPS) promote beneficial changes that better reflect the current and future electronic setting. The proposed changes also reflect a greater commitment to preserving and protecting the environment, reducing our consumption of paper, lowering the usage of electricity, and decreasing our carbon footprint. Additionally, the proposed changes advance

administrative efficiency, saving the time and expense of printing multiple copies of the same document to serve on various parties. All of the above-mentioned factors ultimately reduce costs and result in savings to ratepayers. On the whole, National Grid enthusiastically supports the adoption of the draft proposed regulations. With regard to a limited set of provisions, National Grid respectfully presents some concerns and provides its suggestions to addressing those concerns.

B. Section 3.5(b)(1): National Grid Suggests the Commission Adopt Language More Clearly Allowing Exception from Electronic Filing for Certain Large Documents

Section 3.5(b)(1) requires documents to be filed electronically “unless the filing party certifies that it is unable to do so...” The Guidelines for Filing Documents with the Secretary that will supplement the draft proposed regulations if adopted, require that electronic submissions greater than 25 MB be split into sections no larger than 25 MB. National Grid recognizes that there may be certain situations where a party may be technically *able* to file electronically, but where electronic service is not a *feasible* option for the Commission or the party. For example, a single large document on a CD accompanying the required paper copy for filing with the Commission may be a more functional method for parties and the Commission to send and receive large documents rather than multiple electronic sections of a large document sent via email. To accommodate such feasibility issues, National Grid suggests the language of Section 3.5(b)(1) be modified as follows:

Documents shall be filed electronically unless the filing party certifies that it is *not feasible* to do so, in which case a paper document may be filed, together with the required certification signed by the filing party or the party’s representative.

The above-mentioned language supports the notion underlying the draft proposed changes of balancing administrative ease with technological advances and practical limitations.

C. Sections 3.2(b)(1) and 3.5(g)(2): National Grid Requests that Electronic Service be Limited to Business Days and/or the Time for Reply be Extended by One Day for Electronic Service

Section 3.5(g)(2) provides that where a reply must be submitted or other action taken within a specified number of days from service of a document, that time is extended by five days if service is by mail and one day for overnight mail. No similar extension is provided for electronically-served documents. Rather, electronic service of documents is deemed complete upon sending or notice of web posting, without limitation to business days. As a result, a party can serve another party on a Saturday and begin the response time for a reply – a disadvantage to the receiving party that does not apply in the case of service by mail or overnight delivery. This contrasts with the proposed regulations on filings with the Commission, which impose a deadline of 4:30 p.m. on a business day. Section 3.5(f). Presumably, the 4:30 p.m. business day deadline is intended to allow the Secretary to post the filing on the Commission’s website, making all parties aware of the filing by the close of the business day. National Grid respectfully suggests that electronic service, as defined in Section 3.2(b)(1), also be limited to business days. In the alternative, National Grid suggests that Section 3.5(g)(2) be amended to allow a 1-day extension for responses to electronic service, as in the case of overnight mail, to accommodate circumstances where parties are served electronically after the close of business on Friday and or over the weekend.

III. Conclusion

National Grid ardently supports DPS Staff’s draft proposed changes in furthering our common goals of efficiency, ease, and environmental conservation. In this vein, National Grid

further asks the Commission to consider its suggestions on the provisions discussed above. These suggestions are consistent with notions of fair, orderly, and efficient administration of proceedings and would promote the use of current and future available technology.

National Grid thanks the Commission for its timely action in this matter and for the opportunity to have its comments considered.

Respectfully submitted,

/s/ Catherine L. Nesser

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