

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 13-G-0136 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of National Fuel Gas Distribution Corporation for Gas Service.

RULING CONCERNING THE APPLICABILITY OF PSL §66(20)

(Issued October 18, 2013)

DAVID L. PRESTEMON and KEVIN J. CASUTTO
Administrative Law Judges:

In our Ruling on Scope and Schedule issued August 26, 2013, we established a schedule for the submission of briefs by the parties on the question of whether Public Service Law §66(20) is applicable to this case, and we stated that we would rule on that question following review of the filings. We also said that if we determined that the statute could be applied in this case, the issue of whether it would be appropriate to do so, and if so how, would be included among the issues for litigation.

As provided for in our August 26 ruling, we received an initial statement of position from NFG, responses from Staff and PULP, and a reply from the Company. Upon consideration of those filings, we have concluded that PSL §66(20) may be applied in this case. A full ruling detailing the reasoning underlying this determination will be issued in the near future.

We are advising the parties now of our conclusion because of the relatively short time remaining before the due date for filing of testimony by NFG. This does not mean, however, that PSL §66(20) issues necessarily must be litigated on the same timetable as the primary rate case. Therefore, we direct the parties to confer and attempt to reach consensus on a schedule for this phase of the case, and to present their joint

CASE 13-G-0136

or separate recommendations to us no later than October 29,
2013.

DAVID L. PRESTEMON

KEVIN J. CASUTTO