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Cc: Kimberly Harriman/OHADR/NYS DPS
Date: 10/05/2012 01:53 PM
Subject: 12-E-0201 etc. Niagara Mohawk rate cases - hearing schedule

All Parties:

The purpose of this email is to set a process for making decisions regarding the need for, and further scheduling of, evidentiary hearings.

Evidentiary hearings are currently scheduled to begin October 23. If negotiations progress to the point where any party, or the parties collectively, want to propose a postponement of the hearings, that request must be made by 3 pm October 17. Such a request should be made by email to us and all parties. The request should explain why, and to what extent, the issues to be litigated can be limited if the postponement is granted. The request should propose a time for a conference call on October 18 (excluding 1-3 pm); on that call we will consider the request and discuss a revised schedule.

Absent a compelling argument, we will not be inclined to support an extension of the suspension period, in light of our discussion of that possibility in the procedural conference on May 23, and the time for negotiation that has been built into the current schedule.

If a request to postpone the evidentiary hearing is not received, or is denied, a pre-hearing conference call will be held October 19, 2012 at 1 pm. In preparation for that call, Staff should provide to us and all parties, by close of business October 18, a proposed schedule of witnesses. After reviewing the proposed schedule, we will consider, for purposes of time-management of the hearing, requiring each party to submit, prior to the date of the hearing, its estimate of time required for each issue and a cross-examination plan identifying specific issues that it intends to address ("specific issues" versus general categories such as "ROE" or "labor expense").

Call-in information for any conference call that we sponsor will be: 866-394-2346 conf. code 2588415595

Rudy Stegemoeller and Kim Harriman

Rudy Stegemoeller, Administrative Law Judge
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