

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 05-S-1376 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Steam Service.

PROCEDURAL RULING

(Issued June 16, 2006)

RAFAEL A. EPSTEIN, Administrative Law Judge:

This summarizes the results of two telephone conferences with the parties concerning the schedule for the remainder of the proceeding. In the first conference, on May 8, 2006, I tentatively adopted a schedule proposed by the parties that was designed to ensure completion of the proceeding within the statutory suspension period expiring October 1, 2006, if a negotiated joint proposal were filed approximately May 31, 2006.

A joint proposal actually was filed June 2, 2006, and is expected to be opposed by one or more parties. The second conference was held June 8, 2006, to review the preliminary schedule in light of the June 2 filing, continuing discovery issues, and other expressed concerns as to the proponents' and opponents' relative burdens. As a result, the parties and I agreed to a slightly modified version of the original schedule, which appears fair and reasonable and is adopted as follows:

June 19	Initial statements supporting or opposing the Joint Proposal
June 30	Reply statements supporting or opposing the Joint Proposal
July 12	Evidentiary hearing commences

On each of the two filing deadlines above, parties should e-mail their statements to parties and the Judge; and deposit, in First Class mail or courier, one hard copy to each party and the Judge and five hard copies to the Secretary. (This arrangement will be modified as necessary if a canvass now underway reveals that not all parties have consented to electronic service.)

The evidentiary hearing will be held in New York City and will be the subject of a separate notice. The purpose of the hearing is to receive into evidence all the parties' filings to date; and to allow cross-examination on (a) the initial and reply statements as if they were prefiled testimony and (b) the Joint Proposal and, if relevant, other prefiled testimony, which will be filed as exhibits. The parties have agreed to communicate to one another, reasonably in advance of the hearing, the intended subjects of cross-examination, so that competent and knowledgeable witnesses can be presented to sponsor the prefiled statements without requiring that witnesses attend unnecessarily. To the extent parties waive cross-examination, the prefiled statements nevertheless will have the evidentiary weight of testimony offered for cross-examination.

At the close of the hearing, a schedule will be set for post-hearing briefs, including approximately two weeks for simultaneous filing of proponents' and opponents' initial briefs. To obviate reply briefs insofar as possible, initial briefs are expected to be comprehensive and to anticipate adverse parties' arguments.

In addition to the procedures described above, a notice may be issued inviting public comment on the Joint Proposal. Deadlines for such comment would be applicable only to the general public and would not alter the active parties' June 19 and June 30 deadlines specified above.

(SIGNED)

RAFAEL A. EPSTEIN