

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 03-E-0188 - Proceeding on Motion of the Commission
Regarding a Retail Renewable Portfolio
Standard.

RULING REVISING SCHEDULE

(Issued March 6, 2003)

ELEANOR STEIN, Administrative Law Judge:

At the Procedural Conference in this case, held on March 4, 2003, parties suggested amending the comment schedule contained in my first Ruling Concerning Procedure and Schedule.¹ In addition, parties raised questions concerning other procedural matters, such as protocols for service and filing of documents. This ruling will revise the comment schedule, and review and memorialize or rule on other issues discussed at the Procedural Conference.

The Comment Schedule

Several parties requested moving the initial comment filing date from March 21, 2003 to March 28, 2003, and eliminating or postponing the filing of reply comments. Parties noted that opportunities to reply, or to join issue, will be afforded by the April 7-8 collaborative meetings. No party has objected to this amendment. Accordingly, the schedule is revised and initial comments must be filed no later than March 28, 2003. There is no provision for written reply comments.

The Consultative Process

The object of the initial phase of this proceeding is consultation to best craft a proposed policy statement to

¹ Case No. 03-E-0188, *Retail Renewable Portfolio Standard*, Ruling Concerning Procedure and Schedule (issued February 20, 2003).

establish a retail renewable portfolio standard in New York. This phase will be collaborative and public in nature. This is not a formal settlement pursuant to the Commission's settlement regulations² and guidelines, and those do not govern. We will begin by exploring the parties' respective interests at stake; brainstorming possible approaches; and generating a range of options to protect parties' core interests. The initial comments are expected to assist the process of interest identification.

The collaborative meetings scheduled for April 7 and 8, 2003 will commence with a brief training on consensus building. Parties will then have the opportunity to present expert witnesses, in a seminar and discussion rather than a cross examination format. I strongly encourage parties to consolidate efforts based upon common interests for the purposes of filing comments and presenting experts.

Establishing a Baseline

To begin the process of developing a baseline inventory to determine the percentage of energy derived from renewable resources that is currently bought in New York State, I requested Department of Public Service Staff (Staff) to distribute to all parties a working profile of New York State retail energy purchases. Staff undertakes to create such a profile, by resource, and to circulate it to all parties no later than March 17, 2003.

Filing and Service Requirements

Because parties are numerous and time is short, we will take as much advantage as possible of electronic media. Staff will be establishing a web site for use of the parties and the public, as well as other electronic media as necessary. Parties participating in the Procedural Conference agreed to be served by electronic means pursuant to Commission Rule of Procedure 3.5(g)(4) (16 NYCRR 3.5(g)(4)). I will presume that

² 16 NYCRR 3.9.

all parties consent to electronic service unless a party informs me otherwise. Service by electronic means is deemed complete when sent.

Parties may file comments and all other documents with me by electronic means. I will deem filing complete when sent. However, filing of comments, pleadings, or other formal documents upon the Office of the Secretary is only complete upon filing of an original and three (3) hard copies with the Office of the Secretary pursuant to Commission Rule 3.5(f) (16 NYCRR 3.5(f)).

(SIGNED)

ELEANOR STEIN