

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

RULING GRANTING, IN PART,
MOTIONS TO AMEND THE COMMENT SCHEDULE

(Issued August 18, 2003)

ELEANOR STEIN, Administrative Law Judge:

Department of Public Service Staff, joined by utility parties, IPPNY, Reliant Energy, Multiple Intervenors, the New York State Consumer Protection Board, Conservation Services Group, Tannery Island Power Corporation, Hydro Power, Inc. and Energy Enterprises, Inc., moved to extend substantially the schedule for filing initial and reply comments in this proceeding. The motion suggests that the deadline for initial comments, formerly August 20, 2003, be extended to September 22, 2003; and that the deadline for reply comments, currently August 29, 2003, be extended to October 20, 2003. Movants sought these extensions to fully assess or reconcile divergent cost and benefit analyses; develop a full record; and provide time for further negotiations. The RETEC coalition parties, agreeing that a short extension is appropriate, opposed lengthy extensions, expressing concern about possible delay in commencing implementation of an RPS. Conservation Services Group shared the concern regarding delay.¹

¹ Conservation Services Group also argues for establishment of a clear demarcation date for resource eligibility; substantive arguments such as this should be reserved for parties' comments and will be analyzed in that context.

The complexity of the cost and benefit studies and the demonstrated importance of a well-thought out RPS plan argue for allocating sufficient time for parties to thoroughly review the studies and other documents on this record for their comments. Accordingly, the motion to extend the filing of the initial comments until September 22, 2003 is granted.

However, the RETEC coalition warnings about unnecessary delay are of concern.² At this time movants have not convincingly demonstrated the urgency of substantially extending the reply comment period and, accordingly, decision is reserved as to the appropriate filing date for reply comments. In addition, in order to expedite the conclusion of the evidentiary phase of this proceeding, parties are instructed to file any additional motions concerning schedule, process, further meetings or added procedural steps, no later than September 15, 2003. Any working groups still intending to file further reports may do so until that date as well.

(SIGNED)

ELEANOR STEIN

² In my August 12, 2003 Letter to Active Parties concerning this motion I erroneously attributed the 2013 target date for attainment of 25% retail renewables to the Instituting Order. This target date is contained in the Working Objectives.