STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

RULING ESTABLISHING COMMENT PROCEDURES

(Issued June 19, 2003)

ELEANOR STEIN, Administrative Law Judge:

INTRODUCTION

The purpose of this Ruling is to establish further procedures for the next phase of this proceeding, following the intensive collaborative work carried out by the parties. In addition, included is the revised statement of Working Objectives, for parties' comments.

THE WORKING GROUP COLLABORATION

The active parties in this proceeding have dedicated an extraordinary amount of time and effort to a serious examination of important issues which will affect New Yorker's environment, development, and electric rates for years to come. Notwithstanding their diversity of interests, parties reached useful consensus in some areas and refined the collective understanding of the possibilities and problems in all. Some groups continue to work on reaching consensus on their issues and have defined ongoing collaborative projects. The participating parties, and the facilitators, are commended for this impressive accomplishment.

There are no further formal plenary collaborative Working Group meetings scheduled, although an off-the-record workshop on cost and benefit methodologies will be held on June 27, 2003.[1] That said, parties are strongly encouraged to

[1] Pursuant to the Notice (issued June 9, 2003) this meeting will take place at 2:00 p.m. at the Commission's Albany offices, in the 19th floor Boardroom.

continue to seek agreement and, in particular, to file comments jointly in groups representing common interests. Ample opportunity remains to build consensus.

The Working Groups generated some consensus and many approaches. Parties are urged to suggest specific solutions or alternatives to the problems and suggestions defined by the working groups. In addition, parties are invited to distinguish between policy issues and implementation. This proceeding is now entering the briefing stage, and the balance of this ruling will establish procedures and schedules.

THE FORMAT AND OUTLINE FOR COMMENTS

As indicated in the Ruling on Motion to Amend Comment Schedule (issued June 13, 2003), cost studies will be filed July 23, 2003, initial comments in this proceeding will be filed on August 15, 2003 and replies on August 26, 2003. In order to join issue effectively and to facilitate analysis of parties' comments, parties should adhere to the format and outline for initial comments circulated to active parties on June 9, 2003. Reply comments must, as is customary, track the format of initial comments.

First, parties need not and should not repeat arguments they have already made in their March 28, 2003 comments. The March 28, 2003 comments are part of the record in this proceeding and will be given careful consideration.

Second, parties are free to comment exclusively on the issues affecting their interests, and to leave parts of the outline blank.

Third, the consensus of working groups, where applicable, is a starting point. Those not party to a consensus may propose alternative approaches, but the consensus areas serve as the reference. Parties should refer to the final documents produced by the Working Groups to clarify issues and identify criteria.

Fourth, parties—in initial comment filings only—may attach exhibits or seek administrative notice of public

documents. However, parties must provide the complete text of any such documents, or a link to reference them.

Finally, parties may use this opportunity to file substantive factual submissions. While many of the issues discussed to date in this proceeding have been policy- rather than fact-oriented, submissions on specific issues of fact will be considered. However, these must be submitted either in affidavit form or with a clear indication of the author of and sources for the opinions contained.[2] Parties may submit factual information with their initial comments; no new factual issues may be adduced on reply, but with their reply comments parties may rebut factual submissions already in the record.

THE REVISED WORKING OBJECTIVES

The Working Objectives, revised in response to parties' expressed concerns, are as follows:

A. Working Target: By the year 2013, at least 25% of the electricity retailed in New York will be derived from renewable resources.

B. Revised Working Objectives:

1. New York's Environment

Improve New York's environment, by reducing air emissions, including greenhouse gas emissions, and other adverse environmental impacts on New York State of electricity generation.

2. Generation Diversity

Diversify New York State's electricity generation mix and improve energy security and reliability.

[2] Parties that have already filed factual submissions without attribution to a named expert or other source must file either a statement from an expert adopting those submissions or either otherwise indicate the author and source of the information contained in the submission. Unattributed factual submissions will be given appropriate weight.

3. Economic Benefits

Develop renewable resources and advance renewable resource technologies in, and attract renewable resource generators, manufacturers, and installers to New York State.

4. Equity and Economic Efficiency

Develop an economically efficient RPS requirement that minimizes adverse impact on energy costs, allocates costs equitably among ratepayers, and affords opportunities for recovery of utility investment.

5. Competitive Neutrality

Develop an RPS compatible with competition in energy markets in New York State.

6. Administrative Fairness and Efficiency

Develop an RPS that is administratively transparent, efficient, and verifiable.

CONCLUSION

In addition to this ruling a high-level informal summary of the Working Groups' conclusions will be circulated. However, parties should rely on and refer to the Working Groups' original documents for far greater detail as to consensus, clarification, and joinder regarding issues.

(SIGNED) ELEANOR STEIN