

From: Moreno, Ashley (DPS)

Sent: Friday, February 24, 2017 4:15 PM

To: alexander.goldman@ag.ny.gov; adevito@CouchWhite.com; adavis@cullenanddykman.com; angela.schorr@directenergy.com; afiore@cityhall.nyc.gov; aadelberg@barclaydamon.com; cluthin@luthin.com; NYRegAdmin@iberdrolausa.com; cpasion@cityhall.nyc.gov; chris.hendrix@texasretailenergy.com; Christopher.Wentlent@constellation.com; darren.suarez@bcnys.org; esenlet@barclaydamon.com; fferreira@bigappleenergy.com; Dwyer, Francis (DPS) <Francis.Dwyer@dps.ny.gov>; gpond@barclaydamon.com; gbunt@cenhud.com; Collar, Gregg (DOS) <Gregg.Collar@dos.ny.gov>; holly.smith@exeloncorp.com; jeffrey.levine@na.engie.com; JLorenzini@cenhud.com; jeremy.euto@nationalgrid.com; john@johncoffman.net; jdowling@nycap.rr.com; jmcmanus@harrisbeach.com; joliker@igsenergy.com; justin.atkins@avangrid.com; Kate.Matuschak@ag.ny.gov; OHare, Kathleen (DOS) <Kathleen.OHare@dos.ny.gov>; ksheehan@bmg.law; kirschbaumk@coned.com; klang@couchwhite.com; kblake@phillipslytle.com; kp@readlaniado.com; lmona@barclaydamon.com; Lisabeth Jorgensen <ljorgensen@utilityproject.org>; m.cinadr@gmail.com; melissa.lauderdale@constellation.com; Zimmerman, Michael (DOS) <Michael.Zimmerman@dos.ny.gov>; mnordlicht@ageraenergy.com; novakm@natfuel.com; Michaelb@greateasternenergy.com; mpiasecki@harrisbeach.com; natarafeller@feller.law; natarafeller@feller.law; Noelle.Kinsch@iberdrolausa.com; pcolbert@cenhud.com; rberkley@utilityproject.org; robynf@greateasternenergy.com; srantala@energymarketers.com; Kramer, Steven (DPS) <Steven.Kramer@dps.ny.gov>; tmonroe@bsfllp.com; tpuchner@phillipslytle.com; Vstrauss@aea.us.org; vferreira@bigappleenergy.com; vtapprovedoil@aol.com; williamdyates@gmail.com; abreidenbaugh@luthin.com; alexander.goldman@ag.ny.gov; adavis@cullenanddykman.com; angela.schorr@directenergy.com; aadelberg@barclaydamon.com; awilliams@nrgenergy.com; cluthin@luthin.com; chris.hendrix@texasretailenergy.com; Christopher.Wentlent@constellation.com; Panko, Danielle (DOS) <Danielle.Panko@dos.ny.gov>; esenlet@barclaydamon.com; fferreira@bigappleenergy.com; Dwyer, Francis (DPS) <Francis.Dwyer@dps.ny.gov>; gnorlander@utilityproject.org; gbunt@cenhud.com; Collar, Gregg (DOS) <Gregg.Collar@dos.ny.gov>; holly.smith@exeloncorp.com; Jbrew@smxblaw.com; jeffrey.levine@na.engie.com; JLorenzini@cenhud.com; jeremy.euto@nationalgrid.com; jessicachiavara@bluerockenergy.com; jmcmanus@harrisbeach.com; Haff, John T (OGS) <John.Haff@ogs.ny.gov>; joliker@igsenergy.com; justin.atkins@avangrid.com; Kate.Matuschak@ag.ny.gov; OHare, Kathleen (DOS) <Kathleen.OHare@dos.ny.gov>; ksheehan@bmg.law; kirschbaumk@coned.com; kp@readlaniado.com; SJEScompliance@sjindustries.com; melissa.lauderdale@constellation.com; mnordlicht@ageraenergy.com; mmager@couchwhite.com; mdangelo2001@yahoo.com; Zimmerman, Michael (DOS) <Michael.Zimmerman@dos.ny.gov>; Michaelb@greateasternenergy.com; novakm@natfuel.com; mpiasecki@harrisbeach.com; natarafeller@feller.law; Noelle.Kinsch@iberdrolausa.com; pcolbert@cenhud.com; pacampora@fluentenergy.com; rberkley@utilityproject.org; robynf@greateasternenergy.com; srantala@energymarketers.com; Kramer, Steven (DPS) <Steven.Kramer@dps.ny.gov>; tpuchner@phillipslytle.com; holt1@natfuel.com; vferreira@bigappleenergy.com; vtapprovedoil@aol.com; wmasey@cov.com; adavis@cullenanddykman.com; tcusati@igsenergy.com; aadelberg@barclaydamon.com; NYRegAdmin@iberdrolausa.com; cathy.hughto-delzer@nationalgrid.com; chris.hendrix@texasretailenergy.com; chris.kallaher@directenergy.com; Christopher.Wentlent@constellation.com; cgoodman@energymarketers.com; esenlet@barclaydamon.com; Epetroccione@cfplegal.com; meinle@natfuel.com; fferreira@bigappleenergy.com; Dwyer, Francis (DPS) <Francis.Dwyer@dps.ny.gov>; gnorlander@utilityproject.org; gbunt@cenhud.com; holly.smith@exeloncorp.com; quinj@oru.com; jeffrey.levine@na.engie.com; jhtraynham@infiniteenergy.com; JLorenzini@cenhud.com;

jeremy.euto@nationalgrid.com; carleyj@coned.com; jmcmanus@harrisbeach.com;
justin.atkins@avangrid.com; Kate.Matuschak@ag.ny.gov; OHare, Kathleen (DOS)
<Kathleen.OHare@dos.ny.gov>; Kathy_Grande@rge.com; ksheehan@bmg.law; kp@readlaniado.com;
mpwebster@nyseg.com; marc.hanks@directenergy.com; marc.hanks@directenergy.com;
melissa.lauderdale@constellation.com; Michaelb@greateasternenergy.com;
mnordlicht@ageraenergy.com; murphymicha@coned.com; doylem@coned.com;
mpiasecki@harrisbeach.com; Ntestani@empireadvocates.com; natarafeller@feller.law;
Noelle.Kinsch@iberdrolausa.com; pcolbert@cenhud.com; rberkley@utilityproject.org;
robbynf@greateasternenergy.com; rgarlapow@nfrinc.com; srantala@energymarketers.com; Kramer,
Steven (DPS) <Steven.Kramer@dps.ny.gov>; tpuchner@phillipslytle.com; holtt1@natfuel.com;
Vstrauss@aea.us.org; vferreira@bigappleenergy.com; vtapprovedoil@aol.com

Cc: Van Ort, David (DPS) <David.VanOrt@dps.ny.gov>

Subject: ESCO Proceeding - Guidance for Parties (Cases 15-M-0127, 12-M-0476, 98-M-1343)

To the parties:

Several parties have contacted Judge Van Ort and me with questions. The questions and answers are listed below for your information.

Ashley Moreno

Administrative Law Judge

Office of Hearings and Alternative Dispute Resolution

Department of Public Service

3 Empire State Plaza, Albany, NY 12223

t (518) 473-8123 | f (518) 473-3263 | ashley.moreno@dps.ny.gov

www.dps.ny.gov

Q4. Q. Now that a Protective Order has been adopted in these proceedings, what process must parties follow for requesting confidential treatment of documents?

A. The Ruling Adopting Protective Order and Notice to Non-Parties, issued February 17, 2017, supersedes the instructions provided in Judge Moreno's February 8, 2017 Ruling. Parties are required to request confidential treatment of documents following the process described in the Protective Order.

Q5. Q. Must I submit documents in conformance with the Protective Order even if I have not signed the Protective Agreement, Attachment 1 to the Protective Order?

A. Yes. Executing the Protective Agreement, Attachment 1 of the Protective Order, may entitle a party access to Protected Information. Regardless of whether a party executes the Protective Agreement, it is required to comply with the processes described in the Protective Order.

Q6. Q. Are documents provided to DPS Staff, UIU and NYAG protected from disclosure pursuant to FOIL?

A. Yes. While DPS Staff, UIU and NYAG are not required to execute the Protective Agreement to have access to Protected Information, they are nevertheless bound by the terms of the Protective Order (see Protective Order, paragraph 4).