

PUBLIC UTILITY LAW PROJECT OF NEW YORK

June 24, 2016

Honorable Elizabeth H. Liebschutz
Chief Administrative Law Judge
Office of Hearings
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350

Re: Case 16-G-0058 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corp. dba Brooklyn Union of L.I. for Gas Service – Appointment of a Settlement Judge

Case 16-G-0059 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company dba National Grid NY for Gas Service – Appointment of a Settlement Judge

Dear Judge Liebschutz:

I am writing to you on behalf of the Public Utility Law Project (Utility Project) to request the appointment of a settlement judge in the above-captioned proceedings. It is my belief at this time that the appointment of a settlement judge will add to the smooth and expeditious progress of this proceeding, and will allow a fuller development of the record by all of the parties, as I explain below.

Settlement discussions in above-referenced proceedings commenced on Tuesday, June 14, 2016 in Albany. On Tuesday, June 21, 2016, based on mutual consent of the parties of pursuing a joint proposal, ALJ David Van Ort approved a one-month postponement of the litigation schedule to allow for continuing settlement discussions. Nevertheless, the evidentiary hearings are now scheduled to begin very soon—on July 5, and the settlement meetings have appeared overly rushed, without the ability of all parties to present and defend their testimony and positions.

Given the large number of parties involved in the proceeding, the large scope of the proceeding and the limited amount of time available for negotiations, the Utility Project believes that a settlement judge is needed to ensure that all parties are able to participate fully in the settlement process. Based upon our experience during the settlement discussions held on Monday and Wednesday of this week, it is our concern that the full and fair participation that furthers the public interest may not occur. For example, just this week the Utility Project, and other intervenors, were denied the time to present and discuss with the parties the reasons for their positions.

The Utility Project believes that the assignment of a settlement ALJ will not jeopardize the settlement schedule, but rather that having a neutral arbiter managing the settlement discussions would further the public interest, result in a full and well developed record, and better ensure that all relevant issues are heard and given their appropriate deliberation.

Thank you for your attention to this matter. I am happy to follow-up as necessary to provide more context for my request, if your Honor desires.

Sincerely,

/s/

Richard Berkley, Esq.
Executive Director
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