

1 9/4/2024 - Public Service Commission - 24-E-0461

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 CASE 24-E-0461 AND CASE 24-E-0462 - Proceeding on
5 Motion of the Commission as to the Rates, Charges,
6 Rules and Regulations of Central Hudson Gas &
7 Electric Corporation for Electric and Gas Service.

8 PROCEDURAL CONFERENCE

9 DATE: SEPTEMBER 4, 2024

10 LOCATION: Webex

11 BEFORE: ALJ LEAH S. AMYOT

12 ALJ ERIKA BERGEN

13

14

15

16 Reported by Nwamaka Dawson

17

18

19

20

21

22

23

24

25

1 9/4/2024 - Public Service Commission - 24-E-0461

2 (The hearing commenced at 10:33 a.m.)

3 A.L.J. AMYOT: Good morning, everyone.

4 Good morning, everyone. We're calling cases 24-E-
5 0461 and 24-E-0462, proceeding on motion of the
6 Commission as to the rates, charges, rules, and
7 regulations of Central Hudson Gas and Electric
8 Corporation for electric and gas service.

9 My name is Leah Amyot. I'm an
10 administrative law judge with the Department of
11 Public Service. Together with me this morning is
12 Administrative Judge -- Law Judge Erika Bergen. We
13 will be presiding over these rate proceedings.

14 We're here this morning for procedural
15 and technical conferences that were noticed by the
16 secretary to the Commission on August 7th, 2024. We
17 will start with the procedural conference and then
18 immediately follow with the technical conference.
19 Initially, what I'd like to do is take appearances.
20 So I'm going to go down the party list of people who
21 have already registered to be parties, and as I do so
22 please identify yourself and spell your name.

23 First, we have Central Hudson.

24 MR. FITZGERALD: Good morning. On
25 behalf of the law firm of Cullen and Dykman, Brian

1 9/4/2024 - Public Service Commission - 24-E-0461
2 Fitzgerald. B-R-I-A-N, F-I-T-Z-G-E-R-A-L-D. Also
3 with me is Greg Nickson. G-R-E-G, N-I-C-K-S-O-N.

4 A.L.J. AMYOT: Great. Could we also
5 have the Department of Service next? Department of
6 Public Service?

7 MR. GOODRICH: Good morning, Your
8 Honors. Can you hear me?

9 A.L.J. AMYOT: Yes.

10 MR. GOODRICH: This is Brandon
11 Goodrich. B-R-A-N-D-O-N, G-O-O-D-R-I-C-H. And with
12 me is Alison Wrynn, A-L-I-S-O-N, W-R-Y-N-N,
13 representing the Department of Public Service trial
14 staff.

15 A.L.J. AMYOT: Okay. Communities for
16 Local Power next.

17 MS. DACRUZ: Good morning, Judge. My
18 name is Rosemary DaCruz with Communities for Local
19 Power. That's R-O-S-E-E-M-A-R-Y (sic), D-A-C-R-U-Z.
20 I'm joined by Troy Ellen Dixon. That's T-R-O-Y, E-L-
21 L-E-N, D-I-X-O-N. And I believe that's all that's on
22 for our party.

23 A.L.J. AMYOT: Okay. Great. Key
24 Capture Energy?

25 Okay. Let's move on to Multiple

1 9/4/2024 - Public Service Commission - 24-E-0461
2 Intervenors, please.

3 MR. GOODMAN: Good morning, Your
4 Honor. This is Jay Goodman of the law firm of Couch
5 White, appearing on behalf of Multiple Intervenors.
6 Name Jay Goodman, J-A-Y, G-O-O-D-M-A-N.

7 A.L.J. AMYOT: Is there anyone with
8 you today, Mr. Goodman?

9 MR. GOODMAN: No. Not today.

10 A.L.J. AMYOT: Okay. All right.
11 Next, let's do the New York -- the State --
12 Department of State Utility intervention Unit.

13 MR. ROSWICK: Good morning, Your
14 Honor. This is John Roswick, lead counsel for UIU.
15 J-O-H-N, R-O-S-W-I-C-K. I have a few colleagues on
16 the phone as well. Abiodun Rufai, A-B-I-O-D-U-N,
17 Rufai is R-U-F-A-I. I also have Pooja Oberoi on the
18 phone. Pooja spells her name P-O-O-J-A, and the last
19 name is O-B-E-R-O-I.

20 A.L.J. AMYOT: Okay. Great.

21 MR. ROSWICK: I note that we might
22 have one more person coming on today, Gregg Collar.
23 I can spell his name for you or --

24 A.L.J. AMYOT: Sure.

25 MR. ROSWICK: Gregg is G-R-E-G-G;

1 9/4/2024 - Public Service Commission - 24-E-0461

2 Collar is C-O-L-L-A-R.

3 A.L.J. AMYOT: Okay. Thank you.

4 MR. ROSWICK: A lot of spellings.
5 Sorry about that.

6 A.L.J. AMYOT: That's okay. The
7 Public Utility Law Project of New York?

8 MS. CORP: Good morning. This is
9 Alicia Corp on behalf of PULP. Alicia, A-L-I-C-I-A,
10 and Corp is C-O-R-P. And I'm joined by Laurie
11 Wheelock. L-A-U-R-I-E, W-H-E-E-L-O-C-K. Thank you.

12 A.L.J. AMYOT: Okay. Great. Assembly
13 Member Sarahana Shrestha?

14 MR. WOLCOTT: Hi. My name is -- hi,
15 Your Honors. Good morning. My name is Ben --
16 Benjamin Wolcott. I'm Assemblymember Shrestha's
17 chief of staff. My name is spelled B-E-N-J-A-M-I-N,
18 W-O-L-C-O-T-T. The assemblymember couldn't make it
19 this morning but is a party to the case, and if you'd
20 like me to spell her name, I'm happy to.

21 A.L.J. AMYOT: No, that's okay. Next,
22 we have Town of Olive.

23 MR. STRAUSS: Good morning, Your
24 Honors. This is Simon Strauss. That's spelled S-I-
25 M-O-N, S-T-R-A-U-S-S. Thank you.

1 9/4/2024 - Public Service Commission - 24-E-0461

2 A.L.J. AMYOT: Thanks. And then we
3 have Walmart.

4 MR. LEE: Good morning, Your Honor.
5 This is Steven Lee from the law firm of Spilman,
6 Thomas & Battle, appearing on behalf of Walmart.
7 First name is S-T-E-V-E-N; last name is Lee, L-E-E.

8 A.L.J. AMYOT: Okay. Great. Is there
9 anyone who has made an appearance who has not yet
10 requested party status?

11 Does anyone else want to make an
12 appearance?

13 Okay. It sounds like we're all set
14 there. All right. Before we discuss the requests
15 for party status, we're going to review the parties'
16 responsibilities and rights in commission
17 proceedings.

18 Even though you do not need to be an
19 attorney to represent a party in Commission
20 proceedings, all persons appearing before the
21 Commission must conform to the standards of conduct
22 required of attorneys appearing before the courts in
23 New York. I just want to warn everyone that failure
24 to adhere to those standards could subject you or the
25 party you represent to sanctions, including exclusion

1 9/4/2024 - Public Service Commission - 24-E-0461
2 from this and later proceedings before the
3 Commission.

4 In addition, you are required to
5 become familiar with and adhere to the Commission's
6 rules of procedure, which are found at 16 New York
7 Code Rules and Regulations, that's the NYCRR, and
8 it's Parts I to VI. 16 NYCRR, Parts I to VI. You're
9 required to read and follow the rulings of the judges
10 as well. Again, the failure to adhere to the rules
11 and rulings may result in sanctions.

12 Okay. This is an evidentiary
13 proceeding, meaning the Commission's decision must be
14 based on record evidence. Testimony and exhibits
15 filed by parties are therefore required to be
16 prepared by persons with expertise in the subject
17 matter. Parties may not submit testimony that
18 summarizes public comments filed in the case. While
19 all public comments become part of the administrative
20 record, those comments are unsworn and therefore have
21 no evidentiary value. Again, because this is an
22 evidentiary process, the rule barring ex parte
23 communication also applies. That rule prohibits any
24 substantive contact about this case, written or
25 verbal, between one party and the judges, or any

1 9/4/2024 - Public Service Commission - 24-E-0461
2 other senior staff at the Department, without the
3 other parties also being present or copied to
4 correspondence. This rule exists to ensure that no
5 party can gain an unfair advantage by discussing a
6 substantive issue of the case with us without other
7 parties present. To the extent that any party has a
8 purely procedural question, they may contact me or
9 Judge Bergen.

10 Finally, if any person or entity
11 intends to simply follow the case and participate by
12 filing public comments, they need not become a party
13 to do so. However, we recommend that you sign up to
14 be on the service list. Instructions on how to apply
15 for party status or subscribe to the service list are
16 contained in the secretary's notice of these
17 conferences.

18 Does anyone have any questions?

19 Okay. Regarding party status, several
20 entities are parties to both cases. Some are only
21 parties to the electric case. If you have requested
22 status in one proceeding, it is not automatically
23 conferred in both proceedings. Please ensure that
24 your requests have been recorded as you intended.
25 Going forward, requests for party status will be

1 9/4/2024 - Public Service Commission - 24-E-0461
2 treated as motions. Any person seeking party status
3 will be provisionally added to the party list. If
4 there are no timely objections to party status and we
5 raise no concerns ourselves, party status may be
6 assumed to be conferred.

7 I'm going to ask, are there any
8 objections to requests for party status to date?

9 MR. FITZGERALD: No objections from
10 the company, Your Honor.

11 A.L.J. AMYOT: Okay. Great. Anyone
12 else.

13 Okay. Hearing no objections, party
14 status is hereby granted to all. As a reminder to
15 staff, you must file a list of persons designated as
16 trial staff in these proceedings pursuant to Rule
17 4.3(d) as soon as possible and update the list with
18 additions as needed.

19 Okay. Next, addressing the protective
20 order, we have already issued a ruling adopting a
21 protective order in these proceedings. Parties
22 seeking access to protected information in these
23 proceedings must execute the protective order
24 acknowledgment, file it with the secretary, and serve
25 it on all parties and the judges. When you file the

1 9/4/2024 - Public Service Commission - 24-E-0461
2 protective acknowledgment in the Department's
3 Document Matter and Management System, otherwise
4 known as DMM, please select protective order as the
5 document type to help other parties quickly establish
6 who is eligible to access protected information.

7 Are there any questions?

8 Okay. Next, we're going to cover some
9 reminders about the discovery process. All
10 objections to discovery must be made in writing and
11 served on all parties and the judges. Parties are
12 obligated to make good-faith attempt to -- attempts
13 to resolve discovery disputes among yourselves before
14 elevating the dispute to motion practice. Parties
15 are also obligated to promptly amend discovery
16 responses if they learn the responses are incorrect
17 or no longer correct in a material respect.

18 Service of discovery shall be made on
19 all parties electronically unless files are very
20 large. Then discovery may be made by mail or with
21 the consent of the parties through a portal. If you
22 are using a portal, remember that all discovery
23 materials posted must remain there throughout these
24 proceedings. If a response to a discovery request
25 requires an update, the original and the updated

1 9/4/2024 - Public Service Commission - 24-E-0461
2 responses must both appear in the portal. We, the
3 ALJs, do not require copies of discovery unless
4 objections are made.

5 Finally, the parties are required to
6 review Part 5 of the Commission's rules, which govern
7 discovery. The rules specifically allow the judges
8 to establish a cut-off date for discovery. Parties
9 should be efficient and mindful in their discovery
10 requests to avoid prolonging the discovery process or
11 interfering with other parties' ability to prepare
12 their own documents for a timely submission. If we
13 are informed that any party is not being efficient in
14 its discovery, we may impose a deadline.

15 With respect to schedule, Central
16 Hudson circulated a schedule on August 30th. For the
17 benefit of the record, the proposal that Central
18 Hudson circulated is as follows: Central Hudson's
19 corrections and updates to revenue requirement are
20 due October 3rd, 2024; staff and intervenor testimony
21 on November 22nd, 2024; rebuttal testimony on
22 December 18th, 2024; and the commencement of the
23 evidentiary hearing will be on January 7th, 2025.

24 In its email correspondence, Central
25 Hudson indicated that staff supports the schedule and

1 9/4/2024 - Public Service Commission - 24-E-0461
2 that Multiple Interveners, UIU, and PULP have
3 indicated no objection to the schedule. The
4 remaining individuals and entities on the party list
5 have not commented on or expressed opposition to the
6 proposed schedule.

7 Would anyone like to be heard
8 regarding the schedule? Anybody?

9 Okay. It sounds like no one has any
10 comments, and we will issue a ruling on the schedule
11 very soon.

12 With respect to testimony and
13 exhibits, we would like to take a moment to emphasize
14 that staff should clearly and expressly characterize
15 the rate drivers, both in a positive and negative
16 direction, when it files its testimony. More
17 generally, parties intending to file initial or
18 rebuttal testimony must adhere to the Commission's
19 rules regarding testimony, and see in particular Rule
20 4.5. Exhibits must be a separate document or
21 documents from testimony.

22 Any party that does not adhere to the
23 rules is subject to sanctions, including the
24 exclusion of their testimony and exhibits from the
25 record, and being prohibited from filing further

1 9/4/2024 - Public Service Commission - 24-E-0461
2 testimony or exhibits in the case. The parties
3 should collaborate on a draft pre-filed exhibit list
4 that can be populated throughout the proceeding. The
5 purpose of creating this draft early is to alleviate
6 pressure on the parties just prior to the evidentiary
7 hearing. This draft will have no bearing on exhibits
8 introduced and accepted into evidence at the hearing.
9 Instead, evidentiary hearing procedures will be
10 outlined prior to the hearing.

11 We recognize that settlement
12 discussions might be conducted after all testimony is
13 filed. If there is a request to delay the
14 evidentiary hearing to allow time for settlement
15 negotiations, we will require the company to consent
16 to an extension of the suspension period of no less
17 than sixty days. It has been our experience that
18 major rate cases do not settle in thirty days. Any
19 additional request to delay the evidentiary hearing
20 must be accompanied by the company's consent to a
21 further extension of the suspension period, and if
22 granted, it will be accompanied by the assignment of
23 a settlement judge.

24 We remind the parties that, to the
25 extent Central Hudson seeks to be made whole during

1 9/4/2024 - Public Service Commission - 24-E-0461
2 that period, there will be a financial impact on the
3 ratepayers. Parties are therefore encouraged to
4 conduct settlement discussions in an efficient and
5 productive manner. The assistance of a settlement
6 judge may be requested by any party at any time by
7 emailing Judge Bergen and myself with a copy to the
8 Chief Administrative Law Judge, Dakin Lecakes.

9 We will be holding in person public
10 statement hearings after the new year, possibly in
11 January. As a reminder, the primary purpose of the
12 public statement hearings is to give members of the
13 public a forum to provide their comments to the
14 Commission. While parties are not prohibited from
15 making comments at public statement hearings, a
16 party's case must be made through sworn testimony and
17 exhibits. Unsworn statements made at public
18 statement hearings have no evidentiary value. Also
19 be aware that any party requesting to make a comment
20 will be called after all members of the public have
21 made their statements to ensure that members of the
22 public have ample opportunity to be heard by the
23 Commission.

24 In addition, we do not consider
25 requests to be scheduled at a specific time or in a

1 9/4/2024 - Public Service Commission - 24-E-0461
2 specific order to speak at the public statement
3 hearing. That is because no person or organization's
4 time is more valued than that of any other party or
5 member of the public.

6 Finally, if a party wants to make a
7 comment at a public statement hearing but cannot
8 attend the event, that party may not send another
9 person to read a statement. Instead, the written
10 statement should be filed on DMM in the public
11 comments tab. This is because first, it is not fair
12 to others who actually take the time to be -- to
13 appear on behalf of themselves, and second, comments
14 given at public statement hearings are not given more
15 weight than comments filed on DMM. Thus, filing your
16 comment online rather than having someone else read
17 it into a transcript does not affect how much
18 consideration your comment is given.

19 Okay. Are there any questions or
20 other issues that the parties wish to address? Any
21 questions, anybody?

22 MR. FITZGERALD: No questions, Your
23 Honor, from the company.

24 A.L.J. AMYOT: Great.

25 MR. GOODRICH: Nor any from staff.

1 9/4/2024 - Public Service Commission - 24-E-0461

2 A.L.J. AMYOT: Thank you. Hearing
3 nothing further raised, the procedural conference is
4 concluded. Once we are off the record, we will
5 discuss the logistics of the technical conference.
6 The technical conference will begin in ten minutes.
7 So court reporter, we're ready to go off the record
8 now.

9 THE COURT REPORTER: Yes, Judge. The
10 time is 10:53 a.m. We are off the record.

11 (The hearing concluded at 10:53 a.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 9/4/2024 - Public Service Commission - 24-E-0461

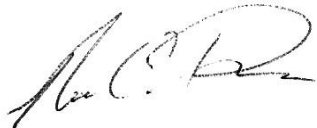
2 STATE OF NEW YORK

3 I, NWAMAKA DAWSON, do hereby certify that the
4 foregoing was reported by me, in the cause, at the
5 time and place, as stated in the caption hereto, at
6 Page 1 hereof; that the foregoing typewritten
7 transcription consisting of pages 1 through 16, is a
8 true record of all proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 4th day of September,
11 2024.

12

13

A handwritten signature in black ink, appearing to read 'Nwamaka Dawson', is written over a faint, dotted rectangular box.

14 NWAMAKA DAWSON, Reporter

15

16

17

18

19

20

21

22

23

24

25