

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

CASE 24-G-0462 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Central Hudson Gas & Electric Corporation for Gas Service.

RULING FURTHER POSTPONING EVIDENTIARY HEARING
AND ESTABLISHING HEARING PROCEDURES

(Issued May 6, 2025)

LEAH SOULE AMYOT and ERIKA BERGEN, Administrative Law Judges:

At the request of Central Hudson Gas and Electric Corporation (Company), we previously granted adjournments of the evidentiary hearing in these proceedings until May 19, 2025, to accommodate settlement negotiations. In granting those requests, we relied upon the representations made by the Company that a Joint Proposal was expected to be filed on or about April 4, 2025 and, thereafter, its representation on April 3, 2025 that various parties had reached an agreement in principle. In addition, we relied upon representations by DPS Staff on April 14, 2025, that the settling parties had reached a tentative agreement in principle with "one remaining issue" to resolve and "minor edits" to make. According to DPS Staff, the anticipated filing date for the Joint Proposal was on or about April 21, 2025. Given the representations made throughout April that the settling parties had reached an agreement in principle and that the filing of a Joint Proposal was imminent, we granted every request to postpone the evidentiary hearing in these cases, ultimately to May 19, 2025, as requested by the Company.

On May 5, 2025, DPS Staff submitted a letter requesting that we again postpone the evidentiary hearing. The Joint Proposal has not been filed and DPS Staff asserts, without elaboration, that the parties "require additional time to finalize and submit a [J]oint [P]roposal."

Given the lack of a Joint Proposal, we grant the request for an adjournment. Therefore, we postpone the evidentiary hearing until June 16, 2025. This postponement will provide any party interested in filing statements in opposition to the Joint Proposal a reasonable opportunity to do so and will facilitate our own review of the terms of the Joint Proposal prior to the hearing. Based upon the representations of the Company and Staff, we expect that hearing will not be fully litigated but, rather, a hearing to evaluate the Joint Proposal.

At the hearing, we will permit the Joint Proposal's signatory parties to present a unified panel of witnesses to appear in support of the agreement. To ensure the appropriate witnesses appear at the hearing, any party that intends to cross-examine a witness or witness panel must email us, no later than May 19, 2025, with a copy to all parties, a request for cross examination. This request should identify the witness/panel you intend to cross-examine, the topic you intend to inquire into - with reasonable specificity - as well as the amount of time you request per witness/panel.

In addition, we remind the parties that we require a summary of the Joint Proposal to be filed and emailed to us as a separate document at the same time the Joint Proposal is filed. Given the time constraints apparent in this case, we ask each party intending to oppose the Joint Proposal to email to us and all other parties an issues statement outlining the main areas of their opposition no later than two days after the filing of the Joint Proposal.

We intend to accept the Joint Proposal and its appendices into the evidentiary record as exhibits at the evidentiary hearing. To the extent that any party intends to offer additional exhibits into the record, that party must file the document on DMM as a proposed exhibit and circulate it to us and all other parties no later than June 9, 2025.

At the outset of these cases, we indicated our expectation that the parties would work collaboratively to compile a consensus exhibit list as the cases progressed. The parties are required to provide a proposed consensus exhibit list no later than June 9, 2025. We will address any objections to the proposed exhibits at the hearing.

We require the Company and DPS Staff to adopt the factual statements included in the Joint Proposal, as well as their respective statements in support of the Joint Proposal, as sworn testimony in these proceedings; any other party may elect to do the same. This may be accomplished by offering witnesses at the hearing or providing affidavits. Statements in support of the Joint Proposal that comply with the Commission's settlement guidelines are required to be filed by all signatory parties; parties intending to oppose the Joint Proposal must file statements in opposition thereto. Such statements must be filed and served on us and all parties at a date that we will determine once the Joint Proposal is filed. Given the ongoing delay in filing the Joint Proposal, we are not able to accommodate the filing of reply statements.

Finally, we direct the Company and Staff to file and serve witness affidavits adopting their respective testimonies regarding the most recent management audit (see Public Service Law §66(19)(c)) no later than June 13, 2025.

We will establish deadlines for post-hearing submissions in a separate ruling after the conclusion of the evidentiary hearing.

(SIGNED)

LEAH SOULE AMYOT

(SIGNED)

ERIKA BERGEN