

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 23-W-0235 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Liberty Utilities (New York Water) Corp. for Water Service.

RULING ON SCHEDULE

(Issued June 3, 2024)

TARA A. KERSEY and DAKIN LECAKES, Administrative Law Judges:

On May 31, 2024 Liberty Utilities (New York Water) Corp. and Department of Public Service Staff filed a Joint Proposal resulting from the parties' settlement negotiations.

We adopt the following schedule:

June 26, 2024	Initial Statements on the Joint Proposal (Support and Opposition) with any new testimony and exhibits focused solely on the Joint Proposal's provisions that a party wishes to submit
July 9, 2024	Reply Statements (if necessary)
July 16, 2024	Evidentiary Hearing Commencing

For the above filing deadlines, the parties must email their documents to us and to each other and file them with the Commission's Secretary by 4:30 PM. As the Joint Proposal proponents have the burden of proving that the proposed settlement is in the public interest, their documents should set forth the rationale underlying their support, as well as how the settlement of issues compares to both their litigated position and what they regard as the likely outcome of litigation.

Parties are encouraged to refer to the Commission's Settlement Guidelines in preparation of their statements.<sup>1</sup>

An evidentiary hearing will commence on Tuesday, July 16, 2024. The hearing will be held at the Public Service Commission's Albany offices. The time and hearing room location will be the subject of a Secretary's Notice to be issued prior to the hearing date. All persons who intend to attend the hearing, and who are not Department of Public Service employees, must provide their name via email to Aisha Hammer (Aisha.Hammer@dps.ny.gov), prior to 3:00 p.m. on Friday, July 12, 2024, and must be prepared to show valid photo identification upon arrival at 3 Empire State Plaza. These procedures are necessary to comply with building security requirements.

A prehearing conference will be held via Webex and telephone on Thursday July 11, 2024. Details will be sent prior to that date via email.

In addition, the sponsoring parties should prepare an Exhibit List of exhibits to be moved into evidence at the hearing. With the Joint Proposal having supplanted parties' testimonial positions in this matter, the Exhibit List should include all testimony as exhibits and such testimony will not be adopted but shall be used only to establish the range of likely outcomes had this case proceeded to full litigation.<sup>2</sup>

The parties are reminded that the only issue to be litigated at the evidentiary hearing is whether the Commission should adopt, reject, or modify the Joint Proposal. In considering whether to adopt, reject or modify a Joint Proposal,

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<sup>1</sup> Case 90-M-0255 et al., Proceeding on Motion of the Commission Concerning its Procedures for Settlement and Stipulation Agreements, filed in C 11175, Opinion No. 92-2 (issued March 24, 1992), See *id.*

<sup>2</sup> *Id.* at p. 30.

the Commission must consider: 1) whether the Joint Proposal, as a whole, is consistent with the law and with regulatory, economic, social and environmental policies of the Commission and the State; 2) whether the result compares favorably with the likely result of full litigation and is within the range of reasonable outcomes; 3) whether the settlement strikes a fair balance among the interests of ratepayers, the utilities' investors and the long-term soundness of the utilities; 4) the existence of a rational basis for decision; 5) the completeness of the record; and 6) whether the settlement is contested.<sup>3</sup>

The decision whether to allow post-hearing briefing will be made at the conclusion of the evidentiary hearing. Additional information concerning preparation for the hearing will be sent to the parties by email.

(SIGNED)

TARA A. KERSEY

(SIGNED)

DAKIN LECAKES

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<sup>3</sup> Id.