

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

- CASE 25-E-0375 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York State Electric & Gas Corporation for Electric Service.
- CASE 25-G-0378 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York State Electric & Gas Corporation for Gas Service.
- CASE 25-E-0379 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Rochester Gas and Electric Corporation for Electric Service.
- CASE 25-G-0380 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Rochester Gas and Electric Corporation for Gas Service.

RULING GRANTING EXTENSION REQUEST

(Issued October 24, 2025)

TARA A. KERSEY and ASHLEY MORENO, Administrative Law Judges:

We established a schedule for these proceedings in a July 23, 2025 Ruling Concerning Party Status, Schedule and Other Procedural Matters (July Ruling). As relevant here, the July Ruling requires DPS Staff and intervenor parties to file direct testimony and exhibits on October 30, 2025, rebuttal testimony and exhibits to be filed by November 24, 2025, and an evidentiary hearing to commence on December 8, 2025.

On October 21, 2025, trial staff of the Department of Public Service (DPS Staff) filed a letter motion seeking an extension of the October 30, 2025 deadline for filing testimony and exhibits. It states that due to the significance of the requested rate increase and the voluminous discovery, some of

which it alleges was provided untimely, it seeks additional time to prepare its revenue requirement models and "to be able to present a full and complete response to the Companies' requested rate increases." DPS Staff states that the additional time "will ensure that the record effectively addresses the affordability concerns voiced by ratepayers to the fullest extent possible" and "will allow for better development of a complete administrative record".

By email the same day, we advised the parties that we were shortening the time to provide response to the motion and that any party wishing to respond to DPS Staff's motion must file it by October 23, 2025. Responses were filed by Climate Solutions Accelerator of the Genesee-Finger Lakes Region (CSA); Roger Caiazza; Tompkins County Department of Planning and Sustainability (Tompkins County); Utility Intervention Unit, Division of Consumer Protection, Department of State (UIU); Multiple Intervenors (MI); Alliance for a Green Economy (AGREE) and People United for Sustainable Housing (PUSH) Buffalo; Nucor Steel Auburn, Inc. (Nucor); Office of Assemblyman Patrick Burke, Office of Assemblywoman Sarah Clark, Office of State Senator Shelley Mayer, Office of Assemblymember Paula Elaine Kay, Office of Assemblymember Anna Kelles, Office of Assemblymember Chris Burdick, Office of State Senator Jeremy Cooney, and the Westchester County Executive (together, Elected Officials); Public Utility Law Project of New York, Inc. (PULP); Fossil Free Tompkins (FFT); and, New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) (together, the Companies).

Support for DPS Staff's motion was filed by CSA, Caiazza, Tompkins County, UIU, MI, AGREE and PUSH Buffalo, Nucor, Elected Officials, PULP, and FFT. Several parties also alleged tardy discovery responses or attachments to discovery in

voicing their support. Both UIU and Multiple Intervenors stated that the Companies' supplemental corrections and updated testimony and exhibits, that they filed 11 days after the established deadline without prior approval,¹ provided further rationale for providing parties additional time for the preparation of direct testimony. CSA noted its appreciation for DPS Staff's due diligence in responding to the Companies' filing particularly in consideration of "the recent management audit findings in 23-M-0103" and noted that "(a) regulated monopoly can only work if the regulators are given the tools and resources needed to ensure that the Companies' filing (sic) meets the standard of 'safe and reliable service at just and reasonable rates.'" For its part, MI highlights the import of DPS Staff having adequate time to complete its review of the Companies' rate filings and discovery responses and shape the record because "[DPS] Staff is the only party that will conduct a comprehensive analysis of the Companies' rate filings." These parties also understood DPS Staff's request to apply to all intervenors and urged that any extension granted to DPS Staff also be granted to them. None of these parties opined on the remainder of the schedule we established, apart from AGREE and PUSH Buffalo who requested we shorten the 10-day response period applicable to discovery to seven days.

The Companies state that they neither oppose nor support DPS Staff's request however, they dispute the allegation that tardy discovery responses represent any meaningful justification for the extension and note that it would have a significant impact on the remainder of the schedule in consideration of the November and December holidays. They contend that should we grant DPS Staff's request, that fairness would suggest that the date for rebuttal should similarly be

¹ See Attachment.

extended by the same eight additional days. However, they believe that due to the Thanksgiving holiday occurring during that period, it would be unfair and unreasonable to set the due date eight days later.

We recognize that because the parties are adjudicating four complete rate proceedings simultaneously, it represents a significant workload. We are also acutely aware that the requested rate increases are significant for each of the four businesses. As MI identifies, DPS Staff is the only party responsible for looking at the entirety of the records in these cases. For those reasons and those highlighted above, we find it to be in the public interest and in ratepayers' interest, to allow DPS Staff a modest amount of additional time to prepare its testimony. We therefore grant DPS Staff's motion. In the interest of equity, we will likewise provide that time to intervenors. DPS Staff and Intervenor testimony and exhibits are now due by 4:30 p.m. on Friday, November 7, 2025.

The only parties seeking additional time to prepare rebuttal testimony are NYSEG and RG&E. In establishing the schedule for these proceedings, we cautioned that to timely bring this matter to the Commission, there is no additional time built into the schedule.² We recognize that the Companies are the parties with the most significant amount of rebuttal testimony to be prepared in these proceedings. We therefore will grant additional time for parties to file rebuttal testimony, it now must be filed no later than 4:30 p.m. on Monday, December 1, 2025. The date for the commencement of the evidentiary hearing remains to be December 8, 2025. While we are sympathetic to the Companies concern with the schedule impacting the parties' enjoyment of the holidays, we simply do not have time built into our schedule to make significant

² July Ruling, p. 3.

adjustments as we cautioned at the beginning of these proceedings.

To the extent NYSEG and RG&E wish for additional time to provide rebuttal testimony and hearing preparation, we are amenable to granting an extension of rebuttal testimony to December 5, 2025, and commencing the evidentiary hearing January 5, 2025, if the Companies grant an extension of the suspension period by 60 days. This would allow the parties to enter settlement discussions prior to the evidentiary hearing to reduce the number of issues litigated during the hearing. Should the Companies wish to proceed with that approach, they should file such extension no later than close of business Thursday, November 6, 2025.

Lastly, we deny AGREE and PUSH Buffalo's request to shorten the time to provide discovery responses. All parties will be burdened by the compressed time of the adopted schedule. Under the circumstances, we find it unreasonably burdensome to require parties to provide more expeditious responses to discovery while they are preparing testimony. Parties should proceed accordingly.

(Signed)

TARA A. KERSEY

(Signed)

ASHLEY MORENO