

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 22-E-0064 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service.

CASE 22-G-0065 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Gas Service.

RULING ON PROCESS AND SCHEDULE

(Issued March 6, 2023)

JAMES A. COSTELLO and ASHLEY MORENO, Administrative Law Judges:

We convened a procedural conference with the parties on March 2, 2023, for the purpose of understanding the scope of opposition to the Joint Proposal filed on February 16, 2023, and to discuss the parties' positions<sup>1</sup> with respect to the process and schedule for developing the evidentiary record.

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<sup>1</sup> The procedural conference was attended by representatives of Consolidated Edison Company of New York, Inc. (Con Edison); trial staff of the Department of Public Service (DPS Staff); Advanced Energy United (AEU); Alliance for a Green Economy (AGREE) and WE ACT for Environmental Justice (WE ACT); Association for Energy Affordability, Inc.; City of New York (CNY); CityBridge, LLC; Consumer Power Advocates (CPA); Digital Energy Corp.; Direct Energy Business Marketing LLC, et al. (NRG); Environmental Defense Fund (EDF); Independent Power Producers of New York, Inc. (IPPNY); Metropolitan Transportation Authority (MTA); National Railroad Passenger Corporation (AMTRAK); Natural Resources Defense Council (NRDC); New York Energy Consumers Council, Inc. (NYECC); New York Geothermal Energy Organization (NY-Geo); New York State Senator Robert Jackson, 31<sup>st</sup> Senate District; Public Utility Law Project of New York, Inc. (PULP); United States General Services Administration (USGSA); UtiliSave, LLC; Utility Intervention Unit, Division of Consumer Affairs, Department of State (UIU); Utility Workers Union of America, Local 1-2, AFL-CIO (UWU); Walmart, Inc.; and Bob Wyman.

At the procedural conference, various parties stated their opposition to the electric and/or gas provisions of the Joint Proposal in whole or part and reserved the right to conduct cross examination of Con Edison, DPS Staff, and possibly other proponents of the Joint Proposal at any evidentiary hearing. DPS Staff proposed three process schedules for consideration. Under the first and second proposals, Statements in Support/Opposition to the Joint Proposal would be due by March 23, 2023. Under the third proposal, such statements would be due by March 29, 2023. Reply Statements would be due by March 30, 2023, under the first proposal, and by April 5, 2023, under the second and third proposals. Prehearing submissions would be due by March 31, 2023, under the first proposal and by April 10, 2023, under the second and third proposals. The evidentiary hearing would commence on April 4, 2023, under the first proposal and by April 19, 2023, under the second and third proposals. The proposed schedules did not include dates for post-evidentiary hearing submissions.

Con Edison indicated a preference for the first proposal, stating an interest on behalf of ratepayers in having the cases decided by the Public Service Commission (Commission) sooner rather than later. Noting the same interest on behalf of ratepayers, DPS Staff stated that the first and second proposals were acceptable, but that it preferred the second proposal. Certain parties stated that the March 23, 2023, date in the first and second proposals for submission of Statements in Support/Opposition was problematic because they had to file testimony in Con Edison's steam rate case one day later and/or comments several days later in a separate generic proceeding pending before the Commission. AGREE/WE ACT, EDF, NRDC, NYECC, Senator Jackson, PULP and Bob Wyman stated a preference for the third proposal. CNY, CityBridge, CPA, Walmart and UWU stated a

preference for the second or third proposals, with CNY having a stronger preference for the third proposal. AEU, NRG, IPPNY, MTA, AMTRACK, USGSA and UIU stated that they had no preference as to the three proposals.

Taking into consideration the positions of the parties, we adopt the third scheduling proposal with two minor modifications. First, we are not adopting a date herein for the filing of pre-hearing submissions. We will provide instructions regarding pre-hearing filings and evidentiary hearing process at a future date. Second, instead of commencing the evidentiary hearing on Wednesday, April 19, the hearing will commence Tuesday, April 18. The adopted schedule is below.

Milestone	Date
Statements in Support/Opposition	Wednesday, March 29, 2023
Reply Statements	Wednesday, April 5, 2023
Evidentiary Hearing	Tuesday, April 18, 2023

We have the expectation that at a minimum, Con Edison and DPS Staff will, and any party may, file expert witness affidavits adopting the factual statements included in their Statements.

We will consider the due dates for post-hearing briefing at the conclusion of the evidentiary hearing.

(Signed)

JAMES A. COSTELLO

(Signed)

ASHLEY MORENO