

P R O C E E D I N G

1
2 CHAIRMAN IGNATIUS: I'd like to open the
3 hearing in Docket DG 12-273, which is Northern Utilities'
4 2012-2013 winter period cost of gas adjustment. On
5 September 14th, 2012, Northern Utilities filed its cost of
6 gas rates for the period November 1, 2012 through
7 April 30, 2013, as well as changes to its Local
8 Distribution Adjustment Clause charges and other supplier
9 charges for the period of November 1 through October 31,
10 2013.

11 By order of notice dated November 21,
12 2012, the Commission scheduled a hearing for this morning
13 starting at 9:00, and called for interventions. I
14 understand there's an issue regarding notice, we've been
15 given word that there's a problem. And, so, we'll take
16 that up as soon as we first go through appearances.

17 MS. GOLDWASSER: Good morning -- good
18 morning. My name is Rachel Goldwasser, from the law firm
19 of Orr & Reno. I represent Northern Utilities. And, with
20 me from Orr & Reno is Susan Geiger. With us this morning
21 are three witnesses Joe Conneelly, Francis Wells, and
22 Christopher Kahl, at counsel table is George Simmons, all
23 from the Company.

24 CHAIRMAN IGNATIUS: Good morning.

1 MS. HOLLENBERG: Good morning,
2 Commissioners. Rorie Hollenberg and Donna McFarland here
3 for the Office of Consumer Advocate.

4 CHAIRMAN IGNATIUS: Good morning.

5 MR. SPEIDEL: Good morning,
6 Commissioners. Alexander Speidel representing Staff.
7 And, I have with me Gas Analyst Bob Wyatt and Steve Frink.

8 CHAIRMAN IGNATIUS: Good morning. So,
9 we had heard that the delay was because of a question
10 about publication of the notice. And, beyond that, we
11 don't know really what's going on. So, why don't whoever
12 would like to explain where we stand would be a good
13 starting point.

14 MS. GEIGER: I can start. Thank you,
15 madam Chairman. Upon arriving at the Commission this
16 morning, I discovered that the order of notice had not
17 been published as required. And, I apologize for that,
18 through misfortune or inadvertence, the Company had not
19 made that publication. So, I shared that information with
20 OCA and Staff. And, we looked into the legal requirements
21 for publication, and have determined that, through the
22 combined requirements of 541-A, as well as Commission Rule
23 203.12, the publication for this hearing is to be made
24 either through "publishing in a newspaper of circulation

1 in the area where the Company does business, or through
2 other means." And, I'm paraphrasing, because I don't have
3 copies of either of those two statutes or rules in front
4 of me.

5 And, so, the way that we have
6 collectively decided it makes sense to proceed this
7 morning is, perhaps with the Commission's permission, to
8 go forward with the hearing, and, for the Commission, as a
9 result of the hearing, to issue an order *nisi* that could
10 then be published in a newspaper with statewide or
11 circulation in the area where Northern does business, such
12 that the public would be notified of not just the filing,
13 but the Commission's decision or potential decision, be
14 given a few days to file -- hear a request for rehearing
15 or file comments, and then the order of notice would go
16 into -- excuse me, the order would go into effect if the
17 Commission did not either comments or a request for a
18 hearing. So, we typically would -- it would be a typical
19 *nisi* situation.

20 Again, I apologize for the oversight for
21 not making the publication. And, I guess I'll turn it
22 over to Staff and OCA, if they want to add anything or if
23 I misrepresented. Thank you.

24 CHAIRMAN IGNATIUS: All right.

1 MR. SPEIDEL: Yes, Commissioners. That
2 would be a good general description of what we were
3 talking about. Ultimately, the way this would work is
4 that, within the terms of the order *nisi*, the Commission
5 would issue a waiver of the publication requirements set
6 out in the rule cited by Attorney Geiger, and
7 simultaneously make the decisional order on the cost of
8 gas filing effective November the 1st, and offer a period
9 during which a member of the public, if interested, could
10 request a hearing after the fact. It would be a good fix
11 to this situation, in that there would be afforded notice
12 to the public through the newspaper methodology beyond
13 what's done on our website. And, also, if any member of
14 the public saw a substantive reason to complain about the
15 terms of the order, they could do so. And, thereby, it's
16 almost a belt-and-suspenders, above-and-beyond method of
17 making sure that 541-A is complied with, but we want to
18 make sure that it is complied with. So, we were
19 conferring, the Company, OCA, and Staff, and we came to
20 that collective agreement, I think.

21 CHAIRMAN IGNATIUS: Anything further
22 from OCA?

23 MS. HOLLENBERG: Thank you. I agree
24 with proceeding this morning, so long as the Commission

1 were to issue an order *nisi*, affording residential
2 customers an opportunity to request a hearing after notice
3 is -- after the order *nisi* is published in a newspaper of
4 general circulation.

5 CHAIRMAN IGNATIUS: It sounds as though
6 all of this approach using an order *nisi* is in order to
7 still meet a November 1st effective date, is that correct?

8 MS. GEIGER: Yes.

9 CHAIRMAN IGNATIUS: How important is it
10 that it be a November 1st date, as opposed to
11 November 15th, let's say?

12 MS. GEIGER: I'd have to defer to the
13 folks from the Company, in terms of mechanically how that
14 would affect their billing system. My understanding is,
15 traditionally, the winter cost of gas rate goes into
16 effect on November 1st, and the billing system is set up
17 to handle that on that schedule. It seems to me that, in
18 the past, this is a slightly different answer to the
19 question -- or, different question, is that, in the past,
20 I think that the orders *nisi* can have a retroactive
21 effect. In other words, I think that there can be an
22 order issued before November 1st, and it can be put into
23 effect on November 1st, assuming nobody comes forward and
24 says anything different. So, the Company could, under

1 those circumstances, put the new rate into effect on
2 November 1st, subject to change, if someone comes forward
3 and asks for a hearing.

4 CHAIRMAN IGNATIUS: Well, I'll tell you
5 why I asked about the date, and then we'll give you time
6 to check with the Company and be sure that we know the
7 full consequences. We're thinking of a different approach
8 to the problem -- to solve the problem, which would be to
9 not go forward today, to have publication of the order of
10 notice, but have it expanded to include the 12-131
11 Settlement, which is also something I take you want heard
12 today and effective, and yet that's never been noticed.

13 MR. SPEIDEL: No.

14 CHAIRMAN IGNATIUS: And, I'm getting a
15 lot of shaking of heads. So, perhaps we misread that. We
16 read the Settlement that only arrived yesterday, in
17 12-131, as changing the starting balances, changing the
18 numbers in the cost of gas, and that also be for effect
19 November 1. Am I wrong about that?

20 MR. SPEIDEL: Yes, Chairman. We -- at
21 least Staff can give a little bit of background about
22 that, in that our conception for the treatment of that
23 adjustment balance would be to have it placed in to the
24 cost of gas as an adjustment factor as a placeholder

1 subject to reconciliation. So, there would be a
2 subsequent hearing scheduled for the 12-131 Settlement,
3 where the Commission could examine the evidence and hear
4 testimony, and consider the Settlement on its own merits,
5 and then adopt it. And, if it wanted to make
6 modifications to that Settlement, it could do so, and
7 those modifications would be reflected in a subsequent
8 adjustment factor, perhaps through the summer cost of gas
9 for the Company.

10 CHAIRMAN IGNATIUS: All right.

11 MR. SPEIDEL: So, there would be a
12 two-stage process. There would have been some limited
13 amount of information I believe provided at this cost of
14 gas hearing for that 12-131 Settlement. But, just for
15 informational purposes only, not dispositive purposes.
16 And, the dollar adjustment is being streamlined into the
17 cost of gas figure here, so that the ratepayer is able to
18 receive that refund as quickly as possible.

19 CHAIRMAN IGNATIUS: Subject to
20 reconciliation after the full proceeding?

21 MR. SPEIDEL: Correct.

22 CHAIRMAN IGNATIUS: Commissioner
23 Harrington.

24 CMSR. HARRINGTON: Just a follow-up to

1 make sure I understand it. So, what you're saying is,
2 what was agreed to in the Settlement, you're going to
3 assume for the time being it will be accepted by the
4 Commission and placed into the rate as a factor, and then
5 charge that rate going forward, until such time that the
6 Settlement is reviewed and either approved or not approved
7 by the Commission, and then adjust accordingly?

8 MR. SPEIDEL: It's not being charged,
9 strictly speaking, it's being refunded to the customers.
10 So, it's money into the pocket of the ratepayer.

11 CMSR. HARRINGTON: I didn't mean -- I
12 mean put into the rates?

13 MR. SPEIDEL: Exactly. If it went the
14 other way around, it would probably be more problematic.
15 But the Company actually has a companion proceeding in
16 Maine for cost of gas. And, I believe, to some extent,
17 that they're working on adjusting balances there, so that
18 New Hampshire can be compensated under the terms of the
19 Settlement Agreement.

20 So, there's a variety of moving parts
21 happening. But the placeholder is designed so that the
22 ratepayers in New Hampshire can have refund as quickly as
23 possible. And, that it isn't an outstanding issue during
24 the pendency of the Settlement Agreement review.

1 And, another thing to keep in mind as
2 well is that November the 1st, or the cost of gas rate, is
3 a very convenient time to integrate a rate factor, because
4 you have the winter period adjustment happening there, you
5 can take on an LDAC factor.

6 CHAIRMAN IGNATIUS: Commissioner Scott.

7 CMSR. SCOTT: Back to the original
8 question about what would be the -- I'd like the Company
9 to articulate, if we were to consider doing something,
10 this is kind of extraordinary and not doing the normal
11 process, I'd like to get on the record from the Company,
12 what would be the -- what's the problem with re-noticing
13 and going through the normal process? I understand
14 there's some billing issues from 1 November, but I would
15 like to hear what the problem is.

16 MS. GEIGER: And, unfortunately,
17 Commissioner Scott, I'm not the best person to answer
18 that. I don't understand exactly what the problem would
19 be. I could check into that and find out if there would
20 be a problem.

21 My understanding, though, is that -- is
22 that the billing systems are set up such that the rate is
23 -- rate changes and billing changes are scheduled
24 typically to go into effect November 1st. I would have to

1 look into that. I'm not in a position to answer the
2 question. And, I'm going to take a moment and confer with
3 my clients, to see if they are.

4 CHAIRMAN IGNATIUS: Please.

5 CMSR. HARRINGTON: Excuse me. Before
6 you do that, maybe, as a follow-up, you could have a
7 single discussion on it. What would happen, for example,
8 we would reissue -- re-noticed or actually noticed the
9 hearing and have it on, let's say, the 25th, and then get
10 the order out prior to the 1st? So, if the order were to
11 come out the 30th or the 31st, would that resolve the --
12 would that, obviously, it would resolve the notice
13 problem, but would that be workable to the Company?

14 MS. GEIGER: I think that's another way
15 to proceed. Obviously, is we could recess today's
16 hearing. We could publish the order -- the new order of
17 notice, basically, noticing the new hearing date, and then
18 a hearing could be held that date, a published hearing,
19 obviously, or a noticed hearing. And, then, if the order
20 could be issued before November 1st, we'd be in the same
21 place as we are today, except we'd be a week -- a week
22 away from the hearing, I guess. So, that is another
23 alternative.

24 CHAIRMAN IGNATIUS: Why don't we give

1 everybody a chance to think about that. We'll take a
2 recess. What we're thinking about, it's clear on the
3 Commission calendar to do a hearing on, Thursday,
4 October 25th.

5 So, I think the question of the timing
6 on the 25th is still open, because multiple things, and
7 with the Site Evaluation Committee that day as well, which
8 may also be a conflict, if there is -- is there a
9 prehearing conference in that case on --

10 MS. GEIGER: There is. It begins at
11 10:00. So, if this hearing were to start at 9:00, which
12 it typically does, I'm not exactly sure how long it will
13 take, but my understanding is that it probably won't go
14 much longer than an hour.

15 CHAIRMAN IGNATIUS: Or, if we were to
16 flip and have the cost of gas begin in the afternoon, that
17 might work better.

18 MS. HOLLENBERG: That would work better
19 for me.

20 CHAIRMAN IGNATIUS: So, at, say, 2:00,
21 something like that?

22 MS. GEIGER: That would work.

23 CHAIRMAN IGNATIUS: So, why don't people
24 take a look at that question, their calendars. It's a

1 Thursday, that would allow for order -- issuance of an
2 order in the middle of the next week, prior to November 1.
3 Is that a date -- Staff and OCA should also be looking at
4 calendars to see if the 25th, in the afternoon, would be
5 possible for you as well. And, why don't we take a quick
6 break. Because it would helpful, and particularly if
7 there's a problem with that date, to understand what
8 billing issues are there. I mean, I think you've got --
9 excuse me, to -- we would far prefer to have it published,
10 go through the normal process. There's kind of a -- I
11 find, a chaotic flurry of papers that arrived yesterday
12 that people are trying to figure out what fits with what,
13 between this filing and new pages, and the import of the
14 proposed Settlement. And, I stand corrected, that it
15 isn't to be resolved on the merits as part of this
16 proceeding, but it is being taken into account as part of
17 how you get to the calculations you get to. So, taking it
18 a little bit slower might not be a bad thing anyway. And,
19 new testimony just filed by the Staff as well.

20 So, why don't you take a look at that
21 date, think about that possibility. Find out a little bit
22 more about the billing. And, we will resume in, say, ten
23 minutes, 10:00?

24 (No verbal response)

1 CHAIRMAN IGNATIUS: All right. Thank
2 you.

3 (Recess taken at 9:55 a.m. and the
4 hearing resumed at 10:09 a.m.)

5 CHAIRMAN IGNATIUS: So, you had a chance
6 to confer. What's the thinking of the group at this
7 point?

8 MS. GEIGER: Well, I think, from our
9 perspective, we think that there is a consensus that we
10 can go forward with the hearing on the 25th, in the
11 afternoon, at 1:30, if that's appropriate or okay.

12 CHAIRMAN IGNATIUS: All right.
13 Ms. Hollenberg?

14 MS. HOLLENBERG: Yes. That would be
15 work for us. And, we appreciate your insight and
16 suggestion. Thank you.

17 CHAIRMAN IGNATIUS: All right. We, of
18 course, having a chance to think ourselves, we came up
19 with another complication that we wanted to throw out.
20 And, that is, should we, and I should stop with the "yes",
21 but, you know, why should we -- what was it, snatching --

22 CMSR. HARRINGTON: Victory from --

23 CHAIRMAN IGNATIUS: -- victory from the
24 jaws of defeat, or the other way around. Because the

1 12-131 Settlement is an element in the calculations, would
2 it make sense, if we're issuing a new notice, to include
3 that and have that heard on the 25th as well, and then not
4 have to do it in two stages and reconcile back? Or, does
5 that just add too much to what needs to be done by the
6 25th, and possibly for witnesses and the presentation of
7 evidence? So, we're open to it, if you think that's
8 useful. It's efficient, as long as it can be done on
9 short notice. If it really is just too complicated, then
10 we can go to the two-stage process. Ms. Geiger?

11 MS. GEIGER: I believe the Company
12 thinks that that would be an appropriate use of everyone's
13 time. It would be efficient, and the Company would be
14 prepared to talk about the Settlement in 131 at that time.

15 CHAIRMAN IGNATIUS: How about OCA?

16 MS. HOLLENBERG: I'm amenable to
17 proceeding in that manner.

18 CHAIRMAN IGNATIUS: All right. Staff?

19 MR. SPEIDEL: Yes, it should be fine.
20 And, also, there has been an order of notice issued in the
21 Settlement Agreement docket, 12-131, initially. So, it
22 wouldn't be strictly necessarily required to have
23 reference to the basics or the background issues of the
24 Settlement. But it could be simply mentioned that there

1 will be a hearing on the same matter issued through
2 secretarial letter.

3 CHAIRMAN IGNATIUS: All right. That's a
4 good suggestion. Are there any parties to 12-131 that are
5 not parties to this docket?

6 (No verbal response)

7 CHAIRMAN IGNATIUS: I guess I'd ask that
8 we double check that before any secretarial letter goes
9 out and include direct notice to anyone who is a party to
10 that docket.

11 MR. SPEIDEL: Yes. As I recall, there
12 are certain other utilities' counsels that have signed on
13 as monitoring parties in 12-131 docket. They aren't
14 participating, but they're on the service list. So, for
15 what it's worth, it might be better just to simply have a
16 separate secretarial letter sent to the 12-131 parties
17 scheduling a hearing for the same time, and then having
18 this order of notice deal just with the cost of gas
19 issues. That was what I was driving at.

20 CHAIRMAN IGNATIUS: All right. I think
21 that works. All right. Then, I think we will go ahead
22 with scheduling it for the 25th, at 1:30, on 12-273, and
23 also issue a secretarial letter notifying the parties in
24 12-131 that that will also be heard at the same time in a

{DG 12-270} {10-17-12}

1 combined record. We won't open one and close the other,
2 we'll combine the two. And, ask that -- I guess we will
3 issue a new order of notice with the new hearing date
4 included in it for publication. If the Company can wait
5 and we do that, hand it to you in the next, you know,
6 certainly by 11:00, or e-mail it, whichever is better?

7 MS. GEIGER: That will be fine. I think
8 the e-mail would probably be best. Just because we'll
9 e-mail it then to the Union Leader, and they're going to
10 need an electronic version anyway to expedite publication.
11 So, we've been told or are under the assumption that the
12 Union Leader can publish within two to four days. So,
13 there will be publication made probably at the beginning
14 of next week at the latest. So, there will be a few days
15 of notice. But, we're hoping, the sooner we get the order
16 of notice, the faster we can publish, and the more time
17 we'll have between publication, as well as the hearing
18 date in between.

19 CHAIRMAN IGNATIUS: Yes. All right. We
20 will get it out as quickly as we can this morning, and
21 hope that it can be published by Friday of this week, and
22 not into the next week. But realize we can't control what
23 the publication is of the Union Leader.

24 The other question, just on paperwork,

1 that I wanted to ask, is we now have testimony from
2 Mr. Wyatt in this docket. We got a supplemental page -- a
3 couple of filings of supplemental pages that have been
4 left out. And, I, in going through this to get ready for
5 today, I couldn't even figure out where they belonged.
6 So. Maybe you can help, so we don't have to mess with
7 this next week.

8 On September 20th, we received a letter
9 from Mr. Simmons, saying that Page 56 was inadvertently
10 not filed, but I have a Page 56, and it doesn't look like
11 this one. So, where does that go?

12 MS. GEIGER: Madam Chairman, was this
13 the original filing?

14 CHAIRMAN IGNATIUS: Well, it was
15 supplementing the September 14th filing, which is the blue
16 binder. Page 56 to be inserted, my 56 is text, the
17 testimony of Mr. Conneely. So, where do I insert this
18 Page 56?

19 MS. GEIGER: Without knowing for sure,
20 my guess is that it's been done for you. That --

21 CHAIRMAN IGNATIUS: Well, it's part of
22 the tariff. So, it would be helpful to know what the
23 Bates page is.

24 MS. GOLDWASSER: Madam Chair, I believe,

1 if you turn to your "Tariff", the tab in the first volume
2 of the original filing, it goes between page -- the tariff
3 pages aren't Bates stamped, they're numbers for tariff
4 pages, it's between Page 39 and 94.

5 CMSR. HARRINGTON: We're talking the
6 numbers on the bottom of the page then?

7 MS. GOLDWASSER: No. The numbers on the
8 upper right-hand corner of the page. And, again, if you
9 turn to the "Tariffs" tab in your first volume, and the
10 cover sheet has the cover page, and then, if you keep
11 going, there are tariff sheets there. Those sheets are
12 not Bates numbers. They indicate Sixty -- the page I'm
13 looking at indicates "Sixty-seventh Revised Page 39", and
14 then the next page indicates "Fifty-seventh Revised
15 Page 94". The sheet that you are looking at goes in
16 between those two pages.

17 CHAIRMAN IGNATIUS: All right. And, so,
18 Page 56 is two pages, one is clean and one shows the
19 changes, is that right?

20 MS. GOLDWASSER: I believe so, yes.

21 CHAIRMAN IGNATIUS: All right. Then, we
22 had a letter dated October 12th, that arrived on Monday,
23 the 15th. That had Page 154 and Page 170-b that had been
24 left out. Those, I guess, are also part of the tariff?

1 MR. SIMMONS: Yes, they are.

2 CHAIRMAN IGNATIUS: All right. So,
3 similar -- similar sections we put those into?

4 MS. GOLDWASSER: Yes. But for the fact
5 that they should be placed into the revised filing, which
6 was also submitted on October 12th. And, it looks about
7 like this (indicating), if you're looking on the table
8 there. It's got, I believe, a little over 100 pages in
9 it.

10 CHAIRMAN IGNATIUS: All right. And,
11 that was received on the 15th, on Monday. And, so, I
12 guess I'm asking how best to make sense of all of the
13 paperwork to make the hearing next week for efficient?

14 MS. GOLDWASSER: We're open to a
15 suggestion. I had originally been planning on putting
16 each of these, the two revised filings that we made last
17 week, as separate exhibits. So, Exhibit 3 would have been
18 the revised -- the revised filing that you received, and
19 the Exhibit 4 would have been the additional sheets.
20 Given the fact that we have additional time, if there's
21 another step you'd like us to take to make things simple
22 for the Commission, we're happy to do so.

23 CHAIRMAN IGNATIUS: Well, I think, when
24 we get into adding a page that was left out, it's fine to

1 slip it in. If we've got confusion over "is it the first
2 or the second version of Page, you know, 47?", may be
3 confusing. Does the packet filed on Monday that's the,
4 you know, the 100-page one, does that completely replace
5 an entire packet in the blue binder or is it some pages
6 are replaced and some pages are not?

7 MS. GOLDWASSER: It's the latter. Some
8 pages are replaced and some pages are not.

9 MR. SIMMONS: I think, when we make our
10 revised filing, what we do is we update pages that have
11 been revised. And, if you look at the October 12th
12 filing, you will see not each and every page that's been
13 changed. Then, what happened is, is that, when we made
14 the October 12th filing, we inadvertently omitted two of
15 the tariff pages, and that's what came in a little later,
16 as to Revised Pages 154 and 170-b.

17 CHAIRMAN IGNATIUS: Well, I hate to make
18 duplication of more pages a requirement. I do think it's
19 going to be a little chaotic shifting from one exhibit
20 versus another on the pages as we flip through them.
21 Although, I guess I'll leave it to you to think about what
22 the best way is.

23 I have one other question, which is
24 there is some redacted material, and we don't have, and

1 this may be a problem on our end, we don't have
2 confidential -- I stand corrected. My colleagues have the
3 confidential material, and I don't. This has not been a
4 model docket. Okay. We do have confidential material.

5 So, I guess, if you think we can keep
6 straight where the changes are, don't recopy hundreds of
7 pages, we don't need that. I think people will just have
8 to be very careful next week as we flip from one to the
9 other to be sure which packet we're in.

10 MR. SIMMONS: I would note one thing,
11 and maybe it was noted, but I didn't hear it. But, in our
12 revised filing, we do have, I believe they call them
13 "Bates" numbers, where at the bottom of the page it does
14 say "Revised Page 76 of 282", whereas the original copies
15 would just say -- or, the initial filing, I should say,
16 would just say "Page 76 of 282".

17 CHAIRMAN IGNATIUS: Okay. And, that
18 will be helpful. That's a good idea to keep that in mind
19 as -- so that the record has some ability to reconstruct
20 what was going on. Are there any other procedural
21 matters?

22 MR. SPEIDEL: The Staff would find it
23 advisable at the present time, just to sort of, as a
24 heads-up to everybody in the hearing room, we often

1 receive these filings late in the evening, often late in
2 the evening before a weekend, before or after the close of
3 Commission business. It can get a little bit complicated
4 sometimes to keep track of a lot of different email
5 filings. If we use the email service list for the docket
6 for all data requests and all discovery-related and filing
7 materials that is completely available to the public on
8 our website, it will keep things straight and make things
9 more efficient. So, just throw that out there for the
10 benefit of the folks in the hearing room. Because we want
11 to make sure that all parties have access to the materials
12 that are being sent at a given time. And, sometimes
13 you'll have one schedule being sent at 4:00 and then
14 another sent at 6:00.

15 And, just to make sure that everyone's
16 in the loop, if we have everything sent to the service
17 list, it will just make things a little smoother. And,
18 that includes PUC discovery, which is our Clerk's office
19 mailbox for all materials.

20 CHAIRMAN IGNATIUS: That's a good
21 suggestion, thank you, or a reminder.

22 MS. HOLLENBERG: Thank you.

23 CHAIRMAN IGNATIUS: All right. Unless
24 there's anything else, I appreciate everyone's thinking

1 about alternatives this morning. It's unfortunate that
2 this ended the way it did, but I think it's a good
3 solution to go back to publishing, we'll, right now, have
4 the order of notice re-issued with the new date and time,
5 and then immediately e-mail it to the service list. But,
6 in particular, who is going to be responsible for
7 getting it published?

8 MS. GEIGER: Please email it to me.
9 I'll make sure that I'm on -- I'm on the service list, as
10 is Attorney Goldwasser, and we will make sure that it gets
11 published as soon as possible.

12 CHAIRMAN IGNATIUS: All right. Thank
13 you. Yes, Mr. Speidel?

14 MR. SPEIDEL: Will it be required within
15 the order of notice to include the revised figures that
16 have been presented by the Company in the revised filings
17 for the different rate aspects or shall we just reproduced
18 what was produced in the first order of notice?

19 CHAIRMAN IGNATIUS: You know, it's
20 always a question, the order of notice has numbers that
21 are accurate back when the proceeding begins, and as
22 quickly as these move, so, too, do the numbers. I think,
23 if it's stating what the current -- what the filing
24 originally said, as the order of notice first did, is

1 fine. Whether we want to add in that -- I don't want to
2 take a lot of time on this issue, I want to get this out
3 as quickly as possible. If we were to insert a sentence
4 that says something about the current revisions --

5 MR. SPEIDEL: "Revisions have been
6 suggested by the Company" or "modest revisions", is that
7 correct? Are there revisions that are very significant or
8 are they generally modest?

9 CMSR. HARRINGTON: And, what about the
10 Settlement Agreement inclusion, too, should that be
11 mentioned or not?

12 MR. SPEIDEL: The Settlement Agreement
13 already is mentioned in the original order of notice.

14 CMSR. HARRINGTON: Okay.

15 MR. SPEIDEL: It was discussed as
16 providing an adjustment factor of approximately
17 \$4 million. So, that's already built in. And, we could
18 reproduce that, since I think that figure hasn't changed
19 much, if at all. It hasn't changed at all.

20 CHAIRMAN IGNATIUS: So, is the date of
21 revisions would appropriately be listed as "October 15th"?
22 The letter was dated the 12th, but received on the 15th?

23 MR. SPEIDEL: As filed on the 15th, yes.

24 CHAIRMAN IGNATIUS: Yes. All right.

1 Well, we'll make some minor changes to the order, not too
2 much detail, because I think time is more important than
3 all of the recitation of the numbers. All right. Thank
4 you.

5 (Whereupon the hearing was adjourned at
6 10:26 a.m., and the hearing on the
7 merits regarding DG 12-273 and DG 12-131
8 was rescheduled to October 25, 2012,
9 commencing at 1:30 p.m.)

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