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3	May 16, 2006 - 10:05 a.m.					
4	Concord, New					
5		NHPUC MAY31'08 FM 3:5				
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7	RE:	DE 06-061				
8		INVESTIGATION OF IMPLEMENTATION OF FEDERAL STANDARDS OF THE				
9		DOMENICI-BARTON ENERGY POLICY ACT OF 2005. (Prehearing conference)				
10	PRESENT:					
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12		Chairman Thomas B. Getz, Presiding Commissioner Graham J. Morrison Commissioner Clifton C. Below				
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14		Christine True, Clerk				
15						
16	APPEARANCES:	Reptg. National Grid:				
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19		Reptg. Unitil Energy Systems: Meabh Purcell, Esq.				
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21		Reptg. New Hampshire Electric Cooperative: Mark W. Dean, Esq.				
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				1
1				
2			INDEX	
3				PAGE NO.
4	STATEMENTS OF	PRELIMINARY	POSITION BY:	
5	Ms.	Blackmore		6
6	Mr.	Eaton		7
7	Ms.	Purcell		9
8	Mr.	Aalto		13
9	Mr.	Dean		17
10	Mr.	Morrison		20
11	Ms.	Ross		22
12	Ms.	Amidon		23
13	Ms.	Ignatius		24
14				
15				
16				
17				İ
18				
19				
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21				
22				
23				
24				

## PROCEEDINGS

CHAIRMAN GETZ: Okay. Good morning.

We'll open the prehearing conference in docket DE 03 -excuse me, 06-061. An order of notice was issued on
April 24 setting the prehearing conference for this
morning. The notice indicates that the Energy Policy Act
of 2005, signed into law on August 8, 2005, requires state
commissions to consider a number of new standards that
have been added to Title I of the Public Utility
Regulatory Policies Act.

Three standards under Section 1251 concern net metering, fuel sources, and fossil fuel generation efficiency, and the Commission is required to complete its consideration and make determinations for additional standards by August 8, 2008. A fourth standard, under Section 1252 of the Act, concerns time-based metering and communications, or smart metering. The Act requires that each state regulatory authority conduct an investigation and determine whether it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers, which enable such customers to participate in time-based pricing, rate schedules, and other demand response programs. The Commission must make

a final determination no later than August 8, 2007 with respect to this standard. And, a fifth standard, under Section 1254, concerns interconnection and has a similar time line.

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We are not, at this point, in this investigation, in a formal adjudicative proceeding. So, I think what we'll do today is just go around the room and let individuals provide comments on how they recommend that we proceed with our investigation of these five standards. I expect that there will still be a chance for, if not a technical session, at least for the parties to speak among each other, among themselves, after the prehearing conference, to make some written recommendation on how to proceed.

I'd just like to make the observation that, with respect to the smart metering standard, that is, in some respects, a continuation of the investigation that the Commission did in docket DE 03-013, and that is an issue that is being reviewed in a number of different forums, and is I think of special importance to the state and to the customers of the various utilities.

So, with that, Ms. Blackmore, you are the closest. Do you have a comment on behalf of National Grid?

MS. BLACKMORE: While National Grid understands the Commission has commenced the proceeding to consider the five standards set forth in the Energy Policy Act of 2005, the standards concerning net metering, fuel sources, fossil fuel generation efficiency, time-based metering and communications or "smart metering" and

interconnection of distributed resources.

New Hampshire should be commended for having already considered several of these standards in recent years. In particular, advanced metering, which is addressed in Section 1252 of the Energy Policy Act, and with a final -- which was addressed comprehensively by the Commission in docket DE 03-013, with a final order issued in January of 2004. National Grid also recently agreed to study providing hourly pricing to certain of its G-1 customers as part of a settlement agreement approved by the Commission in docket DE 05-126. And, in addition, net metering, which is addressed in Section 1251 of the Energy Policy Act, was addressed by the Legislature in RSA 362-A:9 and in the Commission's 900 rules.

So, in light of the Commission's and/or the State Legislature's previous actions in addressing the topic of advanced meter and net metering, we think a first step might be to determine whether and to what extent

these issues should be reconsidered as part of this proceeding. But, in any case, we're looking forward to participating fully in this proceeding to assist the Commission in considering the standards. Thank you.

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CHAIRMAN GETZ: Mr. Eaton.

MR. EATON: Thank you. Good morning, Mr. Chairman and Commissioners. My name is Gerald Eaton. I'm Senior Counsel for Public Service Company of New Hampshire. And, I actually participated in the first PURPA hearings, after the -- not on behalf of PSNH, but after the passage of the Regulatory Policy Act of 1978. It's my understanding that the Commission needs to consider each of these standards in the context of a proceeding where a hearing takes place and there's a written decision, and decide whether it's appropriate to adopt the standards. And, the Commission need not adopt the standards if it's already implemented a standard or a comparable standard, and considered in a previous proceeding whether to implement the standard or the State Legislature has acted. And, I believe that the initial conversations that the parties will have will explore the recent history of what's been done with respect to the these standards, such as net metering. There is a state statute on net metering in Chapter 362-A and the

Commission's 900 rules on net metering.

There are a couple of standards that appear to apply more to Public Service Company than the other utilities that purchase their power, and that has to do with fuel sources and fossil fuel generation efficiency. But PSNH is ready to participate fully in those, in those two areas of inquiry. As the Commission mentioned, the time-based metering was explored, and there was some determination of what all the utilities were doing in that area in the docket number DE 03-013, and utilities continue to report on the services that customers are taking, using their advanced meters that have been installed.

In the area of interconnection, that is going to take a bit more investigation on our part, because, although we've been -- we have been performing interconnection studies for many, many years with small power producers, the IEEE Standard Number 1547, we need to make sure that that -- what that standard requires. And, also, I think the standard also -- the interconnection standard also talks of model codes adopted by state -- the associations of state regulatory agencies, as far as interconnection policies which favor distributed generation. We'll have to see whether that combines with

what we're doing currently. And, also, I think we ought to -- ought to explore what FERC is doing in this area as well. I think FERC is exploring a general policy of interconnections that would apply to even interconnections with very small generators.

I think one thing that the Commission and the parties also should understand is the context in which Congress passed this legislation. The context is that not all states are like New Hampshire or New England, where many utilities, there's an open access transmission tariff and there is a wholesale market, and I think we ought to be considering, as part of this investigation, the fact that there is a wholesale market and that the market may provide some of the solutions for these standards, and that the people that were writing the bill may have been writing from a perspective of a majority of jurisdictions still having pretty much the old standard of vertically integrated utilities.

That's all we have.

CHAIRMAN GETZ: Thank you. Ms. Purcell.

MS. PURCELL: Thank you, Mr. Chairman.

My name is Meabh Purcell, and I am from the office of LeBoeuf, Lamb, Greene & MacRae, in Boston, and I represent Unitil Energy Systems. Unitil welcomes the opportunity to

participate in this proceeding and to assist the Commission in its consideration of the new federal standards that have been just enacted and have become part of PURPA. Unitil believes that the New Hampshire Commission, as Ms. Blackmore stated, is in the enviable position of having already addressed many of these issues in some form or another prior to their enactment, and actually has been among the leaders in the nation in addressing these areas.

With respect to net metering, under Section 1251, in UES's view, the new standard on net metering, as people who have spoken prior have already mentioned, have already been addressed in — both by the Legislature, under RSA 362—A:9 and by the Commission in DRM 99—068. And, therefore, it would probably fall under the "prior state action" exemption provided by the federal statute. Net metering for customer-owned renewable energy generation resources of 25 kW or less, that was adopted in Puc 900, is therefore now a New Hampshire standard that's comparable to the new federal standard for net metering.

With respect to the fuel sources part of that, of Section 1251, as a provider of default service,
UES's position is that the Commission should look at a voluntary utility-sponsored green default service option

as a way of meeting the federal requirement to reduce dependence on a single fuel source. UES's repetitive RFP solicitation process helps to ensure a diverse range of fuels in UES's portfolio, because there's an opportunity to change the portfolio every few months.

Moving on to the smart metering, under 1252: As you know it's been already mentioned, and that the Chairman himself mentioned, that advanced metering was already considered in DE 03-013, which resulted in a settlement for all utilities. And, hourly metering is therefore already in place for UES's largest customers, with the availability of enhanced metering, remote access metering, an interval data service, and pulse output service for all customers on a tariff basis.

And, as the Commission is aware, in UES's ongoing rate proceeding, that UES is in the process of implementing advanced metering infrastructure for all of its customer classes, and will have the ability to provide a time-based rate. And, the schedule for implementing this is in the second quarter of 2007.

With respect to pricing, suppliers can already offer hourly pricing to large customers as hourly metering is already in place. A proceeding concerning the pricing of default service for UES has been conducted in

05-064, and UES is required to investigate the costs of acquiring the capability of providing hourly-based pricing for its large G1 customers.

And, with respect to 1254, regarding interconnection, interconnection was also considered under Puc 900, but those rules were adopted prior to the IEEE Standard 1547 referenced in Section 1254. Therefore, the interconnection procedures would need to be reviewed in the context of this proceeding. For other transactions under the New Hampshire Commission's jurisdiction, UES has interconnections procedures in place, but these would also need to be reviewed to incorporate the IEEE Standard 1547. And, for FERC jurisdictional transactions, UES complies with FERC-established standards governing interconnection, which incorporate the IEEE -- it's a very hard acronym to say -- Standard 1547.

And, Unitil looks forward to submitting its comments and participating in the tech sessions and in the rest of this proceeding to explore all these issues surrounding the new federal standards. Thank you.

turn to Mr. Aalto, I hope I haven't created a misimpression. I'm certainly not taking the position that the findings in 03-013 constituted prior state action that

exempts any further consideration of especially the smart metering standard. And, in fact, given what we've seen from the New England Independent System Operator, with their concerns about improving demand response and improving retail/wholesale linkages, that, at least for my part, and I think I speak for the three of us, that these are important issues that need to be looked into to find out whether there's more that can be done, whether there are better things that can be done, and taking a look at just what actions have been taken and should greater encouragement be given to C&I customers, and should this be something that should reach down to residential customers. I'd like to make that clear for the record.

Mr. Aalto.

MR. AALTO: Chairman, Commissioners thank you very much for the opportunity to speak, and thank you for the most recent comment, because that is exactly what I'll be addressing.

Indeed, New Hampshire is ahead of many in the area of -- in these particular areas. We do have a net metering law. I believe it's not quite up to snuff, but I believe it's a good beginning. As for interconnection, a lot of activity has gone on in neighboring states that we might learn from. It's not

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simply the electrical part of interconnection, but the
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       process of getting the approvals that can be very
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       important. So, we probably should consider those issues.
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       I would recommend the activities at the Massachusetts
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       Technological Collaborative looking at distributed
       generation interconnection issues.
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                         The area that I'd like to put most of my
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       focus on is the area of smart metering. We have had what
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       I believe to be appropriate levels of metering
       requirements on the utilities in the past couple of years.
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       We have also had very little response particularly from
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       small customers. And, I believe part of the problem is
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       that we haven't really known what to do with a smart meter
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       or a smart price or whatever. What we'd like to do, and
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       I'm speaking here with Roy Morrison --
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                         MR. MORRISON:
                                         I have a proposal.
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       Should I give it to you now?
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                         MR. AALTO:
                                     We can give you a copy of a
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       proposal that we have.
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                         CHAIRMAN GETZ:
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                                     Yes.
                         MR. AALTO:
                                           To look at a more
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       advanced system that would be with the intent of coming up
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       with a system of spot pricing of electricity for small
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customers that would be inexpensive enough so that maybe

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even a homeowner could use it. The intent would be to use five minute pricing derived from the ISO and transmitted to customers. Their billing would be done on an ongoing basis based on that five minute price. The reason for going to a five minute price is that it provides more control to the customer. It provides the ability to actually respond in real-time. An hourly price usually means that I know what I paid for what I bought last hour. I didn't know what it was when I was buying it. If we can shorten the time period, the customer knows more of what they're doing and can control better.

Second aspects of that are that it provides a better response for the ISO. Because, in a five minute scheme, we can respond to the actual system state. That is to say, if the ISO suddenly runs short, it has about 10 to 20 minutes to catch up. If we have fast response, my water heater can shut off very quickly, and those types of possibilities are available. The technologies we're looking at are relatively simple technologies that are using existing networks for communication. It's not to say that these are the optimum or that they're best way to go. My sense is, any one of the many metering companies can do similar types of things, and probably would. The purpose of this proposal

is to test these concepts on a small level, to see if, in fact, this more advanced kind of process can work.

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I should point out that the idea of residential load response is moving forward. briefly activity in Illinois with the Community Energy Cooperative in the ComEd territory, has had a three-year project with about 1,500 customers, with surveys indicating very high levels of customer satisfaction. And, this is with a voluntary program, with customers having the ability to receive a critical pricing kind of information, but also a fully operative variable price on a day-ahead basis. And, the end result is that they have been able to achieve, by manual actions, something on the order of 15 percent peak reductions for that class of customers that were involved, during the peak hours, and also some energy savings in addition to that. have worked well, the customers have liked it and felt comfortable. A few of the components, one of the worries with a variable price is that I might someday see that \$1.00 kilowatt-hour. Well, they set a price cap as part of it, which they purchased as a price cap purchase that covered all of the customers, at very low cost, because it was a very high level that kept the price from going nuts.

My sense is that we can, at very low

1 cost, test these concepts, and in a very open kind of way so that they would be -- the results would be available in 2 3 any of the many metering systems that are out there to adapt in ways that would work best for them, and also, of 4 course, with the utilities that would be using them. 5 And, I'd be glad to answer any questions 6 7 later, if it's appropriate. Thank you very much. CHAIRMAN GETZ: Thank you. Mr. Dean. 8 9 MR. DEAN: Good morning. My name is Mark Dean, from the law firm of Devine, Millimet & Branch, 10 on behalf of the New Hampshire Electric Cooperative. 11 12 quess my comments this morning are mainly intended to 13 answer the question that's been asked of me by several 14 people in the room this morning, you know, why am I here? And, for that, unfortunately, you need to get a modified 1.5 16 version of my oft repeated jurisdictional speech. 17 the --18 CHAIRMAN GETZ: Is there a footnote you 19 can cite us to on this? 20 MR. DEAN: It will be modified and

hopefully shortened. Under the New Hampshire regulatory scheme in which the Co-op is now a deregulated rural electric cooperative, the Commission retains jurisdiction over PURPA enforcement. That's just the beginning,

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though, of the analysis, because, under the sections of PURPA that these five standards, which were added under the Energy Policy Act, fall, the Co-op would be an unregulated utility. And, so, the Commission would not have a directive or authority to evaluate these standards and decide whether they should be implemented with regard to the Cooperative, but the Cooperative would have its own independent and parallel obligation to undertake an evaluation and determination and a decision about implementing these standards within its own service territory. And, the statute -- the PURPA statute requires that that involve hearings, notice, a written decision, Not necessarily all of the same procedural etcetera. requirements that would exist here at the PUC, but also not simply a managerial decision at the Cooperative one way or the other.

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And, so, it is the Cooperative's hope that it can work with the parties to find a way to participate in this proceeding, so that it can both hopefully contribute something constructive to the process for all the parties, but also to be part of a process which develops a record and takes into account issues which the Cooperative itself might not specifically consider, issues about statewide uniformity of practices,

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                  So that, at the end of the day, a decision on
       etcetera.
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       adopting these standards will be under the law a
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       obligation of the Cooperative Board of Directors, but that
       you can do that in a more fully informed context if the
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       Cooperative participates in this proceeding.
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                         So, really, the Co-op's viewpoint here
       is, I don't know exactly how we would structure it, but
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       that we work with the Staff and the other parties when a
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       scoping order, a procedural order is developed, to find a
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       way that the Co-op can participate in a way the parties
       feel is useful to this process, and the Co-op at the same
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       time feels it's useful for its ends.
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                         CHAIRMAN GETZ:
                                         Thank you.
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                         CMSR. BELOW: I have a question for
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       Mr. Dean, if I may.
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                         MR. DEAN:
                                    Yes.
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                                       I'm wondering if the Co-op
                         CMSR. BELOW:
       might be willing to share with the other parties some of
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       its experience with day-ahead pricing, real-time pricing
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       for some of its large commercial customers?
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                         MR. DEAN:
                                    As part of this proceeding?
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                                       Yes, as part of this
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       proceeding.
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                         MR. DEAN:
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CHAIRMAN GETZ: Okav. Mr. Morrison.

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MR. MORRISON: I'd just like to make a couple of remarks to add to issues that weren't mentioned in our proposal for a pilot. I think that one of the -- I think I'll stand. I think one of the -- there's two major experiences in attempted deregulation and attempt to have retail competition is, one, that there's been little use of modern information technology. That the utility industry, you know, still is in the same position as it was when Detroit Edison was sending radio signals to shut off water heaters from central dispatch. And, we've not utilized modern electronic two-way communication. know, which -- You know, so that we're all connected to the internet, we're all in cellphone networks, we all have pagers, Blackberries, you know, and yet we have, you know, essentially a 1950s utility system, you know, which is now, you know, moving to having communication -- some communications for largest users. But, in fact, you know, in the information age, that each of us, as consumers, should have the opportunity to optimize the operation of our equipment in our homes, and that technology is available now, those networks existing to move that information back and forth, and the ISO now has five minute pricing available that we can use as a source for

that control information for those strategies. And, so the question is, "can this be done in a cost-effective manner? And, I believe that will be true.

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And, the second thing is, is that the net effect of competition on small commercial and residential customers has been negligible. You know, that people have not been able to exercise any sort of meaningful choice or participation in the pursuit of savings, because, you know, individual customer acquisition is too expensive. But what's been demonstrated is that, by people volunteering for a load response system that's automated, that, in fact, has been demonstrated in Illinois that this system works, that people can achieve real savings and participate in the market. And, further, that the existence of such a market would attract other competitors to provide financial cap contracts or other things to shield people from higher rates, you know, that would open up a new area of business for competitors and encourage meter companies and other kinds of equipment suppliers to develop new -- to develop and implement new technologies.

So, I think that it's a good time for us to open the door for the participation in modern electric systems to residential and small commercial customers.

And, the proposal that we have on the table generically discuss the establishment of a pilot that would enlist the participation of all interested utilities, and that we would recruit people in small numbers and learn, if we can make this system work cost-effectively. And, I think it's in all our collective interest. It helps the people who participate, it helps all electric customers by reducing the peak load, and, as we know, you know, as in times of congestion, small reductions in demand can lead to big reductions in price. And, further, you know, we're about to swallow huge ICAP costs, and a substantial amount of that might be reduced if we can, through load control, reduce our peak. So, I think it's appropriate and in the public interest to pursue such a pilot program, which would be affordable and I believe effective. Thank you.

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CHAIRMAN GETZ: Ms. Ross.

MS. ROSS: Yes. Thank you. I'll be brief. The OCA welcomes this docket as an opportunity to explore some options that are suggested or recommended under the Energy Policy Act. And, we will be interested in looking at where customers are on a class-by-class basis with regard to the initiatives that this Commission has already put in place concerning advanced metering and net metering. And, we'll also be concerned about how any

programs or pilots are implemented, to make sure that they are actually available to residential customers, so that we can test the residential customer class's willingness and ability to adopt more advanced approaches to procuring electric power. Thank you.

CHAIRMAN GETZ: Thank you. Ms. Amidon.

MS. AMIDON: Thank you. Staff has not formed any recommendations regarding any of the five standards at this point. We think it's appropriate to use the wealth of knowledge that's in this room and try to develop what we can in examining the potential for implementing these standards, and along with the costs and the practicality. So, we have developed what we think is a procedural schedule to try to elicit that knowledge from the parties and to develop a report that addresses each of the five issues.

On a procedural note, I received a phone call this morning from Dan Delurey with DRAM, and he will be participating in this docket. And, James Rodier, with Freedom Energy, will also be participating in this docket. They just couldn't be here today.

CHAIRMAN GETZ: Thank you. Is there anyone else here who didn't sign up would like to make a comment?

MS. IGNATIUS: Mr. Chairman, good morning. Amy Ignatius, from the Office of Energy & Planning. And, I apologize for missing the sign-in sheet time. The Office of Energy & Planning has been a consistent advocate of efficiency and fuel diversity and new developments in metering technology, to give more opportunities for demand respond and customer control over their accounts, where it's practical and cost-effective. So, we're very happy to participate in this docket to build on the start that has already been made in other dockets in all of these issues.

We are intrigued with the pilot program that Mr. Morrison and Mr. Aalto are describing. Haven't studied it, obviously, yet, but I would hope that, although this was a docket on standards through the Energy Policy Act, that something that might be a creative response to experiment with that, whether it's that proposal or any other, could be -- could grow from this docket if it's a good proposal, and not simply be limited to whether or not to adopt standards, to kind of take it the next step and experiment with some practical ideas. We've got a lot of good people at the table on these issues, and anything we can do that really starts to put some things out there in the field and experiment and

develop some data seems like a good idea.

I also would like to explore in our tech session with everyone here, and encourage the Commission to do the same in its context, to see what's being done on a regional level among the other states. I can work with my counterparts in similar offices in the New England states, the PUCs, other utilities must know much of what their states are doing. And, if there is a way that we can do anything on a common basis throughout New England, it seems to me that's helpful. We're all very separate in our state borders, but, to the marketers, you know, this is lot of little territories, and it would be nice to have as common a structure as possible. It helps to bring more interest and investment and marketing interest to New England and to New Hampshire specifically.

So, I offer that from my office to do anything I can to learn more about that or to enlist the New England Governors Conference, if they would be interested in looking at many of these issues as well.

And, I think that's the end of my comments. I appreciate it. Thank you.

CMSR. BELOW: Thank you, Mr. Chairman. In the interest of full disclosure, I'll just mention to the parties that I attended the ISO New England Demand

Response Summit, in which ISO-New England was I think essentially advocating for states to look more aggressively at demand response opportunities, in light of a constraint on generation capacity and import capacity that's fairly imminent in this year and coming summers. And, it was at that summit that a customer of the New Hampshire Electric Co-op, American Skiing, made a presentation about their experience with day-ahead pricing that was I thought quite interesting. So, I thought maybe something like that might be interesting to all the parties here.

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So, I would urge the parties to think creatively about this opportunity, in terms of opportunities that could continue to put New Hampshire perhaps ahead of the curve, in terms of taking advantage of cost savings opportunities for customers and for the state as a whole.

I would also mention, in the interest of full disclosure, that when I was in the Legislature I was the prime sponsor of the net metering legislation. And, although it looks as though we were, you know, sort of addressed that issue, I think this may be an opportunity to review our experience to date and see whether there is any corrections or updates that might be considered even

1 on net metering, where a lot of work has already been So, I just wanted to share that. 2 Thank you. done. 3 CHAIRMAN GETZ: Are there any other 4 comments that people would like to make this morning? 5 (No verbal response) 6 CHAIRMAN GETZ: Okay. Hearing nothing, 7 then we will close the prehearing conference and wait for a recommendation from the parties on next steps in this 8 9 investigation. Thank you very much. (Whereupon the prehearing conference 10 11 ended at 10:40 a.m. and the parties 12 participated in a technical session 13 thereafter.) 14 15 16 17 18 19 20 21 22 23 24