



State of Rhode Island and Providence Plantations

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Patrick C. Lynch, Attorney General

August 7, 2008

VIA ELECTRONIC SERVICE

Luly Massaro, Clerk
Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

Re: *Open Meeting Decision Regarding Revised Procedural Schedule in Docket 3943*

On behalf of the Division of Public Utilities and Carriers (“Division”), I write with some urgency in response to the Commission’s Open Meeting decision this morning, during which the Commission “approved and denied in part” National Grid’s Motion for Extension of Time. The denial relates to the Commission’s decision to move the assented-to date for filing of the Division’s and Intervenors’ surrebuttal testimony from August 29th back to August 22nd. This revision provides the Division with merely one week to analyze, propound discovery, and prepare and file testimony. In other words, the original case schedule provided two weeks between the filing of the company’s rebuttal testimony and the Division’s surrebuttal testimony. The Commission granted a one week extension for National Grid’s rebuttal filing and took the week out of the Division’s and Intervenors’ previously scheduled response time.

National Grid’s proposed August 29th surrebuttal date was precisely the reason why the Division “assented” to National Grid’s motion. National Grid’s proposed schedule allowed the company adequate time to prepare its rebuttal case and accommodated the availability of its witnesses while not compromising the Division’s and Intervenors’ ability to respond. No previously scheduled hearings were affected. All witnesses for the parties had an opportunity to review National Grid’s proposed schedule and all agreed they could accommodate it. The Commission’s decision to mandate the August 22nd date for surrebuttal severely compromises the Division’s ability to prepare its testimony given the magnitude and complexity of the issues presented in National Grid’s rate filing. As a matter of procedural due process, I would request that the Commission reinstate the August 29th date or permit the Division to file a formal Objection to the Company’s Motion, since the Division’s “assent” no longer exists.

Lastly, if the Commission should desire Opening Statements, which appears to be driving its decision to deny National Grid’s Motion in part, then as matter of standard practice, the

Luly Massaro, Clerk
Public Utilities Commission
August 7, 2008
Page Two

statements should be made at the inception of the evidentiary hearings on September 8, 2008, and should not come at the expense of a party's right to adequately prepare and present its case. Rule 1.20(a) contemplates the presentation of argument to occur at hearings. By scheduling an August 27th date for oral argument, the Commission has effectively advanced the start of public hearings by twelve (12) days – without any input from the parties. This revision is significant given the already compressed procedural schedule that was adopted by the Commission (and agreed to by the parties) well over three months ago.

In light of the forgoing reasons, I strongly urge the Commission to reconsider its decision.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Roberti', with a long horizontal flourish extending to the right.

Paul Roberti
Assistant Attorney General
Chief, Regulatory Unit

cc: Service List