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 /S/
Linda Samuelian

August 1, 2008
Date

**National Grid (NGrid) – Request for Change in Gas Distribution Rates
Docket No. 3943 - Service List as of 7/7/08**

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the Commission did not place any restrictions on the discovery process, thereby ensuring the opportunity for all parties to issue discovery at their own pace with the Company's responses due 21 days following the date of issue under Commission Rule 1.18(c)(2). In particular, the Commission's procedural schedule did not require intervenors to submit discovery by a deadline that would require a Company response prior to the July 25, 2008 deadline for intervenor testimony. Therefore, as an initial matter, NEGWA's request that its testimony be delayed until the "completion" of all Company responses to discovery is patently out of line with the procedural schedule issued by the Commission, which *anticipated* that discovery could be outstanding upon the deadline for intervenor testimony.¹ Accordingly, if there was information that NEGWA required for its testimony in this proceeding, it had an obligation to issue questions on a timely basis to ensure that responses were obtained from the Company prior to the July 25, 2008 deadline for the filing of intervenor testimony.

In fact, although it is a matter fully within NEGWA's case-management discretion, NEGWA has not issued any discovery during the proceeding. NEGWA should not be allowed at this late date to significantly delay the efficient conduct of the proceeding as it awaits responses to data requests issued by other parties to the proceeding, especially those requests issued on a date that did not require a Company response by July 25, 2008. The Company respectfully submits that, if there was information necessary to NEGWA in formulating its testimony in this proceeding, it should have made a timely request for that information from the Company.

¹ For example, the Division issued its 12th set of data requests on July 11, 2008, so that the Company's responses are due on Friday, August 1, 2008. This did not prevent the Division from meeting its deadline for filing, although the Company and the Division agreed to a one-day extension.

Moreover, the factors cited by NEGWA for its intervention related specifically to the Company's proposed Accelerated Replacement Program (NEGWA Petition to Intervene at 2) and an alleged potential for degradation in service quality and system safety and reliability arising from the proposed changes in distribution rates on customer service (*id.*). With the exception of the Company's responses to Data Request TEC-RI-1-60 and Data Requests RIH-NS-4 and RIH-NS-5, none of the discovery responses that are currently outstanding, and were due before the July 25, 2008 deadline for intervenor testimony, *in any way* relate to the Company's proposed ARP or safety and reliability issues. The Company is filing the three relevant outstanding responses on this date, August 1, 2008. Therefore, the Company believes that an extension of time for the filing of NEGWA's testimony to August 8, 2008 is more than sufficient time for NEGWA to review those responses and adapt its testimony as necessary.

Lastly, the Commission issued its first set of data requests on July 17, 2008, with Company responses due on August 7, 2008. If NEGWA were allowed to submit its testimony 10 business days from that date as it requests (*i.e.*, August 21, 2008), there would not be enough time for the Company to prepare an adequate response prior to the commencement of evidentiary hearings. In addition, without knowledge of the content and breadth of NEGWA's testimony, the Company cannot rule out the need to ask discovery or to obtain responses from NEGWA prior to the preparation of any rebuttal testimony. Nor should the Company have to respond to NEGWA's testimony "out of time" in relation to the preparation of its rebuttal to other intervenor testimonies, while the Company is also preparing for the commencement of evidentiary hearings on September 8, 2008. As a result, allowing the substantial extension of time to NEGWA

would unfairly impinge upon the Company's procedural rights and the Company's ability to prepare for evidentiary hearings. In that regard, NEGWA has not presented a basis for its delay that would outweigh the Company's right to a fair and efficient process.

The Company has filed a Motion for Extension of Time and Deadline for Discovery with the Commission on this date, August 1, 2008. In that Motion, the Company has requested that the Commission extend the deadline for filing of the Company's rebuttal testimony from August 8, 2008 to Friday August 15, 2008. If NEGWA were required to file its testimony no later than August 8, 2008, the Company would make every attempt to respond to NEGWA's testimony on August 15, 2008, which would realign the procedural schedule and provide the opportunity for all parties to the proceeding to submit surrebuttal on the same date (proposed in the Company's Motion as August 29, 2008). The Company believes that this proposed schedule is reasonable and in accordance with the efficient conduct of this proceeding.

WHEREFORE, the Company respectfully requests that the Commission decline NEGWA's request for a delay in its filing date and set a date of August 8, 2008 for the filing of NEGWA's testimony.

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NATIONAL GRID

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