

**Gerald Lynch/OHADR/NYS DPS**

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cc David Prestemon/OHADR/NYS DPS@NYS DPS  
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Subject Re: Case 08-E-0077 - Entergy Petition - Ruling Issued Today

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To All Active Parties:

This is to advise that a ruling in this case was issued today and was just posted on the DPS web page. An updated active parties list was also posted today.

Short term milestones established in today's ruling include that Oswego County has two days (essentially until 4:45 PM next Monday) to ask some very limited discovery questions concerning specific issues it identified in its July 30 comments (Ruling , p. 13) . Petitioners have to respond timely but the time of completion of those responses will not be considered for purposes of starting the clock for the next case milestone (Ruling, carry-over paragraph on pp. 12-13 and the first paragraph of p. 15)

As to the start of that clock, it will take place and all parties will be notified of it in a short ruling, once the judges are satisfied all post-July 22, 2008 discovery requests have been answered reasonably. The first step towards that interim determination is that Petitioners are required to advise us when they believe they have: (1) provided reasonable responses to all follow up discovery questions authorized by the July 23, 2008 Ruling that were unrelated to the August 1 meeting; (2) reasonably documented all the discovery responses provided in whole or in part at the August 1 meeting and provided copies of those to the judges and all parties; and (3) provided reasonable responses to all discovery requests tendered for or at the August 1 meeting that were answered in whole or in part after August 1.

Thereafter, parties that tendered the requests resulting in the responses just discussed will have until not later than the end of the next business day (4:45 p.m.) to inform us succinctly of the nature and extent of any disagreement with Petitioners as to points (1) through (3) above.

The judges will promptly resolve any such disputes, possibly through use of a telephone conference call that would be scheduled to be held shortly thereafter and solely for that limited purpose. If the judges determine that any of the pertinent responses are not reasonable, Petitioners will be directed to correct the situation. If the judges determine all the pertinent responses are reasonable, the short ruling mentioned above will be issued.

Have a good evening.

Gerald L. Lynch and David L. Prestemon  
Administrative Law Judges

P.S. This note is not intended to be a complete summary of today's ruling.