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Fw: Case 08-E-0077 - Entergy Petition of  
January 28, 2008 - Informal Procedural  
Ruling

Good afternoon.

This note is directed to the Petitioner and others that filed comments or pleadings in the captioned case.

If you are aware of others who made filings or are otherwise interested in participating in this proceeding, please inform me promptly. An active parties list will be developed soon.

The Commission's May 23, 2008 order specified the scope of discovery and required a discovery period of at least 60 days. I believe the 60th day is July 22, 2008. All recipients of this note, with the exception of the Petitioner, are asked to advise me by the close of business next Wednesday, June 4, 2008, whether they plan to engage in discovery in this proceeding. Those that plan to engage in discovery are also asked to advise me simultaneously of specific steps they plan to take to complete all discovery requests during the 60 day minimum period.

My general view is that any needed discovery should be conducted sooner rather than later and that gradual discovery is always superior to back-loaded discovery. Please proceed accordingly.

As noted in the Commission's order, discovery will generally be governed by 16 NYCRR Part 5. All are reminded that 16 NYCRR 5.9 (c), among other things, requires parties to attempt to resolve discovery disputes among themselves, without involvement of the presiding officer. An

"attempt" to resolve a discovery dispute means that all of those interested in the dispute work hard to resolve it reasonably. My assistance should be sought only if such efforts fail.

Under the terms of 16 NYCRR sections 5.3(a), 5.4(a), and 5.5(a), I want to be served with all interrogatories, requests for documents, and requests for admissions. For the time being, a discovery response should be served on me only if I will need it to resolve a discovery dispute or rule on a request for protection.

Looking forward, interested parties should be thinking about the specific procedures and schedule they believe should be adopted to resolve this proceeding in an orderly and efficient matter. I will be soliciting interested parties' proposals along these lines in the future. Naturally, I have no objection if the interested parties want to try to develop a consensus procedural approach and schedule.

In general, electronic service of documents on me, with copies served simultaneously on all interested parties, is all that I require. Documents filed with the Secretary must comply with the Commission's procedural rules or any other requirements she may specify.

Have a good weekend.

Gerald L. Lynch  
Administrative Law Judge