



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 09-136/09-137

July 21, 2010

Petition of New England Power Company d/b/a National Grid for Approval to Construct and Operate a Transmission Line and for Exemption from Zoning Bylaws of Auburn and Millbury

HEARING OFFICER RULING ON REQUESTS BY COMPANY REGARDING THE PROCEDURAL SCHEDULE

On July 8, 2010, the parties to this proceeding, along with the Hearing Officer and two technical analysts, held a procedural conference. At that conference, the Hearing Officer, with the concurrence of the parties, decided to cancel the hearings that were scheduled in this matter, due to both a lack of environmental information available and the anticipated production of environmental information in the near future, and to reschedule these hearings to some unspecified future date. Said hearings have been cancelled.

The parties and staff discussed several issues at the procedural conference, including the dates by which the Company could produce additional environmental data, the schedule for the Department and the Intervenors to issue discovery requests with respect to that data, and possible dates for evidentiary hearings.

At the conclusion of this procedural conference, counsel for the Company represented that he would shortly submit a proposed revised procedural schedule. The Hearing Officer stated that once said schedule was submitted, the Intervenors would have seven calendar days in which to respond. Then the Hearing Officer would rule on any objections or requested modifications to the Company's proposed revised procedural schedule. The Hearing Officer would then issue a new procedural schedule.

On July 9, 2010, the Company filed with the Department a letter (the "July 9 Letter"). In the July 9 Letter, the Company requests the following:

1. That the Department issue a procedural order whereby the Company would submit a proposed procedural schedule by August 6, 2010;
2. That a deadline of July 30, 2010, be set for Information Requests to be issued to the Intervenors regarding their direct testimony; and
3. That a deadline of August 27, 2010, be set for the Intervenors to respond to said Information Requests.

As justification for its request numbered one (1) above, the Company states that it is scheduled to meet with the Army Corp of Engineers on August 3, 2010, and that until this meeting, the Company will not be able to assess the timing requirements for the completion of its wetlands mitigation plans. Consequently, the July 9 Letter implies, it would be premature at this point to submit a proposed revised procedural schedule.

On July 9, 2010, the Hearing Officer served on all parties a Notice of Objection Deadline Regarding the Relief Requested in the Company's July 9, 2010, Letter. Said Notice required any such objection to be filed and served on all parties no later than Friday, July 16, 2010.

No objection was filed.

THEREFORE, it is hereby ORDERED that:

1. The Company is hereby directed to submit to the Hearing Officer a proposed procedural schedule no later than August 6, 2010;
2. July 30, 2010, is the deadline for the filing and service of Information Requests to the Intervenors regarding the pre-filed testimony that has been submitted prior to the date of this Order;
3. August 27, 2010, is the deadline for the Intervenors to respond to all Information Requests issued by July 30, 2010.

Robert J. Shea
Hearing Officer