STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-348

August 4, 2004

PUBLIC UTILITIES COMMISSION
Investigation into the Conservation Fund Assessments of the COUs

PROCEDURAL ORDER

By Procedural Order on June 23, 2004, the Examiner stayed the further processing of this case to conduct further settlement discussions. Those discussions ended in July without reaching a settlement. It is therefore time to resume the processing of this investigation.

On this same day, the Examiner issued a Supplemental Examiner's Report. Exceptions or written comments on both the June 15 Examiner's Report and today's Supplemental Examiner's Report are due on **August 25, 2004.** An oral argument will be held on August 31, 2004 at 1:30 p.m. in the Horace Libby Hearing Room at the Commission.

On July 14, 2004, MPI filed a "Motion to Reopen Record and for Leave to Submit Factual Information." By its Motion, MPI seeks to offer an affidavit from an MPI official that describes additional technical review of specific mill equipment and operations. That review includes analysis of mill electricity "consumption and use and effectiveness related thereto, and of energy efficient equipment already in place."

To the extent the affidavit offers analysis or opinions on the potential for additional cost effective conservation at the facility, it is likely that further discovery or technical conferences would be necessary in order to assess the credibility of that analysis or opinion evidence. That process could delay the filing of exceptions to the Examiner's Reports by two or more months, and of course is relevant to the assessment of only one of the COUs, MEW.

The proffered affidavit, moreover, may not be relevant and useful to the Commission decision in this investigation. If the Commission adopts the alternative recommendation in the Supplemental Examiner's Report, the proffered affidavit is not relevant. Alternatively, the Commission may reject both alternative Examiner recommendations, and decide that the conservation potential of any particular customer, even a large customer such as MPI, is not a relevant characteristic of the T&D service territory upon which the conservation assessment must be based. In such case, again the proffered affidavit is not relevant.

The Examiner will grant MPI's Motion only after the Commission determines that the factual evidence proffered by MPI will be relevant to its decision concerning MEW's conservation assessment. Therefore, the Examiner defers ruling on MPI's Motion at this time.

Dated at Augusta, Maine, this 4th day of August, 2004.

BY ORDER OF THE HEARING EXAMINER

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James A. Buckley