

Company's proposal to recover costs on a market basis for Company-owned facilities

3. On May 6, 2021, the Public Staff filed a motion requesting an extension of time to file direct testimony and exhibits until May 13, 2021 and a corresponding extension for DEC to file rebuttal testimony until May 24, 2021. On May 7, 2021, the Commission granted the request.

4. On May 13, 2021, the Public Staff filed the testimony of Jeff Thomas and the affidavit of R. Tyler Allison recommending approval of the Company's revised rates set forth in DEC's supplemental testimony, and agreeing with the Company that market-based cost recovery is appropriate for Company-owned facilities in lieu of cost-of service based recovery. Public Staff witness Thomas further recommended that the Commission require DEC to seek market-based recovery after the initial term.

5. On May 21, 2021, DEC filed the rebuttal testimony witness Jones, acknowledging the Public Staff's recommendation to approve the Company's rates as proposed in its supplemental testimony. Witness Jones further testifies that it is unnecessary to resolve the issue of post-term recovery for Company-owned facilities at this time.

6. The Public Staff and DEC have agreed to waive cross examination of each other's witnesses and allow the introduction of all pre-filed testimony, affidavits, and exhibits into the record.

7. Counsel for the Public Staff has consulted with counsel for all parties to this docket, and all parties agree to waive cross-examination of DEC and Public Staff witnesses and offer no objection to the introduction of their testimony and exhibits into the record.

WHEREFORE, the Public Staff respectfully requests that all DEC and Public Staff witnesses be excused from appearing at the June 1, 2021 hearing in this docket and that the pre-filed testimony, exhibits, and affidavits of the respective witnesses be received into evidence and made part of the record in this matter.

This the 24th day of May, 2021.

PUBLIC STAFF
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CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Witnesses to be Excused from Appearance at Evidentiary Hearing has been served on all parties of record or their attorneys, or both, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 24th day of May, 2021.

Electronically submitted
s/ Layla Cummings