

DOC11R

Case Management System - KY Public Service Commission*Administrative Cases Before the Commission as of November 28, 2024***2012-00428**

RECEIVED: 10/01/12

FILED: 10/01/12

FINAL: 04/13/16

REOPENED:

SUSPENSION DATE:

CASE NATURE: Smart Grid and Smart Meter Technologies

CASE CODE

Administrative

HEARINGS:

12/17/14	Formal Hearing
12/17/14	Public Meeting
12/16/14	Public Meeting
07/30/14	Informal Conference
04/08/14	Teleconference
03/11/14	Teleconference
02/11/14	Teleconference
01/14/14	Teleconference
12/10/13	Teleconference
11/12/13	Teleconference
10/10/13	Informal Conference
08/23/13	Informal Conference
07/23/13	Informal Conference
04/19/13	Informal Conference

INDEX OF EVENTS:

01/17/19	Order Entered: 1. EKPC's June 13, 2016 petition for confidential protection is granted. 2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission. 3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. EKPC shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, EKPC shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow EKPC to seek a remedy afforded by law.
02/07/17	POST CASE: David Carpenter, MD Et Al Public Comment
07/22/16	POST CASE: Shelby Energy Coop. Inc. Supplemental Response to Item 4
06/27/16	POST CASE: Kenergy Corp. Response to Letter from Thomas Berry
06/14/16	POST CASE: Kenergy Corp. Response to Order
06/13/16	POST CASE: Taylor County RECC Response to Order
06/13/16	POST CASE: Grayson RECC Response to Order
06/13/16	POST CASE: Big Sandy RECC Response to Order
06/13/16	POST CASE: Columbia Gas of Kentucky Inc. Response to Order
06/13/16	POST CASE: Kentucky Power Co. Response to Order
06/13/16	POST CASE: LGE and KU Combined Response to Order
06/13/16	POST CASE: JPEC Response to Order
06/13/16	POST CASE: Licking Valley RECC Response to Order
06/13/16	POST CASE: EKPC Response to Order
06/13/16	POST CASE: Duke Energy Kentucky Inc. Response to Order
06/13/16	POST CASE: Clark Energy Coop. Inc. Response to Order
06/13/16	POST CASE: Jackson Energy Coop. Corp. Response to Order
06/13/16	POST CASE: Blue Grass Energy Coop. Corp. Response to Order
06/13/16	POST CASE: Cumberland Valley Electric Inc. Response to Order
06/13/16	POST CASE: Big Rivers Electric Corp. Response to Order

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06/10/16 POST CASE: South Kentucky RECC Response to Order

06/10/16 POST CASE: Fleming-Mason Energy Coop. Inc. Response to Order

06/10/16 POST CASE: Shelby Energy Coop. Inc. Response to Order

06/10/16 POST CASE: Salt River Electric Coop. Corp. Response to Order

06/10/16 POST CASE: Owen Electric Coop. Inc. Response to Order

06/09/16 POST CASE: Inter-County Energy Coop. Corp. Response to Order

06/09/16 POST CASE: Delta Natural Gas Co. Inc. Response to Order

06/08/16 POST CASE: Meade County RECC Response to Order

06/08/16 POST CASE: Nolin RECC Response to Order

06/07/16 POST CASE: Farmers RECC Response to Order

06/06/16 POST CASE: Atmos Energy Corp. Response to Order

04/13/16 Final Order Entered: 1. Neither the EISA Smart Grid Information Standard nor the EISA 2007 Smart Grid Investment Standard shall be adopted.
2. The Joint Utilities shall develop policies and procedures that provide customers access to historical information regarding their energy use and tariff rate and shall endeavor to provide this information to customers in as close to real-time as practical. Furthermore, the Joint Utilities shall provide aggregated information to CAC upon its reasonable request. 3. The Joint Utilities shall develop internal policies and procedures governing customer privacy, customer education, and cybersecurity as set forth in this Order. 4. Within 60 days of the date of this Order, the Joint Utilities shall file with the Commission their internal procedures governing customer privacy and customer education. 5. Within 60 days of the date of this Order, the Joint Utilities shall certify to the Commission that they have developed internal cybersecurity procedures. 6. The jurisdictional electric utilities shall not be required to develop Dynamic Pricing programs and tariffs, but they are encouraged to do so.
7. Customer participation in any Dynamic Pricing program or tariff shall be voluntary. 8. Provisions allowing customers to opt out of smart meter deployments shall be considered as they are proposed by individual utilities.

01/21/16 Response E-mail to David Madden

01/07/16 Response E-mail to Dale Coomers

12/21/15 Kenergy Corp. Filing of Melissa DeLeon Public Comment

11/02/15 Kenergy Supplemental Letter of Kenergy Customer and Response

10/13/15 Response E-mail to Ruby Holloway

09/14/15 Kenergy Corp Response to Don Crosley

09/11/15 Kenergy Corp. Notice of 4 Received Public Comments

04/07/15 Order Entered: nunc pro tune,
that:
1. The March 23, 2015 Order is corrected by deleting the letter in the Appendix thereto and substituting the formal complaint that was filed on February 26, 2015, which is attached hereto as an Appendix.
2. All other provisions of the March 23, 2015 Order shall remain in full force and effect.

03/23/15 Order Entered: that Ms. Holloway's formal complaint shall be filed as public comment and placed into the case file in this proceeding.

02/27/15 Joint Utilities Brief

02/25/15 Response E-mail to Ruby Holloway

02/25/15 Public Comments from C Holloway and Ruby Holloway

01/26/15 Response E-mail to Ruby Holloway

12/30/14 Response E-mails to Nathan Bowman and Joe Zarantonello

12/17/14 Public Comment Meetings Memo

12/08/14 Order Entered: (1) The December 17, 2014 Public Hearing is cancelled. (2) Parties, either individually or jointly, shall have an opportunity to submit a brief, at their option, no later than February 27, 2015. (3) Public meetings shall be held in Hearing Room 1 at the Commission's offices in Frankfort, Kentucky, on December 16, 2014, at 6:00 p.m. EST, and on December 17, 2014, at 10:00 a.m. EST, for the purpose of taking comments from the public.

12/03/14 Joint statement concerning need for Evidentiary Hearing

11/25/14 Order Entered: (1) All parties, either individually or jointly, shall file on or before December 5, 2014, a written statement either that the Public Hearing should be conducted as scheduled on December 17, 2014, or that the matter can be submitted to the Commission for a decision based on the existing evidentiary record. Any statement that the Public Hearing should be conducted as scheduled shall set forth with specificity the

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issue(s) to be raised and identify the witness(es) to be cross-examined 2. If no party requests that the Public Hearing be conducted as previously scheduled, the December 17, 2014 Public Hearing shall be cancelled and the parties, either individually or jointly, may submit a brief to be submitted on or before February 27, 2015. (3) Public meetings shall be held in Hearing Room 1 at the Commission's offices in Frankfort, Kentucky, on December 16, 2014, at 6:00 p.m. EST, and on December 17, 2014, at 10:00 a.m. EST, for the purpose of taking comments from the public.

11/21/14 Order Entered: (1) Duke Kentucky's motion to allow Mr. Sailors to adopt and revise the testimony of Mr. Duff is hereby granted. (2) Duke Kentucky's motion to allow Mr. Rainear to adopt and revise the testimony of Mr. Wyatt is hereby granted. (3) The Direct Testimonies of Bruce L. Sailors and James R. Rainear are accepted for filing as of the date of this Order

11/18/14 Duke Energy Kentucky, Inc. Motions to Adopt Testimony of Mark Wyatt and Timothy Duff and Direct Testimony of James Rainear and Bruce L. Sailors

10/07/14 Licking Valley response to PSC second request for info

10/03/14 Duke Energy Kentucky, Inc. Response to Commission Staff's Second Request for Information

10/03/14 Nolin RECC response to PSC staff second request for info

10/03/14 EKPC response to PSC staff second request for info

10/03/14 Jackson energy response to PSC second request for info

10/03/14 Owen Electric response to PSC staff second request for info

10/03/14 Clark Energy Cooperative, Inc. Response to Commission Staff's Second Request for Information

10/03/14 Taylor County RECC response to PSC staff second request for info

10/03/14 Salt River RECC response to PSC staff second request for info

10/03/14 Big Rivers, Jackson Purchase, Kenergy, Meade Co, response to PSC staff second request for info

10/03/14 Farmers RECC Response to Commission Staff's Second Request for Information

10/03/14 South Kentucky RECC response to PSC second request for info

10/03/14 Big Sandy RECC response to PSC staff second request for info

10/03/14 Shelby Energy response to PSC second request for info

10/03/14 LG&E and KU response to PSC staff second request for info

10/03/14 AG response to PSC staff second request for info

10/03/14 Inter County RECC response to PSC second request for info

10/03/14 Grayson RECC response to PSC second request for info

10/03/14 Kentucky Power Company Responses to Commission Staff's Second Set of Data Requests

10/03/14 Blue Grass Energy Cooperative Response to Commission Staff Second Request for Information

10/03/14 Fleming-Mason Energy Response to Staff's Second Information Request

10/03/14 Columbia Gas of Kentucky response to PSC staff second request for info

10/02/14 Atmos Energy responses to the PSC staff second request for info

10/02/14 Cumberland Valley Electric Response to Commission Staff's Second Request for Information

10/01/14 Delta Natural Gas Company, Inc.'s Response to Staff's Second Request for Information

09/30/14 Community Action Council Response to Commission Staff's Second Information Request

09/18/14 Commission Staff's Second Request for Information

09/17/14 Order Entered: Ordering paragraph 4 of the Commission's September 5, 2014 Order is deleted in its entirety and the procedural schedule appended to that Order is amended by deleting the last date for the Joint Utilities to publish notice of the hearing.
2. All other provisions of the Commission's September 5, 2014 Order not in conflict with this Order shall remain in full force and effect.

09/11/14 IT IS THEREFORE ORDERED that CAC's motion to allow Mr. Ratchford to adopt and revise the testimony of Mr. Lanter is hereby granted.

09/05/14 Order Entered: The procedural schedule set forth in the Appendix to this Order, which is attached hereto and incorporated herein, shall be followed.

09/04/14 Motion to adopt testimony on behalf of CAC for Lexington Fayette Bourbon Harrison and Nicholas Counties, Inc.

08/25/14 Response E-mail to Dale Coomers

08/07/14 Response Letter to Martha Kiser

08/06/14 Memorandum dated 8/06/2014 for Informal Conference of 7/30/2014; Comments, if any, due within five days of receipt

08/05/14 Response Letter to Martha Kiser

07/29/14 Martha Kiser Comments

07/23/14 Commission Staff's Notice of Informal Conference

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07/09/14 Attorney General's Signature Page for Collaborative Smart Grid Report Filed June 30, 2014
07/07/14 Grayson RECC response to joint report
06/30/14 Joint Parties Report per the Report Development Schedule presented at the August 23, 2013 Informal Conference
06/19/14 Order Entered: that the motion to intervene is denied.
05/16/14 Susan Hedgecock Request to Intervene
05/12/14 Response E-mail to Ruby Holloway
04/01/14 Order Entered:
1. Movant's motion for confidential protection is hereby granted.
2. The information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for the period of time ending March 20, 2028, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. The Movant may request that the material continue to be treated as confidential but must demonstrate that the material still falls within the exclusions established in KRS 61.878.
3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the material in question after the end of the period set forth in ordering paragraph 2.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

03/20/14 Response Letter to C. Holloway
03/14/14 C. Holloway Public Comments
03/06/14 Response E-mail to Ruby Holloway
02/27/14 Response E-mail to Ruby Holloway
02/26/14 Response E-mail to Ruby Holloway
02/24/14 Response E-mail to Ruby Holloway
02/21/14 Response E-mails to Ruby Holloway
02/12/14 Response E-mail to Ruby Holloway
01/28/14 Response E-mail to Johnny Rosen
01/28/14 Response E-mail to Johnny Rosen
01/17/14 Response E-mail to Johnny Rosen
01/07/14 Response E-mail to Ruby Holloway
01/02/14 Response E-mail to Ruby Holloway
11/13/13 Response E-mail to John Walker
11/08/13 Ruby Holloway Public Comments
10/17/13 Memorandum dated 10/17/2013 for Tour of Duke Energy's EnVision Center on 10/15/2013; Comments, if any, due within five days of receipt of letter
10/11/13 Memorandum dated 10/11/13 for Informal Conference of 10/10/13; Comments, if any, due 10/18/13.
10/09/13 Memorandum dated 10/09/2013 for Informal Conference to be held on 10/10/2013; Comments, if any, due within five days of receipt
10/08/13 Memorandum dated 10/08/2013 for Informal Conference to be held on 10/10/2013; Comments, if any, due within five days of receipt
09/26/13 Commission Staff's Notice of Informal Conference
09/09/13 Memorandum dated 9/09/2013 for Informal Conference of 8/23/2013; Comments, if any, due within five days of receipt of letter
09/09/13 Response E-mail to Johnny Rosen
08/14/13 COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE
08/01/13 Joint Parties Response to Commission's July 17, 2013 Order
07/17/13 Order Entered: The request to decline to adopt the EISA 2007 Smart Grid Investment Standard and the EISA 2007 Smart Grid Information Standard is denied as premature. 2. The Collaborative shall give further consideration to the adoption of the EISA 2007 Smart Grid Investment Standard and the EISA 2007 Smart Grid Information Standard as part of its review. 3. The Commission authorizes the Collaborative to proceed to address the topics set forth in the Joint Comments as amended by the findings in this Order 4. With the condition noted above, the procedure and related events set forth in the Joint Comments shall be followed. 5. The Informal conference scheduled for Tuesday, July 23, 2013 is canceled. 6. Within 15 days of the date of this Order, the Joint Parties shall propose a new

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date for an organizational meeting.

07/01/13 Goss Samford PLLC Notice of Change of Address

06/06/13 Response E-mails to Kevin Sames and W.F. Siege

06/03/13 Response E-mail to Sally O'Boyle

05/20/13 Joint Comments

05/08/13 Ruby Holloway Public Comments

05/03/13 Order Entered: Motion of Kentucky Utilities Company and Louisville Gas and Electric Company Concerning Adopting Testimony is hereby granted.

04/26/13 Memorandum dated 4/26 for Informal Conference of 4/19; Comments, if any, due Within 5 days of receipt

04/24/13 Response letter to Ruby Holloway

04/19/13 Public Comments from Ruby Holloway

04/18/13 KU and LG&E Motion to Adopt Testimony

04/11/13 Order Entered; The informal conference that was scheduled for April 19, 2013, by Order issued on October 1, 2012, shall commence on the scheduled date at 10:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 2. Issues to be discussed at the informal conference shall include, but not be limited to: (a) The need for, and feasibility of, uniform standards for Smart Grid Investment and Smart Grid Information; (b) A process for the identification of reasonable standards and programs for the implementation of Smart Grid Investment, Smart Grid Information, reliability improvements, and dynamic pricing; and (c) The willingness of all parties to work in a collaborative manner to identify reasonable standards and programs consistent with a Smart Grid and the principles set forth in the Energy Independence and Security Act of 2007. 3. Each party shall have one or more representatives in attendance at the informal conference who are knowledgeable of all aspects of Smart Grid and the issues in this case, and who have authority to address procedural matters.

04/05/13 Jackson Energy Cooperative Response to Attorney Generals Initial Data Request

04/05/13 Jackson Energy Cooperative's Response to Commission Staffs First Data Request

04/01/13 Shelby Energy Cooperative, Inc.'s Response to Commission Staff's First Request for Information

04/01/13 Shelby Energy Cooperative, Inc.'s Response to AG's Initial Request for Information

03/29/13 Big Sandy RECC Correction to Response to Commission Staff's First Request for Information

03/27/13 Grayson RECC Response to Commission Staffs First Request for Information

03/27/13 Grayson RECC Response to AG's First Request for Information

03/25/13 Order Entered:
1. Jackson Energy's request for an extension of time to file responses to the discovery requests of Commission Staff and the Attorney General is granted.
2. Jackson Energy shall file such responses on or before April 5, 2013.

03/25/13 Order Entered:
1. Shelby Energy's motion for an extension of time is granted.
2. Shelby Energy shall file responses to the first discovery requests propounded by Commission Staff and the Attorney General on or before April 1, 2013.

03/22/13 Licking Valley RECC Response to AG Initial Request for Information

03/20/13 Owen Electric Cooperative Inc_Response to Commission Staffs First Request for Information

03/20/13 Inter County Energy Cooperative Responses to AG's Initial Requests for Information to the Companies

03/20/13 Cumberland Valley Electric Response to the Attorney General's Initial Request for Information

03/20/13 Columbia Gas of Kentucky, Inc.'s Response to Commission Staff and AG Initial Request for Information

03/20/13 South Kentucky RECC Response to Commission Staffs First Request for Information

03/20/13 Salt River Electric Response to Commission Staff and AG Initial Request for Information

03/20/13 Inter County Energy Cooperative Responses to Commissions Staffs First Request for Information

03/20/13 CAC's Response to East Kentucky Power Cooperative, Inc.'s Information Request

03/20/13 Farmers RECC Responses to Commission Staffs First Request for Information

03/20/13 Big Sandy RECC Responses to the AGs Request for Information

03/20/13 Delta Natural Gas Company Response to Commission Staffs First Request for Information

03/20/13 South Kentucky RECC Responses to Attorney Generals First Request for Information

03/20/13 Duke Energy Kentucky Response to Commission and AG Request for Information and Petition for Confidentiality

03/20/13 Licking Valley RECC Response to Commission Staff Initial Request for Information

03/20/13 Taylor County RECC Response to Commission Staffs First Request for Information

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03/20/13 Nolin RECC Responses to Commission Staff and AG Initial Request for Information
03/20/13 Clark Energy Responses to Commission Staffs First Request for Information
03/20/13 Delta Natural Gas Company Response to Attorney Generals First Information Request
03/20/13 Owen Electric Cooperative Response to AG Initial Request for Information
03/20/13 Atmos Energy Corporation Responses to Commissions Staffs First Request for Information
03/20/13 CAC's Response to Commission Staff's First Information Request
03/20/13 Big Sandy RECC Response to Commissions First Request for Information
03/20/13 Cumberland Valley Electric Response to Commission Staffs First Request for Information
03/20/13 Clark Energy Responses to Attorney Generals Initial Data Requests
03/20/13 East Kentucky Power Cooperative, Inc. Responses to Commission Staff and AG Initial Request for Information
03/20/13 Taylor County RECC Response to Attorney Generals Initial Requests for Information
03/20/13 LG&E and KU Responses to Commission Staff and AG Initial Request for Information
03/20/13 Fleming Mason Energy Responses to Commission Staff and the Attorney General Request for Information
03/20/13 Big Rivers, JPEC, Kenergy Corp. and Meade County RECC Response to Commission Staff and AG Initial Request for Information
03/20/13 Blue Grass Energy Responses to Commission Staff and AG First Information Request
03/20/13 Farmers RECC Responses to Attorney Generals Initial Data Request
03/20/13 Atmos Energy Corporation Responses to the Initial Request for Information by the Attorney General
03/20/13 Kentucky Power Company's Response to Commission Staff and Attorney General First Information Request
03/18/13 Jackson Energy Cooperative Motion for Extension of Time
03/18/13 Shelby Energy Cooperative Motion for Extension of Time
02/27/13 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
02/27/13 Attorney General's Initial Request for Info to the Companies
02/27/13 East Kentucky Power Co information requests to Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc. files responses
01/28/13 Response e-mail to John Paul Straub
01/28/13 Response e-mail to James Jones
01/28/13 EKPC and Member Systems Direct Testimony of Isaac S. Scott
01/28/13 Duke Energy Kentucky Notice of Entry of Appearance and Direct Testimony of Witnesses
01/28/13 Direct Testimony of Roger d. Hickman
01/28/13 Direct Testimony of Charles D. Lanter on behalf of CAC
01/28/13 Direct Testimony of Bellar, Huff, Staton, and Sinclair
01/28/13 Joint testimony of Glenn Jennings on behalf of Atmos Energy, Columbia Gas of KY., Delta Natural Gas
01/28/13 Direct Testimony of Lila P. Munsey and David M. Roush
11/30/12 Response letter to David O'Brien, BRIDGE Energy Group
11/26/12 Public Comments from Ruby Holloway
11/08/12 Response E-mail to Sherry Tierney
11/05/12 BRIDGE Energy Group Request to Intervene
11/01/12 Response e-mail to Helen Griggs
11/01/12 Response e-mail to Marsha Foster
10/31/12 BRIDGE Energy Group Request to Intervene FAX
10/23/12 Order Entered: The petition of KIUC to intervene is granted. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. Should KIUC file documents of any kind with the Commission in the course of these proceedings, KIUC shall also serve a copy of said documents on all other parties of record.
10/23/12 Order Entered: that the motion is granted, and the Attorney General is hereby made a party to these proceedings.
10/19/12 Response letter to Kevin Daley
10/18/12 Attorney General's Motion to Intervene
10/17/12 Order Entered:
1. The motion of CAC to intervene is granted, and CAC shall accept the existing procedural schedule.
2. CAC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

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3. Should CAC file documents of any kind with the Commission in the course of these proceedings, CAC shall also serve a copy of said documents on all other parties of record.

10/17/12 Petition to Intervene of KIUC

10/16/12 Kevin Daley Public Comments

10/15/12 Response E-mail to Sue Davis

10/15/12 Response E-mail to Helen Griggs

10/10/12 Motion for full intervention on Behalf of the Community Action Council for Lexington-Fayette, bourbon, Harrison, and Nicholas Counties, Inc.

10/03/12 Response E-mail to Sally O'Boyle

10/01/12 Order Entered: 1. This proceeding is opened to develop a record upon which the Commission can consider the issues of implementation of the EISA 2007 Smart Grid Investment Standard, the EISA 2007 Smart Grid Information Standard, Smart Grid and Smart Meter technologies, and dynamic pricing. All jurisdictional electric utilities are made parties to this proceeding. All five major jurisdictional natural gas utilities are made parties to this proceeding as set forth in this Order. 4. All five major jurisdictional natural gas utilities shall have 30 days from the date of this Order to submit arguments supporting a request for termination of status as a party to this case. 5. Copies of this Order shall be served upon each utility that was made a party to Admin 2008-00408 and upon each person granted intervention in that case. 6. The documents listed in Appendix A, attached hereto and incorporated herein, are included in the record of this case but shall not be served with this Order. The procedural schedule set forth in Appendix B, attached hereto and incorporated herein, shall be followed. Every utility made a party to this case and not released pursuant to ordering paragraph 4 shall individually or jointly file initial testimony in accordance with the procedural schedule. 7. All requests for intervention shall be filed within 30 days of the date of this Order. 8. Public comments by non-parties shall be in writing and shall be filed prior to any hearing or shall be presented at

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