

New Brunswick Board of Commissioners of Public Utilities

In the Matter of an application by the New Brunswick System Operator for changes to the Open Access Transmission Tariff (OATT) as approved by the Board for the New Brunswick Power Corporation

Delta Hotel, Saint John, N.B.
February 16th 2005 10:00 a.m.

CHAIRMAN: David C. Nicholson, Q.C.

COMMISSIONERS: Diana Ferguson Sonier
Jacques A. Dumont
David S. Nelson
Ken F. Sollows

BOARD COUNSEL: Peter MacNutt, Q.C.

BOARD SECRETARY: Lorraine Légère

BOARD STAFF David Young
Gay Drescher

..... CHAIRMAN: Good morning, ladies and gentlemen. Housekeeping as usual. Put your mike on if you wish to use it. And the red light will come on. Otherwise we won't be able to hear anybody.

This is an application by the New Brunswick System Operator for changes to the Open Access Transmission Tariff as approved by the Board for the New Brunswick Power Corporation as it then was and which has been amended I believe twice since then.

And what we are dealing with is the document that was in effect on the first of October of 2004 as amended. First of all I will ask for appearances.

The System Operator?

MR. FRENCH: Appearing on behalf of the System Operator is myself Raymond French of Patterson Palmer and Kevin Roherty, Corporate Secretary and General Counsel of the New Brunswick System Operator.

I'm here today in place of Charles Whelley who will be regularly the counsel for the New Brunswick System Operator. With the New Brunswick System Operator as well this morning are Bill Marshall and George Porter.

And Mr. Chairman, also here as a party applicant is the New Brunswick Transmission Corporation. And Charles Whelley or myself will be representing the Transmission Corporation as it presents its revenue requirements as required by subsection 111 (3) of the Act.

And with Transmission Corporation here this morning we have David Lavigne and Brian Scott also at the table this morning.

CHAIRMAN: Thank you, Mr. French. Rumour has it that you had a good deal to do with the legislation that we are looking at these days. Everybody in the room can note that. So you can tackle Mr. French in the intermissions.

Okay. Now TRANSCO is a party by -- you quoted a section 111 (3). And it is automatically a formal intervenor. Or is it in your opinion an applicant?

MR. FRENCH: I believe it forms the subset of the application. Because the revenue requirements of all transmitters form part of the application on the tariff.

CHAIRMAN: But does that section not make it automatically by the statute a party to any application that the SO brings to this Board?

MR. FRENCH: Yes, sir.

CHAIRMAN: And I guess I'm just trying to see where you would fall on our parties' list, whether it would be a formal intervenor or if in fact it is an applicant.

MR. FRENCH: Mr. Chair, I think it would be recorded just in the same manner as the list shows now for WPS, showing under applicant, New Brunswick System Operator, WPS Canada Generation Inc. and as well New Brunswick Transmission Corporation. I think it is recorded accurately now.

CHAIRMAN: Okay. Good. Thank you. I think as we go through this hearing the confusion that some of us have with the legislation and how it all plays out, will become very obvious.

Canadian Manufacturers and Exporters, New Brunswick Division?

MR. PLANTE: Here, Dave Plante.

CHAIRMAN: Mr. Plante. Is Mr. Gerard Daly here?

MR. DALY: Yes, Mr. Chairman.

CHAIRMAN: Okay. You are seated behind the munis there. There you are, yes. Thank you.

Now I should ask, Mr. Plante, who do you represent? Who does Canadian Manufacturers and Exporters, New Brunswick Division represent in his hearing?

MR. PLANTE: As noted in our application for formal intervenor status, the Association represents companies and manufacturers in the province that account for approximately 75 percent of manufactured output.

So it is a group of companies as an industry association that we represent.

CHAIRMAN: And Mr. Daly?

MR. DALY: Yes, sir.

CHAIRMAN: Who do you represent?

MR. DALY: I'm representing myself as a ratepayer in the province. I was actually hoping to see that there would be a public intervenor status here. But I don't see that.

CHAIRMAN: No. I have heard of none in reference to this. I know that an agent of the Attorney General may well be appointed if there is a rate application, but not in this.

Is anybody in the room aware of whether or not there

would be an agent of the Attorney General appointed for this hearing? No. We haven't heard of any.

MR. DALY: Okay.

CHAIRMAN: So you are a residential consumer, Mr. Daly?

MR. DALY: A residential and a commercial consumer.

CHAIRMAN: Okay. And it is a presumption on my part. Do you take from the distribution company, either here in Saint John or elsewhere?

MR. DALY: I think that would be outside of Saint John.

CHAIRMAN: Yes. Okay. So you would take from DISCO and not off the high voltage transmission network?

MR. DALY: That is correct.

CHAIRMAN: Okay. Eastern Wind Power Inc.?

MR. WOODHOUSE: Here.

CHAIRMAN: And is that Mr. Woodhouse holding up his hand?

MR. WOODHOUSE: Yes, it is, yes.

CHAIRMAN: Okay. Thank you. Now we have Irving Paper Limited, Irving Pulp and Paper Limited and J.D. Irving. They are represented by?

MR. LANGLEY: Ross Langley.

CHAIRMAN: And Irving Pulp and Paper puts into the high transmission network, does it not?

MR. LANGLEY: Yes.

CHAIRMAN: Yes. Whereas the other two companies do not?

MR. LANGLEY: That is correct.

CHAIRMAN: Okay. Board has absolutely no problem with the three companies being formal intervenors. But just put you on notice that in examination or presenting witnesses, why you will get the one opportunity on behalf of all three to cross, et cetera, as you probably would be aware.

MR. LANGLEY: I understand that.

CHAIRMAN: Okay. Thank you. NB Power Distribution Customer Service, DISCO?

MR. MORRISON: Yes, Mr. Chairman, Terrence Morrison on behalf of NB Power Distribution Customer Service Corporation. And with me is Blair Kennedy who is the Director of Energy Procurement and Contract Management.

CHAIRMAN: Yes. Thanks, Mr. Morrison. And I saw the Northern Maine Independent System Operator, Mr. Belcher, just walk in. So he is here. Nova Scotia Power Inc.?

MR. ZED: Peter Zed, Mr. Chair.

CHAIRMAN: Okay. Mr. Zed. And the three municipal utilities, Edmundston Energy, Perth-Andover Electric Commission and Saint John Energy?

MR. YOUNG: Yes, Mr. Chairman. Dana Young representing the three.

CHAIRMAN: Okay. You are customers of -- sorry, Perth-Andover is different in that it is licenced. And it takes

from WPS. So it is not taking the standard offer service. Whereas Edmundston and Saint John both take standard offer service.

So you are not a customer of TRANSCO or the SO. You have -- you know, DISCO normally, as we understand the definitions now of who has to be licenced, et cetera, DISCO would be speaking on your behalf normally?

MR. YOUNG: That is correct, Mr. Chairman.

CHAIRMAN: Okay. Now have I missed anybody who is asking for formal intervenor status? Again, Mr. MacDougall, you are automatically a party as I read section 111(3).

MR. MACDOUGALL: That is correct, Mr. Chair. So we have an updated list here that shows us under the applicant, NB System Operator and then showing WPS Canada Generation Inc. And I would say we just follow exactly as was indicated by my friend Mr. French earlier.

And WPS Canada is represented by myself David MacDougall and my colleague Matt Hayes. And we are joined today by Mr. Howard of WPS.

CHAIRMAN: Yes. Good. Thanks, Mr. MacDougall.

MR. MACDOUGALL: Thank you, Mr. Chair.

CHAIRMAN: Now we have my list which is probably outdated. But my list has two requests for informal intervenor status. And one is Hydro Quebec. And there is no one

representing them here today, I presume.

And the second is NB GENCO. And there is nobody here representing them.

And Mr. MacNutt is here as Board Counsel. You had better hold up your hand, Mr.

MacNutt, so that those who don't know you will.

Who is with you today, Mr. MacNutt, on Board staff?

MR. MACNUTT: I have Gay Drescher and David Young.

CHAIRMAN: Good. Thank you. Now all of the formal intervenors have indicated that the

language of the hearing, their choice would be English. And therefore this hearing will be in English.

I don't know. Has the SO thought about whether or not the actual proceeding itself should have simultaneous translation or not? I know that NB Power Corporation, as it then was, would as a normal matter have simultaneous translation. Has the SO given that consideration?

MR. FRENCH: Can we just take a minute?

CHAIRMAN: Sure.

MR. FRENCH: Mr. Chair, I guess our view would be that simultaneous translation would be appropriate. However in the circumstance where no one has requested to participate other than in one of the two official languages, I guess I'm not certain if that would mean somebody should be here ready for translation on a standby basis. But if there

was a call for it, certainly it should be provided.

CHAIRMAN: Mr. French, the only reason I brought it up is that it was NB Power Corporation's normal approach that on a major hearing of this nature that they would.

We don't -- you know, you can consider it after the pre-hearing is over and discuss it with Board staff if you believe that those arrangements should be made.

MR. FRENCH: Thank you.

CHAIRMAN: Thank you. For those of you who are not familiar with the Board process -- I guess maybe my mike is missing a leg here, that is why it keeps flopping around.

I understand the Board Secretary has either with her now or on a table in the back of the room set out our sheet on procedures policy that the Board has. So if any of you haven't got a copy of that, why I suggest you garner one before you leave, so that you understand how we run things.

Let me reemphasize one procedural and housekeeping item, is that every participant is responsible for copying the Board and all other participants with any paper that they generate, so that the Board does not act as a clearing house in that the intervenor would put in some interrogatories directly to us and we would have to copy everybody. That responsibility lies with each of the

parties to the hearing.

To the best of the Board's knowledge, Section 156 of the Electricity Act has yet to be proclaimed. So this is not the SO's first hearing after.

Does the applicant want to use a slide presentation before they start their official evidence? And I only bring that up because sometimes you have.

MR. FRENCH: Yes, Mr. Chair, we do, at the commencement of the hearing.

CHAIRMAN: Yes.

MR. FRENCH: And I guess we would propose, if it was acceptable to yourself, that by

March 10th, Thursday at noon, we provide you with a copy of the presentation.

CHAIRMAN: Again you will provide everyone, Mr. French?

MR. FRENCH: Yes, of course.

CHAIRMAN: All right. Bring that date up again when we take a look at our --

MR. FRENCH: Schedule?

CHAIRMAN: -- timetable, schedule. As you are aware, the reason that I ask the question

and the reason that you have to provide the slides to all of the other parties in the

proceeding is that they are able then to review it in the light of your prefiled evidence

to see if there are any matters that they disagree with you discussing in the

slide presentation in that it is new evidence, et cetera.

And there is, just as I understand it, the one witness panel? Yes. Okay. The Board Counsel has given me a list here that I'm following. He also is very thorough and says whether the summation submissions will be written or oral. And I said to Mr. MacNutt, that is going too far. I will wait until the end of the hearing on that.

Again rebuttal evidence, if we have to come up with that, why at the opening of the hearing itself I would like all parties to address that. But we have a procedure that we established in the past that is pretty basically what the courts would choose, in that if there was any evidence that is brought forward by let's say any intervenor that the applicant -- no reasonable applicant could foresee it forthcoming, then the witness for the applicant will be allowed to be called after the intervenor's evidence and give rebuttal evidence on it.

Now if everyone follows the rules, then intervenors, in accordance with our procedures policy, they have to prefile any evidence that they will be giving. So that by the time the panel for the applicant actually is heard by the Board, they will have had an opportunity to review the intervenor's evidence. And therefore there really should be no difficulty in having to recall an applicant witness

for rebuttal. But we have run into it before. So I point that out.

In our Board's procedure policy document we have a good deal of discussion about exhibit marking and cross examining sequence, service of documents, filing with the Board, transcripts and et cetera. So I don't think there is any problem there.

Now before the Board breaks for a short discussion on intervenor status and who should be an intervenor, are there any other preliminary matters that any of the parties want to bring to our attention?

MR. FRENCH: Just Mr. Chair, would now be an appropriate time to present the affidavit of service or notice rather?

CHAIRMAN: Yes. That is fine. And we will mark it. And it will part of the record, Mr. French. Okay. I will review that after the break. Thank you. Anything else?

MR. FRENCH: As an additional matter we have provided to the Board Secretary a number of copies of the black line version, marked, identified changes to the Transmission Tariff. And we have additional copies here for people.

CHAIRMAN: I think subject to your input, I think probably it would be -- when you say black line, this is where the changes are taking place, that the applicant is requesting?

MR. FRENCH: That is right, just to make it -- to facilitate a review of the proposed changes.

CHAIRMAN: Okay. And that is a new document you filed with the Board. But do any of the other parties have it?

MR. FRENCH: Not yet. We have brought extra copies for the parties here.

CHAIRMAN: That must have taken a van.

MR. FRENCH: There is a number of them. And it is big.

CHAIRMAN: Yes. Well, okay. It has been filed. And I think when your panel gets on we can identify that particular volume if you so desire at that time.

But I suggest during the break if you want to hand around the black line copies to the various participants, that probably would be a good time.

Okay. Anything else? We will take a 10-minute recess then.

(Recess - 10:25 a.m. - 10:35 a.m.)

CHAIRMAN: We are waiting for the Tel-Av, what we are waiting for. However, it seems to be working all right without him. So we will go ahead. If it starts to squeal, we will stop.

The Board will grant formal and informal status to all of the people that we had canvassed and mentioned at the beginning. We also want to -- well, we have already when

we -- that is, I did when I took appearances, point out the various roles that some of the parties will be playing.

Mr. French, there is -- there is one thing that my Commissioners brought to my attention when we went out. Is that you are acting on behalf of both the SO and TRANSCO. And I understand that the Act requires the SO to bring forth the budget of TRANSCO. No question about it. But we are just a bit concerned that there might not be a conflict that might emerge in this hearing and you would find yourself in a very difficult spot, in that TRANSCO is not separately represented.

Mr. MacDougall is here on behalf of the other transmitter, WPS. And again the SO would be in charge of bringing their budget forth too, that is, WPS'. And I just wonder if you should think on that a bit. That's a concern that we have. It's your call. But that certainly is a concern.

Now, I understand that you wanted to have the black lined copy of the tariff to be marked as an exhibit at this time?

MR. FRENCH: Yes, Mr. Chair.

CHAIRMAN: We will go ahead and do that then. Oh, it's labelled the red lined version I am informed. That will

be exhibit A, for applicant, 1. Exhibit A-1.

MR. MACNUTT: Mr. Chairman, is it going to be A-1 or A-2, because the affidavit I should think would be A-1?

CHAIRMAN: Can't hear you, Mr. MacNutt.

MR. MACNUTT: Is it going to be exhibit A-1 or A-2, because the affidavit was introduced just before it?

CHAIRMAN: I just -- I just marked it not as an exhibit, Mr. MacNutt. Just initialled it. It forms part of the record, the affidavit itself, not as an exhibit.

MR. MACNUTT: Thank you.

CHAIRMAN: So this is A-1.

MR. MACNUTT: Thank you.

CHAIRMAN: Thank you for bringing that to my attention though.

MR. MACNUTT: Thank you, Mr. Chair.

CHAIRMAN: Yes, Mr. French.

MR. FRENCH: Mr. Chairman, during the break my instructions were clarified and I should have reported to you that it would be the preference of the applicant that there be simultaneous translation for the hearing.

CHAIRMAN: All right. That -- we have -- always have two difficulties with these larger hearings. And that is scheduling accommodation in the hotel. The Board has gone ahead and we have looked after that. But we have not done

the simultaneous translation route. And that may -- I wonder -- let's go through the agenda here.

And then perhaps we can take a break and see if we can get in touch with Translation Bureau in Fredericton to see if they can cover the dates that we have for the actual hearing. And I believe the Board Secretary from somewhere -- probably from Ms. Tracy has a tentative agenda that I have in front of me. Has everybody got a copy of that? It's dated January 19, 2005. Tentative Filing Schedule.

Anybody any difficulties with the dates on that? Silence is acquiescence.

MR. FRENCH: Mr. Chair, other than the addition you asked me to raise again with respect to the filing of the presentation, we have no concern.

CHAIRMAN: I don't see any difficulty with it. Does Board Staff have any difficulty with the March 10 date for the slide presentation being inserted in this tentative schedule?

MR. MACNUTT: No. Board Staff is on side.

CHAIRMAN: Can't hear you, Mr. MacNutt. Sorry.

MR. MACNUTT: The Board Staff is fine with that date, Mr. Chairman.

CHAIRMAN: Okay. Thanks. Just a thought that's crossed my mind. Would it be possible to put it in between the 3rd

and the 8th of March, the slide presentation?

All I am thinking of is that if something comes up on the slides and you haven't completed your interrogatories, and there is -- somebody takes the slides, have a change of phrase or whatever it may be, that they could put in the interrogatory in your evidence you said thus and such and so and on your slides you say this. Does this mean the same thing or doesn't it? I don't know.

MR. FRENCH: Certainly, Mr. Chair.

CHAIRMAN: Okay. Monday, if we were to say noon on Friday the 4th, slide presentation.

Now, you will notice that all of the dates on the tentative schedule are noon. So if it says the 4th, we mean that it's due by 12:00 noon Atlantic time and not 4:15.

Quite often, because what happens is that that will have -- our staff -- and I am sure your staff working on Friday night trying to get something turned around and out by Monday morning at noon on Monday or something. So I also -- it's my understanding, and I will look at the Secretary when I say this, but she expects to have the Board's hard copies at that same time.

So you can serve everybody electronically if in fact everybody is equipped to receive electronically, but the Board does need some hard copies. And on that particular

date. So the roads between Fredericton and Saint John will be burned up at noon on a number of days.

Is there anybody in the room who does not have the ability to receive filings electronically? Everybody does? Good. And does the Board Secretary have all the addresses for all the parties?

MS. LEGERE: We have everything in draft. A document will go out tomorrow asking --

CHAIRMAN: So you have all the information you need then, Madame Secretary. Thank you. Well now I am going to ask the Secretary if she -- from day-to-day, March 22, 23 -- Mr. French, the applicant has had a stakeholder meeting, as I understand it, to go through all the various changes requested and what not.

My question is are two days sufficient for this hearing or should we look at more? I know there is a lot of wishful thinking here. But when I see this many intervenors and the complexity of some of the requests and implications, are we being on the light side here?

MR. FRENCH: Mr. Chair, based on the information that we have so far, we believe that will be sufficient time. Some of our colleagues who are here may differ.

But because of the agreement to most of the changes from the stakeholders' meeting and the Market Advisory

Committee, frankly, we aren't aware of any significant objection to what has been placed forward as the requested changes. And in fact, of course, we thought it might be premature now to request it.

But based on the interrogatories, if there is nothing material that comes out of it, this might have been wishful thinking, but we thought there might have even been a need for less time.

CHAIRMAN: Are you including summation in that for the two days?

MR. FRENCH: Yes, Mr. Chair, we are.

CHAIRMAN: All right. Anything else that any of the parties want to bring up at this time?

My intention would be to take a recess and I will have the Board Secretary check with the Translation Services in Fredericton. I will ask that she talk about three days, 22, 23, 24. Just to be on the safe side. Mr. Zed?

MR. ZED: Just a question about A-1. I wonder if it's available electronically? And where?

I guess that is the --

CHAIRMAN: Talk to Ms. Tracy. Then we will take a -- yes?

MR. FRENCH: Just I guess in response to the identification of the issue with respect to our representation of both the New Brunswick Systems Operator and New Brunswick Power

Transmission Corporation, I just thought I should advise you, we will do as you said and take it under advisement.

But just for the record, I should explain that it is because of that subsection 111(3) and the consensus on this particular application that's being made and the characterization of how the application will go, as we have interpreted it from that subsection 3 that we considered the lead on the application to be the New Brunswick Systems Operator and then the transmitters file their revenue requirements.

And we consider that issue and will reconsider. It was a question frankly of prudence if there was no identifiable difference in the positions of either.

On the application as presented, we thought it was prudent -- or the parties felt it was prudent to proceed in this matter. But we will -- it was a cost consideration.

CHAIRMAN: Okay. I appreciate that. And I appreciate what you have said, Mr. French.

I guess we are being overly pessimistic, because every time we turn the corner with the Electricity Act, we find there is an implication down here that nobody foresaw. And I am not -- I don't wish to blame all that on you. I am not -- I am not saying that. But it is difficult sledding at times. And we are all

learning as we go. And I appreciate that you would be thinking about that. Any anyway that -- my Commissioners did bring it up. And we just wanted to toss that into the mix.

We will take a recess so that the Board Secretary can make some phone calls.

Thank you.

(Recess - 10:50 a.m. to 11:10 a.m.)

CHAIRMAN: The Board Secretary tells me that the Translation Bureau has -- the whole procedure has changed. And it's going to take us anywhere from a week to -- or maybe 10 days to find out whether or not we can get simultaneous translation. We have to get an account number. I mean, this is bureaucracy at its best. We have to get an account number. And then we have to make an application. And then that's reviewed, et cetera, et cetera, et cetera. I suggest that each of NB Power Corporations get registered as well. Not for this one. But get registered. So that if in the future, you will be able to -- when Ms. Tracy comes forth with her tentative schedule, she will be able to know that she can in fact get simultaneous translation if it's necessary.

So we will go ahead. Under the circumstances the hearing will be, of course, in the English language and will go ahead -- we will attempt to get simultaneous

translation. But if we can't, we will go ahead without it.

Now any -- there has been a suggestion made that I go around the intervenors and see if anybody in fact has any objection to the application that has been filed, because there is a feeling that there is consensus among you that you have no difficulty with it.

So if -- I don't know what that will prove, because we have got to approve it, but we will go around the room on that basis.

And let's start off with WPS Generation Inc. Mr. MacDougall?

MR. MACDOUGALL: Yes, Mr. Chair. No, we have no issues. And we are not aware of any parties having any issues with the aspects of the changes that are referable to WPS. And WPS does not have any issues with the other generic aspects of the SO's application.

CHAIRMAN: Okay. I am frankly surprised with the large attendance in the room that there doesn't appear to be any. But that's -- we will keep going around through. And there probably are some. Canadian Manufacturers and Exporters. Mr. Plante?

MR. PLANTE: Mr. Chairman, at this time I am not aware of any issues with the application. But I would like to

reserve the right to canvass our members just one last time prior.

CHAIRMAN: Oh, absolutely. Mr. Daly?

MR. DALY: None at this time, Mr. Chairman.

CHAIRMAN: And Eastern Wind. Mr. Woodhouse?

MR. WOODHOUSE: Yes. We do not have any -- any problems at this time that we foresee. But we still are in the process of working through New Brunswick's first wind project and then signing the GIA with TRANSCO. And we are not sure till we get through it whether there will be issues we want to raise, but we are -- we just want to make it known that we are in the process of coming to an agreement with TRANSCO and ourselves.

CHAIRMAN: Okay. Thank you. Mr. Langley, for the three pulp and paper companies?

MR. LANGLEY: Yes, Mr. Chairman. We don't have any objection at this time.

CHAIRMAN: And Mr. Morrison?

MR. MORRISON: Mr. Chairman, we are generally in support of the application. Actually, we are in support of the application. The only reason we are really intervening is if -- and nobody knows what can happen in the course of a hearing if things go sideways, the only issue that DISCO has any interest in is the ancillary services cap.

CHAIRMAN: Mr. Belcher for Northern Maine Independent System Operator?

MR. BELCHER: Mr. Chairman, we are generally okay with the application as it is. We have some minor settlement issues. But we think those can be worked out on the side.

CHAIRMAN: Thank you, Mr. Belcher. I encourage you start that side today. And, of course, Mr. French, TRANSCO has no problem?

MR. FRENCH: No, Mr. Chair.

CHAIRMAN: Great thanks. Well, that's enlightening. I guess it is entirely up to us. Oh, I forgot the second page. Sorry about that. Mr. Zed I'm sure will have something to say.

MR. ZED: But always positive, Mr. Chair. We have -- currently doing a final review. And there are no significant issues that I'm currently aware of.

CHAIRMAN: Good. Thanks. Mr. Young?

MR. YOUNG: No issues, Mr. Chair.

CHAIRMAN: So it is really just the Board reviewing it, is what it amounts to. Okay.

Well, we will -- are there any other matters before we break today? Somebody is caught in the beer fridge out there. Any other matters?

MR. FRENCH: Mr. Chair, I guess if the interrogatories don't

produce any -- don't produce the identification of any meaningful issues, it would be of course the Board's prerogative, but we would be wondering whether if at that time it would be possible to review the need for whether it is an oral hearing or the length of the hearing. Because you would be in a better position at that time to assess what will be necessary.

I mean, you asked a question today about whether two days would be enough. We felt from what we canvassed, we thought that would be more than enough.

In fact we felt that, subject to the view of the Board, that an oral hearing may not be necessary at all. But it would be hard for you to gauge that until you had a sense of what the interrogatories were.

And even then -- even if we just presumed that there were none, I guess I'm not sure what the position of the Board would be or how we would address it at that time.

But from cost and time perspective, I don't think anybody wants to do anything that --

CHAIRMAN: I think, Mr. French, and I speak for myself alone, but also having spoken with my fellow Commissioners about various matters, there is an update on budget that is coming through there, that the Board will have some questions. And I always enjoy having Mr. Marshall sworn

in front of me and giving a presentation.

So I think we will go ahead with an oral hearing. Frankly we have had a number of written hearings where in the end result we have had to go to an oral summation process simply because we find that we learn as we go.

And there are questions that arise in a written proceeding that you don't have someone that you can say, what on earth does this mean, even though the interrogatory process has been followed to the T.

But certainly I can -- we can rule differently later. But I would say now the odds are greatly in favor of going ahead. If it is only one day, we will have that oral hearing.

So we will rise and adjourn then to March 22. And I think we will probably be back in this ballroom or one of them. Thank you.

(Adjourned)

Certified to be a true transcript of the proceedings of this hearing as recorded by me, to the best of my ability.

Reporter