



testimony of Mr. LaFave. On March 14, 2017, the Commission held a hearing regarding Consolidated Edison's motions *in limine* and issued an order denying the motions on March 21, 2017. On March 20, 2017, the Commission issued an Order For and Notice of Evidentiary Hearing. A hearing is scheduled for April 11, 2017 at 9:00 am. The marking of exhibits is scheduled to begin at 8:00am.

## **2. Contested Issues**

The major contested issue before the Commission is what the appropriate avoided cost is in this case. This issue includes additional contested issues that must be determined by the Commission including:

- a. What is the appropriate avoided cost model to use in this case?
- b. What are the appropriate inputs to use in that model?
- c. Was an LEO established? And if so when was the LEO established?
- d. Should a capacity credit be included in the avoided cost and if so, what is the appropriate capacity credit and what year should this begin?
- e. Should a CO2 compliance credit be included in the avoided cost and if so, what is the appropriate CO2 compliance credit?
- f. Should an adjustment for transmission network upgrade cost be included in the avoided cost and if so, what is the appropriate transmission network upgrade cost?

## **3. Uncontested Issues**

At this time, the term of the potential Purchase Power Agreement has not been contested by either party.

## **4. Witnesses**

Staff intends to call two witnesses at the hearing, Mr. Jon Thurber and Ms. Kavita Maini. Staff will offer the prefiled testimony of these witnesses.

## **5. Exhibits and Evidence**

Staff's will offer the following prefiled testimonies and exhibits of Mr. Thurber and Ms. Maini as evidence at the hearing:

Mr. Jon Thurber's Prefiled Testimony

Exhibit\_JPT-1-FERC Order 69

Exhibit\_JPT-2- Docket F-3365 Order

Exhibit\_JPT-3- Docket EL11-006 Order

Exhibit\_JPT-4- Juhl's Response to Commission Staff DR 1-9

Exhibit\_JPT-5- Docket RM13-002 Draft Rules

Exhibit\_JPT-6 – Docket RM13-002 Juhl Reply Comments

Exhibit\_JPT-7 – Juhl's Response to Commission Staff DR 3-1

Exhibit\_JPT-8 - Juhl's Response to Commission Staff DR 3-2

Exhibit\_JPT-9 – Juhl's Response to Commission Staff DR 2-2

Exhibit\_JPT-10 –Juhl's Response to Commission Staff DR 2-5

Exhibit\_JPT-11- NorthWestern's Response to Commission Staff DR 2-1

Ms. Kavita Maini's Prefiled Testimony

Exhibit\_KM-1-Kavita Maini, KM Energy Consulting, LLC, Projects

Exhibit\_KM-2- Xcel Energy, TX Tariff; Purchase of Non-Firm Energy from  
Qualifying Facilities

Exhibit\_KM-3-Brule and Aurora QF Location

Exhibit\_KM-4-Davison QF Location

In addition to prefiled witness testimony and the exhibits listed above, Staff may file additional exhibits by April 7<sup>th</sup>, 2017 in accordance with the Procedural Order and request that the those exhibits be admitted as evidence. Staff reserves the right to use responses to data requests for cross examination.

**6. Special Needs**

At this time, staff has no request for special accommodations.

Respectfully submitted March 31, 2017.

*Amanda M. Reiss*

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