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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Public Utilities
Rulemaking

Case No. PU-12-162

PUBLIC SERVICE COMMISSION STAFF TESTIMONY
July 12, 2012

My name is Mike Diller. I am the Director of Economic Regulation for the Public Service Commission. The purpose of my testimony is to explain the proposed change to the Commission's administrative rules which will enact section 69-09-10 of the North Dakota Administrative Code pertaining to discovery response time.

The new proposed rule entitled Discovery, section 69-09-10, is intended to canonize the practice that is already occurring; namely that written requests for information (interrogatories) are responded to within 10 business days. Currently, the commission does not have a time frame set forth by rule and therefore the allowable time for a response to an interrogatory defaults to thirty days according to Rule 33 of the North Dakota Rules of Civil Procedure. The activities of the commission and those of the utilities affected by this rule does not allow for a thirty day time frame in practice or theory. Further, the state laws governing public utilities are prescriptive requiring that certain applications be processed within tight time frames.

There will be times where 10 business days are unreasonable by virtue of the volume of interrogatories or other unrelated events. However, the rule provides latitude for such occurrences.

Again, the purpose of this rule is to establish an official time frame for responding to interrogatories related to public utility regulation so that there is no question about interrogatory response times absent an ad hoc agreement of less than thirty days.

This concludes my testimony. I would be happy to answer any questions you may have.