



November 14, 2022

Electronic Delivery Via Delafile

Ms. Donna Nickerson
Secretary
Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

**Re: IN THE MATTER OF REVISIONS TO THE RULES OF
PRACTICE AND PROCEDURE OF THE DELAWARE
PUBLIC SERVICE COMMISSION
PSC Regulation Docket No. 99-9
Comments of Tidewater Utilities, Inc.**

Dear Ms. Nickerson:

Tidewater Utilities Inc. ("Tidewater") submits the following comments in response to the proposed changes to the Rules of Practice and Procedure of the Delaware Public Service Commission per PSC Regulation Docket No. 99-9, Order No. 10094.

- **2.6.2:** The proposed rule change allowing discovery to be served on a rolling basis without additional limitations could create an unmanageable situation. As currently drafted, the proposed rule change would permit an unlimited amount of discovery request batches resulting in an additional burden for the recipient of the discovery requests to manage numerous deadlines. Tidewater's suggestion is to include a defined limit on the frequency and/or number of discovery batches to once every three weeks with a maximum of four discovery batches for each intervenor during the course of the rate proceeding.
- **2.6.6:** Tidewater objects to the proposed rule change as currently drafted because the change from business days to calendar days reduces the length of time a recipient has to respond to discovery by nearly a full business week. With hundreds of interrogatories promulgated upon a utility during a base rate proceeding, a reduction of the allotted response time to discovery requests by nearly a full business week will place a significant burden on the utilities and, as a result, can potentially increase the expense ultimately charged to ratepayers if hiring outside assistance is necessary to meet the more stringent timeframe. While the Division of Public Advocate, in comments provided at the Commission's November 2, 2022 agenda meeting pointed out that utilities might appreciate the shorter deadline in order to expedite base rate proceedings, Tidewater respectfully submits that this proposed rule change will cause more problems than they solve. Tidewater's recommendation is to either leave the current rule unchanged at 15 days excluding holidays and weekends, or increase the number of such days to respond from 15 to 20.

Sincerely,

A handwritten signature in cursive script that reads "Jay Kooper". The signature is written in black ink and is positioned centrally below the word "Sincerely,".

Jay L. Kooper
General Counsel and Secretary
Tidewater Utilities, Inc.