

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

November 8, 2018 - 9:41 a.m.  
Concord, New Hampshire

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RE: DE 18-142  
ENERNOC, INC.:  
Petition for Approval of Use of  
Live, Online Reverse Auction in  
Energy Procurement.  
(Prehearing conference)

**PRESENT:** Chairman Martin P. Honigberg, Presiding  
Commissioner Kathryn M. Bailey  
Commissioner Michael S. Giaimo

Sandy Deno, Clerk

**APPEARANCES:** Reptg. Enel X (formerly EnerNOC):  
Marcia A. Brown, Esq. (NH Brown Law)

Reptg. Residential Ratepayers:  
Brian D. Buckley, Esq.  
Office of Consumer Advocate

Reptg. PUC Staff:  
Suzanne G. Amidon, Esq.  
Thomas C. Frantz, Dir./Electric Div.  
Richard Chagnon, Electric Division

Court Reporter: Steven E. Patnaude, LCR No. 52

**CERTIFIED  
ORIGINAL TRANSCRIPT**

**I N D E X****PAGE NO.****STATEMENTS OF PRELIMINARY POSITION BY:**

Ms. Brown 7, 21

Mr. Buckley 14

Ms. Amidon 15, 24

**QUESTIONS BY:**

Chairman Honigberg 19, 23, 25

**P R O C E E D I N G**

CHAIRMAN HONIGBERG: We are here this morning in Docket DE 18-142, which is a Petition by EnerNOC, asking that we direct Eversource to use a live, online reverse auction process to procure full-requirements energy service for the next three procurement periods. Today we have a prehearing conference scheduled, and there will be a technical session following that we're not involved in.

Before we do anything else, let's take appearances.

MS. BROWN: Good morning, Commissioners. Marcia Brown, with NH Brown Law, and representing I'd say "EnerNOC", but they have had a name change, it's "Enel X". And with me today is Greg Geller, who is the Director of Regulatory and Government Affairs; next to him is Sean Perry, Senior Manager of Wholesale Energy Procurement; next to him is Alex Houghtaling, who is Director of the Wholesale and Government Division; and lastly, Raphael Herz, who is the Wholesale Manager.

CHAIRMAN HONIGBERG: I feel really

1 stupid asking this question, but how do you  
2 spell "Enel X".

3 MS. BROWN: E-n-e-l, big X, capital  
4 X. We will be filing a letter informing the  
5 Commission of that formally in the docket.  
6 Thank you.

7 MR. BUCKLEY: Good morning, Mr.  
8 Chairman and Commissioners. My name is Brian  
9 D. Buckley. I'm the Staff Attorney with New  
10 Hampshire Office of the Consumer Advocate. And  
11 I'm here representing the interests of the  
12 ratepayers residential.

13 MS. AMIDON: Good morning,  
14 Commissioners. Suzanne Amidon, for Commission  
15 Staff. With me today is Tom Frantz, the  
16 Director of the Electric Division, and Rich  
17 Chagnon, who is an analyst in the Division.

18 CHAIRMAN HONIGBERG: Are any of the  
19 keen observers in the audience looking to  
20 intervene or just looking to observe?

21 MR. TAYLOR: Just here to observe  
22 this morning, Commissioner.

23 CHAIRMAN HONIGBERG: All right.  
24 Anything preliminary we need to do before

1       hearing the openings or preliminary statements  
2       of the parties?

3               MS. BROWN: Can I have clarification?  
4       Is it -- is Eversource considering itself just  
5       a observer and not a participant in the docket?  
6       I understand they're in the room.

7               CHAIRMAN HONIGBERG: I don't think  
8       that we made them mandatory parties to the  
9       docket. I am sure they have a keen interest in  
10      what happens here.

11              MS. BROWN: Fine. Thank you.

12              CHAIRMAN HONIGBERG: Mr. Fossum,  
13      you're here. Do you want to say anything in  
14      response to that?

15              MR. FOSSUM: Yes. Just for record,  
16      Matthew Fossum, for Public Service Company of  
17      New Hampshire doing business as Eversource  
18      Energy. We had observed what the Chairman has  
19      just observed, that we were not made a  
20      mandatory party to the proceeding. We presume  
21      there was some reason for that. We don't know  
22      what it was.

23              We did agree in the Settlement  
24      Agreement that preceded this in Docket 17-113

1       that we would participate in any proceeding  
2       looking at this kind of thing. We're here, and  
3       we're happy to participate and provide  
4       information. But we didn't feel we needed to  
5       be a full party to do that, and evidently it  
6       seems the Commission didn't feel that either.

7               So, that's sort of the posture that  
8       we're in this morning.

9               CHAIRMAN HONIGBERG: Thank you,  
10       Mr. Fossum. It has been our position in other  
11       contexts that people, entities do not need to  
12       be parties to these proceedings to participate  
13       in meaningful ways, and certainly not to  
14       monitor what's going on.

15               It may well be that you decide at  
16       some point that you need to, at which point  
17       you'll file something appropriate, I presume?

18               MR. FOSSUM: Yes, sir. We're happy  
19       to participate. But that's essentially where  
20       we are at the moment.

21               CHAIRMAN HONIGBERG: All right.  
22       Anything else in the ways of preliminaries?

23               MS. BROWN: In the meantime, Enel X  
24       will just keep Eversource on its service list

1       itself, even if it's not going to be officially  
2       on the Commission's service list, because it's  
3       not a party. We'll continue to make them  
4       informed of any filings that we make.

5               CHAIRMAN HONIGBERG: That seems like  
6       a good idea.

7               All right. With that, Ms. Brown, why  
8       don't you tell us about this Petition and what  
9       you expect to happen here.

10              MS. BROWN: Sure. I'd like to first  
11       state that, even though EnerNOC has now been  
12       purchased by Enel X and has a name  
13       transformation, the people are the same. The  
14       same people that have represented that they  
15       have conducted numerous procurement services  
16       for the utilities is the same.

17              Enel X offers utilities and  
18       nonprofits, like RGGI, strategic energy  
19       procurement and energy services. It is not  
20       just an auction platform. And as stated in the  
21       testimony, they have over 100 utilities -- or,  
22       I'm sorry, they have worked with and partnered  
23       with over 100 utilities, and have run over  
24       6,000 -- or, 60,000 pricing events. And they

1 maintain 100 percent success record with  
2 utility commission approvals of those services.

3 Enel X recognizes that the Commission  
4 may not be able to endorse one single vendor,  
5 such as Enel X, of a online reverse auction  
6 platform for procurement services, but Enel X  
7 is here to illustrate how these services work.

8 And just to highlights some of the  
9 points that were made in the testimony, we'd  
10 like to make clear to the parties and the Staff  
11 and the Commission, that decisions Eversource  
12 and the Commission make about products, market,  
13 and timing are unaffected by what Enel can  
14 offer. Eversource and the Commission would  
15 maintain control over those decisions and  
16 strategies. The services that Enel X provides  
17 are efficient. The auctions are efficient.  
18 They can be run in 10 to 15 minutes, and that  
19 time allotted gives suppliers time to refine  
20 their bids through price discovery. And that  
21 there is also built into these auctions a hard  
22 stop that drives the suppliers to aggressively  
23 compete and provide their absolute best and  
24 final offers in the last moments of the



1 auction.

2 The auctions take place in real-time,  
3 because the regulators -- and also allows the  
4 regulators the ability to observe the auctions  
5 in real-time. That transparency helps all  
6 stakeholders validate the competitiveness of  
7 the procurement, and the transparency also  
8 derives positive outcomes for the customers.

9 Just a note about during the bidding  
10 process, the suppliers cannot see who is  
11 bidding or how many suppliers are in that  
12 auction, but they do see the low amount bid.  
13 And that price discovery is significant, as  
14 compared to a sealed bid model, the suppliers  
15 are offering the price that they think the  
16 utility will accept, rather than the price that  
17 the supplier can afford.

18 And to best illustrate that is to  
19 look at the analogy of the housing market. And  
20 if you were to bid on a home, and offer a  
21 \$99,000 bid on a home, unbeknownst to you, in a  
22 sealed bid scenario, someone else is bidding  
23 100,000. If you didn't have that price  
24 discovery, you wouldn't know that you could

1       have perhaps acquired the house with just  
2       having offering another thousand dollars.

3               So, that's what that price discovery  
4       allows the bidder to know, so that they can dig  
5       into -- they can offer a more competitive price  
6       if they are able to.

7               Now, in addition to the price  
8       discovery part, Enel X's method also  
9       incorporates a strength of the sealed bid  
10      method, namely, the "last bid blind" part, and  
11      that's what happens in the last ten seconds  
12      usually. And in these final moments of the  
13      auction, the suppliers are able to give their  
14      final bids. And they lose their -- obviously,  
15      they lose that price discovery, but they start  
16      bidding against themselves. And in Enel X's  
17      experience, it is not uncommon to see the  
18      lowest and the second lowest bid coming from  
19      the same bidder, and that is evidence that the  
20      "last bid blind" feature does drive suppliers  
21      to compete and bid against themselves. And  
22      ultimately, the goal is, if there's competition  
23      among the suppliers, reduces costs to  
24      ratepayers, which benefits New Hampshire.

1           Now, I'd like to stress that Enel X's  
2           technology has had decades of use. We fully  
3           explain that in the testimony. It's been used  
4           in Delaware for ten years. It's been used for  
5           nine years with the RGGI Program. And we  
6           reference these examples, because these  
7           products are similar to what Enel would  
8           recommend for Eversource for its default energy  
9           service. And also to stress, this technology  
10          service that Enel provides -- Enel X provides  
11          can be turnkey, it is very easy, and can be set  
12          up within two weeks of meeting a customer.

13                 Now, we'd like to touch upon who pays  
14          for these services. RGGI is one example. But  
15          the cost of the online reverse auction is  
16          normally paid by the winning bidders. As  
17          explained in our testimony, the utility  
18          employees, who would otherwise conduct an RFP,  
19          would work closely with Enel X's team on such a  
20          live, online reverse auction process.

21                 The Commission's Order of Notice  
22          mentioned whether this docket should be a  
23          discussion of just a product for Eversource or  
24          a product for all three utilities. Enel X

1 believes Eversource is a better candidate,  
2 because of its greater beneficial impact to New  
3 Hampshire ratepayers. It's the largest  
4 utility. But Enel X is not opposed to working  
5 with the other three utilities to deliver  
6 successful procurement events.

7 Now, the Commission's Order of Notice  
8 also referenced a report to be done by Liberty,  
9 and Enel X is very -- or, Liberty is very  
10 familiar with Enel X and its -- and Enel X's  
11 successful outcomes. And Liberty has reviewed  
12 Enel X's successful procurements for Delmarva,  
13 in Delaware, for several years now.

14 Now, the Commission also referenced  
15 in its Order of Notice the issue of timing, and  
16 whether any change should be delayed for a  
17 year. At this point, Enel X is very pleased to  
18 have a docket to describe its -- to investigate  
19 its services. As the Commission is aware, in  
20 2014, there was more of a global docket looking  
21 at procurement. Although there was no outcome  
22 to that docket, it intimated that perhaps it  
23 should be utility-specific.

24 So, when DE 17-113 was active, Enel X

1       intervened in there, and then we had the  
2       Settlement Agreement suggesting, because that  
3       docket was very time-compressed, having a  
4       separate docket to look at Enel X's product,  
5       and so this is that docket.

6               Prior to filing the Petition and  
7       testimony, Enel X circulated it, a copy through  
8       Staff, Office of Consumer Advocate, and  
9       Eversource. And so, that was the genesis of  
10      filing the docket. But, again, knowing that  
11      the Commission has raised that as an issue,  
12      Enel X's position is a stay -- a one-year hold  
13      doesn't change that Enel X's services can be  
14      investigated in the meantime, with no risk and  
15      no adverse impacts.

16             Enel X is excited to partner in New  
17      Hampshire to achieve the cost savings that it  
18      has seen it achieve in other procurements for  
19      its customers.

20             Sorry, I'm just picking through some  
21      of the notes that we wanted to make sure we  
22      covered.

23             And aside from that summary and  
24      overview of the services of Enel X, we look

1 forward to discussing these issues in the tech  
2 session following.

3 CHAIRMAN HONIGBERG: Thank you, Ms.  
4 Brown.

5 MS. BROWN: Thank you.

6 CHAIRMAN HONIGBERG: Mr. Buckley.

7 MR. BUCKLEY: Thank you, Mr.  
8 Chairman.

9 The OCA is still evaluating the  
10 issues presented in the instant Petition. And  
11 while we are cognizant that in DE 18-002, Staff  
12 filed recommendations suggesting the  
13 appropriate timeline and venue for any docket  
14 where alternative procurement methods, such as  
15 the live, online reverse auction, would be  
16 addressed, we do think there is value in better  
17 understanding the issues inherent in such  
18 procurement methods sooner, rather than later.  
19 Particularly, when said procurement method, as  
20 my economist tells me, may have the upside of  
21 saving residential ratepayers money.

22 We do, however, want to qualify any  
23 expression of support for such an investigation  
24 by clarifying that the OCA sees value in

1 exploring alternative procurement methods, such  
2 as the live, online reverse auction, and  
3 expresses no support for any specific software  
4 vendor or procurement facilitator.

5 CHAIRMAN HONIGBERG: Thank you  
6 Mr. Buckley. Ms. Amidon.

7 MS. AMIDON: Thank you. Just because  
8 it has been mentioned, I want -- and thank you  
9 for that reminder, Mr. Chairman, I did bring --  
10 I guess I would like the Commission to take  
11 administrative notice of Staff's September 4th  
12 of this year memo in Docket 18-002, which is an  
13 evaluation of the energy service procurement  
14 process, which the Commission ordered Staff to  
15 prepare in the context of Eversource's February  
16 default service procurement.

17 I brought a copy -- I brought  
18 sufficient copies for people here. But, if the  
19 Commission would like to have a copy to take a  
20 look at, and if you have any questions  
21 regarding this memo, I can provide that to you.

22 CHAIRMAN HONIGBERG: Yes. I don't  
23 think that's necessary today.

24 MS. AMIDON: All right.

1 CHAIRMAN HONIGBERG: We're aware of  
2 18-002 and the memo that was produced as a  
3 result.

4 MS. AMIDON: Thank you. I wanted to  
5 go back to the Settlement Agreement that the  
6 Commission approved in Docket 17-113, which set  
7 up the procurement process by Settlement  
8 Agreement for Eversource to procure power for  
9 its default energy service customers. And this  
10 was undertaken in order to have a process in  
11 place following the divestiture of Eversource's  
12 generation and adoption of a whole new paradigm  
13 on how they procure power.

14 While EnerNOC was an intervenor in  
15 that docket, the provision that said that  
16 Staff, the OCA, and Eversource would look at  
17 alternatives did not single out EnerNOC. In  
18 other words, the idea was to evaluate whether  
19 the structure of Eversource's procurement  
20 needed to continue or should be changed. For  
21 example, I can remember that there were  
22 discussions about the methodology by which they  
23 would acquire power for their large customers,  
24 and that's something I think Staff would like



1 to revisit in the future.

2 But having said that, Staff at this  
3 point believes that this should not be an  
4 adjudication. That this should be an  
5 investigation. We still think it's premature  
6 to proceed with an investigation until  
7 Eversource has a couple more rounds of  
8 solicitations for energy service supply for New  
9 Hampshire customers. The reason being, while  
10 Eversource does have experience in  
11 Massachusetts and Connecticut, the New  
12 Hampshire customer base is a smaller group, and  
13 it would be beneficial I think to all parties  
14 to see how that process works under the  
15 Settlement structure in 17-113 before making  
16 any changes to it.

17 We believe that any such  
18 investigation should be for looking at energy  
19 service procurement for all customers. And we  
20 don't believe that just the customers of  
21 Eversource should benefit from lower prices.  
22 We believe that, if there is a better way for  
23 all of the utilities to provide lower prices to  
24 their customers, it should be for all

1 residential customers and all large customers.  
2 It shouldn't be just for one utility's  
3 customers.

4 And we think that investigation  
5 should be delayed in addition to get additional  
6 information from the Liberty Consulting survey  
7 that I don't believe is finished as yet. Tom  
8 Frantz is familiar with that being ongoing, but  
9 I don't believe the results are going to be  
10 available until next year.

11 So, in an investigation, we would  
12 want all the utilities. We would want to make  
13 sure we could have involve their power  
14 procurement supply people. We would want to  
15 have competitive power suppliers who are  
16 currently responding bids to be part of that  
17 process. And we would want all vendors of any  
18 type of this service, and we know that there  
19 are more than one, to be part of that process  
20 as well.

21 If we're really going to undertake a  
22 complete overhaul of how power is procured and  
23 just abandon, you know, wholesale the  
24 solicitation in the market, we really should

1       have a more gradual and thorough investigation.  
2       We shouldn't just use it as an opportunity for  
3       one vendor to sell its product to the largest  
4       utility in the state.

5               And we really -- we really are  
6       thinking that, if there is a better way to  
7       procure power than is currently undertaken, it  
8       should benefit all the customers.

9               If the Commission agrees with me,  
10       agrees with Staff, I mean, we wouldn't have a  
11       technical session following this. We would  
12       perhaps issue a supplemental order of notice at  
13       some point, turn this into an investigation,  
14       and make sure that there are mandatory parties,  
15       and there is notice to all of the people who  
16       will be implicated by this, including the power  
17       supply community who operates out of ISO, so  
18       that everyone has an opportunity to evaluate  
19       where procurement should go in the future. We  
20       just don't think that focusing on one vendor is  
21       an appropriate way to analyze alternatives.

22               Thanks.

23               CHAIRMAN HONIGBERG: Can someone  
24       refresh our memories as to what's in the

1 Settlement Agreement that ended EnerNOC's  
2 participation effectively in the earlier  
3 proceeding?

4 MS. BROWN: I'm happy to read that  
5 paragraph into the record. It's not too --

6 CHAIRMAN HONIGBERG: As long as you  
7 read slowly, everyone will be happy.

8 MS. BROWN: Yes. And this appears, I  
9 don't remember which exhibit it was, this is in  
10 the Docket 17-113 Settlement, Page 5, Paragraph  
11 C of that page.

12 "The Settlement" -- I'm sorry. "The  
13 Settling Parties agree that Eversource's  
14 competitive procurement" --

15 CHAIRMAN HONIGBERG: Not slow enough.

16 MS. BROWN: "-- procurement as  
17 implemented under this Agreement will be in the  
18 form of a sealed bid RFP consistent with  
19 Eversource's initial proposal. The Settling  
20 Parties agree that any party may, in the  
21 future, petition the Commission to amend the  
22 manner of ES procurement and supply should  
23 circumstances warrant a change and Staff, the  
24 OCA and Eversource agree to participate in such

1       docket. Eversource agrees to continue to  
2       evaluate procurement methods other than sealed  
3       bid RFP. The Settling Parties agree that any  
4       new proposed method, if approved by the  
5       Commission, shall be implemented as ordered by  
6       the Commission."

7               And that's the extent of the  
8       paragraph.

9               CHAIRMAN HONIGBERG: Thank you. I  
10       would expect, Ms. Brown, you probably want to  
11       respond to some of the things that Ms. Amidon  
12       just said?

13              MS. BROWN: If we could? There seems  
14       to be a -- well, if I'm mischaracterizing it,  
15       I'm sure I'll be told, but Enel X's view is  
16       that there's some misconception that EnerNOC --  
17       I'm sorry, I keep referring to this as  
18       "EnerNOC", that Enel X offers just a  
19       one-size-fits-all for its customers. And  
20       that's not really the case.

21              It has focused on the online reverse  
22       auction specific to Eversource. If we brought  
23       in other utilities, then that, you know, it's  
24       like, you know, apples and pears. I mean, the

1 product offered to Eversource may not be the  
2 best fit for the other two electric utilities.  
3 So, there's one issue.

4 With respect to a investigation  
5 docket, in looking back at 14-338, it was  
6 apparent, at least on my reading, that the  
7 Commission was struggling with whether it had  
8 authority to issue anything, make a  
9 determination in an investigative docket.  
10 Which, if we're trying to vet a pilot, I think  
11 should be in an adjudicative setting, so that  
12 you can have Commission authority to weigh in  
13 on whether a particular product from a  
14 particular vendor is beneficial for a fact  
15 pattern such as Eversource.

16 So, that's one handicap that Enel X  
17 sees with going into a global docket. I mean,  
18 the position is, of Enel X, that, yes, we will  
19 participate however the Commission wants to  
20 have this discussion, but we think the best way  
21 is to have a utility-specific product proposal  
22 and vetting, because this is new to New  
23 Hampshire. It's not new elsewhere, but it is  
24 relatively new to New Hampshire.

1 CHAIRMAN HONIGBERG: Ms. Amidon?

2 MS. AMIDON: Yes.

3 CHAIRMAN HONIGBERG: I'm sorry, do  
4 you need to speak with Mr. Buckley before?

5 MS. AMIDON: No, I don't. I was just  
6 going to ask him a question.

7 CHAIRMAN HONIGBERG: Is Staff making  
8 a motion that we convert this docket in some  
9 way?

10 MS. AMIDON: Well, if that's what it  
11 takes, I think that would be appropriate.

12 CHAIRMAN HONIGBERG: I think, if that  
13 were appropriate, it would have come in  
14 already. We'd already have it queued up in  
15 writing for this hearing. So, I don't know  
16 that an oral -- we're not ruling on an oral  
17 motion --

18 MS. AMIDON: Okay.

19 CHAIRMAN HONIGBERG: -- to not have a  
20 technical session and convert this docket  
21 today.

22 If Staff thinks that's appropriate,  
23 you need to talk to the other parties about  
24 that. And if you don't have an agreement, you

1           need to file a motion.

2                   MS. AMIDON: Well, I did want to make  
3           an unrelated point, and that is, I can't recall  
4           all the parties who signed that settlement in  
5           17-113.

6                   CHAIRMAN HONIGBERG: I think Ms.  
7           Brown has it. I think she'll be able to tell  
8           us who signed it momentarily.

9                   MS. AMIDON: Right. But any -- I  
10          would also just tell the Commission that,  
11          because there is a settlement agreement that  
12          was approved in that prior docket, I believe  
13          that is it 363 or 365, the statute that  
14          requires an order of notice to open a hearing  
15          and to amend a settlement agreement.

16                  CHAIRMAN HONIGBERG: There's no  
17          amendment here. That she read the relevant  
18          language. It says "no one is precluded from  
19          filing a petition", just as they have done.

20                  So that, if you want -- maybe I'm  
21          misunderstanding what you're saying, and maybe  
22          that should be part of your written motion, if  
23          you want to make one.

24                  MS. AMIDON: Well, --



1 CHAIRMAN HONIGBERG: Ms. Brown, who  
2 signed the Settlement Agreement?

3 MS. BROWN: The participant -- the  
4 participants were Eversource, Staff, OCA,  
5 Exelon Generation Company, EnerNOC at the time,  
6 which is now "Enel X".

7 CHAIRMAN HONIGBERG: Is it your view  
8 that some amendment to that Agreement is  
9 necessary for us to proceed?

10 MS. BROWN: No.

11 CHAIRMAN HONIGBERG: All right. I  
12 want to confer with the other Commissioners for  
13 a moment. We'll return in a few minutes.

14 *(Recess taken at 10:08 a.m. and*  
15 *the prehearing conference*  
16 *resumed at 10:16 a.m.)*

17 CHAIRMAN HONIGBERG: All right.  
18 Unless someone has anything else they feel they  
19 need to say, we're telling you to have your  
20 technical session and to start looking at this  
21 process, and its merits, and what effect it  
22 might have and what burdens it might impose on  
23 Staff and everyone else.

24 Given the nature of the request and

1 the nature of the relief that could come out of  
2 this docket, we're going to make Eversource a  
3 party to this proceeding. So, Mr. Fossum, I  
4 don't think that requires you to file anything,  
5 because I think we've just done it. And I  
6 think the secretarial letter that gets issued  
7 following the technical session will confirm  
8 Eversource's participation as a party to this  
9 docket.

10 We don't know what this will produce.  
11 It may not produce anything for the next  
12 procurement or the procurement after that. But  
13 at some point it may make sense to change. And  
14 Staff and the OCA and the industry needs to be  
15 ready when it does. And you won't be ready if  
16 you don't start looking at it.

17 If Staff or any other party feels  
18 that it's premature, that it shouldn't happen,  
19 they should file something in writing in the  
20 nature of a motion to ask us to stop and take  
21 this in a different direction. Turn it into  
22 something generic, another investigation, or  
23 just stop the clock entirely.

24 Does anyone have anything else they

1 want to offer up at this time or should we  
2 leave you to your technical session?

3 Ms. Amidon. Oh, you were turning it  
4 off, not turning it on.

5 MS. AMIDON: I just wanted to say  
6 that I believe that Tom Frantz and I won't be  
7 available for the technical session, but Rich  
8 is available. We were asked to be available  
9 for a 10:30 meeting.

10 CHAIRMAN HONIGBERG: I am telling  
11 you, Ms. Amidon, and I don't know if Mr. Frantz  
12 was necessary for the same meeting that you're  
13 thinking of, but you're not necessary for that  
14 meeting immediately. You can do your technical  
15 session, and we'll delay other -- what other  
16 business is going on upstairs that you may be  
17 involved in. So, you can stay for the  
18 technical session.

19 MS. AMIDON: Okay. That was not the  
20 message that was conveyed to me earlier by the  
21 Executive Director. But be that as it may.

22 CHAIRMAN HONIGBERG: I just told you  
23 what you can do starting at 10:30 from the  
24 technical session.

1                   Is there any other business we need  
2                   to transact before your technical session?

3                   *[No verbal response.]*

4                   CHAIRMAN HONIGBERG: All right.  
5                   Thank you all. We are adjourned.

6                   *(Whereupon the prehearing*  
7                   *conference was adjourned at*  
8                   *10:18 a.m., and a technical*  
9                   *session was held thereafter.)*