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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

INFOTELECOM, LLC)	CAUSE NO. 41268 INT 260 RD 01
)	
v.)	<u>PREHEARING CONFERENCE ORDER</u>
)	
INDIANA BELL TELEPHONE COMPANY)	APPROVED: SEP 14 2011
D/B/A AT&T INDIANA)	

BY THE COMMISSION:
Larry S. Landis, Commissioner
Jeffery A. Earl, Administrative Law Judge

On July 28, 2011, Infotelecom, LLC (“Complainant”) filed with the Indiana Utility Regulatory Commission (“Commission”) its Verified Complaint Against Indiana Bell Telephone Company d/b/a AT&T Indiana (“Respondent”) for Interpretation of an Interconnection Agreement and to Prevent Disconnection of Service. On August 9, 2011, the parties filed a Joint Motion to Stay Case During Settlement Discussions, which the Commission granted by Docket Entry on August 10, 2011. However, on August 18, 2011, Respondent filed a Notice and Request for Prehearing Conference, indicating that Settlement discussions had broken down.¹

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held at 10:30 a.m. on September 7, 2011, in Hearing Room 222, 101 West Washington Street, Indianapolis, Indiana. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. Complainant, Respondent, and the Indiana Office of Utility Consumer Counselor (“OUCC”) appeared and participated at the Prehearing Conference. No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record.

Based upon the agreement of the parties, the Commission now enters the following Findings and Order which shall become a part of the record in this proceeding:

¹ Although this case was filed pursuant to 170 IAC 7-7 (the “Rocket Docket Rule”), the Presiding Officers suspended the procedural deadlines of the Rule because the case was stayed. During the Prehearing Conference, the parties agreed to a procedural schedule that exceeds the duration of the schedule prescribed by the Rocket Docket Rule. As a result, the Commission finds that good cause exists to extend the 60-day deadline for disposition of this Cause imposed by 170 IAC 7-7-11.

1. **Answer.** Respondent shall file its Answer on or before September 16, 2011. Copies of same shall be served upon all parties of record.

2. **Reply.** Complainant shall file any Reply on or before September 23, 2011. Copies of same shall be served upon all parties of record.

3. **Briefs on the Merits.** All parties shall file their respective briefs on the merits of this case, along with supporting affidavits and designations of evidence on or before October 18, 2011. Copies of same shall be served upon all parties of record.

4. **Responses.** All parties shall file any response to the briefs on the merits filed by another party on or before November 2, 2011. Copies of the same shall be served upon all parties of record.

5. **Settlement Conference.** The parties shall conduct a Settlement Conference for the purpose of discussing the possibility of settling the issues in this Cause on November 9, 2011.

6. **Evidentiary Hearing.** In the event this Cause is not settled the cases-in-chief of the Complainant, Respondent, the OUCC, and any Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m. on December 16, 2011 in Hearing Room 222, 101 West Washington Street, Indianapolis, Indiana. At such time, the evidence of the respective parties should be presented and their respective witnesses examined. If the parties reach settlement, the agreement and supporting testimony and exhibits shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

7. **Sworn Testimony.** Any witness testimony to be offered into the record of this proceeding shall be made under oath or affirmation. In accordance with 170 IAC 1-1.1-18(h), if the prefiled testimony of a witness is to be offered into evidence at the Evidentiary Hearing, and the witness sponsoring the prefiled testimony is not required to, and does not, attend the Evidentiary Hearing, the prefiled testimony shall be accompanied by the witness's sworn affidavit or written verification at the time the evidence is offered into the record.

8. **Discovery.** Discovery is available for all parties and shall be conducted on an informal basis. Any response or objection to a discovery request shall be made within ten (10) business days of the receipt of such request through October 18, 2011. Thereafter, any response or objection to a discovery request shall be made within five (5) business days. In addition, the parties have agreed to accept electronic service of filings and discovery requests and responses.

9. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party shall file copies of the work papers used to produce that evidence within two (2) business days after the prefiling of the technical evidence. Copies of same shall also be provided to any other party requesting such in writing. When submitting workpapers to the Commission, two (2) copies of each document shall be filed with the Secretary of the Commission.

10. Number of Copies/Corrections. With the exception of work papers, the parties shall file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony shall be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

Parties may also elect to file documents with the Commission using the Commission's Electronic Filing System in lieu of filing paper documents. Pursuant to the terms and conditions of the Electronic Filing System, documents filed electronically are deemed filed the date they are submitted, subject to verification and acceptance by the Commission, and will receive an electronic file stamp. For filings greater than thirty (30) pages in length, a party shall file with the Commission an original and one (1) paper copy within two (2) business days of the electronic filing. When supplying such copies, the party must provide a copy of the email reflecting the electronic filing was accepted by the Commission.

11. Objections to Prefiled Testimony and Exhibits. Any objections to the admissibility of prefiled testimony or exhibits shall be filed with the Commission and served on all parties of record no less than two (2) business days prior to the date scheduled for commencement of the hearing at which the testimony or exhibit will be offered into the record.

12. Intervenors. Any party permitted to become an Intervenor in this Cause shall be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: SEP 14 2011

I hereby certify that the above is a true and correct copy of the Order as approved.



Brenda A. Howe
Secretary to the Commission