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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

INDIANA UTILITY REGULATORY )	
COMMISSION PROCEEDING TO )	CAUSE NO. 43082
ESTABLISH FUNDING FOR THE )	
COSTS OF THE INDIANA )	<u>PREHEARING CONFERENCE ORDER</u>
LIFELINE ASSISTANCE )	
PROGRAM, PURSUANT TO THE )	APPROVED: DEC 09 2009
PROVISIONS SET FORTH IN HEA )	
1279, CODIFIED AS IC 8-1-36-8. )	

BY THE COMMISSION:

David E. Ziegner, Commissioner  
David E. Veleta, Administrative Law Judge

On October 21, 2009, the Indiana Utility Regulatory Commission reopened this proceeding to address funding the Indiana Lifeline Assistance Program as provided in HEA 1279 ("Act"). The provision of the Act, as codified under IC 8-1-36, applies to Eligible Telecommunications Carriers that offer basic telecommunications service in one (1) or more exchange areas in Indiana, and sets-forth specific obligations that must be undertaken by the Commission with respect to the procedure to be followed for the establishment of funding of the Indiana Lifeline Assistance Program. According to IC 8-1-36-8(b), funding for the costs of the program shall be determined by the Commission, after notice and hearing. Therefore, the Commission has jurisdiction over Eligible Telecommunication Carriers that offer basic telecommunications service in one (1) or more exchange areas in Indiana, and the subject matter of this Cause. Notice of this proceeding was provided to all Eligible Telecommunication Carriers that offer basic telecommunications service in one (1) or more exchange areas in Indiana.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 2:00 p.m. on November 23, 2009. 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. Eligible Telecommunication Carriers ("ETCs") subject to the provisions of the Act, Intervenor Indiana Telecommunication Association, and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference.

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. **Initial Prefiling.** All participating ETCs shall prefile with the Commission their proposals along with any supporting testimony and exhibits on or before February 19, 2010. Copies of same should be served upon all parties of record.

2. **Responsive Prefiling.** All parties may prefile with the Commission their responsive testimony and exhibits on or before March 19, 2010. Copies of same should be served upon all parties of record.

3. **Prefiling of Replies.** Any party may prefile with the Commission any reply testimony, in response to matters raised for the first time in the responsive testimony, on or before April 6, 2010. Copies of same should be served upon all parties of record.

4. **Evidentiary Hearing.** All proposals and any supporting testimony and exhibits shall be presented at an evidentiary hearing to commence at 9:30 a.m. on May 6, 2010 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. 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.

5. **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.

6. **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) calendar days of the receipt of such request.

7. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party shall concurrently file copies of the work papers used to produce that 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.

8. **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.

9. **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.

10. **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, GOLC, LANDIS, AND ZIEGNER CONCUR; HARDY ABSENT:**

**APPROVED: DEC 09 2009**

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



**Brenda A. Howe  
Secretary to the Commission**