ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF DUKE ENERGY INDIANA, INC. SEEKING (1) APPROVAL OF AN ONGOING REVIEW PROGRESS REPORT PURSUANT TO IND. CODE §§8-1-8.5 AND 8-1-8.7; (2) AUTHORITY TO REFLECT COSTS INCURRED FOR THE EDWARDSPORT INTEGRATED GASIFICATION COMBINED CYCLE GENERATING FACILITY ("IGCC PROJECT") PROPERTY UNDER CONSTRUCTION IN ITS RATES AND AUTHORITY TO RECOVER APPLICABLE RELATED COSTS THROUGH ITS INTEGRATED COAL GASIFICATION COMBINED CYCLE GENERATING FACILITY COST RECOVERY ADJUSTMENT, STANDARD CONTRACT RIDER NO. 61 PURSUANT TO IND. CODE §§8-1-8.8-11 AND -12; AND (3) ESTABLISHMENT OF A SUBDOCKET PROCEEDING TO REVIEW THE COST ESTIMATE FOR THE IGCC PROJECT	)	**CAUSE NO. 43114 IGCC 4** **CAUSE NO. 43114 IGCC 4 S1** **PREHEARING CONFERENCE ORDER** **APPROVED:** JAN 27 2010

BY THE COMMISSION:
David E. Ziegner, Commissioner
Scott R. Storms, Chief Administrative Law Judge

On November 24, 2009, Petitioner Duke Energy Indiana filed its Verified Petition and Motion for Subdocket Proceeding ("Petition") with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held on January 11, 2010, at 10:00 a.m. EST, in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. Proofs of publication of the notices of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Petitioner, Intervenors Indiana Wildlife Federation and Clean Air Task Force, and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference.[1] No members of the general public appeared.

At the Prehearing Conference, the Presiding Officers took the Petitioner's Motion for Subdocket under advisement, and the parties presented an agreed proposed procedural schedule.

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1. On December 28, 2009, Steel Dynamics, Inc., filed a Petition to Intervene in this matter. On January 11, 2010, Indiana Wildlife Federation and Clean Air Task Force filed a Joint Motion to Intervene. Intervention by these parties was granted by the Presiding Officers on the record at the Prehearing Conference.

The agreement of the parties was read into the record. The Commission hereby grants the Petitioner's Motion for Subdocket under Cause No. 43114 IGCC 4 S-1 and enters the following Findings and Order which shall become a part of the record in each of these proceedings:

1. **Procedural Schedule in Cause No. 43114 IGCC 4.**

A. **Petitioner's Prefiling Date**. The Petitioner prefiled its case-in-chief testimony in this cause on December 22, 2009. Copies of same were served upon all parties of record.

B. **Public's and Intervenors' Prefiling Date**. Public and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before February 17, 2010. Copies of same shall be served upon all parties of record.

C. **Petitioner's Rebuttal Prefiling in Cause No. 43114 IGCC 4**. The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before March 17, 2010. Copies of same shall be served upon all parties of record.

D. **Evidentiary Hearing Cause No. 43114 IGCC 4**. In the event this Cause is not settled the cases-in-chief of the Petitioner, Public and Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m. on April 6, 2010, in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties shall be presented and their respective witnesses examined. Thereafter, Petitioner shall present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

2. **Procedural Schedule in Cause No. 43114 IGCC 4 S-1.**

A. **Petitioner's Prefiling Date**. The Petitioner shall prefile its case-in-chief testimony in this cause on or before April 7, 2010. Copies of same shall be served upon all parties of record.

B. **Public's and Intervenors' Prefiling Date**. Public and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before June 9, 2010. Copies of same shall be served upon all parties of record.

C. **Petitioner's Rebuttal Prefiling**. The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before July 14, 2009. Copies of same shall be served upon all parties of record.

D. **Evidentiary Hearing in Cause No. 43114 IGCC 4 S-1**. In the event this Cause is not settled the cases-in-chief of the Petitioner, Public and Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m. on August 10 and 11, 2010 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties shall be presented and their respective witnesses examined. Thereafter, Petitioner shall present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

3. **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.

4. **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. Following the submission of rebuttal testimony, discovery shall be responded to within five (5) calendar days. Parties have agreed to conduct discovery by electronic means.

5. **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.

6. **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.

7. **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.

8. **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.

HARDY, ATTERHOLT, GOLC, LANDIS AND ZIEGNER CONCUR:

APPROVED: JAN 27 2010

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

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission