

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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COMPLAINT OF DEVELOPER BAILIWYCK)
 PROPERTIES, LLC AGAINST INDIANA-AMERICAN) CAUSE NO. 43702
 WATER COMPANY REQUESTING THAT THE)
 COMMISSION INVESTIGATE INDIANA-) PREHEARING
 AMERICAN'S CHARGES, PRACTICES, ACTS AND) CONFERENCE ORDER
 SERVICE AND ITS COMPLIANCE WITH RULES)
 AND REGULATIONS GOVERNING THE EXTENSION) APPROVED: SEP 03 2009
 OF FACILITIES TO SUPPLY WATER)

BY THE COMMISSION:
Jeffrey L. Golc, Commissioner
Aaron A. Schmoll, Administrative Law Judge

On May 20, 2009, Bailywick Properteries, LLC ("Complainant") filed its Verified Complaint 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 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 10:00 a.m., on May 20, 2009. Proof of publication of the notice of the Prehearing Conference has been incorporated into the record and placed in the official files of the Commission. Complainant, Indiana-American Water Company, Inc. ("Respondent") and the Indiana Office of Utility Consumer Counselor ("Public" or "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. There also an informal discussion concerning Respondent's June 16, 2009 Motion to Dismiss. The Presiding Officers indicated that due to the potential complexity of issues and that both parties are represented by counsel, the case should remain as a docketed proceeding. Accordingly, Respondent withdrew its Motion to Dismiss. 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. **Answer and Reply.** Respondent shall file its answer to the Complaint within 20 (twenty) days of the date of this Order. Any reply shall be made in accordance with 170 IAC 1-1.1-10.
2. **Complainant's Prefiling Date.** Complainant shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before November 4, 2009. Copies of same shall be served upon all parties of record.

3. **Respondent's Prefiling Date.** Respondent shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before January 27, 2010. Copies of same shall be served upon all parties of record.

4. **Technical Conference.** The Parties shall participate in a Technical Conference on February 11, 2010 at 9:30 a.m. in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana.

5. **OUCC and Intervenors' Prefiling Date.** The OUCC and any Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before March 25, 2010. Copies of same shall be served upon all parties of record.

6. **Complainant's Rebuttal Prefiling.** Complainants shall prefile with the Commission its prepared rebuttal testimony on or before April 8, 2010. Copies of same shall be served upon all parties of record.

7. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Complainant, Respondent, Public, and any Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m., on April 27, 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, Complainant shall present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Respondent's, 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.

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) calendar days of the receipt of such request prior to March 25, 2010, and seven (7) calendar days after March 25, with any discovery served after noon on a Friday or holiday shall be deemed to be served on the next business day.

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 such technical evidence. Copies of same shall also be served on the other parties to this Cause. 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. **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:

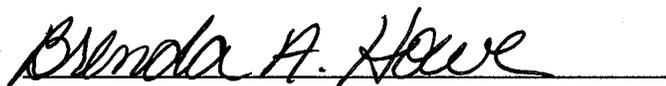
1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

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

HARDY, ATTERHOLT, GOLC, LANDIS, AND ZIEGNER CONCUR:

APPROVED: SEP 03 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