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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

COMPLAINT OF THE)
CONSOLIDATED CITY OF)
INDIANAPOLIS, TELECOM AND)
VIDEO SERVICES AGENCY AGAINST)
BRIGHT HOUSE NETWORKS, LLC.)
RESPONDENT: BRIGHT HOUSE)
NETWORKS INFORMATION)
SERVICES (INDIANA), LLC D/B/A)
BRIGHT HOUSE NETWORKS)

CAUSE NO. 43704

PREHEARING CONFERENCE ORDER

APPROVED: AUG 05 2009

BY THE COMMISSION:

Larry S. Landis, Commissioner
Scott R. Storms, Administrative Law Judge
Beth Krogel Roads, Administrative Law Judge

On June 8, 2009, the City of Indianapolis Telecom and Video Services Agency ("Petitioner") filed its complaint ("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 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 10:30 a.m. on July 17, 2009. The Petitioner; the respondent ("Respondent") Bright House Networks Information Services (Indiana) LLC., d/b/a Bright House Networks; Intervenor Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana¹; and, the Indiana Office of Utility Consumer Counselor ("Public") 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 should become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** The Petitioner shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before August 31, 2009. Copies of same shall be served upon all parties of record.

2. **Respondent's Prefiling Date.** The Respondent shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before October 30, 2009. Copies of same shall be served upon all parties of record.

1. On July 9, 2009, AT&T Indiana filed a Petition to Intervene in this Cause that is hereby granted by the Commission.

3. **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 November 30, 2009. Copies of same shall be served upon all parties of record.

4. **Public's and Intervenors' Cross Reply.** Public and all Intervenors may prefile with the Commission their cross replies (if any) on or before December 15, 2010. Copies of same shall be served upon all parties of record.

5. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before January 14, 2010. Copies of same shall be served upon all parties of record.

6. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled the cases-in-chief of the Petitioner, Respondent, Public, and any Intervenors should be presented in an Evidentiary Hearing to commence at 9:30 a.m. on January 25 and 26, 2010 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. If the parties reach settlement, the agreement should 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 should 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 should 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 should be conducted on an informal basis. Any response or objection to a discovery request should be made within ten (10) calendar days of the receipt of such request through November 30, 2009. For discovery issued between December 1, 2009 and December 15, 2009, responses or objection should be filed within five (5) business days. Between December 15, 2009 and January 14, 2010, any responses or objections to a discovery request should be made within ten (10) calendar days. After January 14, 2010, any responses or objections to a discovery request should be made within three (3) business days. Copies of all discovery requests and responses should be served upon all parties of record.

9. **Service of Documents and Discovery.** The parties have agreed to the exclusive use of electronic service for all documents in this proceeding, unless paper copies are specifically requested, and have provided current email addresses to the Commission for this purpose.

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

11. **Number of Copies/Corrections.** With the exception of work papers, the parties shall file with the Commission three (3) 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 two (2) 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.

12. **Intervenors.** Any party permitted to become an Intervenor in this Cause should 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:

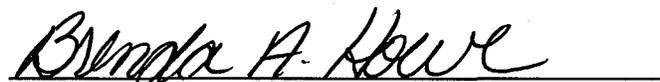
1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

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

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

APPROVED: AUG 05 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