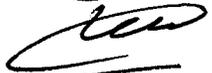


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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN RE: COMPLAINT OF CERTAIN DEVELOPERS)
 AGAINST NORTHERN INDIANA PUBLIC SERVICE) CAUSE NO. 43706
 COMPANY REQUESTING THAT THE COMMISSION)
 INVESTIGATE NIPSCO'S CHARGES, PRACTICES,) PREHEARING
 ACTS AND SERVICE AND ITS COMPLIANCE WITH) CONFERENCE ORDER
 RULES AND REGULATIONS GOVERNING THE)
 EXTENSION OF FACILITIES TO SUPPLY GAS AND) APPROVED: JUL 30 2009
 ELECTRIC SERVICE TO RESIDENTIAL)
 DEVELOPMENTS.)
)
)
 RESPONDENT: NORTHERN INDIANA PUBLIC)
 SERVICE COMPANY)

BY THE COMMISSION:

David E. Ziegner, Commissioner
Aaron A. Schmoll, Administrative Law Judge

On June 11, 2009, Complainants, Accent Homes, Inc, Fleming Realty, Inc., KM&N Properties, LLC, Komark, Ltd., McFarland Homes, Naples VPZ Development, LLC, Olthof Homes, Phillippe Builders, Inc., Precision Construction, Inc., Providence Real Estate Development, LLC, Schmidt Farms Development, LLC, Signature Properties, Inc., SLM&D, V3 Realty Company, LLC, and Wyngate Development II, LLC (collectively "Complainants") filed their complaint against Respondent Northern Indiana Public Service Company, Inc. ("Respondent or NIPSCO") with the Indiana Utility Regulatory Commission ("Commission") in this matter. On July 8, 2009, NIPSCO filed its answer.

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 1:30 p.m., on July 9, 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. The Complainants, 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. 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. **Complainants' Prefiling Date.** The Complainants shall prefile with the Commission their prepared testimony and exhibits constituting their case-in-chief on August 28, 2009. Copies of same shall be served upon all parties of record.

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

3. **Complainants' Rebuttal Prefiling.** The Complainants shall prefile with the Commission their prepared rebuttal testimony on or before October 16, 2009. Copies of same shall be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Complainants, Respondent, Public, and any Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m., on October 27, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Complainants shall present their 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 should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

5. **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. After August 28, 2009, any response or objection to a discovery request should be made within seven (7) calendar days of the receipt of such request.

6. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should 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 should also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

7. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should 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.

8. **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.

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

APPROVED: JUL 30 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