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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION



IN THE MATTER OF THE COMPLAINT)
OF NUCOR STEEL-INDIANA, A)
DIVISION OF NUCOR CORPORATION)
AGAINST DUKE ENERGY INDIANA,)
INC. FOR DETERMINATION OF)
REASONABLE AND JUST CHARGES)
AND REQUEST FOR EXPEDITED)
ADJUDICATION.)

CAUSE NO. 43754

PREHEARING CONFERENCE ORDER

APPROVED: SEP 1 0 2009

RESPONDENT: DUKE ENERGY)
INDIANA, INC.)

BY THE COMMISSION:

David E. Ziegner, Commissioner,
Angela Rapp Weber, Administrative Law Judge

On August 6, 2009, Complainant Nucor Corporation ("Complainant") filed its Complaint against Duke Energy Indiana, Inc. ("Duke Energy Indiana") 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 August 31, 2009 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 10:00 a.m. 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 Complainant and the 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 other matters in this Cause. Pursuant to a Final Order issued in Cause No. 43676, the Commission granted an extension of the terms of that contract, which is at issue in this Cause. The contract will expire on October 31, 2009. The parties agreed that an extension of the contract is necessary in order to provide the parties with sufficient time to present the issues in this Cause and to allow the Commission to make a determination on those matters. Therefore, the parties agreed to a procedural schedule for this particular issue. 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. **Parties' Prefiling Date.** The Complainant, Duke Energy Indiana's, the Public's and any Intervenor's shall prefile testimony and any other requests to provide support for or against the request for an extension of the contract at issue in this Cause on or before September 9, 2009.

2. **Evidentiary Hearing on the Contract Extension**. An evidentiary hearing will be held on September 14, 2009 at 10:30 a.m. in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana to hear evidence in support of or against a contract extension in this Cause. Proposed Orders on this issue shall also be filed with the Commission on this day.

The parties also informally discussed procedural and scheduling matters pertaining to the issues raised in the Complaint filed 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. **Complainant's Prefiling Date**. The Complainant shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before September 18, 2009. Copies of same shall be served upon all parties of record.

2. **Duke Energy Indiana's Prefiling Date**. Duke Energy Indiana 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.

3. **Public's and Intervenors' Prefiling Date**. The Public and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before November 6, 2009. Copies of same shall be served upon all parties of record.

4. **Complainant's Rebuttal Prefiling**. The Complainant shall prefile with the Commission its prepared rebuttal testimony on or before November 20, 2009. Copies of same shall be served upon all parties of record.

5. **Evidentiary Hearing on the Parties' Cases-In-Chief**. In the event this Cause is not settled the cases-in-chief of the Complainant, Public and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on December 14, 2009 and to continue on December 18, 2009 if necessary in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. If the parties reach settlement, the agreement shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

6. **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.

7. **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 seven (7)

calendar days of the receipt of such request. The Parties have agreed to receive service electronically. In addition, Complainant served Duke Energy Indiana with a discovery request on August 10, 2009. The parties agree that Duke Energy Indiana's response to this particular discovery request shall be due on or before September 9, 2009.

8. **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.

9. **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.

10. **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.

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.

12. **Duke Energy Indiana's Answer.** The parties agree that Duke Energy Indiana shall have until September 10, 2009 to file with the Commission an Answer to the Complaint filed on August 6, 2009 in this Cause. Copies of same shall be served upon all parties of record.

13. **Proposed Orders.** The parties agree that Complainant shall file its proposed order with the Commission on or before January 8, 2010; Duke Energy Indiana, the OUCC, and any Intervenors shall file with the Commission their respective responses to Complainant's proposed order on or before January 22, 2010; and Complainant's reply to the responses filed on January 22,

2010 shall be filed with the Commission on or before January 29, 2010. Copies of the same shall be served upon all parties of record.

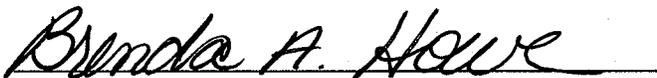
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

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, AND GOLC CONCUR; LANDIS AND ZIEGNER CONCUR:

APPROVED: **SEP 10 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