

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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PETITION OF INDIANA-AMERICAN)
WATER COMPANY, INC., AN INDIANA)
CORPORATION, FOR (1) APPROVAL)
OF ITS 2009-2011 FINANCING)
PROGRAM WHICH INCLUDES (A))
APPROVAL ON AN EXPEDITED BASIS)
OF THE RECEIPT OF FUNDING FROM)
THE DRINKING WATER STATE)
REVOLVING FUND IN THE FORM OF)
LOW INTEREST LOANS AND)
FORGIVABLE LOANS FOR DRINKING)
WATER INFRASTRUCTURE)
RENEWAL PROJECTS IN THE)
AMOUNT OF APPROXIMATELY)
\$3,530,000, (B) APPROVAL OF THE)
ISSUANCE OF UP TO \$80,000,000 IN)
AGGREGATE PRINCIPAL AMOUNT)
OF SECURED OR UNSECURED LONG-)
TERM DEBT (INCLUSIVE OF THE SRF)
LOAN) AND (C) THE ISSUANCE AND)
SALE OF ADDITIONAL COMMON)
STOCK TO ITS PARENT COMPANY IN)
AN AGGREGATE AMOUNT OF UP TO)
\$20,000,000; AND (2) AUTHORITY TO)
USE THE NET PROCEEDS)
THEREFROM TO REIMBURSE ITS)
TREASURY, REPAY SHORT AND)
LONG TERM BORROWINGS AND)
FINANCE ITS CONSTRUCTION)
PROGRAM.)

CAUSE NO. 43767

PREHEARING CONFERENCE ORDER

APPROVED: SEP 23 2009

BY THE COMMISSION:
James D. Atterholt, Commissioner
David E. Veleta, Administrative Law Judge

On August 26, 2009, Petitioner Indiana-American Water Company, Inc. ("Petitioner") filed its 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 and Preliminary Hearing in this Cause was held in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 1:30 p.m. on September 10, 2009. Proofs of publication of the notice of the Prehearing Conference and Preliminary Hearing have been

incorporated into the record and placed in the official files of the Commission. The Petitioner and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference and Preliminary Hearing. Petitioner offered its testimony and evidence into the record, with cross-examination deferred until a later hearing. 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 shall become a part of the record in this proceeding:

A. ARRA portion of Petitioner's Financing Program. The parties agreed that the following schedule shall apply with respect to Petitioner's request for Commission approval of its 2009-2011 financing program which includes funding pursuant to the American Recovery and Reinvestment Act ("ARRA") of 2009.

1. **Petitioner's Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief regarding the ARRA portion of Petitioner's Financing Program on August 28, 2009.

2. **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 September 15, 2009. Copies of same shall be served upon all parties of record.

3. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before September 21, 2009. Copies of same should be served upon all parties of record.

4. **Evidentiary Hearing on the ARRA portion of Financing Program.** In the event this Cause is not settled the cases-in-chief of the Public and any Intervenors and the rebuttal evidence of Petitioner shall be presented in an evidentiary hearing to commence at 2:00 p.m. on October 5, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. If the parties reach settlement, the agreement and supporting testimony and exhibits shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

B. Non-ARRA portion of Petitioner's Financing Program. The parties agreed that the following schedule shall apply with respect to Petitioner's request for Commission approval of the non-ARRA portion of its 2009-2011 financing program.

1. **Petitioner's Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief regarding the non-ARRA portion of Petitioner's Financing Program on August 28, 2009.

2. **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 October 13, 2009. Copies of same shall be served upon all parties of record.

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

4. **Evidentiary Hearing on non-ARRA financing.** In the event this Cause is not settled the testimony and exhibits of the Petitioner, Public and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on November 3, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. If the parties reach settlement, the agreement and all supporting testimony and exhibits shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

C. **General Provisions.** The following general provisions shall apply in this Cause.

1. **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.

2. **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.

3. **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.

4. **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.

5. **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.

6. **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, AND ZIEGNER CONCUR; LANDIS ABSENT:

APPROVED: SEP 23 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