

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF NORTHERN INDIANA PUBLIC)
SERVICE COMPANY FOR APPROVAL OF)
DEMAND SIDE MANAGEMENT PROGRAMS)
AND FOR RECOVERY OF ASSOCIATED)
PROGRAM COSTS, LOST MARGINS AND)
PERFORMANCE INCENTIVES PURSUANT TO)
170 IAC § 4-8-1, FOR AUTHORITY TO DEFER)
COSTS PENDING APPROVAL, AND FOR)
AUTHORITY TO IMPLEMENT ITS DSMA)
TRACKER.)

CAUSE NO. 43912

PREHEARING CONFERENCE
ORDER

APPROVED:

AUG 11 2010

BY THE COMMISSION:

David E. Ziegner, Commissioner
Scott R. Storms, Chief Administrative Law Judge

On June 17, 2010, Northern Indiana Public Service Company ("Petitioner") filed its *Verified Petition* in this matter with the Indiana Utility Regulatory Commission ("Commission").

Pursuant to notice and as provided for in 170 IAC § 1-1.1-15, a Prehearing Conference and Preliminary Hearing was held in this Cause in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana, at 9:30 a.m., on July 26, 2010. 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 Petitioner, the Indiana Office of Utility Consumer Counselor ("OUCC" or "Public"), and two petitioning Intervenors, Citizens Action Coalition of Indiana ("CAC") and the NIPSCO Industrial Group, appeared by counsel and participated in the Prehearing Conference. No members of the general public appeared or participated in the Prehearing Conference.

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. Based on 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:

- Petitioners Prefiling Date:** The Petitioner prefiled prepared testimony and exhibits constituting its case-in-chief on July 22, 2010, and copies of the same were served on all parties of record.
- Public's and Intervenors' Prefiling Date:** Public and all Intervenors should prefile the prepared testimony and exhibits constituting their respective cases-in-chief with the Commission on or before September 29, 2010. Copies of the same shall be served electronically on all counsel of record.

3. **Petitioner's Rebuttal Prefiling Date:** Petitioner shall prefile any rebuttal testimony with the Commission on or before October 15, 2010. Copies of the same shall be served electronically on all counsel of record.

4. **Evidentiary Hearing:** In the event this Cause is not settled, an Evidentiary Hearing will be convened in this Cause at 9:30 a.m. on October 28 and 29, 2010 in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. At that time, the direct evidence of all parties shall be presented and their respective witnesses made available for examination. Thereafter, Petitioner shall present its prefiled rebuttal evidence, as well as any additional evidence rebutting evidence adduced for the first time on cross-examination of Public's or Intervenors' witnesses, and shall make its rebuttal witnesses available for examination. In the event settlement is reached, the agreement and any supporting testimony and exhibits shall be submitted to the Commission no less than five (5) business days prior to the Evidentiary Hearing.

5. **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.

6. **Discovery:** Discovery is available to 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. Discovery requests received after 4:00 p.m. EDT or after 12.00 p.m. EDT on a Friday or the day before a state holiday should be considered received on the next business day. After the submission of Petitioner's rebuttal evidence, response time to discovery shall be five (5) calendar days.

7. **Prefiling of Workpapers:** When prefiling technical evidence with the Commission, two (2) copies of the workpapers used to produce that evidence should be filed with the Secretary of the Commission within two (2) business days after the prefiling of the technical evidence. Copies of workpapers shall also be served on all counsel of record.

8. **Objections to Prefiled Testimony:** Objections to the admission of prefiled testimony shall be filed with the Commission in writing no later than three (3) business days prior to the Evidentiary Hearing.

9. **Filing Instructions/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 them. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that additional copies be double-sided.

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. Electronic Service of Documents: During the Prehearing Conference, the Petitioner, the OUCC, and the petitioning Intervenor proposed, and the Commission thereafter ordered, that same-day electronic service of documents be used in this Cause to effect service of all documents required to be served on the other parties to this proceeding.

11. Intervenor: Any party permitted to become an Intervenor shall be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to the provisions of 170 IAC § 1-1.1-11.

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

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

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

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

APPROVED:

I hereby certify that the above is a true and correct copy of the Order as approved.



Sandra K. Gearlds
Acting Secretary to the Commission