ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, INC. FOR APPROVAL TO OFFER ADDITIONAL ENERGY EFFICIENCY PROGRAMS; FOR APPROVAL OF PROGRAM COST RECOVERY, LOST REVENUES AND INCENTIVES PURSUANT TO 170 IAC 4-8-5, 170 IAC 4-8-6, AND 170 IAC 4-8-7; AUTHORITY TO DEFER COSTS PENDING APPROVAL AND FOR AUTHORITY TO IMPLEMENT ANNUAL TRACKING MECHANISM	)	CAUSE NO. 43955 PREHEARING CONFERENCE ORDER APPROVED: NOV 30 2010

BY THE COMMISSION:
David E. Ziegner, Commissioner
David E. Veleta, Administrative Law Judge

On September 28, 2010, Duke Energy Indiana, 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 in this Cause was held in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana at 3:00 p.m. on November 19, 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 and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference. Nucor Steel-Indiana, Kroger and the Citizens Action Coalition appeared by their respective counsel 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 shall become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** The Petitioner prefiled its direct testimony and exhibits constituting its case-in-chief with the Commission on November 10, 2010.

2. **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 February 9, 2011. 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 February 25, 2011. 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 Petitioner, Public and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on March 9-10, 2011 in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties shall be presented and their respective witnesses examined. Thereafter, Petitioner shall present its 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 shall be submitted to the Commission 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 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. After February 25, 2011, any response or objection to a discovery request should be made within five (5) calendar days of the receipt of such request. The parties also agree to utilize electronic discovery.

7. **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 work papers to the Commission, two (2) copies of each document shall be filed with the Secretary of the Commission.

8. **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.

9. **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.

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: NOV 30 2010

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

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission