

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF TWIN LAKES UTILITIES, INC. FOR AUTHORITY TO INCREASE ITS WATER AND SEWER RATES AND CHARGES AND FOR APPROVAL OF A NEW SCHEDULE OF RATES AND CHARGES APPLICABLE THERETO)))))))	CAUSE NO. 43957 <u>PREHEARING CONFERENCE</u> <u>ORDER</u> APPROVED: JAN 05 2011
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BY THE COMMISSION:

Carolene R. Mays, Commissioner
Aaron A. Schmoll, Senior Administrative Law Judge

On September 30, 2010, Petitioner Twin Lakes Utilities, Inc. (“Petitioner” or “Twin Lakes”) 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 on November 9, 2010 in Room 224 of the PNC Center, 101 W. Washington St., Indianapolis, Indiana. 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 Office of Utility Consumer Counselor (“Public” or “OUCC”), and Intervenor Lakes of the Four Seasons Property Owners’ Association (“LOFS”) appeared and participated at the Prehearing Conference. At the Prehearing Conference, the Presiding Officers granted LOFS Petition to Intervene. 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 Commission now enters the following Findings and Order which should become a part of the record in this proceeding:

1. **Test Year and Accounting Method.** The test year to be used for determining Petitioner’s actual and pro forma operating revenues, expenses and operating income under present and proposed rates should be the twelve months ending June 30, 2010, adjusted for changes that are representative of utility operations which are known, fixed, and measurable for ratemaking purposes that occur within twelve (12) months following the end of the test year.
2. **Cut-Off Date.** The rate base cut-off should reflect used and useful property as of September 30, 2010.
3. **Notice to Customers.** On November 15, 2010, Petitioner filed a copy of the notice provided to its customers under 170 IAC 6-1-18(C) and 170 IAC 8.5-2-6(c).
4. **Petitioner’s Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on October 15, 2010, and filed supplemental testimony on November 15, 2010.

5. **Field Hearing.** A public field hearing to provide interested ratepayers with an opportunity to offer comments concerning this Cause shall be held at a date, time, and location to be determined later by the Commission.

6. **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 March 2, 2011. Copies of same should be served upon all parties of record.

7. **Cross-Answering Testimony.** The Public and all Intervenors shall prefile with the Commission and serve on all parties of record any cross-answering testimony and exhibits responding to the cases-in-chief prefiled by parties other than Petitioner on or before March 24, 2011.

8. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before April 1, 2011. Copies of same should be served upon all parties of record.

9. **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 should be presented in an evidentiary hearing to commence at 9:30 a.m. E.D.T. on April 19, 2011 in Room 222 of the PNC Center, 101 W. Washington St., Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should 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 should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

10. **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 Petitioner has filed its rebuttal testimony, any response or objection to a discovery request should be made within five (5) business days of the receipt of such request. Any discovery served after noon on Friday shall be deemed to be served on the following business day.

11. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should include the workpapers used to produce that evidence. Copies of same should also be provided to any other party within two (2) business days of the filing. When submitting workpapers to the Commission, the parties shall provide two (2) paper copies of each document.

12. **Number of Copies/Corrections.** Any corrections to 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. If corrections to an exhibit appear in multiple iterations or are extensive, the exhibit with corrections incorporated shall be rebound as necessary to minimize confusion over the substance and pagination of the exhibit.

With the exception of working papers, an original and five (5) copies of all prepared testimony and exhibits shall be filed with the Commission. Parties shall provide copies of any exhibits or materials used in cross examination during the proceeding to the other parties, the assigned staff advisors and the presiding Commissioner and administrative law judge at the time said exhibits and materials are so used in cross examination. 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. With respect to electronic filings, if a party organizes its filing in a bound volume for ease of reference at a hearing, the party shall provide, within two (2) business days of the electronic filing, two (2) such bound volumes for use by the presiding officers during the hearing. When supplying the bound volumes, the party shall provide a copy of the email reflecting the date the electronic filing was accepted by the Commission.

Regardless of whether filing is made with paper copies or electronically, the filing party, on the day of filing, shall also email a copy of the filing to the Presiding Administrative Law Judge.

13. 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.

ATTERHOLT, LANDIS, MAYS, AND ZIEGNER CONCUR:
APPROVED: JAN 05 2011

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



Brenda A. Howe
Secretary to the Commission