

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED PETITION)
OF STUCKER FORK CONSERVANCY DISTRICT)
FOR APPROVAL OF A NEW SCHEDULE OF)
RATES AND CHARGES FOR WATER SERVICE)
AND FOR AUTHORITY TO SERVE USERS)
OUTSIDE ITS CURRENT SERVICE TERRITORY)

CAUSE NO. 44164

APPROVED: APR 25 2012

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:

David E. Ziegner, Commissioner

Loraine L. Seyfried, Chief Administrative Law Judge

On March 13, 2012, Petitioner, Stucker Fork Conservancy District (“Petitioner”) filed its Verified 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 10:00 a.m. on April 12, 2012. 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. Petitioner, the Indiana Office of Utility Consumer Counselor (“OUCC”), and Intervenor Morgan Foods, Inc. 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 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 requested relief in this Cause will be addressed in two phases. Phase I will address Petitioner’s Cost of Service Study. Phase II will address Petitioner’s rates and charges and its request to provide services outside of its current service territory. The procedural schedule for each phase is as set forth below:

A. Phase I: Cost of Service Study:

i. **Test Year and Accounting Method.** The test year for determining Petitioner’s actual and pro forma operating revenues, expenses and operating income under present and proposed rates shall be the twelve (12) months ended December 31, 2011 adjusted for changes that are fixed, known and measurable for ratemaking purposes and that occur within twelve (12) months following the end of the test year.

ii. **Cutoff date.** The rate base cutoff shall reflect used and useful property at the end of the test year.

iii. **Petitioner's Prefiling Date.** Petitioner shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before May 11, 2012. Copies of same shall be served upon all parties of record.

iv. **OUCC's and Intervenors' Prefiling Date.** The OUCC and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before August 3, 2012. Copies of same shall be served upon all parties of record.

v. **Petitioner's Rebuttal Prefiling.** Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before August 17, 2012. Copies of same shall be served upon all parties of record.

vi. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of Petitioner, the OUCC and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m., on September 6, 2012 in Room 224 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 prefiling rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of the OUCC's or Intervenors' witnesses. 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. Phase II: Rates and Charges and Service Area:

i. **Test Year and Accounting Method.** The test year for determining Petitioner's actual and pro forma operating revenues, expenses and operating income under present and proposed rates shall be the twelve (12) months ended June 30, 2012 adjusted for changes that are fixed, known and measurable for ratemaking purposes and that occur within twelve (12) months following the end of the test year.

ii. **Cutoff date.** The rate base cutoff shall reflect used and useful property at the end of the test year.

iii. **Petitioner's Prefiling Date.** Petitioner shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before October 15, 2012. Copies of same shall be served upon all parties of record.

iv. **OUCC's and Intervenors' Prefiling Date.** The OUCC and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before January 17, 2013. Copies of same shall be served upon all parties of record.

v. **Petitioner's Rebuttal Prefiling.** Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before February 5, 2013. Copies of same shall be served upon all parties of record.

vi. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of Petitioner, the OUCC and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m., on February 26, 2013 in Room 224 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 the OUCC's or Intervenors' witnesses. 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.

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. During Phase I, discovery requests served after August 3, 2012 shall be responded or objected to within five (5) business days.

3. **Witness Order.** Parties shall submit their intended order of witnesses to the Commission and the parties in writing at least 72 hours in advance of the evidentiary hearing.

4. **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.

5. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party shall file copies of the work papers used to produce that evidence within two (2) business days after the prefiling of such technical evidence. Copies of same shall also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document shall be filed with the Secretary of the Commission.

6. **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.

7. **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, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: APR 25 2012

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



Brenda A. Howe
Secretary to the Commission