

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF MIDWEST NATURAL GAS CORPORATION FOR A NECESSITY CERTIFICATE TO RENDER NATURAL GAS DISTRIBUTION SERVICE IN CERTAIN RURAL AREAS OF DAVIESS, GREENE, JENNINGS AND SULLIVAN COUNTIES, INDIANA) CAUSE NO. 44210

APPLICATION OF INDIANA GAS COMPANY, INC. D/B/A VECTREN ENERGY DELIVERY OF INDIANA, INC. ("VECTREN NORTH") FOR A NECESSITY CERTIFICATE AUTHORIZING IT TO RENDER NATURAL GAS SERVICE TO THE PUBLIC IN CERTAIN AREAS OF GREENE COUNTY, INDIANA. RESPONDENT: MIDWEST NATURAL GAS CORP.) CAUSE NO. 44253 APPROVED: NOV 21 2012

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:
James D. Atterholt, Chairman
Gregory R. Ellis, Administrative Law Judge

On June 5, 2012, Midwest Natural Gas Corporation ("Midwest") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in Cause No. 44210. On July 26, 2012, Midwest filed its amended petition. On September 24, 2012, Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, Inc. ("Vectren") filed its petition with the Commission in Cause No. 44253. On November 5, 2012, the Commission issued a docket entry consolidating the two causes.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this consolidated Cause was held at 1:30 p.m. on November 7, 2012 in Room 224 of the PNC Center, 101 West Washington Street, 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. Petitioner and the Indiana Office of Utility Consumer Counselor ("OUCC") 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.

On November 8, 2012, Vectren filed *Vectren Energy Delivery of Indiana, Inc.'s Motion to Correct Yet to be Approved Procedural Schedule* ("Motion"). In its Motion, Vectren requested the

Commission direct Midwest file responsive testimony to Vectren's case-in-chief to provide natural gas service to customers in Section 35 of Greene County, as originally filed in Cause No. 44253, prior to the submission of simultaneous rebuttal by both Midwest and Vectren on January, 7, 2013.

Midwest filed *Midwest's Response to Vectren Energy's Motion to Correct Procedural Schedule* ("Response") on November 13, 2012. The Response objected to Vectren's Motion indicating that the current schedule was agreed upon by all parties at the prehearing conference and the additional filing is unnecessary since Midwest has already filed its case-in-chief which indicated what its position is in regards to Section 35. The Response also indicated that Vectren moved to have Cause No. 44210 and Cause No. 44253 consolidated and then suggested in its Motion that Cause No. 44253 be treated as a separate proceeding for purposes of filing rebuttal testimony. On November 16, 2012, Vectren filed *Vectren Energy Delivery of Indiana, Inc.'s Reply to Midwest Gas' Response to Vectren North's Motion to Correct Yet to be Approved Procedural Schedule*.

The Presiding Officers find the procedural schedule as agreed upon at the Prehearing Conference provides the parties with sufficient opportunity to address the issues in this consolidated Cause. The Commission now enters the following Findings and Order which shall become a part of the record in this proceeding:

1. **Midwest's Prefiling Date.** Midwest prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on July 31, 2012. Copies of same were served upon all parties of record.
2. **Vectren's Prefiling Date.** Vectren shall file with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before November 29, 2012. Copies of same shall be served upon all parties of record.
3. **OUCG's and Intervenors' Prefiling Date.** The OUCG and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before December 18, 2012. Copies of same shall be served upon all parties of record.
4. **Midwest and Vectren's Rebuttal Prefiling.** Midwest and Vectren shall prefile with the Commission their prepared rebuttal testimony on or before January 7, 2013. Copies of same shall be served upon all parties of record.
5. **Evidentiary Hearing on the Parties' Cases-In-Chief.** The cases-in-chief of Midwest, Vectren, the OUCG and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on January 24, 2013 in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Midwest and Vectren should present their prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of the OUCG'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.

6. **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.

7. **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.

8. **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 the technical 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.

9. **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.

10. **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.

11. **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 AND ZIEGNER CONCUR; LANDIS ABSENT; MAYS NOT PARTICIPATING:

APPROVED: NOV 21 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