

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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IN THE MATTER OF THE COMPLAINT )  
OF THE TOWN OF DARMSTADT, )  
INDIANA AGAINST THE CITY OF )  
EVANSVILLE, INDIANA )  
RESPONDENT: CITY OF EVANSVILLE, )  
INDIANA )

CAUSE NO. 44260

APPROVED: DEC 12 2012

PREHEARING CONFERENCE ORDER OF THE COMMISSION

**Presiding Officers:**

**Carolene Mays, Commissioner**

**Loraine L. Seyfried, Administrative Law Judge**

On October 5, 2012, the Town of Darmstadt, Indiana (“Petitioner”) filed with the Indiana Utility Regulatory Commission (“Commission”) its appeal of a September 25, 2012 determination by the Water/Wastewater Division Director concerning its review of a petition filed by the City of Evansville, Indiana (“Respondent”) pursuant to Ind. Code § 8-1.5-3-8.3.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held at 10:00 a.m. on November 28, 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, Respondent 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.

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. **Dispositive Motions.** All Dispositive Motions to be considered in this Cause shall be filed on or before January 17, 2013. Copies of same shall be served upon all parties of record.
2. **Dispositive Motion Response Date.** Any response to a Dispositive Motion shall be filed on or before February 18, 2013. Copies of same shall be served upon all parties of record.
3. **Dispositive Motion Reply Date.** Any reply to a Dispositive Motion Response shall be filed on or before March 4, 2013. Copies of same shall be served upon all parties of record.

4. **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.

5. **Electronic Service.** The parties agree to utilize electronic service.

6. **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 AND ZIEGNER CONCUR; BENNETT AND MAYS ABSENT:**

APPROVED:

DEC 12 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