

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF CWA AUTHORITY, INC. FOR)
(1) AUTHORITY TO INCREASE IT RATES)
AND CHARGES FOR WASTEWATER)
UTILITY SERVICE IN TWO PHASES AND)
APPROVAL OF NEW SCHEDULES OF)
RATES AND CHARGES APPLICABLE)
THERE TO, AND (2) APPROVAL OF CERTAIN)
CONDITIONS FOR WASTEWATER SERVICE)

CAUSE NO. 44305

APPROVED: APR 03 2013

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:
Carolene Mays, Commissioner
Jeffery A. Earl, Administrative Law Judge

On February 21, 2013, Petitioner, CWA Authority, Inc. ("Petitioner" or "CWA") 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 at 1:30 p.m. on March 26, 2013, in Hearing Room 222, 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, the Indiana Office of Utility Consumer Counselor ("OUCC"), and the CWA Authority Industrial Group ("Industrial Group") 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. **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 September 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.

2. **Petitioner's Prefiling Date.** The Petitioner prefiled with the Commission the prepared testimony and exhibits constituting its case-in-chief on February 22, 2013.

3. **Field Hearing.** A field hearing will be convened in this Cause at a time, date, and location to be determined later by the Commission.

4. **OUCC's and Intervenors' Prefiling Date.** The OUCC and any Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before August 23, 2013. Copies of same shall be served upon all parties of record.

5. **Petitioner's Rebuttal and Cross-Answer Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony, and the OUCC and any Intervenors may prefile their respective cross-answering testimony and exhibits responding to the cases-in-chief prefiled by parties other than the Petitioner, on or before September 13, 2013. Copies of same shall be served upon all parties of record.

6. **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.

7. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Petitioner, the OUCC and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on October 7, 2013, and to continue as necessary on October 9 through October 11, October 16 through October 18 and October 21 through October 23, 2013 in Hearing Room 222, 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, the OUCC and any Intervenors may present their respective cross-answering evidence and 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.

8. **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 until September 13, 2013. Any discovery request that is served on a Friday during this time period shall be deemed to have been served on the following business day. Beginning on September 13, 2013, any response or objection to a discovery request shall be made within five (5) business days and the service on a Friday rule will not apply. The parties have agreed to conduct discovery by electronic means.

9. **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.

10. **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.

11. **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.

12. **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; BENNETT ABSENT:

APPROVED: APR 03 2013

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



**Brenda A. Howe,
Secretary to the Commission**