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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE APPEAL TO THE INDIANA )  
UTILITY REGULATORY COMMISSION FROM THE ) CAUSE NO. 44344  
CONSUMER AFFAIRS DIVISION OF THE RULING ON )  
COMPLAINT BY MORTON SOLAR & WIND, LLC )  
AGAINST VECTREN UTILITY HOLDINGS, INC. d/b/a ) APPROVED:  
VECTREN ENERGY DELIVERY OF INDIANA - SOUTH )

AUG 14 2013

PREHEARING CONFERENCE ORDER OF THE COMMISSION

**Presiding Officers:**

**James D. Atterholt, Chairman**

**Aaron A. Schmoll, Senior Administrative Law Judge**

On June 21, 2013, Complainant Morton Solar and Wind, LLC (“Complainant”) filed its *Verified Complaint and Appeal from Consumer Affairs Decision against Respondent Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc.* (“Complaint”) with the Indiana Utility Regulatory Commission (“Commission”) in this matter.<sup>1</sup> On July 12, 2013, Respondent Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc. (“Respondent” or “Vectren”) filed its Answer.

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 1:30 p.m., on July 25, 2013. 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 Complainant, Respondent, the Indiana Office of Utility Consumer Counselor (“Public” or “OUCC”), and Intervenor Citizens Action Coalition, Inc. (“CAC”) 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. CAC’s Petition to Intervene was granted on the record, without objection.

Based upon the agreement of the parties, the Commission now enters the following Findings and Order, which should become a part of the record in this proceeding:

<sup>1</sup> Although captioned as an appeal from the Commission’s Consumer Affairs Division, the Complaint was referred to the Commission’s docket on request of the Commission’s General Counsel pursuant to 170 IAC 16-1-5(e), and the Consumer Affairs Division made no determination with respect to Complainant’s informal complaint.

1. **Complainant's Prefiling Date.** The Complainant shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before September 19, 2013. Copies of same shall be served upon all parties of record.

2. **Respondent's Prefiling Date.** The Respondent shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before November 14, 2013. Copies of same shall be served upon all parties of record.

3. **Complainants' Rebuttal and Cross-Answering Prefiling Date.** The Complainant shall prefile with the Commission its prepared rebuttal testimony on or before December 19, 2013. The OUCC and any Intervenor may file cross-answering testimony on or before December 19, 2013. Copies of same shall be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Complainant and Respondent, and the cross-answering testimony of the Public and any Intervenors shall be presented in an Evidentiary Hearing to commence at 9:30 a.m., on January 29, 2014 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, Complainant shall 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 ten (10) business days prior to the Evidentiary Hearing.

5. **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 December 19, 2013, any response or objection to a discovery request should be made within seven (5) calendar days of the receipt of such request.

6. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should 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 should also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

7. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should 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 fifty (50) 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.

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

APPROVED:      **AUG 14 2013**

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

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