

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF THE BOARD OF DIRECTORS FOR)
UTILITIES OF THE DEPARTMENT OF PUBLIC UTILITIES)
OF THE CITY OF INDIANAPOLIS, ACTING IN ITS)
CAPACITY AS TRUSTEE OF A PUBLIC CHARITABLE)
TRUST FOR THE PROVISION OF ENERGY SERVICES,)
D/B/A CITIZENS THERMAL, FOR (1) AUTHORITY TO)
INCREASE IT RATES AND CHARGES FOR STEAM)
UTILITY SERVICE, (2) APPROVAL OF A NEW SCHEDULE)
OF RATES AND CHARGES APPLICABLE THERETO, AND)
(3) APPROVAL OF CHANGES TO ITS GENERAL TERMS)
AND CONDITIONS FOR STEAM SERVICE)

CAUSE NO. 44349

APPROVED:

AUG 14 2013

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:

Kari A.E. Bennett, Commissioner

Aaron A. Schmoll, Senior Administrative Law Judge

On June 3, 2013, Petitioner the Board of Directors for Utilities of the Department of Public Utilities of the City of Indianapolis, as Trustee of a Public Charitable Trust for the Provision of Energy Services, d/b/a Citizens Thermal ("Petitioner" or "Citizens Thermal") 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 Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana at 11:00 a.m. on July 23, 2013. Proof of publication of the notice of the Prehearing Conference has 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.

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

3. **Petitioner's Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on June 8, 2013. Copies of same shall be served upon all parties of record.

4. **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 October 1, 2013. Copies of same shall be served upon all parties of record.

5. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before November 5, 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 December 9, 2013, and continuing through December 12, 2013, as necessary, in Room 222 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 ten (10) business days prior to the Evidentiary Hearing.

8. **Discovery.** Discovery is available for all parties and shall be conducted on an informal basis. Prior to November 5, 2013, any response or objection to a discovery request shall be made within ten (10) calendar days of the receipt of such request. On and after November 5, 2013, any response or objection to a discovery request shall be made within five (5) calendar days of the receipt of such request.

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 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. If corrections to an exhibit appear in multiple iterations or are extensive, the exhibit with corrections

incorporated shall be rebound as necessary to minimize confusion over the substance and pagination of the exhibit. 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.

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 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.



Brenda A. Howe
Secretary to the Commission