ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN RE THE INVESTIGATION OF THE CITY OF PLYMOUTH STREET DEPARTMENT DIVISION OF PIPELINE SAFETY NUMBER: 4623	)))	CAUSE NO. 44405 APPROVED: NOV 25 2013

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:
Kari A.E. Bennett, Commissioner
Jeffery A. Earl, Administrative Law Judge

On October 4, 2013, The City of Plymouth Street Department ("Plymouth") filed a Request for Hearing 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 at 10:30 a.m. on November 6, 2013, in Hearing Room 224, 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. Plymouth, the Commission's Pipeline Safety Division ("Pipeline Safety"), 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. **Pipeline Safety's Prefiling Date**. Pipeline Safety shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before November 12, 2013. Copies of same shall be served upon all parties of record.

2. **Plymouth's Prefiling Date.** Plymouth shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before December 12, 2013. Copies of same shall be served upon all parties of record.

3. **OUCC's and Intervenors' Prefiling Date**. The OUCC and any Intervenors may prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before December 27, 2013. Copies of same shall be served upon all parties of record.

4. **Pipeline Safety's Rebuttal Prefiling**. Pipeline Safety may prefile with the Commission its prepared rebuttal testimony on or before January 8, 2014. Copies of same shall be served upon all parties of record.

5. **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.

6. **Evidentiary Hearing on the Parties' Cases-In-Chief**. The cases-in-chief of Pipeline Safety, Plymouth, the OUCC, and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on January 23, 2014, in Hearing Room 224, 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, Pipeline Safety should present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Plymouth's, the OUCC's, or any 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.

7. **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.

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. The parties have agreed to conduct discovery through 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 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.

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:

APPROVED: NOV 25 2013

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

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission