

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE COMMISSION'S)
INVESTIGATION INTO THE REQUIRED)
PARTICIPATION OF CERTAIN LARGE)
CUSTOMERS IN JURISDICTIONAL ELECTRIC)
UTILITY DEMAND SIDE MANAGEMENT)
PROGRAMS AND ANY ASSOCIATED IMPACTS ON)
A UTILITY'S ANNUAL ENERGY SAVINGS GOALS)
ESTABLISHED IN THE PHASE II ORDER IN)
CAUSE NO. 42693.)

CAUSE NO. 44441

APPROVED: FEB 17 2014

RESPONDENTS: INDIANA REGULATED)
ELECTRIC UTILITIES SUBJECT TO THE PHASE II)
ORDER)

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:
David E. Ziegner, Commissioner
Loraine L. Seyfried, Chief Administrative Law Judge

On January 15, 2014, the Indiana Utility Regulatory Commission ("Commission") issued an Order initiating this investigation to allow the Commission to consider and review the reasonableness of continuing to require the participation of certain large customers in utility sponsored and Commission regulated Demand Side Management programs and any associated impacts on the energy savings goals established in the December 9, 2009 Phase II Order in Cause No. 42693.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held at 9:30 a.m. on February 3, 2014 in Room 222 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. Counsel for Duke Energy Indiana, Inc., Vectren Energy Delivery of Indiana, Inc., Indianapolis Power & Light Company, Inc., Northern Indiana Public Service Company, Inc., Indiana Michigan Power Company, Anderson Municipal Light & Power, Crawfordsville Electric Light & Power, Frankfort City Light & Power, Kingsford heights Municipal Electric Utilities, Knightstown Electric Utility, Lebanon Utilities, Richmond Power & Light, Tipton Municipal Utilities, Citizens Action Coalition of Indiana, Inc., Nucor Steel – Indiana, U.S. Steel Corporation, the Indiana Industrial Group, and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared and participated at the Prehearing Conference.

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. **Issues to be Considered.** The parties shall file with the Commission, a list of issues to be considered in this proceeding on or before March 21, 2014. Copies of same shall be served upon all parties of record.

2. **Attorney's Conference.** An Attorney's Conference shall be held on March 25, 2014 at 9:30 a.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana.

3. **Prefiling of Direct Testimony.** The parties shall prefile with the Commission their prepared testimony and exhibits constituting their respective cases-in-chief on or before April 24, 2014. Copies of same shall be served upon all parties of record.

4. **Prefiling of Responsive Testimony.** Any party that prefiled direct testimony may file a response to another party's case-in-chief on or before May 22, 2014. Copies of same shall be served upon all parties of record.

5. **Evidentiary Hearing.** An evidentiary hearing is scheduled to commence at 9:30 a.m. on June 5, 2014 in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana.

6. **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.

7. **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. After May 22, 2014, any response or objection to a discovery request shall be made within five (5) business days. Any discovery served after noon on a Friday will be deemed as having been served on the next business day. The parties agree to conduct discovery by electronic means and to serve discovery requests upon all parties.

8. **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.

9. **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.

10. **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.

11. **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, MAYS AND ZIEGNER CONCUR:

APPROVED: FEB 17 2014

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



**Shala M. Coe, Acting
Secretary to the Commission**