

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF)
CHANDLER, INDIANA, FOR APPROVAL) CAUSE NO. 44516
OF A REGULATORY ORDINANCE)
COVERING UNINCORPORATED AREAS) APPROVED:
OF WARRICK COUNTY, INDIANA)

SEP 24 2014

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:
Carolene Mays-Medley, Vice-Chair
Jeffery A. Earl, Administrative Law Judge

On July 22, 2014, the Town of Chandler, Indiana (“Chandler”) 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, the Commission held a Prehearing Conference in this Cause at 2:30 p.m. on September 15, 2014, 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. 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:

A. Motion to Dismiss. During the Prehearing Conference and Preliminary Hearing, Intervenor Town of Newburgh indicated its intent to file a Motion to Dismiss this Cause. The parties have agreed to the following filing schedule for the Motion to Dismiss.

1. **Newburgh’s Motion to Dismiss.** Newburgh shall file its Motion to Dismiss and accompany brief in support on or before September 18, 2014.
2. **Chandler’s Response.** Chandler shall file its response brief to the Motion to Dismiss on or before October 2, 2014.
3. **Newburgh’s Reply.** Newburgh shall file its reply brief on or before October 16, 2014.

B. Procedural Schedule. In the event the Motion to Dismiss is denied, the parties have agreed to the following procedural schedule for this Cause.

1. Status of Settlement Discussions. The parties shall file a status update on the possibility of reaching a settlement in this Cause on or before October 10, 2014.

2. Chandler's Prefiling Date. Chandler shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before October 14, 2014. Copies of same shall be served upon all parties of record.

3. Newburgh's Prefiling Date. Newburgh shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before November 3, 2014. Copies of same shall be served upon all parties of record.

4. OUCC's Prefiling Date. The OUCC shall prefile with the Commission the prepared testimony and exhibits constituting its case-in-chief on or before December 16, 2014.

5. Chandler's Rebuttal Prefiling. Chandler shall prefile with the Commission its prepared rebuttal testimony on or before December 19, 2014. Copies of same shall be served upon all parties of record.

6. 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 January 14, 2015, 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, Petitioner shall present its prefiling 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 business days prior to the Evidentiary Hearing.

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 10 calendar days of the receipt of such request through December 15, 2014. Thereafter any response or objection to a discovery request shall be made within 5 business days of the receipt of such request. Any discovery request that is received after noon on a Friday shall be deemed to have been received on the following business day. The parties have agreed to conduct discovery through electronic means.

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 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 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 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 30 pages in length, a party shall file with the Commission an original and one paper copy within two 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 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.

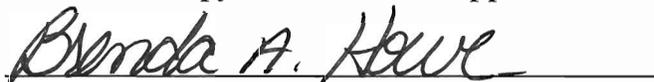
2. This Order shall be effective on and after the date of its approval.

MAYS-MEDLEY, WEBER AND ZIEGNER CONCUR; STEPHAN ABSENT:

APPROVED:

SEP 24 2014

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



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