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## **Wildwood Shores Utilities Corp. Rate Case IURC Cause No. 43699-U**

### **PUBLIC FIELD HEARING – BASIC FACTS**

**An Indiana Utility Regulatory Commission (IURC) public field hearing is a formal, legal proceeding.**

- It is presided over by an Administrative Law Judge and recorded by a court reporter, with at least one Commissioner present.

**The sole purpose of the field hearing is to accept sworn testimony from consumers under oath.**

- Field hearings do not include presentations by utilities.
- In this proceeding, the utility presented its case-in-chief to the Commission in writing on May 29, 2009.
- Technical witnesses for the Indiana Office of Utility Consumer Counselor (OUCC) – which represents consumer interests in IURC cases – are scheduled to file their report in this case on September 29, 2009.
- IURC Commissioners are not allowed to answer questions, as they will ultimately weigh the evidence and render a final decision.
- IURC and OUCC staff are available to answer procedural questions on an individual basis.

**Consumers may make sworn written or oral comments on the pending case.**

- Consumer comments are given equal consideration whether they are written or oral.

**Attorneys for the case’s formal parties – including the utility and the OUCC – may participate.**

- As this is a legal proceeding, the attorneys are entitled, but not required, to ask questions following your testimony.

**No final decision in the case will be made tonight.**

- The procedural schedule in this case includes future steps as outlined in the “Timeline” section of this fact sheet.

## OVERVIEW

**Wildwood Shores Utilities Corporation**, doing business as **Aqua Indiana, Inc.**, is seeking an increase in its rates and charges for sewer utility service in Morgan County. The utility's request is pending before the **Indiana Utility Regulatory Commission (IURC)** in Cause No. 43699-U.

- In its filing before the IURC, the utility indicates it is seeking additional revenues due to infrastructure improvements (primarily, the expansions to the utility's treatment plant including tripling the plant's capacity and adding ultraviolet disinfection to its treatment process).
- The utility's proposal, if approved, would increase its flat monthly residential sewer rate from \$41.55 to \$80.00.
- Current rates for Wildwood Shores were approved in October 2007.
- Aqua Indiana is a wholly owned subsidiary of Aqua America, Inc.

The **Indiana Office of Utility Consumer Counselor (OUCC)** is a separate state agency from the IURC and is the statutory representative for the interests of all utility consumers (residential, commercial and industrial) in cases before the IURC.

- The OUCC has not yet taken a position in this case, with the agency's legal and technical staff continuing to review the utility's request.
- The OUCC is scheduled to complete its review and file a written report by September 29. The agency's report will be available online at [www.in.gov/oucc/2557.htm](http://www.in.gov/oucc/2557.htm) after being filed with the IURC.

## TIMELINE

May 29, 2009: Aqua Indiana filed formal documentation with the IURC initiating this case and seeking to increase its rates.

July 24, 2009: The OUCC filed a formal request for a public field hearing in this case.

September 14, 2009: An IURC public field hearing is being held at North Madison Elementary School.

September 29, 2009: The OUCC is scheduled to file its written report in this case.

October 13, 2009: Deadline for Aqua Indiana to file any responsive testimony to the OUCC's report.

IURC final orders are issued at the Commission's weekly Conferences. Conferences are typically held on Wednesday afternoons, with agendas posted 48 hours in advance at [www.in.gov/iurc/2428.htm](http://www.in.gov/iurc/2428.htm).

A settlement agreement is possible in any legal proceeding; all hearing and filings dates in any legal proceeding are subject to change.

## SMALL UTILITY FILING PROCEDURE

Aqua Indiana is utilizing the IURC's Small Utility Filing Procedure in this case. This procedure is designed to **reduce the time and expense** involved with regulatory filings; it is available to utilities with fewer than 5,000 customers.

By using this process, the utility makes its rate requests using standardized forms. This may result in reduced need for attorneys and consultants (such as accountants, engineers, etc.).

Public hearings are not mandatory in Small Utility Filing Procedure cases; a hearing may be granted if requested.

The **standards of OUCC and IURC review in these cases are the same** as for traditional utility filings. The OUCC files written reports in Small Utility Filing Procedure cases after reviews by legal and technical staff.

### WHAT WILL HAPPEN AT THE PUBLIC FIELD HEARING

An IURC public field hearing is a formal, legal proceeding. It is presided over by an Administrative Law Judge and recorded by a court reporter, with at least one Commissioner present.

Consumers may make sworn written or oral comments on the pending case. Consumer comments are given equal consideration whether they are written or oral.

The case's formal parties – the utility and the OUCC – may participate.

A public field hearing does not include a question and answer format; it is designed to allow sworn consumer testimony under oath. IURC Commissioners are not allowed to answer questions, as they will ultimately weigh the evidence and render a final decision.

No final IURC decision in the case will be made during the field hearing.

### ADDITIONAL INFORMATION

All publicly filed documents in this case are available for review on the IURC Website by:

- Visiting [www.in.gov/iurc](http://www.in.gov/iurc)
- Clicking the "Electronic Document Systems" link
- Clicking the "Search Cases" link near the upper left corner of the following page
- Entering docket number 43699 in the first field on the search page

Case updates and key case documents are available on the OUCC Website by visiting [www.in.gov/oucc/2557.htm](http://www.in.gov/oucc/2557.htm).

### GENERAL AGENCY INFORMATION

#### Indiana Office of Utility Consumer Counselor (OUCC)

- State agency
- Represents the interests of all Indiana utility consumers – including residential, commercial and industrial customer interests – in cases before the IURC and federal utility regulatory commissions
- Staff of attorneys, accountants, engineers, economists, consumer services and support personnel

#### Indiana Utility Regulatory Commission (IURC)

- State agency
- Regulates many, but not all, Indiana utilities
- Regulates utility rates, financing, service territory, quality, etc.
- Neutral, fact-finding body required by law to make decisions that balance the interests of utilities and consumers