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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF AMERICAN SUBURBAN UTILITIES,) CAUSE NO. 44676 S1
INC. FOR APPROVAL OF COMPLIANCE FILING AND)
PHASE III RATES) APPROVED: JAN 29 2020

PREHEARING CONFERENCE ORDER OF THE COMMISSION

Presiding Officers:

Stefanie Krevda, Commissioner

David E. Ziegner, Commissioner

David E. Veleta, Senior Administrative Law Judge

On November 7, 2019, American Suburban Utilities, Inc. (“ASU”) filed Petitioner’s Submission of Compliance Filing and Phase III Rates. ASU certified that its Carriage Estates Wastewater Treatment Plant (“CE-III Plant”) is in service and that the construction costs have been paid. On December 9, 2019, the Indiana Office of Utility Consumer Counselor (“OUCC”) filed OUCC’s Objection to ASU’s Phase III Compliance filing. On January 8, 2020, the Commission issued a docket entry creating this sub-docket to address the issues raised by ASU and the OUCC. On January 24, 2020, ASU filed American Suburban Utilities, Inc.’s Request for Administrative Notice.¹

A Prehearing Conference and Preliminary Hearing in this Cause was held in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana, at 9:30 a.m., on January 27, 2020. Proofs of publication of the notice of the Prehearing Conference and Preliminary Hearing have been incorporated into the record and placed in the official files of the Commission. ASU and the OUCC appeared and participated at the Prehearing Conference and Preliminary Hearing. 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. Rates Approved Interim Subject to Refund. The OUCC stipulated to the approval of interim rates, subject to refund, pending the resolution of the sub-docket. Approving rates on an interim basis, subject to refund, is consistent with the established protocol for implementation of later phases of rates with a hybrid or forward looking test period and we find such request by ASU to be reasonable. Therefore, the interim rates shall go into effect, subject to refund, with the issuance of this Order.

B. Procedural Schedule for Sub-docket. 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.

1. ASU’s Compliance Filing. On November 7, 2019, ASU filed Petitioner’s Submission of Compliance Filing and Phase III Rates.

¹ The Presiding Officers granted ASU’s Motion for Administrative Notice on the Record.

2. **OUCC's and Intervenor's Evidence.** OUCC and any Intervenors shall prefile with the Commission their prepared testimony and exhibits constituting their evidence in support of their objection to ASU's Phase III Compliance filing on or before March 2, 2020. Copies of same shall be served upon all parties of record.

3. **ASU's Response.** ASU shall prefile with the Commission the prepared testimony and exhibits constituting its response to the OUCC's and Intervenor's evidence on or before April 1, 2020. Copies of same shall be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** The cases-in-chief of ASU, the OUCC, and any Intervenors shall be presented in an evidentiary hearing to commence at 10:00 a.m. on April 29, 2020, in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana.

5. **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 5 business days of the receipt of such request. Responses due on Friday, shall be served no later than noon.

6. **Prefiling of Working Papers.** When prefilings technical evidence with the Commission, each party shall file a copy of the working papers used to produce that evidence within two business days after the prefilings of such technical evidence. The working papers shall be filed in accordance with the User Manual referenced in General Administrative Order 2016-2. Copies of same shall also be served on the other parties to this Cause.

7. **Number of Copies/Corrections.** Filings with the Commission shall comply with General Administrative Order 2016-2. Any corrections to prefiling testimony shall be made in writing as soon as possible after discovery of the need to make such corrections.

8. **Objections to Prefiled Testimony and Exhibits.** Any objections to the admissibility of prefiling testimony or exhibits shall be filed with the Commission and served on all parties of record as soon as an objection can be reasonably determined, but no less than ten days prior to the date scheduled for commencement of the hearing at which the testimony or exhibit will be offered into the record.

9. **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. ASU's Phase III Rates are approved on an interim basis, subject to refund pending the outcome of the sub-docket proceeding.

2. The determinations of the Prehearing Conference and Preliminary Hearing 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.

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

HUSTON, FREEMAN, KREVDA, OBER, AND ZIEGNER CONCUR:

APPROVED: JAN 29 2020

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



Mary M. Becerra
Secretary of the Commission