

NOV 07 2019

INDIANA UTILITY  
REGULATORY COMMISSION

STATE of INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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PETITION OF DUKE ENERGY INDIANA, LLC FOR )  
APPROVAL OF (1) AN ADJUSTMENT TO ITS RATES )  
THROUGH ITS STANDARD CONTRACT RIDER NO. )  
66-A FOR DEMAND SIDE MANAGEMENT AND )  
ENERGY EFFICIENCY PROGRAM COST ) CAUSE NO. 43955 DSM 7  
RECOVERY, INCLUDING RECONCILIATION OF )  
COSTS IN ACCORDANCE WITH THE FINAL )  
ORDERS IN CAUSE NOS. 43955, 43955 DSM-1, 43955 )  
DSM-2, 43955 DSM-3, 43955 DSM-4, 43955 DSM-5, AND )  
43955 DSM-6; AND (2) REVISIONS TO STANDARD )  
CONTRACT RIDER NO. 66-A )

You are hereby notified that on this date the Indiana Utility Regulatory Commission (“Commission”) has caused the following entry to be made:

On October 4, 2019, Duke Energy Indiana, LLC (“Petitioner”) filed its Petition in this Cause. On November 7, 2019, Petitioner and the Indiana Office of Utility Consumer Counselor (“OUCC”) (together, the “Parties”) filed their *Submission of Agreed Procedural Schedule In Lieu of Prehearing Conference* (“Motion”).

The Presiding Officers, having reviewed the Motion, now establish the following procedural schedule in this matter and vacate the currently scheduled prehearing conference:

1. **Petitioner’s Prefiling Date.** The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on October 4, 2019. Copies of same were served upon all parties of record.

2. **The Indiana Office of Utility Consumer Counselor’s (“OUCC”) and Intervenors’ Prefiling Date.** The OUCC and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before December 4, 2019. Copies of same shall be served upon all parties of record.

3. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before December 18, 2019. Copies of same shall be served upon all parties of record.

4. **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 16, 2020, in Room 222 of the PNC Center, 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 prefiled 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 ten business days prior to the evidentiary hearing.

5. **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.

6. **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 calendar days of the receipt of such request. Any discovery requests served after December 18, 2019, shall be responded to or objected to within five business days. Any discovery request received after noon on a Friday shall be deemed received on the following business day. The parties have agreed to electronic service.

7. **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 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 copies of each document shall be filed with the Secretary of the Commission.

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

9. **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 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.

**10. 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 SO ORDERED.**

  
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Sarah E. Freeman, Commissioner

  
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David E. Veleta, Senior Administrative Law Judge

Date: November 7, 2019