

STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
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PETITION OF INDIANA MICHIGAN POWER)
COMPANY, AN INDIANA CORPORATION, FOR)
AUTHORITY TO INCREASE ITS RATES AND)
CHARGES FOR ELECTRIC UTILITY SERVICE)
THROUGH A PHASE IN RATE ADJUSTMENT;)
AND FOR APPROVAL OF RELATED RELIEF)
INCLUDING: (1) REVISED DEPRECIATION) CAUSE NO. 45576
RATES; (2) ACCOUNTING RELIEF; (3))
INCLUSION OF CAPITAL INVESTMENT; (4))
RATE ADJUSTMENT MECHANISM)
PROPOSALS; (5) CUSTOMER PROGRAMS; (6))
WAIVER OR DECLINATION OF JURISDICTION)
WITH RESPECT TO CERTAIN RULES, AND (7))
NEW SCHEDULES OF RATES, RULES AND)
REGULATIONS.)

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

On July 1, 2021, Indiana Michigan Power Company (“I&M” or “Petitioner”) filed a *Verified Petition for General Rate Increase and Associated Relief under Ind. Code § 8-1-2-42.7 and Notice of Provision of Information in Accordance with the Minimum Standard Filing Requirements* (“Petition”) in the above-captioned Cause. Per ¶ 60 of the Petition, I&M provided a proposed procedural schedule as Exhibit C to the Petition based on General Administrative Order (“GAO”) 2013-5 and advised that Petitioner was working with the Indiana Office of Utility Consumer Counselor (“OUCC”) and potential intervenors to reach agreement on procedural matters. I&M also requested a prehearing conference and preliminary hearing be set to address procedural matters. Legal notice was issued on July 7, 2021, scheduling the requested prehearing conference and preliminary hearing for July 29, 2021.

On July 14, 2021, I&M filed a *Stipulation and Agreement in Lieu of Prehearing Conference* (“Agreement”). Petitioner states the Agreement reflects an agreement among I&M, the OUCC, and prospective intervenors Citizens Action Coalition of Indiana, Inc., the City of Marion, Indiana, Marion Municipal Utilities, the City of Fort Wayne, Indiana, and Wabash Valley Power Association, Inc. d/b/a Wabash Valley Power Alliance regarding procedural matters for the

Commission's consideration and approval in lieu of conducting the scheduled prehearing conference and preliminary hearing. I&M further states that Petitioner has conferred with counsel for the I&M Industrial Group and is authorized to represent that the I&M Industrial Group does not object to the stipulations made in the Agreement.

After reviewing the Petition and the Agreement, including the proposed schedule and related matters, the following procedural schedule is established and the prehearing conference and preliminary hearing scheduled for July 29, 2021, is vacated as set forth below:

1. **Test Year and Accounting Method.** Per ¶ 12 of the Petition, I&M is proposing a forward-looking test period using projected data as authorized by Ind. Code § 8-1-2-42.7(d). The test year for determining Petitioner's projected operating revenues, expenses, and operating income shall be the 12-month period ending December 21, 2022. The historical base period shall be the 12-month period ending December 31, 2020.

2. **Cutoff and Major Projects Updates.** The rate base cutoff shall reflect used and useful property at the end of the test year.

3. **I&M Notice to Customers.** I&M shall provide evidence of its compliance with 170 IAC 4-1-18(C) by providing notice to its customers within 45 days of filing the Petition with the Commission for a change in its base rates which fairly summarizes the nature and extent of the changes proposed.

4. **Petitioner's Prefiling Date.** I&M prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on July 1, 2021. Copies of same were served upon the OUCC.

5. **Field Hearings.** A field hearing will be held in this Cause in Fort Wayne, Indiana, the largest municipality within I&M's service area, and a second field hearing will also be held in South Bend, Indiana. Appropriate notices will hereafter be issued containing the dates, times, and exact locations where field hearings will be conducted.

6. **The OUCC and Intervenors' Prefiling Date.** The OUCC and all Intervenors shall prefile the prepared testimony and exhibits constituting their respective cases-in-chief in this Cause on or before October 12, 2021. Copies of same shall be served upon all parties of record.

7. **Petitioner's Rebuttal and Cross-Answering Prefiling.** I&M shall prefile with the Commission its prepared rebuttal testimony on or before November 9, 2021, and the OUCC and all Intervenors shall also prefile their respective cross-answering testimony and exhibits, if any, on or before November 9, 2021. Copies of all such filings shall be served upon all parties of record.

8. **Settlement Agreement and Testimony.** If settlement is reached, the Presiding Officers shall promptly be notified via an email upon which counsel for all parties of record are

copied, and the Settlement Agreement and the parties' supporting testimony shall be prefiled with the Commission on or before Friday, November 12, 2021, consistent with the schedule under GAO 2013-5. Copies of same shall be served upon all parties. Per the parties' request, all or most of ten days are being set aside in December 2021 on the Commission's hearing room calendar to conduct the evidentiary hearing in this matter. Concurrently, the Commission will also be accommodating the hearings requested in other proceedings; therefore, it is vital the parties in this Cause adhere to the foregoing settlement notice, settlement prefiling dates, and GAO 2013-5 by commencing settlement discussions in earnest early. While encouraged, settlement discussions need to be timely.

9. Witness Order. All parties shall submit their intended order of witnesses to the Commission in writing and serve the same upon all other parties of record on or before November 24, 2021, to facilitate hearing preparation.

10. Evidentiary Hearing on the Parties' Cases-In-Chief. In the event this Cause is not settled, the cases-in-chief of I&M, the OUCC, and all Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on Thursday, December 2, 2021, in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. In addition to December 2, 2021, four days are being set aside during each of the weeks of December 5 and December 12, along with December 20, 2021, for continuation of the evidentiary hearing after commencing on December 2, 2021. The hearing dates that have been set aside, at this time, include December 2, 6, 7, 8, 10, 13, 14, 15, 17, and 20. At such time, the direct evidence of the respective parties shall be presented and their respective witnesses examined. Thereafter, I&M 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 consistent with Paragraph 8 above prior to the evidentiary hearing.

For planning purposes, it is currently anticipated the evidentiary hearing will recess on December 2, 2021, at approximately 3:00 p.m., will also recess at approximately 3:00 p.m. on December 6, 2021, and may not begin on December 8, 2021, until 10:30 a.m. The exact time at which the hearing will reconvene on the next hearing date will be confirmed daily on the record before the hearing recesses for the day. This start time may fluctuate depending on whether the hearing seems on schedule to be timely completed. The parties shall work together and assure the next witness is present and ready to begin testifying and that it is not necessary to recess early any day because the next witness is unavailable.

11. Hearing Exhibits. Paper copies of exhibits to be offered at the evidentiary hearing must be: (a) single-sided; (b) fastened together with staples, binder clips, or other non-permanent bindings that have no more than three holes along the longest edge. Exhibits that contain excel spreadsheets, are oversized or voluminous in nature, should be run through an optical character recognition program and offered on a compact disc. Confidential exhibits shall be offered on green

paper in an envelope marked “confidential” or, if offered on a compact disc, the exhibits and compact disc shall be labeled “confidential.”

12. 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(i), 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’ sworn affidavit or written verification at the time the evidence is offered into the record.

13. Technical Conference. No technical conference is being scheduled at this time, but I&M or another party may subsequently propose a technical conference be scheduled.

14. 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; provided, that after October 12, 2021, responses or objections to a discovery request shall be made within five business days of the receipt of such request. Discovery requests received after 5:00 p.m. (EST) on any business day other than Friday or after 12 o’clock noon (EST) on a Friday or the day before a state holiday shall be deemed received on the next business day. There will be blackout dates for discovery from November 25, 2021, through November 28, 2021, such that dates designated as blackout dates will not be included in determining the number of days provided for responding to a discovery request. The last discovery response due date shall be two business days before the evidentiary hearing commences. The parties may conduct discovery through electronic means, and subject to the protection of confidential information, discovery requests and responses shall be served on all parties.

15. Prefiling of Workpapers. When prefiling technical evidence with the Commission, each party shall file copies of the workpapers used to produce that evidence within two business days after the prefiling of the technical evidence. The workpapers shall be filed in accordance with the User Manual referenced in GAO 2016-2; provided, formulas included in workpapers filed in Excel or another format shall be unlocked. Copies of same shall also be served on the other parties to this Cause.

16. Number of Copies/Corrections. Filings with the Commission shall comply with GAO 2016-2; provided, the parties will provide same day service of filings via email, hand delivery, or large file transfer. Any corrections to prefiled testimony shall be made in writing as soon as possible after discovery of the need to make such corrections.

17. 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 five business days prior to the date scheduled for commencement of the hearing at which the testimony or exhibit will be offered into the record.

18. Post-Hearing Filings. I&M shall electronically file and serve its proposed order and any written post-hearing arguments or brief in this Cause on or before Thursday, December 30, 2021. Proposed orders, exceptions, or other post-hearing submittals by the OUCC and all Intervenor shall be filed with the Commission on or before Thursday, January 20, 2022. I&M shall file its reply brief and the OUCC and all Intervenor shall file any cross-answering briefs on or before Thursday, January 27, 2022.

19. 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.

20. Temporary Admission of Counsel. Consistent with 170 IAC 1-1.1-7(c), an attorney from another state or territory of the United States or the District of Columbia who is not admitted to practice before the Indiana Supreme Court in good standing must apply for and file with the Commission an Order of the Indiana Supreme Court granting temporary admission to appear before the Commission in this proceeding.

21. Prehearing Conference and Preliminary Hearing Vacated. In the Agreement, I&M requests the parties' agreement upon procedural matters be considered and approved in lieu of conducting the scheduled prehearing conference and preliminary hearing. In light of the Agreement and this docket entry incorporating the bulk of its stipulations, we find the parties have waived conducting a prehearing conference and preliminary hearing in this Cause; therefore, the prehearing conference and preliminary hearing scheduled for July 29, 2021, to commence at 9:30 a.m. is VACATED.

IT IS SO ORDERED.



David L. Ober, Commissioner



Carol Sparks Drake, Senior Administrative Law Judge

Date: July 21, 2021