

FILED

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STATE of INDIANA



INDIANA UTILITY
REGULATORY COMMISSION

INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE PETITION OF CWK)
INVESTMENTS – HILLSDALE, LLC FOR)
DETERMINATION THAT A PROPOSED)
WASTEWATER BYPASS ARRANGEMENT IS) CAUSE NO. 45070
LAWFUL AND NOT IN VIOLATION OF UTILITY)
LAW REQUIREMENTS)

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

On April 27, 2018, CWK Investments – Hillsdale, LLC (“CWK Investments” or “Petitioner”), the Office of Utility Consumer Counselor (“OUCC”), and the Town of Darmstadt, Indiana (“Darmstadt”), by counsel and in accordance with 170 IAC 1-1.1-15(e), filed a *Stipulation and Agreement in Lieu of Prehearing Conference* (“Stipulation”). In the Stipulation, CWK Investments, the OUCC, and Darmstadt (collectively the “Parties”) submit an agreed proposed procedural schedule and request its consideration in lieu of conducting the prehearing conference and preliminary hearing scheduled in this Cause on May 7, 2018.

The Presiding Officers, having reviewed the Stipulation, now grant the Parties’ requested relief and, accordingly, vacate the prehearing conference and preliminary hearing scheduled in this Cause on May 7, 2018, and establish the following procedural schedule in this matter:

1. **Darmstadt’s Motion to Dismiss.** On April 17, 2018, Darmstadt filed *Respondent the Town of Darmstadt’s Motion to Dismiss for Lack of Jurisdiction* (“Motion”). Consistent with the Parties’ agreement in the Stipulation, CWK Investments shall file its response brief to the Motion on or before May 7, 2018, and Darmstadt shall file its reply brief in support of the Motion on or before May 22, 2018.

2. **Petitioner’s Prefiling Date.** CWK Investments shall prefile with the Commission the prepared testimony and exhibits constituting Petitioner’s case-in-chief on or before July 6, 2018.

3. **Intervenors’ Prefiling Date.** All Intervenors, including Darmstadt, shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before August 10, 2018. 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 the OUCC's case-in-chief on or before August 20, 2018. Copies of same shall be served upon all parties of record.

5. **Petitioner's Rebuttal Prefiling.** CWK Investments shall prefile with the Commission its prepared rebuttal testimony on or before August 30, 2018. Copies of such filing shall be served upon all parties of record.

6. **Witness Order.** The Parties shall submit their intended order of witnesses to the Commission and the parties in writing at least 72 hours in advance of the evidentiary hearing.

7. **Evidentiary Hearing on the Parties' Cases-In-Chief.** An evidentiary hearing is scheduled to commence at 9:30 p.m. on October 4, 2018, in Hearing Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the Parties shall be presented and their respective witnesses examined. Thereafter, CWK Investments shall present its prefiled rebuttal evidence as well as any additional rebutting evidence adduced on cross-examination of the OUCC's or Intervenor's witnesses. If the Parties reach settlement, the agreement and supporting testimony and exhibits shall be submitted to the Commission at least ten business days prior to the scheduled evidentiary hearing.

8. **Post-Hearing Filings.** CWK Investments shall file its proposed Order in this Cause on or before October 17, 2018. Proposed Orders, exceptions, or other post hearing submittals by the OUCC, Darmstadt, and any additional Intervenor's shall be filed with the Commission on or before November 7, 2018. CWK Investments shall file its reply brief, and the OUCC and all Intervenor's shall file any cross-answering briefs, on or before November 15, 2018.

9. **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.

10. **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, however, that after August 6, 2018, responses or objections to a discovery request shall be made within five business days of the receipt of such request. Discovery requests received after 12 o'clock noon on a Friday or before a state holiday shall be deemed received on the following business day. The Parties have agreed to conduct discovery through electronic means.

11. **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 General Administrative Order 2016-2. Copies of same shall also be served on the other parties to this Cause.

12. **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.

13. **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.

14. **Intervenors.** Any party permitted to become an Intervenor in this Cause shall be bound by the record it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

15. **Waiver of Prehearing Conference.** Consistent with the Stipulation, the Parties are deemed to have waived conducting a prehearing conference in this Cause.

IT IS SO ORDERED.


Sarah E. Freeman, Commissioner


Carol Sparks Drake, Administrative Law Judge

Date: April 30, 2018