

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of a Petition by Interstate Power  
and Light Company for Authority to Increase  
Electric Rates in Minnesota.

**PREHEARING ORDER**

This matter came on for prehearing conference before Administrative Law Judge Kathleen D. Sheehy on August 7, 2003, in the Small Hearing Room of the Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota.

The following persons appeared at the prehearing conference:

Michael J. Bradley, Esq., Moss & Barnett, 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, and Ritchie J. Sturgeon, Alliant Energy Corporation, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI 53707-1007, appeared for Interstate Power and Light Company (IPL or the Company).

Ginny Zeller, Esq., Assistant Attorney General, Telecommunications and Energy Division, Capitol Office Building, Suite 200, 525 Park Street, St. Paul, MN 55103, appeared for the Department of Commerce (Department).

Ronald M. Giteck, Esq., Assistant Attorney General, Office of the Attorney General, Residential and Business Utilities Division, 445 Minnesota Street, 900 NCL Tower, St. Paul, MN 55101, appeared for the OAG.

Susan Mackenzie appeared for the staff of the Minnesota Public Utilities Commission (Commission or MPUC).

**PARTIES**

1. The parties to this proceeding named in the Commission's Notice and Order for Hearing of July 17, 2003, are IPL and the Department.
2. The final date for filing any petition to intervene is September 5, 2003. Any person seeking intervention after that date may be restricted as to the scope of their participation.
3. Any person allowed to intervene after the date of this Order shall be bound by the terms of this Order.

## SCHEDULE

4. The Commission approved the petition on June 5, 2003, and must decide this matter within 10 months of that date. So that the Commission can meet this deadline the following schedule is established:

- (a) October 7, 2003: Direct testimony of the Department and any other intervenor.<sup>[1]</sup>
- (b) November 3, 2003: Rebuttal testimony of IPL.
- (c) November 5, 2003: public hearings in Stewartville (2:00 p.m.) and Albert Lea (7:00 p.m.), at a location to be determined by IPL.
- (d) November 13, 2003: Surrebuttal testimony of the Department and any other intervenor.
- (e) November 18-21, 2003: Evidentiary hearing in the MPUC hearing rooms.
- (f) December 12, 2003: Initial briefs by all parties.
- (g) December 22, 2003: Reply briefs by all parties.
- (h) January 26, 2004: Administrative Law Judge Report.
- (i) February 5, 2004: Exceptions filed with the Commission.

## FILING OF DOCUMENTS

5. All prefiled testimony and other documents shall be filed with the Administrative Law Judge and served upon the persons on the service list in accordance with the schedule above. Filing and service shall be effective upon receipt of a copy by e-mail or other means. If testimony is served by e-mail, paper copies shall be mailed no later than the due date. The parties will ensure that paper copies of any attachments to testimony that are not available in electronic format are served and received by the due date.

6. All prefiled testimony shall be in question and answer format or other easily understood and easily referenced format.

7. All documents filed, including prefiled testimony, **but excluding information requests and responses**, shall be filed as follows:

- (a) Before the Administrative Law Judge's Report is issued, the original of all documents shall be delivered or mailed to the Administrative Law Judge and an electronic copy shall be e-mailed to the Administrative Law Judge.

- (b) After the Administrative Law Judge's Report is issued, the original of all documents shall be filed with the Executive Secretary of the Commission.
- (c) E-mail and paper copies of all documents shall be served on the persons listed on the attached service list. The list will be revised as necessary by the Administrative Law Judge.
- (d) Proof of service shall be filed with each filed document or within three business days thereafter.

8. One copy of any document or information filed with or supplied to the Commission or the Commission staff shall be served upon every person on the service list.

### **DISCOVERY**

9. A party may serve requests for information upon any other party. All requests for information shall be made in writing by regular mail and e-mail to the person from whom the information is sought, with a copy of the request mailed and e-mailed to all parties of record. The party responding to the information request shall provide the information requested to the requesting party within eight business days of receipt of the request. There shall be a continuing obligation to update and supplement information responses. The responsive information need not be supplied to other parties unless specifically requested by a party. Any information request received after 3:00 p.m. on a business day or on a weekend or State holiday is considered to be received on the following business day, except that any U.S. mail received during business hours is considered to be received on the same day.

10. In the event the information cannot be supplied within the required response time, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Such motion should be made by e-mail notice and will be heard during a telephone conference among the Administrative Law Judge and affected parties.

11. The Department has engaged in informal discovery and would like to continue to do so. IPL has no objection to these discovery methods, as long as the Department contacts Brandee Happe at 319/786-4818 first so that she may coordinate IPL's responses. The Department has agreed to use this process.

12. There shall be no formal discovery cut-off. If any party is burdened by burdensome or ill-timed discovery after November 6, 2003, the party should seek a protective order from the Administrative Law Judge.

## **PREFILED TESTIMONY AND ORDER OF TESTIMONY**

13. Prefiled direct, rebuttal, and surrebuttal testimony shall be offered and received in evidence as exhibits. Prefiled testimony that is amended or that is not offered into the record shall be considered withdrawn and the sponsoring witness may not be cross-examined concerning the withdrawn testimony. Except for cause shown, all revisions or corrections to any prefiled testimony shall be made in writing and served upon the Administrative Law Judge and the parties by facsimile no later than three days before the commencement of the evidentiary hearing.

14. Except for good cause shown, any new affirmative matter that is not offered in reply to another party's direct or rebuttal evidence shall not be offered in rebuttal or surrebuttal testimony and exhibits. During the course of the evidentiary hearing, however, the parties may raise affirmative matters in response to new issues that arise on cross-examination.

15. The order of the testimony in the evidentiary hearing shall be IPL, then the Department. Any other party wishing to present testimony shall precede the Department.

16. Each witness shall be allowed ten minutes at the beginning of his or her testimony either to summarize and highlight the prefiled testimony or to respond to new issues raised in the surrebuttal testimony.

## **EXAMINATION OF WITNESSES**

17. Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

18. Except for good cause shown, objections by any party relating to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states in writing its objection with particularity to the Administrative Law Judge and serves a copy of such objections on the Commission and all other parties prior to the commencement of the evidentiary hearing. Any prefiled testimony that is not objected to shall be admitted during the evidentiary hearings without the necessity of laying foundation for the testimony.

Dated: August 8, 2003

/s/ Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge

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<sup>[1]</sup> IPL intends to file supplemental testimony on the base cost of energy by August 18, 2003, as permitted by the Commission's Order Setting Base Cost of Energy. The Department does not anticipate at this time that it will require an extension of the October 7 deadline in order to respond to this testimony.