

Indiana Utility Regulatory Commission



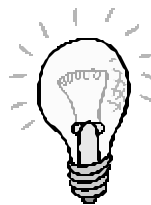
Overview of the Administrative Hearing Process

Scott R. Storms
Chief Administrative Law Judge

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Types of Cases Heard by the Commission



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How Things get Started **Petition Filed with the** **Commission**



- Assigned a unique cause number and file marked with the date of filing.
- Public file created for assignment to Administrative Law Judges

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Public Notice and Scheduling a **Proceeding**



Public Notice



- Commission Hearings are open to the public and the public must be notified of the proceeding
 - Notice ten (10) days prior to the date of the proceeding
 - Newspapers of general circulation, printed and published in the English language
 - Notice in the part of the state where the company is located and in the local community that will be impacted by the case.
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Types of Hearings Before the Commission



- Prehearing Conference
 - Initial hearing in a case
 - Commission issues a Prehearing Conference Order
 - Evidentiary Hearing
 - Parties present formal testimony to the Commission
 - Field Hearing
 - Additional hearing that is held in local community
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Types of Hearings Before the Commission



- **Prehearing Conference**
 - Publicly noticed in newspapers of general circulation
 - Open to the public
 - Used to establish a procedural schedule
 - Dates to prefile testimony for the petitioner and other parties
 - Date scheduled for the Evidentiary Hearing
 - Rules of Discovery
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Types of Hearings Before the Commission



- **Evidentiary Hearing**
 - Publicly noticed, open to the general public
 - Prefiled testimony distributed in advance to all parties
 - Parties may intervene in the proceeding
 - Testimony presented by the parties under oath
 - Witnesses are subject to cross examination by the other parties to the proceeding
 - Formal record of the proceeding is created by the Commission
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Types of Hearings



- **Public Field Hearing**
 - Opportunity for the general public to speak directly to the Commission
 - Publicly noticed and conducted in the community that is impacted by the case
 - Held in the evening at a local facility that can accommodate a large number of people.
 - Field Hearing is in Addition to the Prehearing Conference and Evidentiary Hearings

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Conduct of Hearings Before the Commission



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Hearing Procedures



- Administrative Law Judge presides over all Hearings
 - Proceeding open to the public
 - Proceeding is placed “on the record” by a court reporter
 - Witnesses are subject to cross examination by other Parties
 - Witnesses may be asked clarifying questions by the Administrative Law Judge or the Commissioners
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Hearing Procedures



- Indiana Office of the Utility Consumer Counselor (“OUCC”)
 - The OUCC is the statutory representative of the public in all proceedings before the Commission
 - Represents the interests of the ratepayers in a proceeding
 - Prefiles testimony and participates in a case like all other parties to a proceeding
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Prefiled Testimony



- Testimony of each witness is filed with the Commission in written “question and answer” form prior to the Evidentiary Hearing
 - Copies of prefiled testimony are also provided to all parties to the proceeding
 - Testimony is provided under oath and is made a part of the record of the proceeding
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Public Records Act



- With very limited exceptions, all documents are open to public inspection and copying
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Confidential Documents



- Subject to carefully defined legal standards, Parties may request confidential treatment for certain types of documents submitted during a proceeding
- Confidential treatment is the exception to the general rule that records are to open and available to the public

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Commission Orders



Commission Conference



- Commission meets weekly in a formal Conference to vote on Orders
 - Conference is publicly noticed, open to the public and on the record
 - A majority of the Commissioners (3 of 5) must be present to conduct business
 - An Order that receives votes from a majority of the Commissioners is passed and approved by the Commission
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Commission Decisions



Due process guides all proceedings

- Commission's decision must be made based only on the facts presented on the record
 - Commissioners and Judges may not speak to any of the parties regarding the case without all parties being present
 - Any letters or other correspondence sent to the Commission in a proceeding must be disclosed on the record.
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Commission Orders



- Pursuant to state law
- Written disposition of case
- Specific to the facts of the case
- Commission 'speaks only through its orders'
 - Relies upon and establishes precedent
 - Signals to enable predictability
 - Order is basis for appeal

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Appeal of Commission Orders



- Final Orders of the Commission may be appealed to the Indiana Court of Appeals and then to the Indiana Supreme Court

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