



INDIANA UTILITY REGULATORY COMMISSION
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MEMORANDUM

TO: Commission Chairman James F. Huston
 Commissioners Freeman, Ober, and Ziegner

FROM: Commission Technical Divisions

DATE: April 9, 2021

RE: 30-Day Utility Articles for Conference on *Wednesday April 14, 2021 @ 10:00 a.m.*

The following thirty-day filings have been submitted to the Commission. Each item was reviewed by the appropriate Commission Technical Divisions and all regulations were met in accordance with 170 IAC 1-6 Thirty-Day Administrative Filing Procedures and Guidelines. Therefore, the following filings listed below and attached hereto are recommended to be considered by the Commission at the next conference:

Attachment Number	30-Day Filing No.	Name of Utility Company	Type of Request	Date Received
1	50400	Indianapolis Power & Light Company	COGEN 2021	2/26/2021
2	50401	Northern Indiana Public Service Company- Electric	COGEN 2021	2/26/2021
3	50404	Duke Energy Indiana, LLC	COGEN 2021	2/26/2021
4	50405	Southern Indiana Gas and Electric Company	COGEN 2021	2/26/2021
5	50406	Indiana Michigan Power Company	COGEN 2021	3/1/2021
6	50410	Richmond Municipal Power & Light	2nd Quarter 2021 ECA	3/9/2021

Filing Party: Indianapolis Power & Light Co.
30-Day Filing ID No. 50400
Date Filed: February 26, 2021
Filed Pursuant To: 170 I.A.C. 4-4.1-10
Request: New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.
Customer Impact: Peak Period

- \$0.0017/kWh increase in energy purchase rate.
- \$0.0008/kW/month increase in capacity purchase rate.

Off Peak Period

- \$0.00226/kWh increase in energy purchase rate.
- \$0.08000/kW/month increase in the capacity purchase rate

Cogeneration and Small Power Production		
<i>Time Period</i>	<i>Energy (cents/kWh)</i>	<i>Capacity (\$/kW/month)</i>
Peak Period	2.52 cents	\$5.66
Off Peak Period	2.26 cents	\$5.66

Tariff Pages Affected: IURC No. E-18:
3rd Revised No. 122
Staff Recommendations: Requirements met. Recommend approval.

Objections - Summary: OUCO Objection filed 3/27/21

- Failure to Adjust for Utilities Not Needing Immediate Capacity Additions
 - IPL failed to include the net present value adjustment required under 170 IAC 4-4.1- 9(b), even though none of their most recent Integrated Resource Plans showed an immediate need for additional capacity.
 - Section 9(d) is an adjustment factor applied to “subsections (a) through (b)” not just 9(a).
- The OUCO points to the following Rules and other considerations as support for this objection:
 - The 30-day filing rule is only available for non-controversial matters. (See 170 IAC 1-6- 1(b).) These filings do not meet that requirement.
 - The Indiana Utility Regulatory Commission’s (“Commission”) 30-day filing rule is not available for requests to change rates unless the change is revenue neutral. (See 170 IAC 1-6-3 (5) (A).)
 - 170 IAC 1-6-4 (9) gives the Commission the discretion to determine whether filings should be processed under the 30-day filing rule if their approval would change conditions of service (in this instance, new or changed terms are included in standard offers).

- The filings are not complete and fail to meet specificity and clarity requirements in 170 IAC 1-6-5 (4), which require all work papers to be included and clearly explained; all assumptions to be identified and explained; whether data used in the utilities’ analyses was actual or estimated and, if estimated, the reasons actual data was not used, why estimates should be used, and how any estimated data was derived; the source(s) of all data used; and the models or methodologies employed in the utilities’ analyses.
- Information in the filings is incomplete and/or inaccurate, both of which are grounds for objecting to the use of a 30-day filing under 170 IAC 1-6-7 (b) (2) (B) and (C) (i).

IPL Response filed 4/7/21

- The OUCC Fails to Recognize the Intent of Near-term Capacity Payments
- 30-Day filing process for cogeneration tariffs
 - AES Indiana has used the 30-day filing procedure, pursuant to 170 IAC 1-4-4.1-10 to update its Rate CGS Update since 1993. These filings have gone without objection and/or controversy until 2020, when the OUCC made an objection similar to the objection before us. As we addressed this objection last year, we continue to believe that other than the OUCC’s assertion that Cogeneration Tariff updates are controversial, no substantial controversy has arisen or has been specifically alleged.
 - 170 IAC 1-6-3(7) permits the 30-day filing process for “a filing for which the commission has already approved or accepted the procedure for the change.” AES Indiana believe this applies in this situation and, as previously mentioned, has used this process for Rate CGS Updates since 1993.
 - AES Indiana agrees 170 IAC 1-6-4 (9) gives the Commission the discretion to determine whether filings should be processed under the 30-day filing rule if their approval would change conditions of service (in this instance, new or changed terms are included in standard offers).
 - AES Indiana’s current Rate CGS Update contains the same schedules as have been included for at least the last 10 years. AES Indiana did not change any of its terms and conditions, but merely updated the demand and energy charges pursuant to 170 IAC 4- 4.1-1, et seq. The OUCC did not identify any specific concern about AES Indiana’s submission.
 - Should the Commission find that AES Indiana’s filing incomplete and/or inaccurate, AES Indiana will provide whatever information is necessary to cure that defect.

General Counsel Analysis and Findings:

OUCC Objection – IPL’s filing is incomplete and/or inaccurate, due to failure to include the net present value adjustment required under 170 IAC 4-4.1-9(b) (“9(b)”), based on its recent Integrated Resource Plan (“IRP”).

- Under 170 IAC 4-4.1-10 (“10”), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility’s IRP. Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility’s IRP to calculate 9(b). Because the 9(b) calculation is not

required, IPL's filing is not incomplete or inaccurate and the OUCC objection is not compliant with 170 IAC 1-6-7.

- The Commission and its staff have consistently interpreted and applied Rule 4.1, and the Commission has approved the 9(a) capacity calculation and it is that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities' tariffs. It would be arbitrary and capricious for the Commission to change its interpretation at this time.
- The OUCC made the same objection regarding the COGEN filing made by IPL in 2020, the objection was found by the Commission and its staff not to be a compliant objection under 170 IAC 1-6-7, and the OUCC did not appeal the Commission's decision. In addition, the Commission's interpretation and decision has been upheld by the Indiana Court of Appeals, stating that a similar 2020 COGEN 30-day filing "was not required to include the calculation required by 170 I.A.C. 4-4.1-9(b) and was therefore not in violation of the IURC's rules for excluding such a calculation." *Solarize Ind. Inc., v S. Ind. Gas & Elec. Co.*, 163 N.E.3d 880, 891 (Ind. Ct. App. 2021).

Staff Recommendations: Staff agrees with General Counsel's analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

Filing Party: Northern Indiana Public Service Co.
30-Day Filing ID No.: 50401
Date Filed: February 26, 2021
Filed Pursuant To: 170 I.A.C. 4-4.1-10
Request: New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.

Customer Impact:

- Time of Use Meter, Summer Period On-Peak
 1. \$0.00359/kWh increase in energy credit.
 2. \$0.15/kW/month decrease in capacity purchase rate.
- Time of Use Meter, Summer Period Off-Peak
 3. \$0.00412/kWh increase in energy credit.
 4. \$0.15/kW/month decrease in capacity purchase rate.
- Time of Use Meter, Winter Period On-Peak
 5. \$0.00276/kWh increase in energy credit.
 6. \$0.15/kW/month decrease in capacity purchase rate.
- Time of Use Meter, Winter Period Off-Peak
 7. \$0.00281/kWh increase in energy credit.
 8. \$0.15/kW/month decrease in capacity purchase rate.
- Standard Meter Summer Period
 9. \$0.00385/kWh increase in energy purchase rate.
 10. \$0.15/kW/month decrease in capacity purchase rate.
- Standard Meter Winter Period
 11. \$0.00278/kWh increase in energy purchase rate.
 12. \$0.15/kW/month decrease in capacity purchase rate.
- Capacity Payment
 13. \$0.25 \$/kw/month increase in capacity purchase rate

RIDER 878			
Purchases from Cogeneration Facilities and Small Power Production Facilities			
<i>Measurement Method</i>	<i>Time Period</i>	<i>Energy (\$/kWh)</i>	<i>Capacity (\$/kW/month)</i>
Time of Use Meter	<i>Summer Period (May – Sept.)</i>		
	On-Peak	\$0.03549	\$8.80
	Off-Peak	\$0.02536	\$8.80
	<i>Winter Period (Oct. – Apr.)</i>		
	On-Peak	\$0.03251	\$8.80
	Off-Peak	\$0.02725	\$8.80
Standard Meter	Summer Period	\$0.03066	\$8.80
	Winter Period	\$0.02956	\$8.80

Tariff Pages Affected: IURC Original Volume No. 14:
Second Revised Sheet No. 149, and Second Revised Sheet No. 150.

Objections - Summary: OUCO Objection filed 3/27/21

- Failure to Adjust for Utilities Not Needing Immediate Capacity Additions
 - NIPSCO failed to include the net present value adjustment required under 170 IAC 4-4.1- 9(b), even though none of their most recent Integrated Resource Plans showed an immediate need for additional capacity.
 - Section 9(d) is an adjustment factor applied to “subsections (a) through (b)” not just 9(a).
- Failure to Base Proxy Avoided Capacity Cost on a Simple Combustion Turbine
 - NIPSCO used a Combined Cycle Generating Turbine (“CCGT”) to calculate the proxy avoided capacity cost referenced in 170 IAC 4-4.1- 9(c).
 - Section 9(c) of the Commission’s Rule states the calculation in 9(a) shall not be less than that for a new combustion turbine.
 - The OUCO recommends that NIPSCO be required to re-do that calculation.
- The OUCO points to the following Rules and other considerations as support for this objection:
 - The 30-day filing rule is only available for non-controversial matters. (See 170 IAC 1-6- 1(b).) These filings do not meet that requirement.
 - The Indiana Utility Regulatory Commission’s (“Commission”) 30-day filing rule is not available for requests to change rates unless the change is revenue neutral. (See 170 IAC 1-6-3 (5) (A).)
 - 170 IAC 1-6-4 (9) gives the Commission the discretion to determine whether filings should be processed under the 30-day filing rule if their approval would change conditions of service (in this instance, new or changed terms are included in standard offers).
 - The filings are not complete and fail to meet specificity and clarity requirements in 170 IAC 1-6-5 (4), which require all work papers to be included and clearly explained; all assumptions to be identified and explained; whether data used in the utilities’ analyses was actual or estimated and, if estimated, the reasons actual data was not used, why estimates should be used, and how any estimated data was derived; the source(s) of all data used; and the models or methodologies employed in the utilities’ analyses.
 - Information in the filings is incomplete and/or inaccurate, both of which are grounds for objecting to the use of a 30-day filing under 170 IAC 1-6-7 (b) (2) (B) and (C) (i).

NIPSCO Response filed 4/7/21

- The “ Δt ” in the relevant formula should set at 0 years.
- Section 9(b) adjustment is not “optional.” Rather, when the relevant formula is applied, “ Δt ” should be set at “0.”
- The purchased capacity in the Midcontinent Independent System Operator, Inc.’s Planning Resource Auction for the 2020-21 Planning Year. Because NIPSCO is currently purchasing capacity, “ Δt ” should not be set at 2 years;

rather, it should be set at 0 years, as it was in the Filing.

- The Commission has previously approved this calculation.
- The OUCC cites no legal basis for its claim that NIPSCO should be required to utilize a simple cycle CT but only “recommends” NIPSCO be required to re-do its calculation based on a simple cycle CT because “the other four investor-owned electric utilities all used a simple [cycle] CT in their proxy calculation.”
- It is the requirements of the regulations of 170 IAC 4-4.1-9(c) that are controlling.
- The “new combustion turbine” referred to serves as the floor, and not the ceiling, for the unadjusted rate per kilowatt for purchase of capacity.
- NIPSCO “based the rates for capacity purchases on the cost estimates for a Combined Cycle Gas Turbine (“CCGT”), which, consistent with 170 IAC 4-4.1-9(c), is above the bid price for a Combustion Turbine.”
- A simple cycle CT is not required 170 IAC 4-4.1-9(c).
- NIPSCO’s Thirty-Day Filings Pursuant to 170 IAC 1-6-1 et seq., submitted to the Commission in 2019 and 2020 also utilized a CCGT as the basis for the rates for capacity purchases, just as NIPSCO has proposed in the 2021 Filing.
- The OUCC objected to NIPSCO’s 2020 filing because it was based on a CCGT, the Commission approved NIPSCO’s 2020 filing on June 24, 2020 over this objection.
- NIPSCO’s proposed methodology in its 2021 Filing is the same that the Commission has previously approved as consistent with 170 IAC 4-4.1-9(c).

General Counsel Analysis and Findings:

OUCC Objection (A) – NIPSCO’s filing is incomplete and/or inaccurate, due to failure to include the net present value adjustment required under 170 IAC 4-4.1-9(b) (“9(b)”), based on its recent Integrated Resource Plan (“IRP”).

- Under 170 IAC 4-4.1-10 (“10”), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility’s IRP. Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility’s IRP to calculate 9(b). Because the 9(b) calculation is not required, NIPSCO’s filing is not incomplete or inaccurate and the OUCC objection is not compliant with 170 IAC 1-6-7.
- The Commission and its staff have consistently interpreted and applied Rule 4.1, and the Commission has approved the 9(a) capacity calculation and it is that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities’ tariffs. It would be arbitrary and capricious for the Commission to change its interpretation at this time.

OUCC Objection (B) – NIPSCO used capital cost of CCGT, instead of CT

- OUCC is incorrectly reading the rule – the combustion turbine (“CT”) capital cost is a minimum cost (“shall not be lower...than” 170 IAC 4-4.1-9(c)); utilities may use capital costs of more expensive generation; the IURC has previously approved without objection the use of combined cycle gas turbine (“CCGT”) capital costs in the calculation under 9(a) as required by 9(c).

The OUCC made the same objections regarding the COGEN filing made by NIPSCO in 2020, the objections were found by the Commission and its staff not to be a compliant objection under 170 IAC 1-6-7, and the

OUCC did not appeal the Commission’s decision. In addition, the Commission’s interpretation and decision has been upheld by the Indiana Court of Appeals, stating that a similar 2020 COGEN 30-day filing “was not required to include the calculation required by 170 I.A.C. 4-4.1-9(b) and was therefore not in violation of the IURC’s rules for excluding such a calculation.” *Solarize Ind. Inc., v S. Ind. Gas & Elec. Co.*, 163 N.E.3d 880, 891 (Ind. Ct. App. 2021).

Staff Recommendations: Staff agrees with General Counsel’s analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

Submitted By: Jane Steinhauer
Director, Energy Division

Filing Party: Duke Energy Indiana, LLC.
30-Day Filing ID No.: 50404
Date Filed: February 26, 2021
Filed Pursuant To: 170 I.A.C. 4-4.1-10
Request: New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.

Customer Impact: \$0.003355/kWh increase in the purchase rate for energy.
\$0.014 \$/kW/month increase in the purchase rate for capacity.

Standard Contract Rider No. 50 Parallel Operation for Qualifying Facility		
<i>Time Period</i>	<i>Energy (\$/kWh)</i>	<i>Capacity (\$/kW/month)</i>
Peak Period ¹	\$0.027519	\$4.53
Off Peak Period ²	\$0.027519	\$4.53

Tariff Page(s) Affected: First Revised Sheet No. 50, Page No.1 of 2

Objections - Summary: OUCS Objection filed 3/27/21

- OUCS takes exception to use of the 30-day filing process for the approval of the 2021 cogeneration tariffs.

Duke Response filed 4/7/21

- Duke Energy Indiana has used the 30-day filing process to update its Cogeneration Tariff, pursuant to 170 IAC 1-4-4.1-10 since at least 2007.
- OUCS does not point to any specific controversies or problems with Duke Energy Indiana's filing.
- The Commission is encouraged to disregard any allegation of controversy.
- 170 IAC 1-6-3(5), arguing that the "30-day filing rule is not available for requests to change rates unless the change is revenue neutral".
 - 170 IAC 1-6-3(7), which permits the 30-day filing process for "a filing for which the commission has already approved or accepted the procedure for the change."
- Duke Energy Indiana did not change any of its terms and conditions, but merely updated the demand and energy charges pursuant to 170 IAC 4-4.1-1, et seq.
- Duke Energy Indiana is filing similar information to what has been acceptable in the past.
- To the extent the Commission finds that Duke Energy Indiana's filing is lacking information, Duke Energy Indiana shall submit information to cure the defect.

General Counsel Analysis and Findings:

The OUCC's objection purports to include this 30-day filing by Duke. However, the OUCC does not actually point to any aspect of Duke's filing as being incorrect or inaccurate. As a result, the OUCC's object is not compliant with 170 IAC 1-6-7.

Staff Recommendations: Staff agrees with General Counsel's analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

Filing Party: Southern Indiana Gas and Electric Company - Electric
30-Day Filing ID No.: 50405
Date Filed: February 26, 2021
Filed Pursuant To: 170 I.A.C. 4-4.1-10
Request: New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.
Customer Impact: On-Peak Energy Payment: Increase \$0.00185/kWh
Off-Peak Energy Payment: Increase \$0.00079/kWh
Capacity Payment: Decrease \$0.15/kW/month

RATE CSP		
Cogeneration and Small Power Production		
	<i>Energy Payment to a Qualifying Facility (\$/kWh)¹</i>	<i>Capacity Payment to a Qualifying Facility (\$/kW/per</i>
Annual On-Peak	\$0.03201	\$5.93
Annual Off-Peak	\$0.02492	\$5.93

Tariff Page(s) Affected: IURC No. E-13:
Sheet No. 79, Tenth Revised Page 2 of 4

OUCO Objection filed 3/27/21

- Failure to Adjust for Utilities Not Needing Immediate Capacity Additions
 - IPL failed to include the net present value adjustment required under 170 IAC 4-4.1- 9(b), even though none of their most recent Integrated Resource Plans showed an immediate need for additional capacity.
 - Section 9(d) is an adjustment factor applied to “subsections (a) through (b)” not just 9(a).
- The OUCO points to the following Rules and other considerations as support for this objection:
 - The 30-day filing rule is only available for non-controversial matters. (See 170 IAC 1-6- 1(b).) These filings do not meet that requirement.
 - The Indiana Utility Regulatory Commission’s (“Commission”) 30-day filing rule is not available for requests to change rates unless the change is revenue neutral. (See 170 IAC 1-6-3 (5) (A).)
 - 170 IAC 1-6-4 (9) gives the Commission the discretion to determine whether filings should be processed under the 30-day filing rule if their approval would change conditions of service (in this instance, new or changed terms are included in standard offers).
 - The filings are not complete and fail to meet specificity and clarity requirements in 170 IAC 1-6-5 (4), which require all work papers to be included and clearly explained; all assumptions to be identified and

explained; whether data used in the utilities' analyses was actual or estimated and, if estimated, the reasons actual data was not used, why estimates should be used, and how any estimated data was derived; the source(s) of all data used; and the models or methodologies employed in the utilities' analyses.

- Information in the filings is incomplete and/or inaccurate, both of which are grounds for objecting to the use of a 30-day filing under 170 IAC 1-6-7 (b) (2) (B) and (C) (i).

SIGECO Response filed 4/6/21

- OUCC's Objection is Not Based on Appropriate Grounds
 - The 30-Day Filing Rule sets out the specific requirements and bases for making objections – a violation of applicable law, Commission order, or Commission rule; or the filing is inaccurate, incomplete, or otherwise not allowed to be submitted under Section 4 of the 30-Day Filing Rule.
 - Neither OUCC's Objection nor arguments in support thereof satisfy these requirements.
 - Seeking to Add a Requirement to Rule 4.1 is Not a Valid Basis on which to Object
 - Arguing for an addition to the requirements of Rule 4.1 is not an allowable bases on which to object to a filing under the 30-Day Filing Rule. IAC 170 1-6-7(2).
 - The energy and capacity rates must be derived from the appropriate application of 170 IAC 4-4.1-8(a) and 9(c) through 9(d). 170 IC 4-4.1-10.
 - Section 10 only explicitly requires 170 IAC 4-4.1-9(c) and 9(d) be filed, where 9(c) incorporates 9(a); and 9(d) sets forth the formula for “converting any calculations made in 9(a) and/or 9(b) to monthly payments.”
 - The Commission's 2020 Cogen Order: “Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility's IRP to calculate 9(b).” 2020 Cogen Order at Attachments 1 through 4.
 - OUCC's Approach Is Inconsistent with Previous Commission Orders
 - SIGECO contends if any calculation were required under 9(b), such calculation of an adjusted capacity payment (Ca) should utilize a Δt of 0 years.
 - Rate CSP monthly capacity payments are a proxy for the avoided cost of a unit installed today.
 - The cost of the generation investment, and ongoing operating expenses, are expressed in 2021 dollars consistent with 170 IAC 4-4.1-9(a).
 - And, as stated in 170 IAC 4-4.1-9(a), C is defined as the “unadjusted monthly capacity payment per kilowatt of contracted capacity year of completion of unit.”
 - Consistent with prior annual Rate CSP filings approved by the Commission, this Filing uses a current inservice year of 2021 to determine the capacity purchase rate for the applicable 12-month period that the Rate CSP is in effect. 170 IAC 1-6-3(7) permits the 30-day filing process

for “a filing for which the commission has already approved or accepted the procedure for the change.” AES Indiana believe this applies in this situation and, as previously mentioned, has used this process for Rate CGS Updates since 1993.

- SIGECO Filing Meets the Requirements of 170 IAC 1-6-1(b)
 - SIGECO’s 2021 30-Day Filing applies the same approach and methodology and is substantially similar to its 2019 and 2020 Rate CSP 30-Day Filings, which the Commission approved.
 - The 30-Day Filing Rule specifically delineates the grounds on which an objector may rely to claim a filing is controversial. If an objection that complies with Section 7 of the 30-Day Filing Rule is timely submitted, the filing is considered “controversial” and will not be presented to the Commission for approval under the 30-Day Filing Rule. 170 IAC 1-6-7(c).
 - Since the adoption of Rule 4.1, the Commission has processed these annual filings, and other non-controversial filings for rate and other changes that had been authorized in prior Commission orders, informally; and currently processes them under the Commission’s 30-Day Filing Rule, as the Commission “has already approved or accepted the procedure” for these filings.
 - SIGECO’s Rate CSP 30-Day Filing is not “changing a] condition of service”, but rather refreshing the financial data that has been used to determine the CSP Rate since the 1980s and as stated above, is substantially similar to its 2020 and 2019 Filings,
 - SIGECO’s 30-Day Filing was complete; and met the specificity and clarity requirements of 170 IAC 1-6-5(4). SIGECO’s 2021 Rate CSP Update was filed pursuant to the Commission’s 30-Day Filing Rule, consistent with years of prior practice.

General Counsel Analysis and Findings:

OUCS Objection – Vectren’s filing is incomplete and/or inaccurate, due to failure to include the net present value adjustment required under 170 IAC 4-4.1-9(b) (“9(b)”), based on its recent Integrated Resource Plan (“IRP”).

- Under 170 IAC 4-4.1-10 (“10”), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCS is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility’s IRP. Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility’s IRP to calculate 9(b). Because the 9(b) calculation is not required, Vectren’s filing is not incomplete or inaccurate and the OUCS objection is not compliant with 170 IAC 1-6-7.
- The Commission and its staff have consistently interpreted and applied Rule 4.1, and the Commission has approved the 9(a) capacity calculation and it is that number (as converted to monthly payments

under 9(d)) that has been approved and is in the utilities' tariffs. It would be arbitrary and capricious for the Commission to change its interpretation at this time.

- The OUCC made the same objection regarding the COGEN filing made by Vectren in 2020, the objection was found by the Commission and its staff not to be a compliant objection under 170 IAC 1-6-7, and the OUCC did not appeal the Commission's decision. In addition, the Commission's interpretation and decision has been upheld by the Indiana Court of Appeals, stating that Vectren's 2020 COGEN 30-day filing "was not required to include the calculation required by 170 I.A.C. 4-4.1-9(b) and was therefore not in violation of the IURC's rules for excluding such a calculation." *Solarize Ind. Inc., v S. Ind. Gas & Elec. Co.*, 163 N.E.3d 880, 891 (Ind. Ct. App. 2021) (transfer pending).
- **Staff Recommendations:** Staff agrees with General Counsel's analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

Submitted By: Jane Steinhauer
Director, Energy Division

Filing Party: Indiana Michigan Power Co.
30-Day Filing ID No.: 50406
Date Filed: March 1, 2021
Filed Pursuant To: 170 I.A.C. 4-4.1-10
Request: New Rate Schedules for Cogeneration and Alternate Energy Production Facilities.
Customer Impact: Standard Measurement

- \$0.00180/kWh decrease in energy credit.
- \$1.080/kW/month decrease in capacity credit.
- \$1.35 decrease in single phase monthly metering charge.
- \$2.20 decrease in polyphase monthly metering charge.

Time-of-Day (TOD) On-peak

- \$0.00170/kWh decrease in energy credit.
- \$1.080/kW/month decrease in capacity credit.
- \$1.050 decrease in single phase monthly metering charge.
- \$1.050 decrease in polyphase monthly metering charge.

Time-of-Day (TOD) Off-peak

- \$0.00180/kWh decrease in energy credit.
- \$1.080/kW/month decrease in capacity credit.
- \$01.400 decrease in single phase monthly metering charge.
- \$2.00 decrease in polyphase monthly metering charge.

TARIFF COGEN/SPP (Cogeneration and/or Small Power Production Service)					
<i>Measurement Method</i>		<i>Monthly Credits or Payments for Energy and Capacity Deliveries</i>		<i>Monthly Metering Charge</i>	
		<i>Energy Credit (\$/kWh)</i>	<i>Capacity Credit (\$/kW/month)</i>	<i>Single Phase Meter</i>	<i>Polyphase Meter</i>
Standard Measurement		\$0.0283	\$5.29	\$1.05	\$1.05
TOD Measurement	On-peak	\$0.0345	\$5.29	\$1.05	\$1.30
	Off-peak	\$0.0239	\$5.29	\$1.05	\$1.30

Tariff Page(s) Affected: Second Revised Sheet Numbers 31.1, 31.2 and 31.3

Objections - Summary: OUCC Objection filed 3/27/21

- Failure to Adjust for Utilities Not Needing Immediate Capacity Additions
 - IPL failed to include the net present value adjustment required under 170 IAC 4-4.1- 9(b), even though none of their most recent Integrated Resource Plans showed an immediate need for additional capacity.
 - Section 9(d) is an adjustment factor applied to “subsections (a) through (b)” not just 9(a).
- The OUCC points to the following Rules and other considerations as support for this objection:
 - The 30-day filing rule is only available for non-controversial matters.

- (See 170 IAC 1-6- 1(b).) These filings do not meet that requirement.
- The Indiana Utility Regulatory Commission’s (“Commission”) 30-day filing rule is not available for requests to change rates unless the change is revenue neutral. (See 170 IAC 1-6-3 (5) (A).)
 - 170 IAC 1-6-4 (9) gives the Commission the discretion to determine whether filings should be processed under the 30-day filing rule if their approval would change conditions of service (in this instance, new or changed terms are included in standard offers).
 - The filings are not complete and fail to meet specificity and clarity requirements in 170 IAC 1-6-5 (4), which require all work papers to be included and clearly explained; all assumptions to be identified and explained; whether data used in the utilities’ analyses was actual or estimated and, if estimated, the reasons actual data was not used, why estimates should be used, and how any estimated data was derived; the source(s) of all data used; and the models or methodologies employed in the utilities’ analyses.
 - Information in the filings is incomplete and/or inaccurate, both of which are grounds for objecting to the use of a 30-day filing under 170 IAC 1-6-7 (b) (2) (B) and (C) (i).

I&M Response filed 4/7/21

- Proposed Objection is the same as that rejected by the Commission when it approved I&M’s cogeneration/small power production service tariff rate in last year’s Thirty-Day Filing No. 50330. There is no change in circumstances warranting a change in the Commission’s long-standing interpretation of the relevant rules.
- I&M’s Filing was made in full compliance with 170 IAC 4-4.1-10 (“Section 10”), which forms part of the Commission’s implementation of the federal Public Utilities Regulatory Act, or PURPA.
- The energy and capacity rates must be derived from the appropriate application of 170 IAC 4-4.1-8(a) and 9.
- The Filing appropriately uses the 170 IAC 4-4.1-9(a) calculation and the Commission has long interpreted its own rule to not require the calculation found in 170 IAC 4-4.1-9(b).
- The Commission’s interpretation of its own rules is entitled to substantial deference.
- I&M has submitted the same filing, pursuant to Section 10, and the Commission has approved these requests, for the last several years. .
- The OUCC is attempting to insert “controversy” on its own by claiming that I&M is required to do something in its Filing that the Commission has never required it do.
- 170 IAC 1-6-3(7) allows for this type of filing when the “[C]ommission has already approved or accepted the procedure for the change.” I&M has routinely sought, and received, approval of its COGEN/SPP tariff through a 30-day filing.
- I&M did not request, nor did it make, any changes to its terms and/or conditions of service. I&M’s Filing is simply an updated rate calculation, required under Commission rules.
- There is no clarity and specificity regarding what information is incomplete and/or inaccurate.
- The Filing, including information and supporting documents, is consistent with

I&M's last several filings seeking approval of amendments to its COGEN/SPP tariff. Nothing has changed

General Counsel Analysis and Findings:

OUCC Objection – I&M's filing is incomplete and/or inaccurate, due to failure to include the net present value adjustment required under 170 IAC 4-4.1-9(b) ("9(b)"), based on its recent Integrated Resource Plan ("IRP").

- Under 170 IAC 4-4.1-10 ("10"), the calculation in 9(b) is not required to be filed with the Commission – 9(c) and 9(d) are required under 10, 9(c) incorporates 9(a), 9(d) is simply converting any calculations made in 9(a) and/or 9(b) to monthly payments.
- The OUCC is adding its interpretation to the rule, by arguing that the 9(b) calculation is required and must be based on information from the utility's IRP. Rule 4.1 has not been amended to reference, or require the utilities to reference, the utility's IRP to calculate 9(b). Because the 9(b) calculation is not required, I&M's filing is not incomplete or inaccurate and the OUCC objection is not compliant with 170 IAC 1-6-7.
- The Commission and its staff have consistently interpreted and applied Rule 4.1, and the Commission has approved the 9(a) capacity calculation and it is that number (as converted to monthly payments under 9(d)) that has been approved and is in the utilities' tariffs. It would be arbitrary and capricious for the Commission to change its interpretation at this time.
- The OUCC made the same objection regarding the COGEN filing made by I&M in 2020, the objection was found by the Commission and its staff not to be a compliant objection under 170 IAC 1-6-7, and the OUCC did not appeal the Commission's decision. In addition, the Commission's interpretation and decision has been upheld by the Indiana Court of Appeals, stating that a similar 2020 COGEN 30-day filing "was not required to include the calculation required by 170 I.A.C. 4-4.1-9(b) and was therefore not in violation of the IURC's rules for excluding such a calculation." *Solarize Ind. Inc., v S. Ind. Gas & Elec. Co.*, 163 N.E.3d 880, 891 (Ind. Ct. App. 2021).

Staff Recommendation: Staff agrees with General Counsel's analysis and findings that the Objections to the Filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.

Submitted By: *Jane Steinhauer*
Director, Energy Division

Filing Party: **Richmond Municipal Power & light**
30-Day Filing ID No.: 50410
Date Filed: March 9, 2021
Filed Pursuant To: Commission Order No. 36835 - S3, dated December 13, 1989
Request: A revision to Purchase Power Cost Adjustment Tracking Factors, to be applied in April, May, and June 2021.
Customer Impact: See below.

Rate Schedule	Metric	Change	Resultant
R	\$/kWh	(0.040905)	0.002260
CL	\$/kWh	(0.070257)	0.000704
EHS	\$/kWh	(0.042185)	0.001114
GP & GEH	\$/kW	0.236396	0.236396
GP & GEH	\$/kWh	(0.042435)	0.000864
LPSS, LPSP, ISS, ISP and TS	\$/kVA	(15.482851)	(1.098237)
LPSS, LPSP, ISS, ISP & TS; LPSS COIN, LPSP COIN, ISS COIN, ISP COIN, & TS COIN	\$/kWh	(0.009888)	0.000873
LPSS COIN, LPSP COIN, ISS COIN, ISP COIN, & TS COIN	\$/kW	(15.918812)	1.016816
LS	\$/kWh	(0.008880)	0.001880

Tariff Page(s) Affected: Appendix A.
Staff Recommendations: Requirements met. Recommend approval.