

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE INDIANA UTILITY)
REGULATORY COMMISSION'S REQUEST FOR)
ELECTRIC UTILITY RESPONSES TO)
REGIONAL TRANSMISSION ORGANIZATION)
SURVEY CONCERNING GENERATION)
COMPLIANCE PLANS WITH U.S.)
ENVIRONMENTAL PROTECTION AGENCY)
REGULATIONS)

CAUSE NO. 44174

APPROVED: APR 11 2012

ORDER OF THE COMMISSION

Presiding Officers:

Kari A.E. Bennett, Commissioner

Lorraine L. Seyfried, Chief Administrative Law Judge

In a letter dated March 29, 2012, the Indiana Utility Regulatory Commission ("Commission") requested Indiana jurisdictional electric utilities participating in the 2012 Summer Reliability meetings to provide copies of responses to a survey by their Regional Transmission Organization concerning generation compliance plans with the U.S. Environmental Protection Agency's regulations.

Every public utility is required to furnish reasonably adequate service and facilities. Ind. Code § 8-1-2-4. The Commission is authorized to conduct investigations into a public utility's provision of service and to request information from public utilities required to fulfill its statutory obligations. *See e.g.*, Ind. Code §§ 8-1-2-52, -54 and -58. In accordance with Ind. Code § 8-1-2-29, documents in the possession of the Commission are open to inspection by the public, subject to Ind. Code ch. 5-14-3.

Consistent with these regulatory obligations, the Commission has determined a streamlined procedure is necessary to allow for the submission of confidential information in response to the Commission's request for information.

1. Commission Jurisdiction. The Commission is required to comply with the Indiana Access to Public Records Act and is prohibited from disclosing certain confidential information. Ind. Code §§ 8-1-2-29 and 5-14-3-4. The Commission may also prescribe such regulation as it sees fit regarding the submission of confidential documents. *See* 170 IAC 1-1.1-4. The electric utilities participating in the 2012 Summer Reliability meetings are public utilities as defined in Ind. Code § 8-1-2-1 and subject to the Commission's jurisdiction. Therefore, the Commission has jurisdiction over the parties and subject matter of this proceeding to the extent provided by law.

2. Commission Discussion and Findings. Generally, if a party desires to file confidential information with the Commission, it must initiate a docketed proceeding and apply for a finding by the Commission that the information is confidential. 170 IAC 1-1.1-4(a). As the Commission expects its request for information concerning Regional Transmission Organization

survey responses may result in the filing of multiple individual requests for confidential treatment of certain portions of those survey responses, the Commission finds that a single docketed proceeding should be initiated to allow for the timely and efficient submission of the requests for confidentiality.

Requests for preliminary determinations of confidentiality filed in this Cause must comply with 170 IAC 1-1.1-4 and contain a sworn statement that describes the nature of the confidential information, the reasons why the material should be treated as confidential pursuant to Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3, and the efforts made to maintain the confidentiality of the material. 170 IAC 1-1.1-4(b). The sworn statement must include sufficient facts demonstrating the information is entitled to confidential treatment. Once the confidentiality request is received, the Presiding Officers will review the request and render a ruling as to whether the documents should be accorded confidential treatment.

This docket is to allow for the submission of confidentiality requests, and the subsequent filing of any documents granted a preliminary determination of confidentiality. This docket is not for the submission of any portion of the requested information that the electric public utility does not believe is entitled to confidential protection. Submission of the Regional Transmission Organization survey responses that do not contain confidential information should be made directly to the Commission's Electricity Division.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Any electric public utility requesting confidential treatment of their responses to the Regional Transmission Organization survey concerning generation compliance plans with the U.S. Environmental Protection Agency's regulations shall file such request in this Cause.
2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, AND ZIEGNER CONCUR; MAYS NOT PARTICIPATING:

APPROVED: APR 11 2012

I hereby certify that the above is a true and correct copy of the Order as approved.



**Brenda A. Howe
Secretary to the Commission**