TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule
LSA Document #11-xxx

DIGEST

Adds 170 IAC 17 to establish the Indiana voluntary clean energy portfolio standard program. Effective 30 days after filing with the Publisher.

170 IAC 17

SECTION 1. 170 IAC 17 IS ADDED TO READ AS FOLLOWS:

ARTICLE 17. Indiana Voluntary Clean Energy Portfolio Standard Program

Rule 1. Applicability

170 IAC 17-1-1 Applicability under IC 8-1-37
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 1. This article is applicable to all Indiana electricity suppliers as defined in IC 8-1-37-6.
(Indiana Utility Regulatory Commission; 170 IAC 17-1-1)

170 IAC 17-1-2 No change in public utility status
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-2; IC 8-1-37
Sec. 2. This article does not change the:
(1) owner;
(2) operator; or
(3) manager;
of a clean energy resource as defined in IC 8-1-37-4 into a public utility under the jurisdiction of the Indiana utility regulatory commission, if the entity is not a public utility under IC 8-1-2-1.
(Indiana Utility Regulatory Commission; 170 IAC 17-1-2)

170 IAC 17-1-3 No change to other commission processes
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 3. This article does not replace other commission processes, including, but not limited to:
(1) a proceeding requesting a certificate of public convenience and necessity; and
(2) the commission's rules regarding integrated resource planning.

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Rule 2. Definitions

170 IAC 17-2-1 Applicability of definitions in rule
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 1. The definitions in this rule apply throughout this article.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-1)

170 IAC 17-2-2 Applicability of definitions in statute
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 2. The definitions in IC 8-1-37 apply throughout this article.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-2)

170 IAC 17-2-3 "Allowance for funds used during construction" or "AFUDC" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 3. "Allowance for funds used during construction" or "AFUDC" means the cost for the period of construction of borrowed funds used for the construction of a clean energy project and a reasonable rate on other funds when so used. AFUDC for clean energy projects shall be recorded in separate subaccounts or their subdivisions in accordance with the FERC or NARUC uniform system of accounts.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-3)

170 IAC 17-2-4 "Application completion date" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 4. "Application completion date" means the date the commission through its presiding officers notifies the parties of a proceeding under this article that the application submitted by the electricity supplier is complete.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-4)

170 IAC 17-2-5 "CHOICE" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 5. "CHOICE" means the "Comprehensive Hoosier Option to Incentivize Cleaner Energy."
(Indiana Utility Regulatory Commission; 170 IAC 17-2-5)

170 IAC 17-2-6 "CHOICE incentive" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 6. "CHOICE incentive" means the adder to an electricity supplier's return on equity of up to fifty (50) basis points pursuant to IC 8-1-37-13.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-6)

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170 IAC 17-2-7 "Clean energy resource" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 7. "Clean energy resource" means, in addition to the definition as given in IC 8-1-37-4(a), the generation of electricity using methane recovered from landfills. For the purposes of determining the percentage of clean energy resources that qualify for the goal under IC 8-1-37-12(g), this definition shall be considered part of the statutory list as IC 8-1-37-4(a)(15)(A).
(Indiana Utility Regulatory Commission; 170 IAC 17-2-7)

170 IAC 17-2-8 "Commission" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 8. "Commission" means the Indiana utility regulatory commission.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-8)

170 IAC 17-2-9 "CPS Goal Period" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 9. "CPS Goal Period" is the period of time outlined in IC 8-1-37-12(a) in which an electricity supplier must meet a particular goal under this article.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-9)

170 IAC 17-2-10 "Effective date" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 10. "Effective date" of the Indiana voluntary clean energy portfolio standard program is January 1, 2012.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-10)

170 IAC 17-2-11 "Incentive application date" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 11. "Incentive application date" means the date on which a participating electricity supplier files its incentive application and work papers with the commission.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-11)

170 IAC 17-2-12 "Integrated Resource Plan", "integrated resource planning" or "IRP" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 12. "Integrated Resource Plan", "integrated resource planning", or "IRP" means a utility's assessment of a variety of demand-side and supply-side resources to cost effectively meet customer electricity service needs.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-12)

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170 IAC 17-2-13 "OUCC" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 13. "OUCC" means the Indiana office of utility consumer counselor.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-13)

170 IAC 17-2-14 "Program application date" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 14. "Program application date" means the date on which the electricity supplier files its program application and working papers with the commission.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-14)

170 IAC 17-2-15 "Regional transmission organization" defined
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 15. In addition to the definition in IC 8-1-37-9, as applicable to electricity suppliers in the state of Indiana, "regional transmission organization" means:
(1) the Midwest Independent Transmission System Operator, Inc., or
(2) the PJM Interconnection, L.L.C.
(Indiana Utility Regulatory Commission; 170 IAC 17-2-15)

Rule 3. Establishment of the Indiana Voluntary Clean Energy Portfolio Standard Program.

170 IAC 17-3-1 Indiana voluntary clean energy portfolio standard program
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 1. The Indiana voluntary clean energy portfolio standard program is hereby established by this article.
(Indiana Utility Regulatory Commission; 170 IAC 17-3-1)

170 IAC 17-3-2 "Comprehensive Hoosier Option to Incentivize Cleaner Energy Program"
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-27
Sec. 2. The Indiana voluntary clean energy portfolio standard program shall also be known as the "Comprehensive Hoosier Option to Incentivize Cleaner Energy Program" or "CHOICE Program."
(Indiana Utility Regulatory Commission; 170 IAC 17-3-2)

170 IAC 17-3-3 Goals under the CHOICE Program
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37
Sec. 3. The goals under the CHOICE Program are as follows:
(1) CPS Goal Period I: For the six (6) calendar years beginning January 1, 2013, and ending December 31, 2018, an average of at least four percent (4%) of the total

electricity obtained by the participating electricity supplier to meet the energy requirements of its Indiana retail electric customers during the base year.

(2) CPS Goal Period II: For the six (6) calendar years beginning January 1, 2019, and ending December 31, 2024, an average of at least seven percent (7%) of the total electricity obtained by the participating electricity supplier to meet the energy requirements of its Indiana retail electric customers during the base year.

(3) CPS Goal Period III: In the calendar year ending December 31, 2025, at least ten percent (10%) of the total electricity obtained by the participating electricity supplier to meet the energy requirements of its Indiana retail electric customers during the base year.

(Indiana Utility Regulatory Commission; 170 IAC 17-3-3)

170 IAC 17-3-4 Requirements necessary to meet a CHOICE Program goal

Authority: IC 8-1-1-3; IC 8-1-37

Affected: 8-1-37

Sec. 4. (a) In order to meet any of the goals set forth in Section 3 of this rule, a participating electricity supplier must:

(1) obtain during the goal period through:

A) clean energy resources as defined in IC 8-1-37-4; or

B) clean energy credits as defined in IC 8-1-37-3 that are generated by a facility located in a control area that is part of a regional transmission organization;

an amount of megawatt hours at least equal to the percentage amount set forth in the goal;

(2) use clean energy resources located in Indiana for at least fifty percent (50%) of the clean energy obtained to meet the goal; and

(3) not satisfy more than thirty percent (30%) of the goal using any combination of clean energy resources described in IC 8-1-37-4(a)(17) through IC 8-1-37-4(a)(21).

(b) A participating electricity supplier may apply the amount of:

(1) megawatt hours of clean energy; or

(2) clean energy credits;

that exceed the requirements of a particular goal period to the immediately succeeding goal period.

(c) Except as provided for in IC 8-1-37-4(a)(16) and (21), clean energy resources that have been:

(1) in service;

(2) purchased; or

(3) contracted for;

before the effective date of the CHOICE Program ~~may~~shall not apply to the goals.

(Indiana Utility Regulatory Commission; 170 IAC 17-3-4)

170 IAC 17-3-5 Confidential or privileged information

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 5-14-3; IC 8-1-2-29; IC 8-1-37

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Sec. 5. (a) If an electricity supplier believes that any information covered by this article is confidential in accordance with IC 8-1-2-29 and IC 5-14-3, the electricity supplier may request confidential treatment under the provisions of 170 IAC 1-1.1-4.

(b) To the extent a confidentiality agreement that would cover documents provided as part of a proceeding under this article is not already in place:

(1) the electricity supplier shall:

(A) proffer to; or

(B) request from;

the OUCC a proposed confidentiality agreement; and

(2) parties to a proceeding under this rule shall work together with reasonable speed to negotiate an acceptable confidentiality agreement in order to avoid delay in producing documents on which a claim of confidentiality is made.

(c) An acceptable confidentiality agreement under subsection (b) shall include procedures for the following:

(1) Requesting a determination from the commission that a document shall be considered confidential.

(2) Maintaining the confidentiality of the documents before a determination regarding confidentiality has been made by the commission.

(Indiana Utility Regulatory Commission; 170 IAC 17-3-5)

Rule 4. Application Process to Participate in the CHOICE Program

170 IAC 17-4-1 Program application required

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 8-1-37

Sec. 1. In order to participate in the CHOICE Program, an electricity supplier must file a complete program application with the commission:

(1) pursuant to the commission's procedural rules; and

(2) pursuant to this article;

no later than six (6) months prior to the beginning of the first CPS Goal Period in which the electricity supplier wishes to participate.

(Indiana Utility Regulatory Commission; 170 IAC 17-4-1)

170 IAC 17-4-2 Program application contents

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 8-1-37

Sec. 2. In order to be deemed complete by the commission, the program application submitted by the electricity supplier must contain at least the following:

(1) Contact information of the electricity supplier.

(2) Total electricity obtained by the electricity supplier to meet the energy requirements of its Indiana retail electric customers during the base year.

(3) A CHOICE plan to obtain clean energy in an amount equal to at least ten (10) percent of the total electricity supplied to its Indiana retail electric customers during the base year of 2010by the calendar year ending December 31, 2025, including at a minimum the following:

(A) A detailed business plan with annual milestones to ensure a participating electricity supplier will meet the CPS goals.

(B) Identification of the:

- **(i) owner;**
- **(ii) operator; or**
- **(iii) manager**

of the clean energy resources to be utilized by the electricity supplier.

(C) The type of the clean energy resources to be utilized by the electricity supplier.

(D) Affirmation by the electricity supplier that its CHOICE plan contains no more than thirty percent (30%) of any combination of the clean energy resources listed in IC 8-1-37-4(a)(17) – 4(a)(21).

(E) The amount of clean energy anticipated to be produced by ~~kilowatthour~~kilowatt hour per resource type, including the clean energy credits that will be submitted as part of the plan.

(F) A description of any projects to be built under the CHOICE plan, including, to the extent known, the:

- **(i) scope;**
- **(ii) cost; and**
- **(iii) location.**

of the project.

(G) Justification of the need for the generation through IRP modeling.

(H) If the electricity supplier chooses to use its last IRP model runs, it must demonstrate that there have been no changes in its load forecast or supply mix since the time of the IRP model run.

(I) Other generation options considered as alternatives to the final clean energy resources listed in the CHOICE plan.

(J) Justification that the resources listed in the CHOICE plan are the optimal, economic choices. This justification ~~may~~shall be in the form of a cost-benefit study and IRP modeling, and ~~may~~shall include the following information:

- **(i) Estimate of anticipated level of emission reduction by year.**
- **(ii) Project estimated costs, including:**
  - **AA. pre-construction costs;**
  - **BB. depreciation;**
  - **CC. commodity costs;**
  - **DD. administration costs;**
  - **EE. operation and maintenance;**
  - **FF. fuel;**
  - **GG. taxes;**
  - **HH. labor;**
  - **II. contingency; and**
  - **JJ. AFUDC.**
- **(iii) Additional factors in justification:**
  - **AA. Estimates of avoided capital costs.**
  - **BB. Regulatory risk.**

CC. Fuel cost risk.
DD. Contribution to peak power production or peak power shaving.
EE. Incentives already being received by the electricity supplier.
FF. Risk of higher future costs.
GG. Environmental impact and costs of the various clean energy resources.
HH. The establishment of voluntary feed-in tariffs (VFITs)

(K) Analysis of ratepayer impact including the following types of information:

(i) An explanation ~~on~~as to how the electricity supplier determined the impact on rates of the program application plan.

(ii) Documentation on the rate impact ~~on rates~~ if the application ~~is~~were to be approved.

(4) An explanation as to how this portfolio addition fits into the applicant's long-term generation plan.

(5) Identification of CHOICE incentive being requested for each CPS Goal Period if the electricity supplier meets the CPS Goal for that period.

(6) Explanation of the basis for the amount of the CHOICE incentive being requested for each CPS Goal Period.

(7) Identification of incentives currently being received for any of the projects listed in the program application plan, including, but not limited to:

(A) Federal, state and local tax incentives;
(B) Federal, state and local grants; and
(C) Shareholder incentives, lost margins, etc., received by the supplier.

(8) If the electricity supplier requests a periodic rate adjustment mechanism for the recovery of costs associated with the CHOICE Program, a detailed explanation and supporting documentation of how the periodic rate adjustment mechanism would work.

(9) Work papers detailing all considerations and calculations in the program application and the program application plan. Each working paper must be:

(A) legible;
(B) paginated; and
(C) specifically identified.

(10) Any supporting written testimony, affidavits, and other evidence the electricity supplier wishes to submit in support of its application.

(Indiana Utility Regulatory Commission; 170 IAC 17-4-2)

170 IAC 17-4-3 Expedited program application proceeding
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37

Sec. 3. ~~(a)~~ (a) The program application proceeding will be a docketed proceeding

(b) The scope of the program application proceeding shall be limited to:

(1) approval of the electricity supplier's participation in the CHOICE Program pursuant to IC 8-1-37-11-(c); and

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(2) a determination of:

(A) whether; and

(B) what amount of;

CHOICE incentives are approved to be granted upon the electricity supplier's attainment of a CPS goal.

(~~b~~c) Within ~~twenty (20~~sixty (60) calendar days of the program application date, any party to the proceeding may file with the commission a notice of lack of completeness that the application and work papers do not comply with this article, identifying:

(1) the alleged defect or defects; and

(2) the requirements necessary to cure the alleged defect or defects.

The notice shall be served upon the electricity supplier and all other parties to the proceeding.

(~~e~~d) All filings by the electricity supplier to the commission under this rule shall also be served on the following:

(1) The OUCC on the same day as filed.

(2) Any other party to the proceeding that has filed a written request for the information:

(A) on the same day as filed; or

(B) within five (5) business days of the filing of the written request.

(~~d~~e) The commission, the OUCC, and other Intervenors may request additional information it considers necessary:

(1) for the program application to be complete; and

(2) to aid in its review.

(~~e~~f) The pre-hearing conference shall:

(1) if a notice of lack of completeness has been filed:

(A) Resolve any issues regarding the completeness of the electricity supplier's application and working papers; and

(B) Set a date upon which the electricity supplier shall cure any defects in its application and working papers;

(2) set a procedural schedule with the following dates:

(A) The filing of written testimony by the OUCC and any other intervening party.

(B) The filing of reply testimony by the electricity supplier.

(C) The evidentiary hearing;

(~~f~~g) The commission through its presiding officers shall notify the parties when the application is complete.

(Indiana Utility Regulatory Commission; 170 IAC 17-4-3)

170 IAC 17-4-4 Commission approval

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 8-1-37

Sec. 5. (a) The commission shall approve an electricity supplier's participation in the CHOICE Program if the commission finds ~~that:~~by a preponderance of the evidence that:

(1) the electricity supplier's program application is:

(A) complete; and

(B) reasonably complies with:

(i) this article and
(ii) IC 8-1-37;

(2) the electricity supplier submitting the application has demonstrated that the electricity supplier has a reasonable expectation of meeting the goal for CPS Goal Period III, as provided in Rule 3, Section 3 of this article; and

(3) approving the application will not result in an increase to the retail rates and charges of the electricity supplier above what could reasonably be expected if the application were not approved.

(b) If the electricity supplier has requested CHOICE incentives for meeting one or more CPS goals, the commission shall also determine, pursuant to IC 8-1-37-13(b):

(1) whether the CHOICE incentives should be approved; and

(2) if so, in what amount.

(c) In making the determinations in subdivision (b), the commission may also consider the following factors:

(1) Estimates of avoided capital costs.
(2) Regulatory risk.
(3) Fuel cost risk.
(4) Contribution to peak power production or peak power shaving.
(5) Incentives already being received by the electricity supplier.
(6) Risk of higher future costs.
(7) Environmental impact and costs of the various clean energy resources.
(8) The establishment of voluntary feed-in tariffs (VFITs~~)~~).
(9) Whether the proposed clean energy projects are currently eligible for, or have already received, any federal or state incentives.

(d) In making the determination in subsection (b), no CHOICE incentives shall be approved for clean energy resources:

~~(1) that were:~~
~~(A) in service;~~
~~(B) purchased; or~~
~~(C) contracted for;~~
~~prior to the effective date of the CHOICE program; or~~

~~(2)~~(1) for which incentives have already been approved or granted by the commission.

(e) Upon approval of the electricity supplier's participation in the CHOICE program:

(1) if the electricity supplier has requested a periodic rate adjustment mechanism to recover the costs of participating in the CHOICE program, the commission shall approve recovery of costs through a periodic rate adjustment mechanism, the details of which shall be outlined in the commission's approval order and which mechanism shall start upon the date of the commission's approval order; and that such cost be directly associated with the CHOICE program with no allocations of company operating expenses or overhead included. Depreciation of any CHOICE fixed asset will be over the estimated useful life of the fixed asset.

(2) if the electricity supplier has requested a CHOICE incentive, the commission shall include in its approval order a determination regarding whether the

commission is approving the CHOICE incentive and the amount of CHOICE incentive, which the participating electricity supplier shall receive upon:

(A) meeting a CPS goal; and

(B) approval of an incentive application with the commission that:

(i) is complete; and

(ii) contains sufficient supporting documentation.

(Indiana Utility Regulatory Commission; 170 IAC 17-4-4)

Rule 5. Status Following Approval of Participation in the CHOICE Program

170 IAC 17-5-1 Annual report to commission required

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 8-1-37

Sec. 1. Beginning in 2014, a participating electricity supplier shall report to the commission not later than March 1 of each year on the following:

(1) The participating electricity supplier's efforts, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year.

(2) The total amount of renewable energy supplied to the participating electricity supplier's Indiana retail electric customers during the most recently ended calendar year, including a breakdown of the following:

(A) The amount of clean energy generated by facilities owned or operated by the participating electricity supplier. The participating electricity supplier shall identify each facility by:

(i) name and location;

(ii) total generating capacity;

(iii) total amount of electricity generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers; and

(iv) total amount of clean energy generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers.

(A) The amount of clean energy purchased from other suppliers of clean energy. The participating electricity supplier shall identify:

(i) each supplier from whom clean energy was purchased;

(ii) the amount of clean energy purchased from each supplier;

(iii) the price paid by the participating electricity supplier for the clean energy purchased from each supplier; and

(iv) to the extent known, the name and location of each facility at which the clean energy purchased from each supplier was generated.

(3) The number of CECs purchased by the participating electricity supplier during the most recently ended calendar year. The participating electricity supplier shall identify:

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(A) each person from whom one (1) or more CECs was purchased;
(B) the price paid to each person identified in clause (A) for the CECs purchased;
(C) the number of CECs applied, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year; and
(D) the number of CECs, if any, that the participating electricity supplier plans to carry over to the next succeeding CPS goal period, as permitted by section 12(f) of this chapter.

(4) The participating electricity supplier's plans for meeting the CPS goal applicable to the calendar year in which the report is submitted.
(5) Advances in clean energy technology that affect activities described in subdivisions (1) and (4).
(6) Any other information that the commission prescribes in rules adopted under IC 4-22-2.

For purposes of this section, amounts of clean energy and electricity shall be reported in megawatt hours. A participating electricity supplier's duty to submit a report under this subsection terminates after the participating electricity supplier has submitted the report that applies to the calendar year ending December 31, 2025.
(Indiana Utility Regulatory Commission; 170 IAC 17-5-1)

170 IAC 17-5-2 Status following approval of participation in CHOICE Program
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37

Sec. 2. (a) After approval of its participation in the CHOICE Program, the participating electricity supplier is required to follow its CHOICE plan in working toward meeting the CPS Goals.

(b) If a participating electricity supplier decides to change part of its CHOICE plan in a manner that:

(1) does not impact whether the electricity supplier will meet the CPS Goals; and
(2) does not increase the ratepayer impact of its CHOICE plan~~;~~:

(A) the electricity ~~supply shall~~supplier may file the changes and all supporting evidence with the commission through a docketed proceeding; or
(B) Prior to such filing, the electricity supplier may present the changes and supporting evidence to the OUCC, and if the OUCC does not object, the electricity supplier may use the commission's thirty-day administrative filing procedures and guidelines in 170 IAC 1-6.

(c) If circumstances change to the point that a participating electricity supplier believes the rates and charges resulting from its participation in the CHOICE Program will no longer be just and reasonable, the participating electricity supplier shall file a petition with the commission requesting a commission determination that the cost of clean energy resources available to the electricity supplier would result in an increase in the rates and charges of the electricity supplier that would not be just and reasonable. The electricity supplier's petition shall include:

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(1) a detailed listing of the participating electricity supplier's attempts to comply with its CHOICE plan;
(2) a detailed explanation of the change in circumstances giving rise to the electricity supplier's petition;
(3) a listing of the costs of the clean energy resources available to the electricity supplier; and
(4) the electricity supplier's calculation supporting the conclusion that the increase in rates and charges would not be just and reasonable.

(Indiana Utility Regulatory Commission; 170 IAC 17-5-2)

Rule 6. CHOICE Incentive Application Process

170 IAC 17-6-1 Incentive application required
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37

Sec. 1. In order to receive a CHOICE incentive under the CHOICE Program, a participating electricity supplier must file an incentive application with the commission:
(1) pursuant to the commission's procedural rules; and
(2) pursuant to this article;
no later than six (6) months after the end of the CPS Goal Period for which the incentive is being sought.

(Indiana Utility Regulatory Commission; 170 IAC 17-6-1)

170 IAC 17-6-2 Incentive application contents
Authority: IC 8-1-1-3; IC 8-1-37
Affected: IC 8-1-37

Sec. 2. In order to be deemed complete, the incentive application of a participating electricity supplier must contain at least the following:
(1) Contact information of the electricity supplier.
(2) Total electricity measured in megawatt hours that was obtained by the electricity supplier to meet the energy requirements of its Indiana retail electric customers during the base year.
(3) Number of megawatt hours obtained each year of the CPS Goal Period for which the CHOICE incentive was granted from:
(A) clean energy resources:
(i) listed in IC 8-1-37-4(a);
(ii) as defined in this article; and
(iii) as may be adopted by rule by the commission;
(B) clean energy credits;
(C) Indiana clean energy sources; and
(D) clean energy resources listed in IC 8-1-37-4(a)(16) through IC 8-1-37-4(a)(21).
(4) A copy of the commission order:

(A) approving the electricity suppliers' participating in the CHOICE program; and

(B) determining what CHOICE incentive (if any) the electricity supplier should receive upon attaining each goal.

(5) Detailed explanation and supporting documentation on how the participating electricity supplier met the goal at issue. Supporting documentation may include reports from a third party tracking and trading system.

(6) Detailed explanation and supporting documentation for any variances from the electricity supplier's application plan to complete the goal.

(7) Work papers detailing all considerations and calculations in the incentive application. Each working paper must be:

(A) legible;

(B) paginated; and

(C) specifically identified.

(Indiana Utility Regulatory Commission; 170 IAC 17-6-2)

170 IAC 17-6-3 Expedited incentive application proceeding

Authority: IC 8-1-1-3; IC 8-1-37

Affected: IC 8-1-37

Sec. 3. (a) The scope of the incentive application proceeding shall be limited to whether the electricity supplier has met the CPS goal.

(b) The timeframe for the incentive application procedures shall be one hundred twenty (120) days from the application completion date, but may be extended upon:

(1) petition for good cause by the:

(A) electricity supplier;

(B) OUCC; or

(C) other intervening party; or

(2) notification by the commission.

(c) Within twenty (20) calendar days of the incentive application date, any party to the proceeding may file with the commission a notice of lack of completeness that the incentive application and work papers do not comply with this article, identifying:

(1) the alleged defect or defects; and

(2) the requirements necessary to cure the alleged defect or defects.

The notice shall be served upon the participating electricity supplier and all other parties to the proceeding.

(d) All filings by the electricity supplier to the commission under this rule shall also be served on the following:

(1) The OUCC on the same day as filed.

(2) Any other party to the proceeding that has filed a written request for the information:

(A) on the same day as filed; or

(B) within five (5) business days of the filing of the written request.

(e) The commission may request additional information it considers necessary:

(1) for the program application to be complete; and

(2) to aid in its review.

(f) The pre-hearing conference shall:

(1) if a notice of lack of completeness has been filed or the commission has requested additional information:

(A) Resolve any issues regarding the completeness of the electricity supplier's incentive application and working papers; and

(B) Set a date by which the electricity supplier shall cure any defects in its application and working papers;

(2) require that any objection (other than lack of completeness) to the incentive application and work papers be filed no later than forty-five (45) days after the application completion date; and

(3) set an evidentiary hearing date approximately sixty (60) days after the application completion date.

(g) If the incentive application is not complete by the prehearing conference, the commission through the presiding officers shall notify the parties when the incentive application is complete and make any necessary adjustments to the procedural schedule.
(Indiana Utility Regulatory Commission; 170 IAC 17-6-3)

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