

**“STRAWMAN” DRAFT
FOR PRE-RULEMAKING WORKSHOP**

**TITLE 170 INDIANA UTILITY REGULATORY
COMMISSION**

Proposed Rule
LSA Document #07-_____

DIGEST

Adds 170 IAC 1-6-1 through 170 IAC 1-6-8 establishing procedures for 30 day filings with the commission. Effective 30 days after filing with the Publisher.

**170 IAC 1-6-1
170 IAC 1-6-2
170 IAC 1-6-3
170 IAC 1-6-4
170 IAC 1-6-5
170 IAC 1-6-6
170 IAC 1-6-7
170 IAC 1-6-8**

SECTION 1. 170 IAC 1-6-1 IS ADDED TO READ AS FOLLOWS:

Rule 6. 30 day filing procedures and guidelines

170 IAC 1-6-1 Policy and scope

Authority: IC 8-1-1-3; IC 8-1-2-42
Affected: IC 8-1-1-5; IC 8-1-2-42

Sec. 1. (a) This rule is intended to establish 30 day filing procedures for certain requests by utilities for changes in:

- (1) rates,**
- (2) charges,**
- (3) rules,**
- (4) regulations, or**
- (5) any combination of subsections (a)(1) through (a)(4),**

outside the context of a general rate case and for which the commission has not previously adopted rules.

(b) Pursuant to IC 8-1-1-5 and as defined in this rule, only non-controversial filings may be approved under this rule.

(c) The 30 day timeframe is the minimum amount of time in which approval of changes to rates and charges may occur pursuant to IC 8-1-2-42(a), unless the commission has approved an order prescribing the procedure for the change. Additional time may be required, including, but not limited to, for the following reasons:

- (1) objections pursuant to section 7 of this rule,**
- (2) failure to follow the procedures as provided in this rule,**
- (3) failure to respond promptly to inquiries from commission staff,**
- (4) complex filings, or**
- (5) incomplete filings.**

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

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SECTION 2. 170 IAC 1-6-2 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-2 Definitions

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1-2-54

Sec. 2. The following definitions apply throughout this rule:

- (a) “Commission” means the Indiana utility regulatory commission.
- (b) “Commission division” means the technical division of the commission for the industry to which the utility making the filing under this rule belongs.
- (c) “Conference” means the official meeting of the commission at which orders and utility articles are approved.
- (d) “Controversial filing” means any filing regarding which any person or entity has filed an objection as provided under section 7 of this rule.
- (e) “Cost tracker” means a methodology approved and ordered by the commission to increase or decrease rates based on a certain factor.
- (f) “Customer” means any person, firm, corporation, municipality, government agency, or any other entity that has agreed, orally or otherwise, to pay for service received from a utility.
- (g) “Filing date” means the date a filing under this rule is received and file stamped by the secretary of the commission.
- (h) “Fuel cost adjustment factor” means an adjustment in rates related solely to the cost of fuel or the cost of purchased electricity.
- (i) “New rate” means a rate or charge for utility service not currently encompassed by the utility’s tariffs.
- (j) “Non-controversial filing” means any filing regarding which no person or entity has filed an objection as provided under section 7 of this rule.
- (k) “Non-fuel cost adjustment factor” means an adjustment in rates related to the cost of purchased electricity.
- (l) “Nonrecurring charge” means a charge to a utility customer for costs incurred by the utility outside the context of month-to-month service, which shall include, but not be limited to:
 - (1) customer deposits;
 - (2) customer checks returned to the utility due to insufficient funds;
 - (3) connect fees;
 - (4) reconnect fees; and
 - (5) tap fees.
- (m) “OUCC” means the Indiana office of utility consumer counselor.
- (n) “Rate” means base rates and charges incident to the provision of usual and customary utility service on a month-to-month basis.
- (o) “Utility articles” mean the summary of filings under this rule that is to be approved by the commission at conference. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-2*)

SECTION 3. 170 IAC 1-6-3 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-3 Allowable filings

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1

Sec. 3. The following types of non-controversial filings may be filed under the procedures and guidelines of this rule:

- (a) rates and charges for new services;
- (b) new rules and regulations;
- (c) changes to rules and regulations;

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- (d) changes to non-recurring charges;**
- (e) reductions to rates so long as the reduction:**
 - (1) results in an overall decrease in the revenues of the utility and**
 - (2) is done on an across-the-board basis to all classes of customers;**
- (f) revisions to any cost tracker ordered by the commission;**
- (g) revisions to fuel cost adjustment factors pursuant to orders of the commission;**
- (h) revisions to non-fuel cost adjustment factors pursuant to orders of the commission;**
- (i) a filing for which the commission has already approved the procedure for the change; or**
- (j) any other filing as may be ordered by the commission.**

(Indiana Utility Regulatory Commission; 170 IAC 1-6-3)

SECTION 4. 170 IAC 1-6-4 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-4 Prohibited filings

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1

Sec. 4. The following types of filings shall not be filed under this rule:

- (a) increases to any existing rates;**
- (b) rules and regulations that**
 - (1) would violate the commission’s rules and regulations as found in 170 IAC, or**
 - (2) would have the effect of being more lenient to the utility than the commission’s rules and regulations;**
- (c) a general rate increase;**
- (d) class rate restructuring;**
- (e) controversial filings;**
- (f) any filing for which the utility wants confidential treatment for all or part of the filing; or**
- (g) any rates, charges, rules, conditions of service, or change thereto, that the commission division in its**

discretion determines should not be processed under this rule.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-4)

SECTION 5. 170 IAC 1-6-5 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-5 Filing requirements

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1

Sec. 5. (a) Each filing under this rule shall include the following:

- (1) a cover letter clearly stating:**
 - (A) that the filing is being made pursuant to this rule,**
 - (B) the purpose of the filing, and**
 - (C) the need for what is being requested;**
- (2) tariff sheet(s);**
- (3) revenue and cost projections, which must be:**
 - (A) clearly explained, and**
 - (B) include clear explanations of:**
 - (i) all assumptions used;**
 - (ii) whether the data used is actual or estimated – it is presumed that actual data shall be used in all supporting calculations. If it is necessary to use estimated data, the utility shall state:**
 - (AA) the reasons the estimated data is being used,**
 - (BB) how the estimated data was derived, and**
 - (CC) why the estimated data should be used;**
 - (iii) source of data; and**

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- (iv) models or methodologies employed;
- (4) a copy of the notice published by the utility as required under section 6 of this rule.
- (b) A copy of the items listed in subsection (a) shall be provided to the OUCC on the filing date.
- (c) The items listed in subsections (a) and (b) may be provided in:
 - (1) electronic format to the commission and the OUCC
 - (A) via electronic mail or
 - (B) on a compact disk, or
 - (2) paper format with
 - (A) 3 copies provided to the commission and
 - (B) 1 copy provided to the OUCC.
- (d) A filing submitted in paper format under this rule shall be addressed to the “Secretary of the Commission”, who shall distribute the filing to the appropriate commission division.
- (e) A filing submitted in electronic format shall be addressed to the division director of the appropriate commission division. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-5*)

SECTION 6. 170 IAC 1-6-6 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-6 Notice requirements

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1

- Sec. 6. (a)** A utility that intends to make a filing under this rule shall publish notice to its customers prior to the filing date. The notice shall:
- (1) be published in a newspaper of general circulation in each county in which the utility has customers, and
 - (2) contain the following information:
 - (A) a brief but accurate description of the filing,
 - (B) the expected filing date,
 - (C) the date by which an objection must be made pursuant to section 7 of this rule, and
 - (D) the contact information to which an objection should be made for both
 - (i) the commission division and
 - (ii) the OUCC.
- (b) If a utility filing under this rule is already required to provide notice pursuant to a commission order, the notice requirements may be combined into one notice; however, the notice at a minimum shall contain the information required in subsection (a)(2).
- (c) Commission staff shall post the filing to the commission’s electronic gateway as soon as possible on or after the filing date. (*Indiana Utility Regulatory Commission; 170 IAC 7-6-6*)

SECTION 7. 170 IAC 1-6-7 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-7 Objections

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42
Affected: IC 8-1-2-54

- Sec. 7. (a)** If any person or entity has an objection to a filing made under this rule, that person or entity must inform the commission division of the objection in writing in:
- (1) paper or
 - (2) electronic format,
- within 10 calendar days of the filing date.
- (b) The filing shall be denied upon an objection that complies with subsection (a).
 - (c) Any objection that does not comply with subsection (a) shall be considered waived.

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SECTION 8. 170 IAC 1-6-8 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-8 Commission approval

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1

Sec. 7. (a) The commission division shall review the filings for its respective utility industry and promptly inform the utility of any:

- (1) missing information,**
- (2) incomplete information, or**
- (3) additional information**

it requires to complete review of the filing.

(b) Upon completing its review, the commission division shall either:

- (1) deny the filing by informing the utility in writing or**
- (2) recommend the approval of the filing by placing a description of the filing in the utility articles to be submitted for approval at the next conference, which shall be at least 30 days after the filing date unless the commission has approved an order prescribing the procedure for the change.**