

ORIGINAL

**GENERAL ADMINISTRATIVE ORDER  
OF THE INDIANA UTILITY REGULATORY COMMISSION  
2010-1**

WHEREAS, in accordance with Indiana Code section 8-1-2-49(2)(g), no management, construction, engineering, or similar contract, made after March 8, 1933, with any affiliated interest, as defined in Indiana Code section 8-1-2-49, shall be effective unless it shall first have been filed with the Commission.

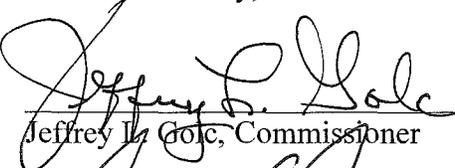
WHEREAS, in accordance with Indiana Code section 8-1-2-49(2)(g), if it be found that any such contract is not in the public interest, the Commission, after investigation and a hearing, is hereby authorized to disapprove such contract.

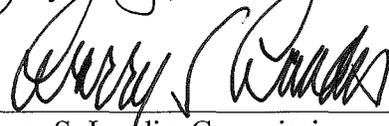
WHEREAS, there are certain contract provisions the Commission believes are generally necessary in order for such affiliate contracts to be deemed in the public interest.

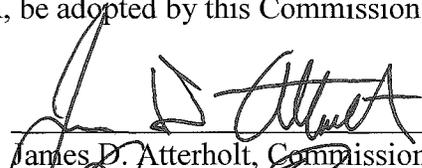
NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Policy Governing the Filing of Affiliate Contracts Pursuant to Indiana Code section 8-1-2-49(2)(g), which is attached to the General Administrative Order as Appendix A, be adopted by this Commission.

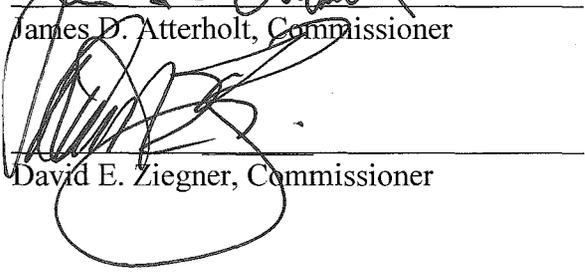
ABSENT

\_\_\_\_\_  
David Lott Hardy, Chairman

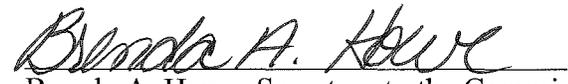
  
\_\_\_\_\_  
Jeffrey L. Golc, Commissioner

  
\_\_\_\_\_  
Larry S. Landis, Commissioner

  
\_\_\_\_\_  
James D. Atterholt, Commissioner

  
\_\_\_\_\_  
David E. Ziegner, Commissioner

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

  
\_\_\_\_\_  
Brenda A. Howe, Secretary to the Commission

Date: MAR 03 2010

## APPENDIX A

### Policy Governing the Filing of Affiliate Contracts Pursuant to Indiana Code section 8-1-2-49(2)(g)

This policy is based upon the requirement in Indiana Code section 8-1-2-49(2)(g) that all affiliate contracts be in the public interest. The Indiana Utility Regulatory Commission may, after investigation and a hearing, disapprove any affiliate contract that is not in the public interest. In order to be considered in the public interest, the Commission has determined that affiliate contracts must, at minimum, conform to the following standards.

#### **I. Applicability**

Where applicable, the definitions set forth in I.C. 8-1-2-1 and shall be applied to this policy.

#### **II. Scope of the Commission's Review**

The provisions of this General Administrative Order provide the general parameters to which affiliate contracts must adhere. These parameters do not limit the Commission's ability to review fully the express terms of each affiliate contract.

#### **III. "Affiliate contract" Defined**

"Affiliate contract" means a management, construction, engineering, or similar contract, made after March 8, 1933, with any affiliated interest, as defined in IC 8-1-2-49.

#### **IV. Affiliate Contracts in the Public Interest**

In order to be considered in the public interest, as required by IC 8-1-2-49, affiliate contracts must, at minimum, do the following:

##### **(a) Include the following terms:**

- (1) A definite termination date, not more than five (5) years from the effective date of the contract.
- (2) Notice that the contract, pursuant to IC 8-1-2-49(g), shall not be effective until it is filed with the Commission.

##### **(b) Exclude the following terms:**

- (1) Any provision that provides for an automatic contract renewal or renewal without notice to all contracting parties and the Commission.
- (2) Any provision that provides for an effective date that is prior to filing with the Commission.

**V. Filing Affiliate Contracts with the Commission**

The Commission shall consider an affiliate contract filed on the date the contract is postmarked or received via hand-delivery. An affiliate contract shall not be accepted as filed until it contains the following:

- (a) A cover letter which includes contact information for the utility sending the affiliate contract.
- (b) A discreet affiliate contract number, with that number included at the top of the underlying contract and all amendments, task orders, change orders, and any other contract changes or attachments.
- (c) If an affiliate contract is the result of a hearing before the Commission or is or is anticipated to be referenced in a hearing, the hearing cause number shall be included in the discreet affiliate contract number or otherwise clearly referenced in the contract.
- (d) If filing an amendment or other contract change or attachment, the entire underlying contract must be included to facilitate proper review.