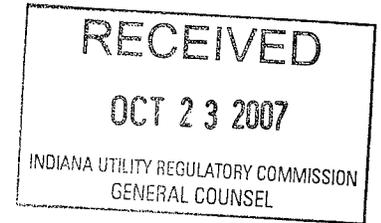


Indiana ENERGY

Association

1600 ONE AMERICAN SQUARE, BOX 82065 INDIANAPOLIS, INDIANA 46382 317-632-4486 FAX 317-262-4940 www.indianaenergy.org

October 22, 2007



Ms. Beth Krogel Roads
Commission Counsel
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

Re: 30 Day Administrative Filings Proposed Rule—Strawman—Version 3

Dear Beth,

On behalf of the electric and gas utility members of the Indiana Energy Association, we want to thank you for providing Strawman Version 3 of the proposed rule referred to above. We look forward to participating in the workshop scheduled for October 25.

We wanted to take the opportunity provide you with some initial thoughts regarding the latest draft prior to the workshop in hopes of providing for a more efficient discussion at that time. Our member companies' legal representatives have had a chance to review the latest draft and we offer the following comments:

1. We continue to have concerns over the proposed wording in 170 IAC 1-6-3 Allowable Filings.

a. First, in order to clarify that the 30 day filing can continue to be utilized where authorized in previous Commission orders, we suggest adding the words "and existing" between the words "new services" in Sec. 3(a).

b. Sec. 3(e)(1) does not recognize the authority to utilize 30 day filings in instances where there would be no impact on the revenues of the utility. Our understanding of the current 30 day filing rule is that it may be used not only for decreases in revenues, but also in situations where revenue neutrality is achieved. We propose adding the words "or neutrality" between the words "decrease in" to clarify.

c. We believe the language limiting applicability to "across the board basis to all classes of customers" in Sec. 3(e)(2) will severely hamper the use of this mechanism in future proceedings. Failure to

THE VOICE FOR INDIANA ENERGY

Ed Simcox, President

Stan Pinegar, Vice President

Boonville Natural Gas Corp.

Citizens Gas & Coke Utility

Citizens Gas of Westfield

Community Natural Gas Co. Inc.

Duke Energy

Indiana Michigan Power

Indiana Natural Gas Corp.

Indianapolis Power & Light Company

Kokomo Gas & Fuel Co.

Lawrenceburg Gas Co.

Midwest Natural Gas Corp.

Northern Indiana Fuel & Light Co.

Northern Indiana Public Service Co.

Ohio Valley Gas Corp.

Vectren Energy Delivery of Indiana, Inc.

provide some flexibility in this area is problematic as the provision would prohibit use of the expedited filing process in those instances in which the utility is proposing to make a change in just one rate schedule or situations in which the utility is attempting to get approval of a special contract. This provision should be deleted, particularly in light of the other limiters provided in Sec. 3 and the right of objection maintained in Sec. 7.

2. We are pleased with the proposed changes to 170 IAC 1-6-6 Notice Requirements and believe they strike the appropriate balance needed with regard to public notice.

3. We continue to have concerns over the proposed changes to 170 IAC 1-6-7 Objections.

a. Sec. 7c provides only 5 calendar days after notification by the Commission for the utility to respond to objections that may be filed. A few additional days to respond to an objection does not prejudice the objecting party, who does not want the proposed change to become effective, but too short response time could prejudice the utility. There are many instances when 5 calendar days will not afford a sufficient amount of time to respond in a reasonable fashion (e.g. on a Friday prior to a 3-day weekend or when those responsible for responding are out of the office for a period of time). We suggest providing 10 calendar days.

b. We have major concerns with the mechanics of the new language as it pertains to timeframes for filing objections. We believe there should be a set number of days, such as the 15 days provided in previous drafts, in which an objecting party must file or lose the right to object. We firmly believe that there must be timeframes provided for filing objections. What appears to be proposed is no objection timeframe at all, which risks any hope of orderly administration of the matter.

c. Finally, Sec 7(e) provides that an objection, regardless of timeliness of the filing and impact on the case at hand, could be considered by the Commission in future investigations, complaints and filings. The Commission already has the authority to review these matters retroactively and this language is redundant with existing authority. Further, reiterating what was discussed in section b above, timeframes need to be provided for objecting parties to object in order to keep the matter moving along in an efficient manner.

d. Our proposed resolution to these last two points is to delete Sec. 7(e) and (f) of the latest strawman proposal and reconsider the proposal made by the IEA, IMPA and Indiana Statewide as part of our response draft dated July 16. That proposal had reasonable definitions of "Objection period" and "Verified Objection" as well as a workable

procedure for administering objections. We would request that those proposals be part of the discussion at the workshop.

Attached, you will find a redlined version of the changes we have proposed in this letter, but for the objection recommendations. For easier reference to those suggestions, I have attached our July 16 submission.

Thank you for the chance to provide these preliminary comments. I will not be in attendance at the workshop on the 25th, however I would be happy to discuss these proposed revisions with you prior to the workshop. We will have attorneys representing IEA member companies attending the workshop.

Very truly yours,



Stan Pinegar

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July 16, 2007

Beth K. Roads, Esq.
Indiana Utility Regulatory Commission
101 W. Washington Street
Suite 1500 East
Indianapolis, Indiana 46204

Dear Ms. Roads:

Pursuant to the discussions at the June 12, 2007 workshop, enclosed please find a copy of a draft proposed rule for the 30-day filing process for the Commission's consideration, which is being submitted on behalf of the Indiana Energy Association, Indiana Municipal Power Agency and Indiana Statewide Association of Electric Cooperatives.

Very truly yours,



Claudia J. Earls



cc: S. Pinegar, Indiana Energy Association
K. Wheeler, Indiana Municipal Power Agency
L. Wallace, Indiana Statewide Association of Electric Cooperatives

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TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule LSA Document #07-_____

DIGEST

Adds 170 IAC 1-6-1 through 170 IAC 1-6-7 establishing procedures for expedited administrative 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

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

Rule 6. Expedited Administrative Filing Procedures

170 IAC 1-6-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42; IC 8-1-2-47

Affected: IC 8-1-2-42; IC 8-1-2-61

Sec. 1. The following definitions apply throughout this rule:

(a) "Administrative Filing" means a filing submitted by a Utility to a Commission Division that does not request a general increase in basic rates and charges and for which a hearing is not necessary in order to grant the relief requested by the Utility due to its non-controversial nature.

(b) "Commission" means the Indiana utility regulatory commission.

(c) "Commission Division" means the technical division of the Commission for the industry to which the Utility making the filing under this rule belongs.

(d) "Conference" means the public meeting held by the Commission at which time the Commission may consider orders and Utility articles for approval.

(e) "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.

(f) "Filing Date" means the date an Administrative Filing under this rule is stamped "received" by the secretary of the Commission.

(g) "New Rate" means a rate or charge for utility service not currently encompassed by the Utility's tariffs.

(h) "Nonrecurring Charge" means a charge to a 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.

(i) "Notice" means the posting of the Administrative Filing on a designated page of the Commission's website and publication in an appropriate newspaper of general circulation of a summary of the Administrative Filing as more fully described in Section 5 below.

(j) "Objection Period" means a period within fifteen (15) days of Notice of the Administrative Filing.

(k) "OUCC" means the Indiana office of utility consumer counselor established pursuant to IC 8-1-1.1-2.

(l) "Telecom Mirroring Filing" means an Administrative Filing made in order for the local exchange carrier to maintain parity and be in compliance with the Commission's Final Order in Cause No. 39369 approved June 2, 1993, regarding intrastate access parity tariffs mirroring their respective interstate equivalents.

(m) "Utility" means any public utility, municipally owned utility, cooperatively owned utility or other entity who has submitted an Administrative Filing pursuant to the provisions of this rule.

(n) "Utility Articles" mean the summary of filings under this rule that includes a recommendation for approval or disapproval from the Commission Divisions, which are then acted upon by the Commission at Conference.

(o) "Verified Objection" means an objection by any person or entity alleging a substantial interest in the subject matter of the Administrative Filing that is filed with the Commission within the Objection Period. The Verified Objection shall contain the following:

- (1) the name, address and telephone number of the person or entity;
- (2) a brief explanation of how the action requested by the Utility adversely affects that person or entity;
- (3) if the person or entity alleges that the Administrative Filing violates any applicable law, or a commission order or rule the person or entity should provide appropriate citations to the applicable law, order or rule;
- (4) a detailed statement setting forth the person or entity's position, and facts in support of that position;
- (5) a statement certifying that a copy of the Verified Objection has been served on all entities for which contact information is provided by the Notice; and
- (6) an affirmation or representation of the truth of the matters set forth in the Verified Objection in substantially the following language:

"I (we) affirm under penalties for perjury that the foregoing representation(s) is (are) true to the best of my (our) knowledge, information, and belief.

Signed _____
Date _____".

(p) "Wholesale Power Cost Tracker" means changes in rates related solely to

wholesale electric cost changes pursuant to the Commission's Order approved December 17, 1976 in Cause No. 34614; revisions to the tracking costs of Indiana Municipal Power Agency members pursuant to the Commission's Orders in either Cause No. 36835-S1 approved January 11, 1983, Cause No. 36835-S2 approved May 2, 1984, or Cause No. 36835-S3 approved December 13, 1989; revisions to the power cost trackers for electric utilities made pursuant to the Commission's Order in Cause No. 40095 approved April 15, 1995; or revisions to a Fuel Cost Adjustment factor pursuant to the Commission's Orders in Cause No. 35687 approved April 9, 1980 or Cause No. 41716 approved October 4, 2000. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-1*)

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

170 IAC 1-6-2 Applicability

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

Affected: IC 8-1

Sec. 2. (a) An Administrative Filing may include requests for approval of:

- (1) rates and charges for new services;**
- (2) new rules and regulations;**
- (3) changes to rules and regulations;**
- (4) changes to a Nonrecurring Charge;**
- (5) revisions to a Wholesale Power Cost Tracker;**
- (6) revisions to a Telecom Mirroring Filing;**
- (7) revisions to tariffs for the purchase of power and energy from a qualifying facility as required by 170 IAC 4-4.1;**
- (8) revisions to a wholesale water cost tracking factor that meets the requirements prescribed in 170 IAC 6-5-1 et seq.**
- (9) a filing for which the Commission has already approved use of the Expedited Administrative Filing Procedure provided for in this Rule; or**
- (10) any other filing as may be determined appropriate by the Commission.**

(b) These Expedited Administrative Filing Procedures are not applicable if the Utility is filing a change in its tariff pursuant to a Commission order that delegated to the Utility the task of making the filing or performing mathematical calculations in accordance with determinations made in a Commission order, which calculations are then reviewed by the appropriate Commission Division prior to becoming effective.

(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 Purpose

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

Affected: IC 8-1-2-61

Sec. 3. (a) In order to facilitate expedited consideration of Administrative Filings, the Commission has developed a regulatory framework that allows a Utility to request such

a change through an Expedited Administrative Filing Procedure that does not require a hearing.

(b) To ensure that a Utility's Administrative Filing is consistent with the purpose of the Expedited Administrative Filing Procedure, the Commission Division will review and evaluate the Administrative Filing and recommend to the Commission approval or disapproval, subject to the provisions of Section 6 herein. The Commission will make the final determination regarding whether the Administrative Filing is approved or disapproved.

(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 Filing requirements

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

Affected: IC 8-1

Sec. 4. (a) Each Administrative Filing shall include the following:

- (1) a cover letter clearly stating or attaching documents satisfying the following:**
 - (A) that the Administrative Filing is being made pursuant to this rule;**
 - (B) in general terms, the relief being sought; and**
 - (C) a plain and concise statement of the facts that necessitate or justify relief,**
- (2) proposed tariff sheet(s);**
- (3) revenue and cost projections for any new or revised rate or charge, which must include an explanation or description of:**
 - (A) all assumptions used;**
 - (B) whether the data used is actual or estimated;**
 - (C) the use of estimated data, if necessary, including:**
 - (i) the reason(s) for the use of estimated data;**
 - (ii) how the estimated data was derived; and**
 - (iii) why the estimated data should be used,**
 - (D) the source of data; and**
 - (E) the models or methodologies employed;**
- (4) a list of the counties where Customers affected by the Administrative Filing are located;**
- (5) the general identification of affected Customers; and**
- (6) a draft form of Notice that complies with the provisions of 170 IAC 1-6-5(c).**

(b) A copy of the Administrative Filing, including the items listed in subsection (a) above, shall be provided to the OUCC on the Filing Date.

(c) Filings under the Expedited Administrative Filing Procedures may be provided in:

- (1) Electronic format to the Commission and the OUCC:**
 - (A) via electronic mail; or**
 - (B) on a compact disk; or**
 - (C) by other electronic means approved by the Commission.**
- (2) Paper format with:**
 - (A) three (3) copies provided to the Commission; and**

(B) one (1) copy provided to the OUCC.

(d) An Administrative Filing submitted in either paper format or electronic format pursuant to this rule shall be addressed to the "Secretary of the Commission," who shall distribute the filing to the appropriate Commission Division.

(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 Notice requirements

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

Affected: IC 8-1

Sec. 5. (a) Upon receipt of an Administrative Filing, the Secretary of the Commission shall assign an Administrative Filing number.

(b) Within three (3) business days of receipt of an Administrative Filing, the Commission shall forward notice of the Administrative Filing for publication to at least one (1) newspaper of general circulation in one (1) or more counties wherein Customers of the Utility reside that might be affected by the Administrative Filing.

(c) The Notice shall contain the following information:

- (1) in general terms, the relief being sought by the Utility as stated in its cover letter in compliance with Section 4(a)(1)(B);**
- (2) a statement that the Administrative Filing may be approved without a hearing unless a person or entity substantially affected files a Verified Objection that meets the requirements of 170 IAC 1-6-1(p) within fifteen (15) days of the date of publication of the Notice;**
- (3) the contact information for each entity upon whom the Verified Objection must be served, including:
 - (A) the Commission Division;**
 - (B) the OUCC; and**
 - (C) the Utility.****

(d) Within three (3) business days of receipt of an Administrative Filing, the Commission staff shall post an electronic copy of the Administrative Filing to the Commission's electronic gateway. *(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 Objections

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

Affected: IC 8-1-2-54

Sec. 6. (a) If any person or entity has timely filed and properly served a Verified Objection, the Utility shall have five (5) business days from the end of the Objection Period to provide a written response to the Verified Objection.

(b) A Utility in response to a Verified Objection or Commission Division concern,

may modify its Administrative Filing, so long as the relief being sought, in general terms, has not changed.

(c) If the Utility does not respond to the Verified Objection, the Administrative Filing will be deemed withdrawn and the Commission Division will so notify the Utility.

(d) If there is a dispute as to whether the Verified Objection complies with the provisions set forth herein, the dispute will be considered by the Commission's General Counsel in consultation with the Division Director, and a recommendation shall be made to the Commission as to whether the matter continues to be appropriate for the Expedited Administrative Filing Procedure.

(e) Any Verified Objection that is found to be untimely or otherwise does not comply with the provisions set forth herein, shall not be considered.

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

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

170 IAC 1-6-7 Commission approval

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

Affected: IC 8-1-2-61

Sec. 7. (a) Each Commission Division shall review the Administrative 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 within fifteen (15) days following receipt of the Administrative Filing.

(b) Upon completing its review of the Administrative Filing, and if no timely Verified Objections were received, the Commission Division shall recommend the approval or disapproval of the Administrative Filing by placing a description of the filing in the Utility Articles to be submitted for approval at the next Conference subsequent to the expiration of the Objection Period, which shall be no later than sixty (60) days after the Filing Date.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-7)

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

170 IAC 1-6-8 Application of Ex Parte Rules

Sec. 8.(a) The Ex Parte Rules (170 IAC 1-1.5-1 et seq.) do not apply to communications made in association with an Administrative Filing under this rule.

(b) If an Administrative Filing is withdrawn as a result of the filing of a Verified Objection, or if it is disapproved by the Commission at Conference, the Administrative Filing and related communications shall not be deemed "prior communications" under 170 IAC 1-1.5-5 and 6.

**“STRAWMAN” DRAFT – VERSION 3
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 administrative 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 administrative 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 administrative 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),**

which are outside the context of a general rate case and which are not subject to other commission rules establishing specific filing requirements for the subject matter of the filing.

(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) failure to respond promptly to inquiries from OUCC staff,**
- (5) complex filings, or**
- (6) incomplete filings.**

(d) The regulatory framework contained in this rule is intended to facilitate expedited consideration of administrative filings that do not require a hearing.

(e) To ensure that a utility's filing under this rule is consistent with the purpose of the procedures in this rule,

**“STRAWMAN” DRAFT – VERSION 3
FOR PRE-RULEMAKING WORKSHOP**

the commission division will review and evaluate the filing and recommend to the commission approval or denial, subject to the provisions of section 8 herein. The Commission will make the final determination regarding whether the filing is approved or disapproved. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-1*)

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) “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.
- (e) “Filing date” means the date a filing under this rule is received and file stamped by the secretary of the commission.
- (f) “New rate” means a rate or charge for utility service not currently encompassed by the utility’s tariffs.
- (g) “Non-controversial filing” means any filing regarding which no person or entity has filed an objection as provided under section 7 of this rule.
- (h) “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.
- (i) “OUCC” means the Indiana office of utility consumer counselor.
- (j) “Rate” means base rates and charges incident to the provision of usual and customary utility service on a month-to-month basis.
- (k) “System development charge” or “SDC” means a one-time fee assessed to new customers of water or sewer utilities to help finance development of utility systems, mainly those dealing with facilities for:
 - (1) production,
 - (2) treatment, or
 - (3) storage,necessary to serve those new customers. The definition of SDC includes the following:
 - (4) impact fee,
 - (5) availability fee, and
 - (6) capacity fee.
- (l) “Utility articles” mean the summary of filings under this rule and the recommendations of the commission division, which are considered by the commission at conference. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-2*)

**“STRAWMAN” DRAFT – VERSION 3
FOR PRE-RULEMAKING WORKSHOP**

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 filings are allowable under the procedures and guidelines of this rule:

- (a) rates and charges for new and existing services;
- (b) new rules and regulations of the utility;
- (c) changes to rules and regulations of the utility;
- (d) non-recurring charges;
- (e) reductions to rates so long as the reduction:
 - (1) results in an overall decrease or neutrality in the revenues of the utility and
 - (2) ~~is done on an across-the-board basis to all classes of customers;~~
- (f) a filing for which the commission has already approved or accepted the procedure for the change; or
- (g) any other filing as may be ordered by the commission to be filed under this rule. (*Indiana Utility Regulatory Commission; 170 IAC 1-6-3*)

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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 allowed under this rule:

- (a) increases to any existing rates;
- (b) rules and regulations of the utility 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) system development charges;
- (f) approval of financing;
- (g) any request that is inconsistent with a commission order dealing with the subject matter of the request;
- (h) any filing for which the utility wants confidential treatment for all or part of the filing; or
- (i) any rates, charges, rules, conditions of service, or change thereto, that the commission 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,
 - (C) the need for what is being requested, and

**“STRAWMAN” DRAFT – VERSION 3
FOR PRE-RULEMAKING WORKSHOP**

- (D) why this filing is an allowable request under section 3 of this rule;
- (2) contact information for the utility regarding this filing, including the following for each person to be contacted:
 - (A) the name of the person(s) to be contacted,
 - (B) telephone number,
 - (C) mailing address, and
 - (D) either:
 - (i) an electronic mailing address or
 - (ii) facsimile number.
- (2) tariff sheet(s);
- (3) all work papers supporting the filing, including revenue and cost projections, which must:
 - (A) be 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
 - (iv) models or methodologies employed;
- (4) a verified statement by the utility:
 - (A) affirming that affected customers have been notified as required under section 6 of this rule,
 - (B) stating in detail the means used for notification, and
 - (C) including copies of any written means of notification.
- (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 under this rule shall be addressed to the “Secretary of the Commission”, who shall distribute the filing to 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 affect notice prior to the filing date by:
- (1) posting the notice described in subsection (b):
 - (A) in a public place at the utility’s local customer service office(s), to the extent the utility has such offices, and
 - (B) in an obvious place on the utility’s website, which at a minimum is a link on the homepage of the utility’s website, if the utility has a website; and
 - (2) publishing the notice described in subsection (b) in, at least, one paper of general circulation that has a circulation encompassing the highest number of the utility’s customers affected by the filing.

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(b) At a minimum, the notice shall contain the following information:

(1) a brief but accurate description of the filing, including:

- (A) the nature of the filing,
- (B) what ratepayers may be affected, and
- (C) how those ratepayers may be affected;

(2) the expected filing date;

(3) the date by which approval of the filing is expected; and

(4) the contact information, to which an objection should be made, for both:

- (A) the secretary of the commission and
- (B) the OUCC.

(c) 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).

(d) 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

Sec. 7. (a) If any person or entity has an objection to a filing made under this rule, that person or entity may submit the objection to the secretary of the commission.

(b) To be a basis upon which a filing under this rule may be denied, the objection must be:

(1) in writing in:

- (A) paper or
- (B) electronic format.

(2) be based on at least one of the following:

- (A) a violation of applicable law,
- (B) a violation of a prior commission order, or
- (C) a violation of a commission rule.

(c) The commission division shall promptly notify the utility, via electronic mail or facsimile, of any objections it receives. The utility may file a response to an objection within 5 10 calendar days following notification by the commission division. The utility may also withdraw its filing at any time before it is submitted to the commission under section 8 of this rule.

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(d) If not previously withdrawn by the utility, the filing shall be denied by the commission upon an objection that complies with this section.

(e) ~~If an objection that complies with this section is not received by the commission at least three (3) business days before the filing is approved, the objection may still be~~

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(1) used as a basis for:

- (A) a complaint or
- (B) an investigation by
 - (i) the commission or
 - (ii) the OUCC; and

(2) considered by the commission in subsequent filings by the utility.

(f) Nothing in this rule shall restrict:

- (1) a person's or entity's rights regarding, or access to, the complaint processes and procedures of the commission, or
- (2) the commission's investigatory authority.

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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. 8. (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 recommend the filing for approval or denial by the commission. If the commission division recommends the filing be denied, it shall notify the utility of its decision in writing via electronic mail or facsimile at least 5 calendar days prior to submitting its recommendations to the commission. The utility may withdraw its filing at any time prior to the submission of the commission division's recommendations to the commission.

(c) If the utility has not previously withdrawn the filing, the commission division shall submit

- (1) a description of the filing and
- (2) the commission division's recommendation

to the utility articles for consideration 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.

(d) A utility may withdraw its filing at any time without approval of the commission. A utility may also resubmit a filing that has previously been:

- (1) withdrawn by the utility or
- (2) denied by the commission.

SECTION 9. 170 IAC 1-6-9 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-9 Application of ex parte rules

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

Sec. 9.(a) The ex parte rules of the commission in 170 IAC 1-1.5 do not apply to communications made in association with a filing under this rule.

(b) A filing under this rule and related communications shall not be deemed “prior communications” under 170 IAC 1-1.5-5 and 170 IAC 1-1.5-6, even if:

- (1) the filing is withdrawn by the utility or
- (2) the filing is denied by the commission.