

NOTES

Re: Pre-rulemaking Workshop Regarding 30 Day Filing Procedures

Indiana Utility Regulatory Commission (“IURC” or “Commission”)
Held on Tuesday, June 12, 2007, at 2:00 p.m. in Suite 220, Room 222

- I. **Introduction** – by Beth Krogel Roads, Assistant General Counsel at the IURC
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A. Explanation of Rulemaking Process and Role of Pre-rulemaking Workshops

1. Rulemaking Process
 - Min. 6 months; max. 12+ months
 - Official process begins with publication of the Notice of Intent
 - Proposed Rule approved by IURC and published
 - Notice and Public Hearing; comments
 - Final Rule approved by IURC, Attorney General’s Office, and Governor’s Office
 - Rule is effective 30 days after approved Final Rule is filed with the Indiana Register
2. Pre-rulemaking Workshops
 - Purpose is to identify and get valued input on issues relating to the rulemaking before official process and time deadlines begin.
 - Note: You do not need to be registered as an Executive Branch Lobbyist in order to participate in IURC pre-rulemaking workshops, as two different exceptions apply: (1) the IURC has solicited your input and keeps the required records, and (2) the pre-rulemaking workgroup only acts in an advisory position.

B. Purpose of this Proposed Rulemaking

1. Internal changes at IURC re: how filings are handled
2. Compliance with basic Due Process and principles of open government
3. Filing procedures being known and readily accessible
4. Notice of filings – to affected customers
5. Keeping an expedited non-docketed process for review by Commission technical staff of tariff-related filings
 - In order to be non-docketed, only determinations that are appropriate for technical staff should be included in the process.

II. Group Discussion

A. Prepared Comments – Prepared comments were presented by:

- 1) Stan Pinegar, Indiana Energy Association
- 2) Carol Stephan, Indiana Office of Utility Consumer Counselor
- 3) Jack Wickes, Lewis & Kappes, representing Indiana industrial consumers

B. General List of Issues Raised in Prepared Comments and Group Discussion

(in no particular order)

- Notice
 - For large utilities, if publication required in all newspapers, the notice requirement becomes expensive and inefficient.
 - Publication is inexact.
 - More centralized publication allowed (when appropriate) in Indianapolis Star
 - No notice is currently required
 - Newspaper publication = broad but meaningless notice that is expensive
 - Should notify affected customers
- Objections
 - Comment from Beth Roads – any standing or other requirement that may narrow the scope of the objections section must (1) be readily ascertainable, (2) not require more than minimal additional evidence, and (3) not require a determination by an ALJ or by the Commission.
 - Standing -- person objecting should be required to have standing; limit to affected persons; limit to customers
 - Meritorious Objection – should take more than a piece of paper to object; should be based on valid grounds
 - Responses and appeals should be allowed.
 - Time limit should be expanded – to 20 days – to any time before filing is approved
- Allowable Filings and Prohibited Filings
 - Comment from Beth Roads – the intent is to continue to allow those filings that are currently being filed under existing procedures, not to expand or contract what can be filed under the 30 day process. Possible issues are whether additional language is needed to accomplish that and what that addition language should be.
 - Current language to expansive – could include FACs, GCAs, and compliance filings
 - Should be limited to innocuous filings

- Should only be procedural; anything more substantive should go to docketed proceeding
- Controversy
 - Comment by Beth Roads – pursuant to Indiana Code 8-1-1-5(a), the Commission shall be an impartial fact-finding body in “all controversial proceedings.” Consequently, only non-controversial filings are appropriate for the 30 day filing process.
 - Better definition of controversial and non-controversial
- Approval Process
 - Only Commission should approve or deny; denials should not be done by IURC staff, but should be done by Commission
 - Use different term than “denial” – “not accepted” “not approved”
 - Allow filing to be withdrawn
 - Allow filing to be moved to docketed proceeding
- Timeframe
 - Could be less than 30 days for some filings
 - Should there be a maximum timeframe, after which filing is deemed approved or denied or withdrawn.

III. Date for Submission of Written Comments and for Next Workshop

A. Written Comments

1. Submit by Monday, July 16, 2007
2. May be in narrative form or as changes to strawman draft
3. Email to Beth Roads – bkroads@urc.in.gov

B. Next Workshop

1. At workshop, the date of July 31, 2007 was set
2. However, Room 222 is not available on that date
3. **Next Workshop** shall be on **Friday, August 3, 2007, at 1:30 p.m.**

Thank You for Your Participation!