

**To: Beth K. Roads, Esq.  
Indiana Utility Regulatory Commission**

**From: Susan L. Macey  
Indiana Utility Consumer Counselor**

**Re: Office of Utility Consumer Counselor comments regarding proposed rules governing 30-Day filings**

**Date: July 20, 2007**

The Indiana Office of Utility Consumer Counselor (OUCC) submits these comments to the Indiana Utility Regulatory Commission "commission" for its consideration regarding its proposed rules governing 30-Day filings. These comments are specific to the proposed "Strawman" rule LSA #07-\_\_\_\_ which was the subject of the rulemaking workshop held on June 12, 2007 at the IURC. The OUCC's comments are intended to address certain key provisions and policy issues that are in question at this stage of the rule making process. We look forward to continuing this discussion with the other interested parties, and to submitting additional comments at the meeting on August 3<sup>rd</sup>.

The OUCC does not support expanding the scope of 30-Day filings to include those filings that are not currently allowed. In fact, the OUCC believes the rule should specifically enumerate those kinds of filings that in the past have been approved without objection by the commission, and those that have not.

The OUCC believes that the discretion as to whether to approve or disapprove the 30-day filing should continue to lie solely in the commission. The rule should clearly state that the commission has the ability to deny a proposed filing on its merits or as controversial, without the requirement that an outside objection be filed. Further, to rely too heavily on the term "controversial" as a litmus test for determining whether matters are appropriate for a 30-Day procedure is problematic. The OUCC would suggest that additional criteria should be included in the rule. These criteria may include a consideration of whether the filing requires summary evidence, is ministerial in nature, is a compliance filing, or is related to a prior commission order.

**1. The commission may determine that additional time may be required for failure to respond to either the commission or the OUCC.**

Sec 1 (c) (3) which provides that additional time may be required for failure to respond promptly to inquiries from the commission staff should be amended to include failure to respond to inquiries from the OUCC.

**2. The rule should state with more specificity certain matters that may or may not be addressed through the 30-day filing.**

The OUCC recommends that the Rule more specifically enumerate certain matters which may or may not be addressed through a 30-day filing. For instance, Sec. 4. should include the following matters as inappropriate:

1. System Development Charges
2. Any request that is inconsistent with a commission order dealing with the subject matter of the request
3. Approval of financing.

**3. Notice requirements should be the responsibility of the applicant utility, not the commission.**

The notice of the 30-day filing should be posted by the commission on its website and should include enough pertinent information so that ratepayers who may be affected are sufficiently informed as to the nature of the proceeding, how they may be affected, and their procedural rights. The applicant utility should be held primarily responsible for providing notice to affected ratepayers in all counties where potentially affected customers of the utility reside. When making the 30-day filing, the utility should be required to affirm that ratepayers have been specifically notified and state in detail the means used for notification.

**4. Filings should include an explanation as to why the filing is an allowable request under section 3, and should include all work papers supporting the filing.**

**5. The timeframe for objections to the filing should be expanded to at least 20 calendar days of the filing date in order to provide sufficient time for the OUCC and other parties to review the filing.**

**6. The objection provisions should require that persons or entities who object to the 30-Day filing must file an objection with the commission that includes sufficient information for the commission to determine whether the filing is truly “controversial”.**

Sec. 7, which provides for objections to the filing, should include the following requirements:

- a. The objection(s) must be specific to the filing;
- b. Objections must state the standing of the person or entity making the objection, or an explanation of how the person or entity is affected by the filing; and
- c. Objections must include the basis upon which the objection is made, (e.g. a violation of an applicable law, former commission order or rule).

