

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**COMMENTS OF INDIANA INDUSTRIAL ENERGY CONSUMERS, INC.  
REGARDING THE “STRAWMAN” DRAFT OF REVISIONS TO THE  
COMMISSION’S MINIMUM STANDARD FILING REQUIREMENTS.**

**Introduction**

The Indiana Industrial Energy Consumers, Inc. (“INDIEC”) files these additional comments with respect to the consideration of the Indiana Utility Regulatory Commission (“Commission”) revising its proposed rules governing the minimum standard filing requirements. INDIEC is an organization of large volume energy users in the state of Indiana.

**Comments in Response to IEA’s 12-14-07 Proposals**

1. Section 2 - 170 IAC 1-5-2(d):

IEA proposes modifying 170 IAC 1-5-2(d) of the Commission’s strawman to provide that there would be no extension beyond 12 months from the filing of a case to the issuance of an order unless a majority of the Commission finds extraordinary circumstances exists. IEA suggests that without its proposed language there is a risk that cases would extend for unspecified periods of time. That concern is not in keeping with the remainder of the rules.

The language in the Strawman clearly indicates that 10 months is the expected timeframe for the completion of a case filed under the MSFRs. In a time where utility rate case filings routinely contain requests for multiple trackers and other alternative regulatory plans, which present fact-specific circumstances that require discovery beyond the documents specified by the MSFRs, it is appropriate for the Commission to have discretion as to the amount of time for any procedural schedule and not be limited to a maximum 12 month schedule (2 month extension) unless extraordinary circumstances exist. The presiding officers should have the ability to set procedural schedules on a case-by-case basis and determine when to extend the 10 month guideline and for how long.

2. Section 2.1(a) – 170 IAC 1-5-2.1(a) and (b)

The IEA also expresses concern with the language in 170 IAC 1-5-2.1(a) that 10 months is the expected time frame to complete a case and suggests replacing that language with a mandate that the Commission shall issue an order within that timeframe unless other provisions apply. The language in Commission’s strawman gives the Commission more discretion and flexibility in dealing with filings that come before it and is therefore preferable.

3. Plant and Major Cut off Date - 170 IAC 1-5-2.1(c)(3) and (c)(4)

Contrary to the IEA’s December 14 comments, INDIEC’s original comments stated (c)(3) and (c)(4) should reference section 5, meaning 170 IAC 1-5-5. INDIEC prefers the

language in the Commission's Strawman with this clarification, rather than IEA's proposal for 170 IAC 1-5-2.1(c)(3) which takes discretion away from the Commission to determine plant cutoff date.

Suggested Result: (c)(3) the plant cutoff date for updating the rate base to include the cost of all plant, pursuant to 170 IAC 1-5-5.

(c)(4) the major cutoff date for updating the rate base to include the cost of a major project, pursuant to 170 IAC 1-5-5.

#### 4. Procedural Schedule Extensions – 170 IAC 1-5-2.1(f)

INDIEC recommends that “for good cause shown” should remain in the Strawman for the same reasons the Commission should be trusted to exercise discretion in determining procedural schedules as discussed above. INDIEC agrees with the following language:

Suggested Result: 170 IAC 1-5-2.1(f) The presiding officer may extend the procedural schedule for good cause shown. In order to allow the Commission approximately three months to issue an order after the last proposed order has been submitted, any extension to the procedural schedule that modifies the date of the last proposed order shall also extend the expected amount of time to complete a proceeding under this rule.

#### 5. Filing Compliance – 170 IAC 1-5-4

INDIEC has no objection to IEA's suggested language for 170 IAC 1-5-4(b).

### **Conclusion**

INDIEC appreciates the opportunity to participate in this rulemaking workshop and looks forward to continuing the discussion with the other interested parties and Commission Staff.

Respectfully submitted,

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