



INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

May 12, 2008

VIA ELECTRONIC DELIVERY

Beth K. Roads, Esq.
bkroads@urc.in.gov
Indiana Utility Regulatory Commission
101 West Washington Street
Suite 1500 East
Indianapolis, Indiana 46204

RE: Minimum Standard Filing Requirements

Dear Ms. Roads:

Enclosed please find OUCC's current comments.

Sincerely,

Daniel M. Le Vay
Assistant Consumer Counselor

DML/tmd
Cc: Carol A. Stephan

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION
OUCG'S 5/12/08 COMMENTS
REGARDING
THE COMMISSION'S
MINIMUM STANDARD FILING REQUIREMENTS

INTRODUCTION

In accordance with discussions at the last rulemaking meeting, the OUCG submits two proposed additions to the proposed rulemaking. In advance of this filing, the OUCG shared its proposed language with IEA, which provided comments related to section 13. After written discussion, the OUCG incorporated the IEA's most recent suggestions.

170 IAC 1-5-3

Discussion - The OUCG recommends the following language be inserted as sub-section (b) to replace the language currently included in the strawman.

Sec. 3.

(b) No later than the time of the filing of its case-in-chief, to the extent a confidentiality agreement that would cover documents provided as part of this proceeding is not already in place, the electing utility shall proffer to the OUCG or request from the OUCG a proposed confidentiality agreement. In order to avoid delay in producing documents on which a claim of confidentiality is made, the parties are charged to work together with reasonable speed to negotiate an acceptable confidentiality agreement. An acceptable confidentiality agreement shall include procedures for requesting a determination from the Commission that a document should be considered confidential and procedures for maintaining the confidentiality of such documents before a determination has been made.

170 IAC 1-5-13

Discussion – The OUCG proposes the following language to be added to section 13 of the strawman. The information required is the information that will typically always be requested by other parties that intend meaningful review of the electing utility's cost of equity analysis. This language acknowledges the need to respect copyright, without making any advance determinations of what documents will not be provided.

(l) With respect to Petitioner's proposed cost of equity and proposed fair rate of return, an electing utility shall provide the following:

- (1) If an electing utility used a Risk Premium model to establish its cost of equity, all documents the electing utility used to estimate the risk premium;
- (2) If an electing utility used any other cost of equity models, all documents used by the utility to derive its estimate;
- (3) If an electing utility used a Comparable Earnings model and the proxy group contains more than 20 companies, the utility should provide an electronic copy of the analysis used by the utility in whatever format or program was used to derive the electing utility's estimated cost of equity or fair rate of return.

To the extent the electing utility is prohibited from producing copies of licensed or proprietary material by agreement or by copyright law, the electing utility shall specify which documents may not be copied and why. The electing utility shall thereafter provide all parties access to such documents at a mutually convenient time and place to be arranged.