

IEA's Proposal for additions to Strawman Proposed Rule to reflect tracker mechanism:

SECTION 9. 170 IAC 5-3-0.9 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-0.9 "Utility" defined

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5

Sec. 0.9 As used in this rule, "utility" means a:

- (a) public utility as defined in IC 8-1-2-1(a); or
- (b) municipally owned utility as defined in IC 8-1-2-1(h). (*Indiana Utility Regulatory Commission; 170 IAC 5-3-0.9*)

SECTION 14. 170 IAC 5-3-6 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-6 Customer Fuel Line Survey Charges

Authority: IC 8-1-1-3

Affected: IC 8-1-2-42

Sec. 6. (a) A utility may defer for subsequent recovery the reasonable expenses incurred to comply with the requirements of 170 IAC 5-3-2, Item XIII and file with the commission schedules establishing a Customer Fuel Line Survey Charge that will allow for the tracking and recovery over a 12-month period of such deferred expenses. Any petition to initiate a Customer Fuel Line Survey Charge proceeding, which shall be deemed the utility's case-in-chief, shall include as attachments any:

- (1) supporting schedules;
- (2) prefiled direct testimony;
- (3) exhibits, including other required supporting documentation, as provided in section 7 of this rule.

(b) The utility shall serve the office of utility consumer counselor a copy of its filing at the time of its filing with the commission. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-6*)

SECTION 15. 170 IAC 5-3-7 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-7 Required Supporting Documentation

Authority: IC 8-1-1-3

Affected: IC 8-1-2-42

Sec. 7. (a) The utility shall submit the following supporting documentation for its Customer Fuel Line Survey Charge petition to the commission:

- (1) a description of the activities the utility has undertaken in order to comply with 170 IAC 5-3-2, Item XIII during the period for which recovery of its customer fuel line survey

expenses is sought, including the number of customer owned fuel lines surveyed during the relevant period

- (2) A statement that the utility:
 - (A) has invoices and other documentation supporting costs proposed for recovery; and
 - (B) is prepared to provide such invoices and documentation to commission staff and/or the utility consumer counselor as requested.
 - (3) A statement that the utility has completed the survey requirements of 170 IAC 5-3-2, Item XIII for the relevant period and the costs incurred were not included in the utility's revenue requirement in its most recent general rate case.
 - (4) A statement that recovery of the Customer Fuel Line Survey Charge will be revenue neutral.
 - (5) A new tariff rider reflecting the requested Customer Fuel Line Survey Charge in the same format as the existing tariff on file with the commission, with clear denotations on all rate schedules to which the Customer Fuel Line Survey Charge is applicable.
 - (6) An affidavit from an officer of the utility attesting to the veracity of the statements and information submitted under this subsection.
- (b) By submitting documentation in compliance with subsection (a), the utility makes a prima facie case for the reasonableness of the Customer Fuel Line Survey Charge. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-7*).

SECTION 16. 170 IAC 5-3-8 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-8 Response

Authority: IC 8-1-1-3

Affected: IC 8-1-2-42

Sec. 8. (a) The office of utility consumer counselor or other intervening party may submit a report to the commission indicating its opposition to or support of each portion of the petition within thirty (30) days after the petition is filed. The filing utility may then file its rebuttal within fourteen (14) days. The office of utility consumer counselor may examine information of the utility to determine whether:

- (1) the surveys were properly performed in accordance with 170 IAC 5-3-2, Item XIII of this rule; and
- (2) the utility properly calculated the proposed Customer Fuel Line Survey Charge.

(b) For purposes of discovery, the period for responses shall be five (5) business days.

The remaining provisions of 170 IAC 1-1.1-16 shall apply. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-8*).

SECTION 17. 170 IAC 5-3-9 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-9 Hearing and Order

Authority: IC 8-1-1-3

Affected: IC 8-1-2-42

Sec. 9. (a) Unless a hearing is requested by the office of utility consumer counsel, an intervening party, or on the commission's own motion within thirty (30) days after the petition is filed, the commission shall issue a ruling on the petition within forty-five (45) days after the petition is filed.

(b) If, subsequent to the filing of its petition, the utility files additional testimony or exhibits, other than rebuttal, to supplement its case-in-chief, or for good cause shown, the commission may reset the thirty (30) day hearing deadline established in subsection (a) of this section. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-8*).

SECTION 18. 170 IAC 5-3-10 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-10 Reconciliation Procedure

Authority: IC 8-1-1-3

Affected: IC 8-1-2-42

Sec. 10. (a) Effective January 1 of each year, any utility authorized to implement a Customer Fuel Line Survey Charge shall establish and collect Customer Fuel Line Survey Charge rates required to recover over a 12-month period the accumulated deferred Customer Fuel Line Survey costs for the 12 month period ended August 31 of the prior year. Once established, the Customer Fuel Line Survey Charge rates shall remain in effect for 12 months, and will be adjusted each year via an annual Customer Fuel Line Survey filing for a successive 12 month period. The annual Customer Fuel Line Survey Charge update filing shall include a reconciliation of costs recoverable and costs recovered to ensure that the accumulated deferred Customer Fuel Line Survey costs are not over or under-recovered as a result of variances between estimated and actual data. By November 1 each year, any utility authorized to implement a Customer Fuel Line Survey Charge shall file with the commission, under the Cause No. established in section 7, schedules that reconcile the difference between the Customer Fuel Line Survey Charge revenues and recoverable Customer Fuel Line Survey costs, and request recovery (or refund) of the difference in addition to the recovery of the accumulated deferred Customer Fuel Line Survey costs for the most recently concluded twelve (12) month period ended August 31. The utility shall serve a copy of the filing simultaneously on the office of the utility consumer counselor. Within fifteen (15) days of service, the office of the utility consumer counselor shall submit its comments to the commission and serve a copy on the utility. Upon review of the utility's filing and the office of utility consumer counselor's comments, the commission may, at its discretion, convene a hearing after notice to adjust the Customer Fuel Line Survey Charge. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-10*).