

Indiana ENERGY Association

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Ed Simcox, President

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Boonville Natural Gas Corp.

Citizens Energy Group

Community Natural Gas Co. Inc.

Duke Energy

Indiana Michigan Power

Indiana Natural Gas Corp.

Indianapolis Power & Light Company

Kokomo Gas & Fuel Co.

Lawrenceburg Gas Co.

Midwest Natural Gas Corp.

Northern Indiana Fuel & Light Co.

Northern Indiana Public Service Co.

Ohio Valley Gas Corp.

Vectren Energy Delivery of Indiana, Inc.

THE VOICE FOR INDIANA ENERGY

November 17, 2008

Ms. Erin Peters
Commission Counsel
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

Re: Reply comments on proposed rules to procedures
for resolution of consumer complaints

Dear Erin,

The members of the Indiana Energy Association and Indiana American Water Company (IEA/IAW) appreciate the opportunity to provide this reply in response to comments filed by the Office of Utility Consumer Counselor ("OUCC") on the above named matter. We are specifically responding to those comments filed electronically by the OUCC on November 8, 2008.

In 170 IAC 1-7-2(b) it would appear the OUCC has suggested keeping calendar days for use in calculating time limitations for various actions throughout the rule, which we agree with. Our concern is related to the change made in Sec. 1-7-5(a), which is noted in the OUCC's comment in this section. We believe all time periods should be accounted for in terms of calendar days rather than business days. Use of calendar days will be less confusing for all parties, most notably, the consumer. Designation of business days is quite divergent for utilities, state government and even the workplace of the consumer. Only through the use of calendar days will there be certainty with regard to the important time restraints placed upon parties subject to these rules.

The OUCC has added a provision at 1-7-3(c)(7) which would require utilities, upon receipt of the complaint (we label this a "dispute" in IEA/IAW's set of comments), to notify the consumer that he or she has the right to seek counsel for assistance in the process. While we agree this is certainly a decision the consumer can make at any time, we believe that the utility suggesting this at the very outset of the process could easily create an unnecessary adversarial relationship between the utility and the consumer. Adherence of this requirement, if adopted, could be deemed inflammatory by the consumer and set the wrong tone for future discussions between the parties.

Ms. Erin Peters
November 17, 2008
Page Two

This suggestion also raises the issue of legal fees and costs in situations which likely do not warrant such representation. It is possible that such a requirement may cause consumers to be less inclined to pursue complaints. If a consumer interprets the notice to mean a lawyer is necessary to go through the process, he or she may determine it is not worth their while.

In 1-7-4(d), the OUCC has suggested that records be retained for one year. We don't take issue with that suggestion as long as telephonic records are not required to be retained, as suggested in IEA/IAW comments. The IEA/IAW did not dispute the initial three year retention requirement in our comments, but did advocate striking the requirement as it pertains to telephonic recordings.

IEA/IAW has no objection to new language provided by the OUCC at 1-7-3(e) and 1-7-4(a).

The OUCC has suggested substantial changes in 1-7-5(a) and (b), lengthening the current ten calendar day time limits provided in those sections to twenty business days. We have addressed the business vs. calendar day issue previously in these comments. Our comments now focus on the significant amount of time suggested by the OUCC. In our comments, IEA/IAW suggested leaving the existing ten calendar day provision in place for subsection (a) and changing the existing ten calendar day provision in (b), which is simply the time requirement for the IURC to notify the utility and OUCC of the filing for commission review, to seven days.

Moving these time requirements to 20 business days, as suggested by the OUCC, would essentially provide one full month for filing with the commission and one full month for commission distribution of information compared to the current ten calendar day requirement for both. In an era when information flows quickly and efficiently and in consideration of the relative ease in which an appeal may be filed with the commission, we fail to see the need for one full month of time to complete these tasks.

Ms. Erin Peters
November 17, 2008
Page Three

IEA/IAW do not object to the OUCC's suggested changes at 1-7-6(a)(1) and (2), but for two issues. First, we object to the twenty business day provision for the same reasons stated above. Second as provided in our comments, we believe the provisions requiring "rebill charges related to subject matter of the complaint in the next billing cycle" provided in both sections of the OUCC proposal be removed. Utilities have no means of selectively removing charges for specific items on a consumer's bill.

Again, the members of the Indiana Energy Association and Indiana American Water appreciate the opportunity to submit these reply comments. We look forward to the opportunity to discuss these suggestions in more detail at the next workshop of interested stakeholders. If, in the meantime, you have any questions regarding these comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Stan Pinegar". The signature is written in a cursive, flowing style.

Stan Pinegar