

# Indiana ENERGY Association

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Ed Simcox, CEO

Stan Pinegar, President

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.

Midwest Natural Gas Corp.

Northern Indiana Fuel & Light Co.

Northern Indiana Public Service Co.

Ohio Valley Gas Corp.

Sycamore Gas Co.

Vectren Energy Delivery of Indiana, Inc.

March 2, 2010

Mr. David Veleta  
Administrative Law Judge  
Indiana Utility Regulatory Commission  
101 W. Washington Street, Suite 1500E  
Indianapolis, Indiana 46204

Re: IEA and Indiana American Water Company Response to  
OUCC's Initial Comments on Proposed Rulemaking  
IURC RM #09-08  
LSA Document #09-792

Dear Judge Veleta:

The members of the Indiana Energy Association and Indiana American Water Company ("utilities") have reviewed the written comments provided by the Office of Utility Consumer Counselor ("OUCC") on February 23, 2010, and would like to respond to each of the OUCC's four recommendations.

1. The OUCC recommends that several time intervals for seeking further review of adverse utility decisions or consumer affairs division rulings on informal consumer complaints be increased from seven (7) to fourteen (14) days.

Utilities Response: The utilities prefer the seven (7) day timeframes that are now set forth in the Rule. The utilities would be willing to compromise to ten (10) days, provided that the IURC leaves in place provisions in the proposed rule that "start the clock" running on the date a decision has been made (and not from the date of notification, which is what the OUCC proposes in #2 below).

2. The OUCC recommends that the Commission should "start the clock" for seeking further review of decisions on informal consumer complaints on the date the adversely affected party receives notice of the decision – not from the date the decision was actually made.

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Utilities Response: The utilities prefer that the time limits expressed in the Rule run from the date of the decision, because this is a fixed, easily-verified date. If time limits run from the date of notification, then the utility will be in the dark as to when the notice was actually provided, and consequently, when a decision has become final and non-appealable. To mitigate the OUCC's concern, the utilities are willing to agree to an additional three (3) days for a customer to request further review of a decision, i.e., a total of ten (10) days. (See the utilities response to #1 above.)

3. The OUCC recommends that the Commission consider limiting consumer affairs division director and/or designee review time to thirty (30) days, unless otherwise extended by the Commission.

Utilities Response: The utilities support the issuance of decisions by the division director as soon as possible. However, whether it is appropriate to include a timeframe in the new rule is for the Commission to decide.

4. The OUCC recommends that if a decision is appealed to the Commission, copies of all documents created or received during the informal review process should be promptly uploaded to the Commission's web-based document retention system.

Utilities Response: The utilities do not believe it is necessary to amend the proposed rule to address the OUCC's concern. Whether or not the Commission should post the Consumer Affairs Division ("CAD") Record on its website could be handled as a policy decision - there is no need to mandate such a requirement in the Rule itself. The utilities suggest there are a number of reasons why the Commission should NOT post the CAD Record on the website: (1) the CAD Record may include personal customer information (copies of past bills, account number, utility assistance provided, SSN); (2) the complaining customer may not be aware that materials provided to the IURC may get posted on the Commission's website, and (3) the very nature of the informal complaint process may become more

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guarded and less open. Knowing that any response to a CAD query may get posted on the web could result in utilities seeking legal input on what should be routine responses to complaint inquiries.

The utilities realize that any document provided to CAD is considered a public document. However, there should be a balancing of the interests at stake when deciding whether to make CAD documents available at the click of a few keystrokes. Certainly the CAD Record can be offered into evidence during the evidentiary hearing, but there is no requirement that all evidence presented at a hearing be made available via the internet.

If you have any questions about the above Response, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stan Pinegar". The signature is written in a cursive, flowing style.

Stan Pinegar

cc: Ms. Abby Gray, Office of Utility Consumer Counselor  
Ms. Karol Krohn, Office of Utility Consumer Counselor