

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

IURC RM #11-08

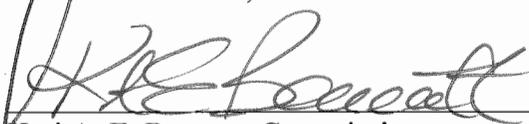
LSA #11-590(F)

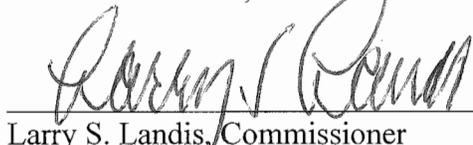
Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings.

Upon prior publication of notice and a public hearing held on October 12, 2011, at 2:00 p.m., local time in Judicial Courtroom 222 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on October 25, 2011, at 2:00 p.m. local time in Judicial Courtroom 222, PNC Center, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

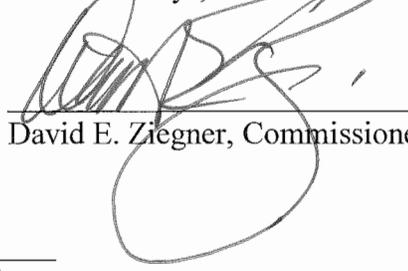
The Secretary is hereby directed to submit the aforesaid rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

  
\_\_\_\_\_  
James D. Atterholt, Chairman

  
\_\_\_\_\_  
Kari A. E. Bennett, Commissioner

  
\_\_\_\_\_  
Larry S. Landis, Commissioner

**ABSENT**  
\_\_\_\_\_  
Carolene Mays, Commissioner

  
\_\_\_\_\_  
David E. Ziegner, Commissioner

ATTEST:

  
\_\_\_\_\_  
Brenda A. Howe, Secretary to the Commission

Date: OCT 25 2011

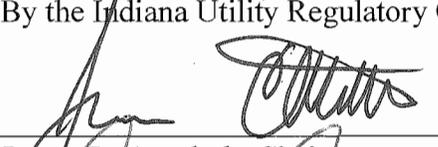
# Rule Signature Page

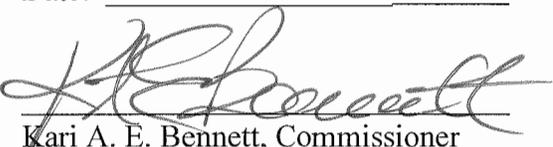
Rule #: LSA #11-590(F)  
Agency: Indiana Utility Regulatory Commission  
Subject: Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings.

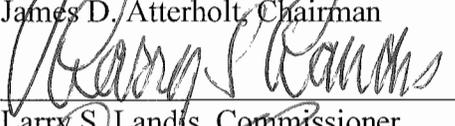
## ADOPTED:

By the Indiana Utility Regulatory Commission

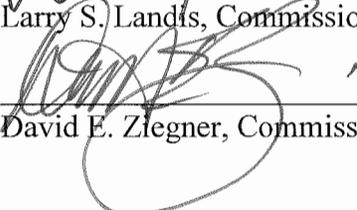
Date: OCT 25 2011

  
James D. Atterholt, Chairman

  
Kari A. E. Bennett, Commissioner

  
Larry S. Landis, Commissioner

ABSENT  
Caroline Mays, Commissioner

  
David E. Ziegner, Commissioner

## APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Gregory F. Zoeller  
Attorney General, State of Indiana

Date: \_\_\_\_\_

## APPROVED:

By: \_\_\_\_\_  
Mitchell E. Daniels, Jr.  
Governor, State of Indiana

Date: \_\_\_\_\_

## ACCEPTED FOR FILING:

By: \_\_\_\_\_  
Indiana Register  
Legislative Services Agency

Date: \_\_\_\_\_

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Final Rule**  
LSA Document #11-426(f)

**DIGEST**

Amends 170 IAC 6-1.1-4 to require a utility to give notice to its wholesale customers when it makes a distribution system improvement charge (DSIC) filing. Amends 170 IAC 6-1.1-8 to require utilities to file reconciliation reports for all reconciliation periods. Effective 30 days after filing with the Publisher.

**170 IAC 6-1.1-4; 170 IAC 6-1.1-8**

SECTION 1. 170 IAC 6-1.1-4 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 6-1.1-4 Filing**

**Authority: IC 8-1-31-17**

**Affected: IC 8-1-2; IC 8-1-31**

Sec. 4. (a) The utility shall file with the commission rate schedules establishing a DSIC that will allow the automatic adjustment of the utility's basic rates and charges to provide for recovery of DSIC costs. ~~Any~~ A petition filed to initiate a DSIC proceeding, which shall be deemed the utility's case-in-chief, shall include as attachments: ~~any:~~

- (1) schedules;
- (2) forms;
- (3) testimony;
- (4) exhibits; or
- (5) other required supporting documentation;

as provided in section 5 of this rule.

(b) The utility shall serve the office of the utility consumer counselor a copy of its filing at the time of its filing with the commission.

(c) **The utility shall give notice of the DSIC filing by United States registered mail to its wholesale customers at the time of its filing with the commission.** (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-4; filed Sep 27, 2005, 8:45 a.m.: 29 IR 457*)

SECTION 2. 170 IAC 6-1.1-8 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 6-1.1-8 Reconciliation procedure**

**Authority: IC 8-1-31-17**

**Affected: IC 8-1-2; IC 8-1-31**

Sec. 8. (a) ~~Any~~ A utility authorized to implement a DSIC shall file with the commission, no later than thirty (30) days after the expiration of each twelve (12) month period in which the DSIC rate was in effect, a report that reconciles the difference between the DSIC revenues and the DSIC costs. The utility shall serve a copy of the report 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 report and the office of utility consumer counselor's comments, the commission may, at its discretion, convene a hearing after notice to adjust the DSIC to reconcile over recovery or under recovery of the underlying DSIC costs.

(b) In the event the utility is later authorized to change its DSIC, then the annual reconciliation shall be twelve (12) months following the authorization of the change in the DSIC, with the first reconciliation also covering the period between the last reconciliation of the previously approved DSIC and authorization to change the DSIC (the "interim period"). Reconciliation for the interim period shall use the DSIC revenues and DSIC costs associated with the DSIC in effect at the time.

**(c) In the event that a utility files revised rate schedules, the commission's order will reset the DSIC and create new basic rates and charges. Upon issuance of the order, the utility shall file the reconciliation report covering previously unreconciled periods with the commission within three (3) months. The report must be completed as follows:**

**(1) The reconciliation report shall use the DSIC revenues and DSIC costs associated with the DSIC in effect at the time.**

**(2) An over or under recovery shall be shown as an addition to or reduction from DSIC costs included in the utility's first DSIC filing following implementation of the new basic rates and charges.**

*(Indiana Utility Regulatory Commission; 170 IAC 6-1.1-8; filed Sep 27, 2005, 8:45 a.m.: 29 IR 458)*