

Attorney General's Notice of Disapproval
LSA Document #06-429

February 22, 2007

David Lott Hardy, Chairman
Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington Street, Suite E306
Indianapolis, IN 46204

Re: LSA Document #06-429(F)

Dear Chairman Hardy:

The Indiana Utility Regulatory Commission ("IURC") submitted LSA Document number 06-429(F) to the Office of the Attorney General on January 8, 2007, for approval pursuant to Indiana Code section 4-22-2-31. Our office has reviewed the rule and supporting documentation and has determined that the rule should be disapproved pursuant to Indiana Code section 4-22-2-32(c) because it was adopted without complying with Indiana Code chapter 4-22-2.

The rule in question adds [170 IAC 7-1.4](#) to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services. Our office reviewed the supporting documentation submitted with the rule to determine if the rulemaking action complied with the small business economic impact requirements under Indiana Code section 4-22-2; specifically, whether the Indiana Economic Development Corporation ("IEDC") provided written comments to IURC on the proposed rule not later than seven (7) days before the date of the public hearing as required by [IC 4-22-2.1-6\(a\)\(2\)](#). The supporting documentation contains IEDC written comments in a letter dated December 11, 2006, less than seven (7) days before the public hearing on December 14, 2006. The IURC was given an opportunity to provide additional documentation to support that IEDC written comments on this rule were submitted to the agency not later than seven (7) days before the public hearing. The IURC did not provide any additional documentation to support that the IEDC written comments were provided within the time frame required by [IC 4-22-2.1-6\(a\)\(2\)](#).

Since the requirement in [IC 4-22-2.1-6\(a\)\(2\)](#) for IEDC to submit written comments to the agency on the proposed rule was not completed within the required time frame, the proposed rule was adopted without complying with Indiana Code chapter 4-22-2. For that reason, the Attorney General issues this Notice of Disapproval of LSA Document #06-429.

Sincerely,

Gordon E. White
Deputy Attorney General

Gregory F. Zoeller
Chief Deputy

Posted: 02/28/2007 by Legislative Services Agency
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