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**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Administrative Rules Oversight Committee Notice**  
**One Year Requirement ([IC 4-22-2-25](#))**  
LSA Document #08-60

October 9, 2009 *[sic]*

Senator R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
Attn: Sarah Burkman  
200 West Washington Street, Suite 301  
Indianapolis, IN 46204-2789

RE: LSA Doc #08-60; IURC RM #06-06 – Establishment of the Indiana Lifeline Assistance Program

Dear Senator Young:

Pursuant to Indiana Code 8-1-36, enacted as 2006 Public Law 27, 2006 HEA 1279, the Indiana Utility Regulatory Commission ("IURC" or "Commission") was charged with adopting rules under Ind. Code 4-22-2 no later than July 1, 2008, for the establishment of the Indiana Lifeline Assistance Program (ILAP). The funding portion of the ILAP was to be established after notice and hearing, and the rule is to take effect no later than July 1, 2009. Ind. Code § 8-1-36-8.

The Commission has taken the necessary steps to comply with Ind. Code 8-1-36. The Commission initiated a docketed proceeding on July 6, 2006. An evidentiary hearing was held on May 15, 2007. In the fall of 2007, workshops were held to start drafting a proposed rule. A final order adopting the funding was approved on November 11, 2007. By January 2008, consensus on a draft proposed rule had been reached by all workshop participants. On February 6, 2008, the Notice of Intent to Adopt a Proposed Rule was published in the Indiana Register. On March 13, 2008, the Proposed Rule was approved by the Commission and was sent with the financial impact statements to the State Budget Agency. On April 17, 2008, a Public Hearing was held on the rulemaking. On May 14, 2008, the Final Rule was adopted by the Commission.

To date, the Commission has yet to receive a budget approval letter for this rulemaking from the State Budget Agency. According to the advisory staff of the Office of Attorney General, a rulemaking will not be approved without the budget approval letter. Consequently, at this time, the rulemaking cannot proceed further until the letter is received. However, the Indiana Utility Regulatory Commission expects that the rule can be approved by the Governor by June 30, 2009.

In support of this request, the Commission states:

- 1) The Notice of Intent to Adopt a Rule was published on February 6, 2008.
- 2) This request is being submitted prior to the 250<sup>th</sup> day (October 13, 2008) following the publication of the Notice of Intent, pursuant to Ind. Code 4-22-2-25(a).
- 3) This rulemaking will likely not be completed prior to February 6, 2009 (the one year deadline), as the budget approval letter has not yet been received from the State Budget Agency.
- 4) Pursuant to Ind. Code 8-1-36-8(c), the ILAP must take effect no later than July 1, 2009.
- 5) As required by [IC 4-22-2-25](#), the Commission expects that the rule can be approved by the Governor by June 30, 2009.

We look forward to hearing from you and answering any questions you may have.

Thank you for your consideration of this matter.

Sincerely,

s/Beth Krogel Roads  
Beth Krogel Roads  
Commission Counsel

CC: Scott Storms, IURC General Counsel

Christopher Ruhl, Director, State Budget Agency  
Steve Barnes, Indiana Register, Legislative Services Agency

*Posted: 10/22/2008 by Legislative Services Agency*

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