

60 Day Requirement ([IC 4-22-2-19](#))

LSA Document #16-495

November 2, 2016

RE: [IC 8-1-31.5](#) Required Rule or Order

On behalf of the Indiana Utility Regulatory Commission (IURC), I am submitting this written notice in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process not later than 60 days after the effective date of the statute that authorized the rule, unless a notice is filed with the Publisher that includes the reasons for the noncompliance.

The General Assembly enacted P.L.104-2016, SEC. 3, effective July 1, 2016, requiring the IURC to adopt procedures consistent with [IC 8-1-31.5](#), System Integrity Adjustments, that the IURC finds reasonable or necessary to administer the chapter. The procedures shall be adopted by rule or by order.

Historically, the IURC's rulemakings to codify procedures have worked best when the procedures have already been used and tested. The statute regarding system integrity adjustments is new, and, to date, no utility has filed for this type of adjustment. IURC staff has determined that, in order to best serve the State of Indiana and its citizens, it is proper to set initial procedures by a general administrative order rather than a rule and thereby allow for the flexibility to adjust the procedures as utilities begin to use them. The IURC will consider a rulemaking in the future if the order is insufficient. However, because any rulemaking would begin more than 60 days after the effective date of the statute authorizing the rule, this notice is provided.

DeAnna Poon
Assistant General Counsel
Indiana Utility Regulatory Commission

Posted: 11/09/2016 by Legislative Services Agency
An [html](#) version of this document.