

**VIA EMAIL**

November 26, 2024

James R. Surd  
Assistant General Counsel  
Indiana Utility Regulatory Commission  
101 W. Washington St., Ste. 1500 East  
Indianapolis, IN 46204

Re: LSA Document #24-391/Regulatory Analysis-Small Business Economic Impact Statement

Dear Mr. Surd,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and regulatory analysis associated with the rule changes contained in LSA Document #24-391 (proposed rule) submitted to the Indiana Small Business Ombudsman by the Indiana Utility Regulatory Commission (IURC). I have found the following to be true.

Proposed rule LSA #24-391 amends 170 Indiana Administrative Code (IAC) 5-5-3, which sets forth codification of a reference for the penalty schedule, already in use, by the Underground Plant Protection Advisory Committee (UPPAC) is enacted. Which may determine applicable penalties for when an underground pipeline is disrupted by excavating entities. The justification for the proposed rule is founded within Indiana Code (IC) 4-22-2-19.6, which mandates state agencies codify existing fees, fines, and penalties. The proposed rule does not create new or increased fees or penalty fines, rather codifies existing standards set by UPPAC and Indiana 811.

The IURC's provided analysis displays a proper due diligence and understanding of how implementation must be carried out to ensure compliance. The impact to small businesses by the proposed rule appears to be minimal, if any, as no new fines, fees, or penalties are being imposed. Rather, the proposed rule simple references the existing penalty schedule within IAC. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the IURC and UPPAC's conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at [ombudsman@iedc.in.gov](mailto:ombudsman@iedc.in.gov).

Sincerely,  
Matt Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation