

VIA EMAIL

September 23, 2024

Steve Davies
Deputy General Counsel
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, IN 46204

Re: LSA Document #24-376/Regulatory Analysis-Small Business Economic Impact Statement

Dear Mr. Davies,

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 economic impact analysis associated with the rule changes contained in LSA Document #24-376 (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 #24-376 amends three sections of 170 IAC 1-1.1 by adding new sections that codify fees, in order to comply with Indiana Code (IC) 4-22-2-19.6, as established in House Enrolled Act 1623-2023. The new sections added appear to not add any new or burdensome fees, but rather codify existing fee structures related to municipal utility expenses when appearing before the IURC, penalty fees for failure of utilities to comply with IURC orders or subpoenas related to books, accounts, papers, or records requested by the IURC, and reporter fees required for compliance with IC 8-1-3-8. All the proposed fees within the proposed rule appear to already exist under current IURC operations, and the proposed rule codifies the methodology for calculation and circumstances for imposing the fees.

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. The methodology for imposing said fees are important for maintaining regulatory authority, and are mindful of the differences between large and small businesses within this regulatory space. This is apparent through the flat fee rate for small municipal utilities, compared to the calculation methodology for other municipal utilities when appearing before the IURC. 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's conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,
Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation