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IURC 30-Day Filing No.: 50098
Indiana Utility Regulatory Commission

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December 28, 2017

Mary Becerra, Secretary of the Commission
Indiana Utility Regulatory
Commission 101 West Washington
Street, Suite 1500 E Indianapolis,
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Electronically delivered

Dear Ms. Becerra:

Pursuant to the guidelines for submitting an objection to a 30-day filing as outlined on the IURC website at http://www.in.gov/iurc/2519.htm, CAC respectfully submits an objection to the revised 30-day filing made by Duke Energy Indiana on December 13th, and identified with the tracking number 50098.

Duke's revised net-metering tariff filing is incomplete and violates applicable law, which are appropriate objections pursuant to 170 IAC 1-6-7(b)(2)(A),(C). The proposed tariff submitted by the Company includes no reference to the grandfathering provisions contained in Senate Enrolled Act 309 within Sections 13 and 14. The engrossed legislation clearly intended to ensure that the owner of the net metering facility is eligible to be served under the Company's net metering tariff until July 1, 2047, or July 1, 2032, depending on when the net metering facility is installed and the customer is initially participating in the tariff. Additionally, the revised net-metering tariff includes no reference to the extension of those grandfathering provisions to any successor in interest, which is also contained in SEA 309 within Sections 13 and 14.

Indiana utility law specifically provides that a public utility may not offer a service or terms of a service different from those which appear in its approved, published tariffs. Indeed, Indiana law, Ind. Code § 8-1-2-103(a), provides that it is a Class A misdemeanor for any public utility or agent or officer thereof to "recklessly" violate this law, and I.C. §§ 8-1-2-105 and 106 provide that it is a Class B infraction for any public utility to offer or other person (i.e., customer) to accept a service or term of service which "knowingly" violates this law. These laws are directed especially but not exclusively at services or terms of service which are discriminatory or preferential to a utility customer or group of customers.

In *U.S. Steel Corp. v. Northern Ind. Public Serv. Co.*, 951 N.E.2d 542 (Ind. Ct. App. 2011), the Court of Appeals held that, despite the fact that the words "directly or indirectly to or for the public" are not in the definition of "public utility" in I.C. §8-1-2-1, the rules of statutory construction compelled them to interpret the statute as such. Thus, the definition of "public

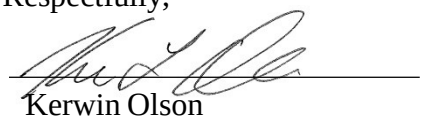
utility" must be read so as to include the requirement that the power be transmitted "directly or indirectly to or for the public" in order to make sense with the intent of the statute and in order to construe the statute so that it supports its constitutionality. Similarly here, SEA 309 should be read so as construe the statute in a way that is consistent with its intent, especially when read in context with other provisions in the statute and especially with regard to what is in the tariff considering the requirements of I.C. §§ 8-1-2-103 and 106.

The Company cannot pick and choose what to put in the tariff. By not including either of these key components of the legislation in the updated net-metering tariff, the Company's filing is incomplete and violates applicable law, which provides for these important net metering rights.

Therefore, CAC respectfully requests the Commission find that CAC's objection complies with 170 lAC 1-6-7, and that Duke's revised 30-day filing not be presented to the full Commission for consideration under the 30-day administrative filing rule.

Thank you very much for your assistance on this matter. Please feel free to contact me with any questions or concerns.

Respectfully,



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