

**ORIGINAL**

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**Proposed Rulemaking**

LSA #24-\_\_\_\_\_  
IURC RM #24-02

| Commissioner | Yes | No | Not Participating |
|--------------|-----|----|-------------------|
| Huston       | √   |    |                   |
| Bennett      | √   |    |                   |
| Freeman      | √   |    |                   |
| Veleta       | √   |    |                   |
| Ziegner      | √   |    |                   |

The Indiana Utility Regulatory Commission (“Commission”), pursuant to IC 8-1-1-3(g) and IC 4-22-2-19.6, hereby proposes to amend 170 IAC 1-1.1-3.5(a)(2) regarding expense reimbursement for municipal utility cases heard by the IURC, add 170 IAC 1-1.1-14.5 regarding penalties for failure to comply with orders or subpoenas issued pursuant to IC 8-1-2-50, and add 170 IAC 1-1.1-25.5 regarding court reporter fees. The Commission shall hear public comments on the attached proposed rule at a date and time to be determined, in Suite 220, of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana.

The Secretary of the Commission is hereby directed to maintain a copy of the proposed rule in the Commission offices and on the Commission website for public inspection. Commission staff is authorized to commence the required comment period(s).

**IT IS SO ORDERED.**

**HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:**

**APPROVED: AUG 28 2024**

**I hereby certify that the above is a true  
and correct copy of the Rule as approved.**

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**Dana Kosco**  
**Secretary of the Commission**

## TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

### **Proposed Rule** LSA Document #24-\_\_\_\_ IURC RM #24-02

#### DIGEST

Amends section 3.5 to set forth the expense reimbursement for municipal utility cases heard by the IURC, adds section 14.5 to set forth penalties for failure to comply with orders or subpoenas issued pursuant to IC 8-1-2-50 and adds section 25.5 to set forth court reporter fees. Effective 30 days after filing with the Publisher.

#### SECTION 1. 170 IAC 1-1.1-3.5 IS AMENDED TO READ AS FOLLOWS:

##### 170 IAC 1-1.1-3.5 Remittances to the commission

Authority: IC 8-1-1-3; **IC 8-1-2-70; IC 8-1-2-61.5**

Affected: IC 8-1-1-5; IC 8-1-2-70; IC 8-1-2-85; IC 8-1-22.5-7; IC 8-1-26-23; **IC 8-1-2-61.5**

Sec. 3.5. (a) The following may be remitted to the commission:

- (1) Civil penalties imposed under IC 8-1-26-23 or IC 8-1-22.5-7.
- (2) Municipal expenses under IC 8-1-2-70.

**(A) In requiring reimbursement of expenses from municipal utilities under IC 8-1-2-70, the commission shall calculate the expenses based on the actual hourly rate and actual hours expended on the case by commission personnel. Commission expenses shall be reimbursed at the actual amount of the expense. The Office of Utility Consumer Counselor may calculate and submit its fees to the commission in a docketed proceeding for inclusion in its order.**

**(B) A flat fee for small municipal utilities, as described in IC 8-1-2-61.5, shall be set by the commission by general administrative order.**

(b) Except as noted in subsection (c), payment may be made:

- (1) by money order;
- (2) by check; or
- (3) as indicated by the secretary of the commission;

payable to the Indiana utility regulatory commission.

(c) Remittances in payment of the statutory fees for the issuance of:

- (1) bonds;
- (2) notes; or
- (3) other securities;

by municipalities under IC 8-1-2-85 shall be made by check payable to the "Treasurer of the State of Indiana" and delivered to the secretary of the commission. (*Indiana Utility Regulatory Commission; 170 IAC 1-1.1-3.5; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA*)

#### SECTION 2. 170 IAC 1-1.1-14.5 IS ADDED TO READ AS FOLLOWS:

##### 170 IAC 1-1.1-14.5 Production of Books, Accounts, Papers, or Records

Authority: IC 8-1-1-3; IC 8-1-2-50

Affected: IC 8-1-2-50

Sec. 14.5 (a) The commission may require, by order or subpoena, the production of a public utility's books, accounts, papers, or records.

(b) The commission may assess penalties for failure to comply with a commission order or subpoena made under this section. In determining the amount of penalty under IC 8-1-2-50, the commission shall consider IC 4-22-2-19.6(d) and the following factors:

1. Whether the conduct was limited in scope.
2. Whether the public utility has a history of previous violations.
3. Whether the public utility voluntarily ceased engaging in the violation and made appropriate restitution.

**4. Whether there is a need for deterrence of future violations.**  
***(Indiana Utility Regulatory Commission, 170 IAC 1-1.1-14.5)***

SECTION 3. 170 IAC 1-1.1-25.5 IS ADDED TO READ AS FOLLOWS:

**170 IAC 1-1.1-25.5 Reporter Fees**

**Authority: IC 8-1-3-8.**

**Affected: IC 8-1-3-8.**

**Sec. 25.5. Reporter fees shall be set by the commission through the issuance of a general administrative order under IC 8-1-3-8 setting forth a schedule of reasonable reporter fees.**  
***(Indiana Utility Regulatory Commission; 170 IAC 1-1.1-22.5)***