
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Notice of First Public Comment Period
LSA Document #24-376

EXPENSE REIMBURSEMENT; PENALTIES; FEES

PURPOSE OF NOTICE

The Indiana Utility Regulatory Commission (IURC) is soliciting public comment on adding and amending rules at [170 IAC 1-1.1](#) concerning expense reimbursement for municipal utility cases, penalties, and court reporter fees. The IURC seeks comment on the affected citations listed and any other provisions of Title 170 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20241002-IR-170240376RAA](#)

Notice of Public Hearing: [20241002-IR-170240376PHA](#)

CITATIONS AFFECTED: [170 IAC 1-1.1-3.5](#); [170 IAC 1-1.1-14.5](#); [170 IAC 1-1.1-25.5](#)

AUTHORITY: [IC 8-1-1-3](#); [IC 8-1-2-50](#); [IC 8-1-2-61.5](#); [IC 8-1-2-70](#); [IC 8-1-3-8](#)

OVERVIEW

Basic Purpose and Background

Under [IC 4-22-2-19.6](#), effective January 1, 2023, a rulemaking is required for each fee, fine, or civil penalty imposed by an agency that is not set as a specific amount in a state law, must describe the circumstances for which the agency will assess a fee, fine, or civil penalty, and set forth the amount of the fee, fine, or civil penalty. This rulemaking is intended to comply with that requirement.

The proposed rule amends [170 IAC 1-1.1-3.5](#) to set forth the expense reimbursement for municipal utility cases heard by the IURC, and adds [170 IAC 1-1.1-14.5](#) to set forth penalties for failing to comply with orders or subpoenas issued under [IC 8-1-2-50](#), and [170 IAC 1-1.1-25.5](#) to set forth court reporter fees.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Steve Davies
Deputy General Counsel
Indiana Utility Regulatory Commission
101 West Washington Street, Suite. 1500 East
Indianapolis, IN 46204
(317) 232-2711 (Office)
sdavies@urc.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENT

IURC is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #24-376 Expense Reimbursement; Penalties; Fees
Steve Davies
Deputy General Counsel

Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, IN 46204

(2) By email to urccomments@urc.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than November 8, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Utility Regulatory Commission, 101 West Washington Street, Suite 1500 East, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Indiana Utility Regulatory Commission office and at

<https://www.in.gov/iurc/rulemakings/rulemakings-pending-and-effective/rm-24-02-regarding-170-iac-1-1.1/>.

If IURC does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

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 8-1-2-61.5](#); [IC 8-1-2-70](#)

Affected: [IC 8-1](#)

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](#) as follows:

(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 hours spent on the case by commission personnel. Commission expenses are 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) The commission shall set a flat fee for small municipal utilities, as described in [IC 8-1-2-61.5](#), 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~~ **issuing**:

(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 4-22-2-19.6](#); [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 failing to comply with a commission order or subpoena made under this section. In determining the penalty amount 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 stopped engaging in the violation and made appropriate restitution.
- (4) Whether there is a need for deterring 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. The commission shall set reporter fees by issuing a general administrative order under [IC 8-1-3-8](#) setting forth a schedule of reasonable reporter fees.

(Indiana Utility Regulatory Commission; [170 IAC 1-1.1-25.5](#))

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An [html](#) version of this document.