

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

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

Final Rulemaking

LSA #24-376
IURC RM #24-02

This Final Rulemaking amends 170 IAC 1-1.1-3.5 regarding expense reimbursement for municipal utility cases heard by the IURC, adds 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 adds 170 IAC 1-1.1-25.5 regarding the setting of court reporter fees.

The final rule is effective 30 days after filing with the publisher.

Upon prior publication of notice, a public hearing was held on November 7, 2024, at 1:00 p.m., local time in Judicial Courtroom 222 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, et seq.

The Indiana Utility Regulatory Commission previously adopted the proposed rule on August 28, 2024, at 10:00 a.m. local time in Judicial Courtroom 222, PNC Center, Indianapolis, Indiana at which time a majority of members of said Commission were present.

The Secretary is hereby directed to submit the aforesaid final rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

IT IS SO ORDERED.

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

APPROVED: NOV 20 2024

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

**Dana
Kosco**

Digitally signed by
Dana Kosco
Date: 2024.11.20
10:13:15 -05'00'

**Dana Kosco
Secretary of the Commission**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

FINAL RULE LSA Document #24-376

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

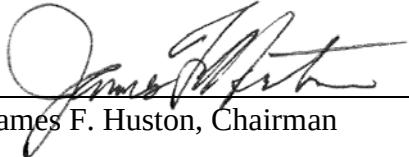
Sec. 25.5. The commission shall set reporter fees by issuing a general administrative order under IC 8-1-3-8 setting forth a schedule of reasonable reporter fees. (*Indiana Utility Regulatory Commission; 170 IAC 1-1.1-25.5*)

Rule Signature Page

Rule #: LSA #24-376
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 1-1.1 regarding expense reimbursement for municipal utility cases, penalties pursuant to IC 8-1-2-50, and court reporter fees.

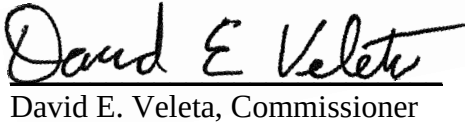
ADOPTED:

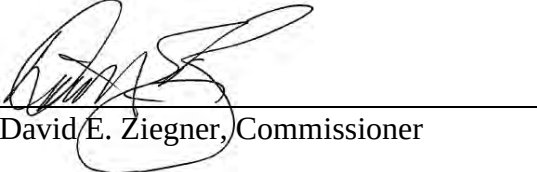
By the Indiana Utility Regulatory Commission Date: NOV 20 2024


James F. Huston, Chairman


Wesley R. Bennett, Commissioner


Sarah E. Freeman, Commissioner


David E. Veleta, Commissioner


David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____

Date: _____

Todd Rokita
Attorney General, State of Indiana

APPROVED:

By: _____

Date: _____

Eric J. Holcomb
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____

Date: _____

Indiana Register
Legislative Services Agency