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Via Email Transmission – BHeline@urc.in.gov & URC Comments@urc.in.gov

Ms. Beth Helene

General Counsel

Indiana Utility Regulatory Commission

1010 W. Washington, Suite 1500 East

Indianapolis, Indiana 46204

INDIEC Comments to Draft 2021 Improving Procedural Efficiencies Issues List

Dear Ms. Helene:

The Indiana Industrial Energy Consumers, Inc. (INDIEC) appreciates the opportunity to respond to the Commission's Request for Comments with respect to its draft 2021 Improving Procedural Efficiencies ("IPE") Issues List. As you may be aware, INDIEC members have a strong interest in ensuring Commission proceedings remain transparent, efficient, and fair to all participants; and result in just and reasonable rates. INDIEC, accordingly, is supportive of the Commission's ongoing efforts to improve its procedural processes to meet these important objectives.

As a preliminary matter, INDIEC is not offering comments on every issue identified in the 2021 Draft IPE Issues List. The lack of comments on those issues should not be construed as agreement or acquiescence to other parties' positions that may be expressed.

INDIEC offers the following comments with respect to the Minimum Standard Filing Requirement (MSFR) Rule Amendment:

1. As INDIEC stated previously with respect to the Commission's 2020 IPE Initiative, INDIEC generally supports a requirement that rate case petitions be accompanied by supporting testimony and evidence and that such filings generally contain the same information, and be in compliance with applicable statute, rules and IURC GAO 2020-5. While INDIEC appreciates the differences both between utility industries and the differing sizes of utilities (including disparity in available resources) as it relates to the uniqueness of their respective rate case filings, we note that the nature of the information, as required by GAO 2020-5, is extremely helpful to the Commission and all parties to the

proceedings in identifying key legal and factual issues presented by a petitioner's case. In INDIEC's view, except in limited circumstances, having the MSFR standards applied uniformly to cases regardless of utility size or choice of test year will assist both the Commission and the parties to expeditiously review the evidence and fairly participate in the Commission's proceedings.

2. INDIEC appreciates and values the transparency the MSFRs provide all parties. The initial disclosure of relevant information regarding the requested relief provides interested parties with the early opportunity to assess the merits of the filing and the scope and impact of petitioner's requested relief. Such disclosures assist all parties and counsel with practical considerations at an early stage of the rate case process and create a uniformity of practice before the Commission that enhances the overall efficiency of the process. By requiring petitioners to provide specific necessary information at the inception of the case, the MSFRs allows the parties and the Commission to focus on the issues and related evidence raised, rather than taking valuable time and resources to determine through discovery, or through other means, the specifics of the requested relief. This is particularly important as the MSFRs, by requiring disclosure of the facts and underlying information supporting the requested relief, properly put the burden of proof on the party initiating the proceeding and requesting relief, see Ind. Code §8-1-2-73, in a manner consistent with the statutory obligation of petitioning utilities to furnish such information to the Commission as is required for the Commission to carry out its function. See Ind. Code §8-1-2-52.

3. With respect to the Petitioner's proposed Test Year, all work papers necessary to support the requested test year should be included. As previously stated, providing this information initially allows parties the opportunity for prompt review and the ability to conduct discovery in an efficient manner to ascertain the proposed test year's merits. INDIEC acknowledges that some reformation of language of the MSFRs is required to address the differences between a historical, future, or hybrid test year. Such modifications, which can be largely achieved through minimal changes such as requiring a utility utilizing a future test year to provide information as to the "base year" with adjustments for the "test year", would serve efficiency by clarifying existing procedures to accommodate statutory changes that have occurred since the MSFRs were initially instituted.

4. INDIEC believes strongly that all work papers that are the supporting materials associated with the witness testimony and evidence, as is currently required, should

continue to be provided to the parties and the Commission. It is INDIEC's position that all information that provides the underpinnings of the requested relief should be disclosed and provided because it is, after all, the petitioner utility who carries both the initial and ultimate burden of proof. Therefore, it is essential that Commission processes continue to allow parties access to both the evidence as well as the technical supporting documents that supports the petitioner's case. Without such disclosure, the OUCC and intervening parties will be placed at a disadvantage in assessing the requested relief. The Commission should not sanction impermissible shifts in petitioner's burden of proof by allowing them to withhold material evidence and underlying data, or by requiring the OUCC or any intervenor to piece together a petitioner's case. INDIEC firmly believes that the inclusion, rather than the exclusion, of such technical information, especially given the reliance upon such documentation in past cases, assists both the Commission and the parties in achieving the ultimate outcome desired by all — the establishment of just and reasonable rates. Similarly, INDIEC also supports a requirement that all formal discovery be provided to all parties, subject to appropriate protection for its confidential nature, in order to render any proceeding as transparent and efficient as possible.

Thank you again for allowing us to provide our comments on these important issues.

Regards,

Joseph P. Rompala

Legislative Director, INDIEC