

October 20, 2021

Via Email Transmission – BHeline@urc.in.gov & URCComments@urc.in.gov

Ms. Beth Heline

General Counsel

Indiana Utility Regulatory Commission

1010 W. Washington, Suite 1500 East

Indianapolis, Indiana 46204

INDIEC Comments on Minimum Standard Filing Requirements (MSFR)
September 21, 2021 Strawman

Dear Ms. Heline,

The Indiana Industrial Energy Consumers, Inc., (INDIEC) appreciates the ongoing efforts by the Commission to update the MSFRs for utility rate cases, and the continuing opportunities provided for stakeholder engagement in the process. As indicated in our July 2, 2021 comments regarding the Improving Procedural Efficiencies Issues, INDIEC has a strong in seeing Commission proceedings result in the establishment of fair, just and reasonable rates through a process that is transparent, efficient and fair to all participants. INDIEC continues to support the Commission's ongoing efforts to improve its procedures to maintain that standard. Modification of the MSFRs to accommodate the provisions of Indiana Code §8-1-2-42.7 is unquestionably an important step in the process.

INDIEC offers the following specific comments with regards to the September 21st Strawman proposing revisions to the MSFRs. INDIEC does not intent to offer comments on all proposed modifications and notes that the lack of comment on a particular propose change should not be construed as agreement with, or acquiescence to, the modification.

1. INDIEC is concerned with the proposed language of the new 170 IAC 1-5-0.5. INDIEC has stated repeatedly that it is supportive of a requirement that all rate case petitions be accompanied by testimony and evidence, as well as work papers, that support the relief requested. INDIEC believes that the language of proposed 170 IAC 1-5-0.5 undermines that basic requirement. Specifically, the proposed language makes exceptions for two types of cases to which the MSFRs would not apply.

First, and most critically, the new language indicates the MSFRs apply only to rate cases filed under Indiana Code §8-1-2-42.7. That code provision, however, is optional and utilities remain free to file cases under Indiana Code §8-1-2-42, and indeed some utilities continue to file under that statutory provision. Regardless of the statutory basis for relief, however, the upfront provision of key material such as called for in the MSFR is essential to the timely and efficient resolution of proceedings.

Second, the new language indicates that the provisions do not apply to small utilities. INDIEC is certainly sensitive to the disparity in resource availability for small utilities and therefore does not, necessarily, object to their exclusion from providing all information called for in the MSFRs. Still, much information to be provided through the MSFRs, such that related to capital investments and the provision of accounting records, remains relevant even for small utilities and should be provided upfront.

To address these concerns, INDIEC would suggest that 170 IAC 1-5-.05 be revised to read as follows:

- (a) This rule applies to all rate case petitions filed with the commission except small utility filings submitted under IC 8-1-2-61.5.*
- (b) Although this rule does not apply, utilities making small utility filings submitted under IC 8-1-2-61.5 should make reasonable efforts to comply with the provisions of this rule.*

2. With respect to 170 IAC 1-5-1(d) “Base period”, INDIEC would respectfully suggest that the proposed language be modified so that it is clear that the base period reflects a 12-month period that conforms to the applicable test period. INDIEC would suggest that the language be revised as follows:

(d) “Base period” means the most recent twelve (12) month period of actual data available to the electing utility which corresponds to the twelve (12) month period designated by the utility as its hybrid or forward-looking test period.

3. With respect to 170 IAC 1-5-2.1, INDIEC would suggest that the provisions be revised to state that 300 days is the expected length of time to complete a proceeding under a filing made pursuant to Indiana Code 8-1-2-42.7 (subsection (a)) and that procedural schedule continue to provide for the filing of post-hearing briefing (subsection (c)2(D)). With respect to a timeframe in which consumer parties may object to an incomplete filing, INDIEC would respectfully suggest that parties be given at least forty-five (45) calendar days to notify the parties that a case in chief is complete (170 IAC 1-5-4(c)) to file such objection to permit adequate opportunity to preliminarily evaluate

the case and assess compliance with the rule and applicable statute. Likewise, INDIEC would suggest that failure to object to the filing of a complete case in chief should not serve as a bar to later assertions that the utility has failed to meet its evidentiary burden of proof.

4. For numerous purposes, including in 170 IAC 1-5-5, it is unclear why mandatory “shall” provisions (such as in subsection 170 IAC 1-5-5(3)) have been replaced with permissive “may” provisions. There does not appear to be reason, for instance, why accounting data for a historical period should not be required to adjusted for fixed, known and measurable changes; rather than allowing that to be a discretionary decision on the part of the utility. The Commission and consumer parties would all benefit from requiring such data to be updated for ratemaking purposes instead of being required to conduct discovery or otherwise make such updates on their own.

INDIEC would be pleased to discuss its comments with the Commission should it have any questions. Once again, thank you again for the opportunity to participate in the stakeholder process with respect to the modifications of the MSFRs.

Regards,

Joseph P. Rompala

Legislative Director, INDIEC