

170 IAC 4-7-2 Procedures and effects of filing integrated resource plans

Authority: IC 8-1-1-3

Affected: IC 5-14-3; IC 8-1-1-8; IC 8-1-8.5; IC 8-1.5

Sec. 2. (a)

....

(l) Within sixty (60) days of the deadline for the utility's responsive comments, the director shall notify in writing:

- (1) the utility;**
- (2) the OUCC; and**
- (3) interested parties**

of the director's determination regarding whether the IRP complies with the informational, procedural and methodological requirements of this rule.

(m) If the director determines that the IRP does not comply with the informational, procedural or methodological requirements of this rule, the director:

shall:

(1) describe the informationally, procedurally or methodologically deficient portions of the IRP; and

(2) explain why any deficient portions are not in compliance with this rule;

(n) The director may otherwise comment on the IRP whether it is determined to be compliant or deficient.

(o) In order to bring an IRP into compliance with this rule, the director may request the utility to:

(1) revise and resubmit specified portions of the IRP affected by any informational, procedural or methodological deficiency described by the director pursuant to subsection (m); or

(2) incorporate revisions in the subsequent IRP.

(p) Any resource action shall be consistent with the most recent IRP submitted under this rule, including its:

(1) inputs (including data and assumptions):

(2) methods (including models); and

(3) judgment factors (including the rationales used to determine inputs, methods, risk metric(s), and selection of the preferred resource portfolio);

unless any discrepancies between the most recent IRP and the resource action are fully explained and justified with supporting evidence, including an updated IRP, submitted in the docketed proceeding in which the resource action is under commission review.

(q) The director's compliance determination shall not be construed to mean or constitute:

(1) a finding;

(2) pre-approval; or

(3) authorization

by the commission of any specific resource action.

(r) If the director fails to notify the utility of the director's compliance determination within sixty (60) days of the deadline for the utility's responsive comments, the IRP shall be deemed in compliance with this rule.

(s) The utility submitting the IRP or any person or entity that has filed a comment under subsection (g) claiming that an IRP does not comply with an informational, procedural or methodological requirement of this rule may seek review by the commission chairman of the director's compliance determination in accordance with subsection (t).

(t) In order to obtain review by the commission chairman, the person or entity seeking review must communicate in writing with the chairman (1) within thirty (30) days of

receiving notice of the compliance determination;

(2) clearly identifying the informational, procedural, or methodological requirement(s) of this rule for which compliance is at issue;

(3) clearly identifying the part(s) of the IRP for which compliance is at issue;

(4) plainly stating the reason(s) that the director's compliance determination is claimed to be in error.

(u) The chairman's review shall be limited to:

(1) the IRP;

(2) any and all written comments, including reply comments, and any supporting documents regarding the IRP which were submitted to the director for purposes of his compliance determination;

(3) the director's written compliance determination; and

(4) the written communication seeking review.

(v) On review, the chairman may, within thirty (30) days:

(1) Uphold, overturn or modify the director's compliance determination under subsection (o); or

(2) Deny the request for review on the grounds that it does not meet the requirements for review of subsections (s) or (t).

(w) The chairman's determination on review shall be limited to the compliance issue(s) presented for review, shall be final when made, and shall not constitute a commission final order subject to rehearing or judicial review pursuant to IC 8-1-3-1 to 11.

(x) The chairman's determination on review shall not be construed to mean or constitute:

(1) a finding;

(2) pre-approval; or

(3) authorization

by the commission of any specific resource action.

(y) Documents submitted or created pursuant to this rule may be used as follows:

(1) To assist the commission in the preparation of an analysis of the long range needs for expansion of facilities for the generation of electricity and plan for meeting the future requirements of electricity as required by IC 8-1-8.5.

(2) In the preparation of a commission staff report in formally docketed proceedings before the commission.

(3) Submitted as evidence in a formally docketed proceeding before the commission. The commission shall give such weight as it determines appropriate to such evidence.

(Indiana Utility Regulatory Commission; 170 IAC 4-7-2; filed Aug 31, 1995, 9:00 a.m.:19 IR 18; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.:

20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA)