

ORIGINAL

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION
GENERAL ADMINISTRATIVE ORDER

2009-3

WHEREAS, municipal utilities are exempted from payment of annual public utility fees pursuant to Indiana Code § 8-1-6.

WHEREAS, notwithstanding the strictures of Indiana Code § 8-1-6, in accordance with Indiana Code § 8-1-2-70 the Commission shall ascertain and declare the costs incurred by it upon the petition of any municipal utility.

WHEREAS, Indiana Code § 8-1-2-61.5(e) establishes a process by which utilities with 5,000 or fewer customers may petition the Commission for a rate increase without the necessity of an evidentiary hearing, with certain exceptions.

WHEREAS, Indiana Code § 8-1-2-61.5(e) also requires the Commission to promote utility cost minimalization and a less costly regulatory procedure for a utility subject to this provision, its consumers, or the Commission.

WHEREAS, the assessment of a uniform fee for municipal utilities in such cases is more consistent with the mandates of Indiana Code § 8-1-2-61.5(e).

WHEREAS, absent action by the Commission to establish a uniform fee for the processing of rate cases by municipal utilities with fewer than 5,000 customers, the Commission and the Office of the Utility Consumer Counselor would be required under Indiana law to assess fees substantially in excess of these amounts for the work performed by the Commission and the Indiana Office of Utility Consumer Counselor.

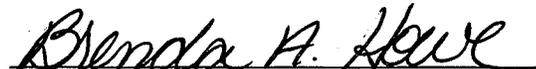
WHEREAS, the Commission and the Indiana Office of Utility Consumer Counselor have worked collaboratively to determine a fee schedule that will balance the interests of utilities and consumers while meeting the statutory obligations of the Commission and the Indiana Office of Utility Consumer Counselor.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Policy Governing Commission Fees for Rate Cases by Municipal Utilities With Fewer than Five Thousand Customers pursuant to Indiana Code §§ 8-1-2-61.5(e) and 8-1-2-70, which is attached as Appendix A, be adopted by this Commission.

HARDY, GOLC, LANDIS, SERVER, AND ZIEGNER CONCUR:

APPROVED: MAR 11 2009

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


Brenda A. Howe, Secretary to the Commission

APPENDIX A

POLICY GOVERNING COMMISSION FEES FOR RATE CASES BY MUNICIPAL UTILITIES WITH FEWER THAN FIVE THOUSAND (5,000) CUSTOMERS

This policy is based on the requirement in Indiana Code 8-1-2-70 that the Commission ascertain the costs incurred by it upon the petition by a municipal utility. Municipalities are exempt from the annual public utility fee assessed pursuant to Indiana Code 8-1-6, and small rate case fee assessments have greatly exceeded the amount that the utility would have paid on an annual basis, but for the utility's status as a municipality. Under Indiana Code 8-1-2-61.5(e), utilities with fewer than 5,000 customers may request a rate increase through a process that does not require a full evidentiary hearing before the Commission; these are referred to as "small U" filings. The Commission has in the past also received petitions under the general rate increase provisions of I.C. 8-1-2-42 from utilities with 5,000 or fewer customers. As Indiana Code 8-1-2-61.5 requires the Commission to promote utility cost minimalization and a less costly regulatory procedure for small U filings, the Commission hereby adopts a policy designed to standardize fees so that there is certainty, uniformity, and consistency in the assessment with respect to municipal utilities with fewer than 5,000 customers. Therefore, the Commission declares that effective on the date of approval of this GAO, the fees for rate cases by municipal utilities with fewer than 5,000 customers shall be as follows: **\$1,000 for the Commission, \$2,000 for the Indiana Office of Consumer Counselor, and any fees incurred by the Commission for court reporters and the publication of legal notices.**