

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Commissioner	Yes	No	Not Participating
Swinger	√		
Deig	√		
Veleta			√
Zay	√		
Ziegner	√		

Final Rulemaking

**LSA #26-173
IURC RM #26-02**

This Final Rule amends 170 IAC 14 regarding small utilities and rate applications, making updates to this rule, which would otherwise expire on January 1, 2027

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

Upon prior publication of notice, a public hearing was held on July 20, 2026, at 1:30 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 May 27, 2026, 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.

SWINGER, DEIG, ZAY, AND ZIEGNER CONCUR; VELETA ABSENT:

APPROVED: JUL 27 2026

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

**Dana Kosco
Secretary of the Commission**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

FINAL RULE

LSA Document #26-173

DIGEST

SMALL UTILITIES

Amends 170 IAC 14-1-1 concerning definitions. Amends 170 IAC 14-1-2 concerning applications for rate change. Amends 170 IAC 14-1-3 concerning incomplete applications. Amends 170 IAC 14-1-4 concerning review and report on application for rate change and request to file written responses. Amends 170 IAC 14-1-5 concerning hearing on application. Amends 170 IAC 14-1-6 concerning decision on application. Amends 170 IAC 14-1-6 concerning applicability of ex parte rules. Effective 30 days after filing with the publisher.

HISTORY

Notice of First Public Comment Period: 20260617-IR-170260173FNA

Regulatory Analysis submitted with Notice of First Public Comment Period: 20260617-IR-170260173RAA

Date of First Hearing: July 20, 2026

CITATIONS AFFECTED: 170 IAC 14

SUMMARY/RESPONSE TO COMMENTS:

The Indiana Utility Regulatory Commission (IURC) requested public comments from June 17, 2026, through July 21, 2026, and during the public hearing on July 20, 2026. The IURC received no comments in response to the Notice of First Public Comment Period.

SECTION 1. 170 IAC 14-1-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-1 Definitions

Authority: IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Application for rate change" means an application, filed with the commission by a utility in accordance with section 2 of this rule, ~~that~~ **which:**

(1) functions as a petition or in support of a petition for rate change; and

(2) may include a financing authority request.

(c) "Commission" means the Indiana utility regulatory commission.

(d) "Customer" means a person, firm, corporation, municipality, or other government agency that has agreed, orally or otherwise, to pay for service received from a small utility, provided, ~~that~~, for the purposes of this rule, a customer as defined in this subsection ~~who~~ **that:**

(1) has more than one (1) connection; and

(2) is rendered an individual bill for each connection;

shall be counted as one (1) customer for each connection.

(e) "Days" means calendar days.

———~~(e)~~ **(f)** "Formal public hearing" means a hearing contemplated by IC 8-1-2-61.5.

———~~(f)~~ **(g)** "Incomplete application" means an application filed under section 2 of this rule in which **at least** one (1) ~~or more~~ of the elements specified is missing or incomplete. A ~~blank~~ **required field** not filled in ~~completed~~ or an interrogatory **a question** not answered in the form prescribed under section ~~2(b)(3)~~ **2(b)(2)** of this rule constitutes an incomplete element and therefore, an incomplete application.

———~~(g)~~ **(h)** "OUCC" means the Indiana office of utility consumer counselor.

———~~(h)~~ **(i)** "Public field hearing" means a hearing conducted in a county in which the utility provides service for the purpose of allowing the utility's customers, and others with a substantial interest in the matter ~~who~~ **that** are not parties, to offer comments. It is not a formal public hearing contemplated by IC 8-1-2-61.5.

———~~(i)~~ **(j)** "Request for a formal public hearing" means:

(1) a written statement that a formal public hearing is wanted;

(2) filed:

(A) through the commission's electronic filing system; or

(B) with the secretary of the commission; and

(3) signed by those making the request ~~who~~ **that** meet at least one (1) of the following standing requirements:

(A) A public or municipal corporation.

(B) Ten (10) individuals, firms, corporations, or associations.

(C) Ten (10) complainants of any of these classes affected by the proposed rate change.

(D) ~~The~~ OUCC.

———~~(j)~~ **(k)** "Small utility" means a public or municipally owned utility subject to the **rates and charges** jurisdiction of the commission that **meets the requirements listed in IC 8-1-2-61.5(a)(1) through IC 8-1-2-61.5(a)(3).**

———~~(1) serves less than five thousand (5,000) customers as of the date an application for rate change is filed;~~

———~~(2) primarily provides retail service to customers; and~~

———~~(3) does not serve extensively another utility.~~

———~~(k)~~ **(l)** "Small utility rate change application form" means ~~that~~ **the** current set of forms, schedules, blanks, and instructions generated by the commission and made available to those ~~who~~ **that** would petition for a rate change under section 2 of this rule. The commission staff shall develop the set of forms, schedules, blanks, and instructions that comprise the small utility rate change application form. The forms may be revised ~~from time to time as circumstances dictate~~ **as needed**. Furthermore, commission staff may periodically establish and publish generic rates of return for each type of utility to be used by utilities when submitting a small utility application form.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-1; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2918; errata, 10 IR 254; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1945; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-

SECTION 2. 170 IAC 14-1-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-2 Application for rate change

Authority: IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 2. (a) A small utility availing itself of this procedure must:

(1) file the application for rate change through the **commission's** electronic filing system;
and

(2) contemporaneously serve a copy of the application on ~~the~~ OUCC.

(b) The application must include the following:

(1) A copy of the proposed notice required in subsection (d)(1) exclusive of the date specified in subsection (d)(3)(A). Proof of publication of the actual notice required in subsection (d)(1) must be filed within fifteen (15) days after the filing **date** of the application for rate change.

~~—— (2) A copy of the proposed written notice required in subsection (d)(2) exclusive of the date specified in subsection (d)(3)(A). An actual copy of the notice required in subsection (d)(2) must be filed within fifteen (15) days after the filing of the application for rate change.~~

~~—— (3) (2) A complete small utility rate change application form in its current version, which form is available from the commission.~~

~~—— (4) (3) A copy of the resolution or ordinance of the utility's governing body that authorizes the application for rate change.~~

(c) If the small utility is a not-for-profit water or sewer utility, the application must also include the following:

(1) A verified statement by a responsible officer or manager of the small utility as to whether or not the small utility has an outstanding indebtedness to the federal government.

(2) **If the utility has an outstanding indebtedness to the federal government, an evidentiary hearing on the application must be held unless the utility has filed a** written consent from an agency of the federal government that is a creditor of the small utility that the utility may obtain an order affecting its rates without a formal public hearing.

(d) Notice requirements **of the utility** for this procedure comprise the following:

(1) Publication of a notice of filing of the application for rate change, not later than ten (10) days after the filing of the application for rate change, in a newspaper of general circulation in counties in which the utility renders service.

(2) ~~Provision of~~ Written notice of the application for rate change to customers ~~no not~~ later than ten (10) days after the filing of the application for rate change. **A copy of the written notice must be filed in the docketed case within twenty (20) days of the application filing date.**

(3) Both the publication of notice under subdivision (1) and the written notice under subdivision (2) ~~shall~~ **must** contain the following:

(A) The date the application for rate change was filed with the commission.

(B) The statement that the utility has filed its application for rate change under IC 8-1-2-61.5 without the necessary costs of a commission hearing; however, a formal public hearing by the commission **or a public field hearing** may be held if:

- (i) a public or municipal corporation;
- (ii) ten (10) individuals, firms, corporations, or associations;
- (iii) ten (10) complainants of any of these classes affected by the proposed

rate change; or

- (iv) ~~the~~ OUCC;

requests a formal public hearing **or public field hearing** by filing a written, signed request with the secretary of the commission. Written requests for a formal public hearing **or public field hearing** must be received by the commission within ~~forty (40)~~ **sixty (60)** days of the date the application for rate change was filed with the commission.

(C) The overall approximate percentage increase in revenues requested by the utility. Furthermore, if the proposed increase is ~~other than~~ **not** an across-the-board increase, ~~then~~ the approximate percentage increase to each class of customers must be described, along with other information that ~~fairly~~ **accurately** summarizes the nature and extent of the proposed change.

(D) The statement that there likely shall be no hearing in the absence of a written request.

(E) If applicable, **documentation showing** the amount of financing authority sought by the utility.

(F) The **utility's** full **legal** name, ~~and~~ current address, and contact information for the commission.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-2; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2918; errata, 10 IR 254; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1946; filed Jan 5, 2000, 3:52 p.m.: 23 IR 1091; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA)

SECTION 3. 170 IAC 14-1-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-3 Incomplete applications

Authority: IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 3. (a) In the event the initial application for rate change ~~is~~ **meets the definition of** an incomplete application, the commission staff shall file, within twenty (20) days of the **filing** date ~~of the filing~~ of the initial application, a report ~~with the secretary of the commission~~ **through the commission's electronic filing system**. The report ~~shall~~ **must** specify which elements of the application are missing or incomplete.

(b) In the event the initial application for rate change is deemed an incomplete application under subsection (a), the time frames specified under:

- (1) section 4(a) of this rule;
- (2) section 5(a) of this rule; and

(3) section 6(b) of this rule; ~~shall are not be counted from the original filing date an of the incomplete application, was originally filed, but shall be are counted from the filing date of the commission staff files a report with the secretary of the commission stating that the small utility has corrected the deficiencies specified in the staff report filed under subsection (a) and is otherwise complete.~~

(c) The commission may dismiss without prejudice any incomplete application ~~which~~ **that** remains on file more than ninety (90) days.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-3; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2919; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1947; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA)

SECTION 4. 170 IAC 14-1-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-4 Review and report on application for rate change; request to file written response

Authority: IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 4. (a) ~~The OUCC staff shall review the application for rate change and, subject to section 3(b) of this rule, shall, within ninety (90) calendar days after the filing of a complete application or substantive amendment to the application, file a report with the secretary of the commission on the application, making such those recommendations as the OUCC deems appropriate.~~ **The OUCC report must be filed through the commission's electronic filing system.** By order of the commission, the ~~time for filing~~ **deadline** of the **OUCC report** may be extended if so requested by the OUCC. **The OUCC report must state whether any degree of agreement exists and describe its details. The OUCC report must confirm that an agreement has not been reached.**

(b) If the small utility intends to submit a written response to the OUCC staff report, the small utility shall file a notice of its intention in writing ~~with the secretary of the commission~~ **through the commission's electronic filing system** not later than fifteen (15) days following the ~~filing date that of the OUCC staff report. was filed.~~

(c) If the small utility notice is filed under subsection (b), the small utility shall file its written response to the OUCC staff report within thirty (30) days of the date the notice is filed. *(Indiana Utility Regulatory Commission; 170 IAC 14-1-4; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2920; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1947; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA)*

SECTION 5. 170 IAC 14-1-5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-5 Hearing on application

Authority: IC 8-1-1-3; IC 8-1-2-61.5
Affected: IC 8-1-2-61.5

Sec. 5. (a) Subject to section 3(b) of this rule, a request for formal public hearing on an application for rate change filed under this rule ~~shall~~ **must** be filed:

(1) through the commission's electronic filing system; or

(2) with the secretary of the commission;

within ~~forty (40) calendar~~ **sixty (60)** days of the initial filing of the application for rate change, unless the commission extends the period for filing.

(b) The commission may, upon a request timely filed by a public or municipal corporation, ten (10) individuals, firms, corporations, or associations, or ten (10) complainants of any of these classes affected by the proposed rate change or by the OUCC, conduct a formal public hearing with respect to an application for rate change.

(c) The commission may require a formal public hearing or conduct a public field hearing on its own motion.

(d) In the event a formal public hearing is held under this section, the small utility may elect to designate its application **for rate change** to serve as its prefiled evidence, constituting its case-in-chief; however, the small utility is not precluded from filing additional evidence.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-5; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2920; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1947; filed Jan 5, 2000, 3:52 p.m.: 23 IR 1092; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA)

SECTION 6. 170 IAC 14-1-6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-6 Decision on application

Authority: IC 8-1-1-3; IC 8-1-2-61.5
Affected: IC 8-1-2-61.5

Sec. 6. (a) If no formal public hearing under IC 8-1-2-61.5(a), IC 8-1-2-61.5(b), or IC 8-1-2-61.5(c) is held, the commission may issue an order on the application for rate change based on the data in the application for rate change, the report filed by ~~the~~ OUCC ~~staff~~ concerning the application for rate change, and a written response of the small utility to the OUCC ~~staff~~ report.

(b) Subject to section 3(b) of this rule, the commission shall not enter an order under this procedure until at least ~~forty (40) calendar~~ **sixty (60)** days have elapsed from the date of the initial filing of the application for rate change.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-6; filed Jul 11, 1986, 9:47 a.m.: 9 IR 2920; filed Jun 19, 1991, 3:45 p.m.: 14 IR 1948; filed Jan 5, 2000, 3:52 p.m.: 23 IR 1092; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA)

SECTION 7. 170 IAC 14-1-7 IS AMENDED TO READ AS FOLLOWS:

170 IAC 14-1-7 Applicability of ex parte rules

Authority: IC 8-1-1-3; IC 8-1-2-61.5

Affected: IC 8-1-2-61.5

Sec. 7. Under 170 IAC 1-1.5-1(e)(3), filings **on the application for rate change** under this rule are exempt from the ex parte rules of the commission. However, if a formal public hearing is scheduled under IC 8-1-2-61.5(b), ~~then~~ the ex parte rules of the commission located in 170 IAC 1-1.5 apply from the date the hearing is noticed, except that under 170 IAC 1-1.5-2, the proceeding ~~shall be~~ **is** considered pending from the date the hearing is noticed rather than the thirty (30) days before the date of filing.

(Indiana Utility Regulatory Commission; 170 IAC 14-1-7; filed Apr 21, 2008, 3:23 p.m.: 20080521-IR-170070830FRA; readopted filed Jul 29, 2014, 8:39 a.m.: 20140827-IR-170140181RFA; readopted filed Apr 15, 2020, 12:02 p.m.: 20200513-IR-170200084RFA; filed Jun 10, 2020, 7:38 a.m.: 20200708-IR-170190378FRA)

LSA Document #26-173

Documents Incorporated by Reference: None Received by Publisher

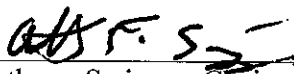
Small Business Regulatory Coordinator: Beth Heline, General Counsel, Indiana Utility Regulatory Commission, 101 West Washington Street, Suite 1500 East, Indianapolis, IN 46204, (317) 232-2711, BHeline@urc.in.gov

Rule Signature Page

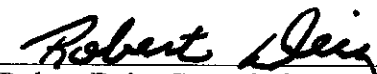
Rule #: LSA #26-173
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 14 Small Utilities

ADOPTED:

By the Indiana Utility Regulatory Commission Date: JUL 27 2026



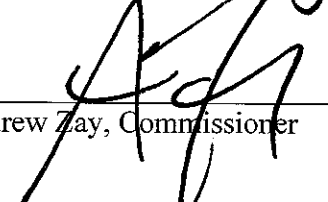
Anthony Swinger, Chairman



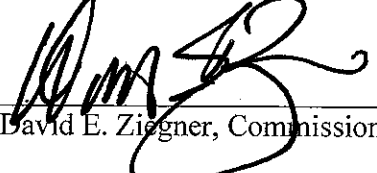
Robert Deig, Commissioner

Absent

David E. Veleta, Commissioner



Andrew Zay, Commissioner



David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____

Date: _____

Todd Rokita
Attorney General, State of Indiana

APPROVED:

By: _____

Date: _____

Mike Braun
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____

Date: _____

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