

From: [Shultz, Nikki](#)
To: [Poon, DeAnna](#)
Subject: RE: Procedural Rule Update
Date: Tuesday, November 19, 2019 1:10:38 PM

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Thanks, DeAnna. Based on situations where a party is unable to timely file electronically or by hard copy based on an emergency outside the party's control, I recommend considering the following additional language which could be added in a new subsection (2) in 170 IAC 1-1.1-3(g) and renumbering thereafter accordingly:

(2) The presiding officer shall extend the time allowed for a filing and may make such other adjustments to the procedural schedule as appropriate under the circumstances:

- (a) where a party notifies the presiding officers and other parties to the proceeding that timely electronic or hard copy filing was not possible due to technical problems or other emergency conditions not caused by the party; or
- (b) for any other good cause as determined by the presiding officer.

Nikki Gray Shultz

Bose McKinney & Evans LLP

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204
NShultz@boselaw.com | P 317-684-5242 | F 317-223-0242

Assistant Contact | [Lisa A. Bood](#) | LBood@boselaw.com | P 317-684-5176 | F 317-223-0176

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From: Poon, DeAnna <DPoon@urc.IN.gov>
Sent: Tuesday, November 19, 2019 10:20 AM
To: Shultz, Nikki <NShultz@boselaw.com>
Subject: RE: Procedural Rule Update

Nikki,

You reference filing when the IURC's system may be down. That is addressed in 170 IAC 1-1.1-3(c), (d), and (e). Subsection (g) addresses technical problems with outside parties:

Unless otherwise provided by this rule, the petitioner or other party shall file pleadings through the

electronic filing system. A presiding officer or the commission may require that hard copies be provided as follows:

- (1) Hard copy filing is permitted when electronic filing is not possible due to:
- (A) technical problems;
 - (B) files that are too large to upload to the electronic filing system; or
 - (C) an exhibit that exists only in physical form and cannot be changed to an electronic format.

I hope this addresses your concerns. If not, just let me know and I'm happy to discuss it further.

DeAnna L. Poon
Assistant General Counsel
(317) 232-6735

From: Shoultz, Nikki [<mailto:NShoultz@boselaw.com>]

Sent: Monday, November 18, 2019 1:46 PM

To: Poon, DeAnna <DPoon@urc.IN.gov>

Subject: RE: Procedural Rule Update

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Hi DeAnna, curious what in your view is the procedural pathway if, for example, a filing is due and a power outage prevents the filer from timely making an electronic filing *but there is not a power outage at the IURC and no technical problem caused by the IURC's system*. I would hope there would be a mechanism by which the filer could alert the ALJ and other parties of the inability to timely file due to circumstances beyond his/her control. I'm not sure the current draft allows for that type of "emergency" situation where there isn't a technical problem on the IURC's end? I might be missing something – just let me know.

Thanks,
Nikki

Nikki Gray Shoultz

Bose McKinney & Evans LLP

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204

NShoultz@boselaw.com | P 317-684-5242 | F 317-223-0242

Assistant Contact | [Lisa A. Bood](mailto:Lisa.A.Bood) | LBood@boselaw.com | P 317-684-5176 | F 317-223-0176

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From: Poon, DeAnna <DPoon@urc.IN.gov>

Sent: Tuesday, November 12, 2019 4:00 PM

Cc: Seyfried, Loraine <lseyfried@urc.IN.gov>; Heline, Beth E. <BHeline@urc.IN.gov>; Poon, DeAnna <DPoon@urc.IN.gov>

Subject: Procedural Rule Update

Dear Rulemaking Participant,

The [Proposed Rule](#) in [IURC Rulemaking #18-02 \(formerly #15-02\)](#), concerning the procedural rules and ex parte rules of the Indiana Utility Regulatory Commission (“IURC” or “Commission”), has been published. We are now at the public comment phase. You may submit written comments through December 9, 2019. All written comments will be posted [online](#). Please email written comments to dpoon@urc.in.gov. Hard copies may be mailed to this address:

Attn: DeAnna Poon
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, Indiana 46204

The Public Hearing is on December 2, 2019, at 1:00 p.m. Eastern Time at PNC Center, 101 W Washington Street, Suite 1500 E, IURC Conference Center, Room 222, Indianapolis, Indiana 46204. Note, written comments hold the same weight as comments made at the public hearing. You may, but do not need to, submit both written and oral comments.

Please feel free to contact me with questions you may have or if you wish to discuss your comments or other concerns. You are receiving this email because you have previously requested to be part of this rulemaking listserv. If you want to be removed from the listserv, please let me know.

Sincerely,

DeAnna L. Poon
Assistant General Counsel
Indiana Utility Regulatory Commission
(317) 232-6735
Dpoon@urc.in.gov

DeAnna L. Poon
Assistant General Counsel
Indiana Utility Regulatory Commission
(317) 232-6735
Dpoon@urc.in.gov

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