

21 February 2020

*By electronic mail*

DeAnna Poon  
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Indiana Utility Regulatory Commission  
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RE: Proposed Language for Rulemaking 18-02

Dear DeAnna:

Effective January 1, 2020, the Indiana Supreme Court removed Administrative Rule 9, which addressed access to court records, and created the Indiana Rules on Access to Court Records. Because the proposed procedural rulemaking addresses the application of Administrative Rule 9, I recommend the following modification to the proposed rule:

170 IAC 1-1.1-4(J)

After receiving a preliminary determination that material is entitled to confidential treatment:

(1) confidential documents submitted shall:

(A) include only the pages of the document that contain confidential information;

(B) be filed on green paper when submitted in hard copy;

(C) be conspicuously marked:

(i) **“CONFIDENTIAL PER ACCESS TO COURT RECORDS RULE 5”**, or

(ii) **“EXCLUDED FROM PUBLIC ACCESS PER A. R. ] 9(g) ACCESS TO COURT RECORDS RULE 5”** with the cause number clearly designated;

**(D) add any other markings and designations required by the court rules; and**

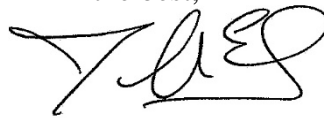
**(DE) comply with the specific directives set forth in the determination.**

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At the discretion of the presiding officers, large or oversized filings may be filed on compact discs or in another manner.

Thank you the opportunity to provide comments on the proposed rule. Please let me know if you need any further information or proposed language.

All the best,

A handwritten signature in black ink, appearing to read 'JAE', with a stylized flourish at the end.

Jeffery A. Earl