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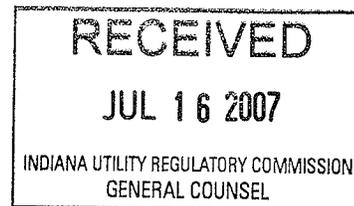
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July 16, 2007

Beth K. Roads, Esq.
Indiana Utility Regulatory Commission
101 W. Washington Street
Suite 1500 East
Indianapolis, Indiana 46204



Dear Ms. Roads:

Pursuant to the discussions at the June 12, 2007 workshop, enclosed please find a copy of a draft proposed rule for the 30-day filing process for the Commission's consideration, which is being submitted on behalf of the Indiana Energy Association, Indiana Municipal Power Agency and Indiana Statewide Association of Electric Cooperatives.

Very truly yours,

A handwritten signature in cursive script that reads "Claudia Earls".

Claudia J. Earls

Handwritten initials "dm" in cursive script.

cc: S. Pinegar, Indiana Energy Association
K. Wheeler, Indiana Municipal Power Agency
L. Wallace, Indiana Statewide Association of Electric Cooperatives

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TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule LSA Document #07-_____

DIGEST

Adds 170 IAC 1-6-1 through 170 IAC 1-6-7 establishing procedures for expedited administrative filings with the commission. Effective 30 days after filing with the Publisher.

170 IAC 1-6-1
170 IAC 1-6-2
170 IAC 1-6-3
170 IAC 1-6-4
170 IAC 1-6-5
170 IAC 1-6-6
170 IAC 1-6-7

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

Rule 6. Expedited Administrative Filing Procedures

170 IAC 1-6-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42; IC 8-1-2-47

Affected: IC 8-1-2-42; IC 8-1-2-61

Sec. 1. The following definitions apply throughout this rule:

(a) **“Administrative Filing”** means a filing submitted by a Utility to a Commission Division that does not request a general increase in basic rates and charges and for which a hearing is not necessary in order to grant the relief requested by the Utility due to its non-controversial nature.

(b) **“Commission”** means the Indiana utility regulatory commission.

(c) **“Commission Division”** means the technical division of the Commission for the industry to which the Utility making the filing under this rule belongs.

(d) **“Conference”** means the public meeting held by the Commission at which time the Commission may consider orders and Utility articles for approval.

(e) **“Customer”** means any person, firm, corporation, municipality, government agency, or any other entity that has agreed, orally or otherwise, to pay for service received from a Utility.

(f) **“Filing Date”** means the date an Administrative Filing under this rule is stamped “received” by the secretary of the Commission.

(g) **“New Rate”** means a rate or charge for utility service not currently encompassed by the Utility’s tariffs.

(h) **“Nonrecurring Charge”** means a charge to a Customer for costs incurred by the Utility outside the context of month-to-month service, which shall include, but not be limited to:

- (1) Customer deposits;
- (2) Customer checks returned to the Utility due to insufficient funds;
- (3) connect fees;
- (4) reconnect fees; and
- (5) tap fees.

(i) "Notice" means the posting of the Administrative Filing on a designated page of the Commission's website and publication in an appropriate newspaper of general circulation of a summary of the Administrative Filing as more fully described in Section 5 below.

(j) "Objection Period" means a period within fifteen (15) days of Notice of the Administrative Filing.

(k) "OUCC" means the Indiana office of utility consumer counselor established pursuant to IC 8-1-1.1-2.

(l) "Telecom Mirroring Filing" means an Administrative Filing made in order for the local exchange carrier to maintain parity and be in compliance with the Commission's Final Order in Cause No. 39369 approved June 2, 1993, regarding intrastate access parity tariffs mirroring their respective interstate equivalents.

(m) "Utility" means any public utility, municipally owned utility, cooperatively owned utility or other entity who has submitted an Administrative Filing pursuant to the provisions of this rule.

(n) "Utility Articles" mean the summary of filings under this rule that includes a recommendation for approval or disapproval from the Commission Divisions, which are then acted upon by the Commission at Conference.

(o) "Verified Objection" means an objection by any person or entity alleging a substantial interest in the subject matter of the Administrative Filing that is filed with the Commission within the Objection Period. The Verified Objection shall contain the following:

- (1) the name, address and telephone number of the person or entity;
- (2) a brief explanation of how the action requested by the Utility adversely affects that person or entity;
- (3) if the person or entity alleges that the Administrative Filing violates any applicable law, or a commission order or rule the person or entity should provide appropriate citations to the applicable law, order or rule;
- (4) a detailed statement setting forth the person or entity's position, and facts in support of that position;
- (5) a statement certifying that a copy of the Verified Objection has been served on all entities for which contact information is provided by the Notice; and
- (6) an affirmation or representation of the truth of the matters set forth in the Verified Objection in substantially the following language:

"I (we) affirm under penalties for perjury that the foregoing representation(s) is (are) true to the best of my (our) knowledge, information, and belief.

Signed _____
Date _____".

(p) "Wholesale Power Cost Tracker" means changes in rates related solely to

wholesale electric cost changes pursuant to the Commission's Order approved December 17, 1976 in Cause No. 34614; revisions to the tracking costs of Indiana Municipal Power Agency members pursuant to the Commission's Orders in either Cause No. 36835-S1 approved January 11, 1983, Cause No. 36835-S2 approved May 2, 1984, or Cause No. 36835-S3 approved December 13, 1989; revisions to the power cost trackers for electric utilities made pursuant to the Commission's Order in Cause No. 40095 approved April 15, 1995; or revisions to a Fuel Cost Adjustment factor pursuant to the Commission's Orders in Cause No. 35687 approved April 9, 1980 or Cause No. 41716 approved October 4, 2000.
(Indiana Utility Regulatory Commission; 170 IAC 1-6-1)

SECTION 2. 170 IAC 1-6-2 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-2 Applicability

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1

Sec. 2. (a) An Administrative Filing may include requests for approval of:

- (1) rates and charges for new services;**
- (2) new rules and regulations;**
- (3) changes to rules and regulations;**
- (4) changes to a Nonrecurring Charge;**
- (5) revisions to a Wholesale Power Cost Tracker;**
- (6) revisions to a Telecom Mirroring Filing;**
- (7) revisions to tariffs for the purchase of power and energy from a qualifying facility as required by 170 IAC 4-4.1;**
- (8) revisions to a wholesale water cost tracking factor that meets the requirements prescribed in 170 IAC 6-5-1 *et seq.***
- (9) a filing for which the Commission has already approved use of the Expedited Administrative Filing Procedure provided for in this Rule; or**
- (10) any other filing as may be determined appropriate by the Commission.**

(b) These Expedited Administrative Filing Procedures are not applicable if the Utility is filing a change in its tariff pursuant to a Commission order that delegated to the Utility the task of making the filing or performing mathematical calculations in accordance with determinations made in a Commission order, which calculations are then reviewed by the appropriate Commission Division prior to becoming effective.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-2)

SECTION 3. 170 IAC 1-6-3 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-3 Purpose

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1-2-61

Sec. 3. (a) In order to facilitate expedited consideration of Administrative Filings, the Commission has developed a regulatory framework that allows a Utility to request such

a change through an Expedited Administrative Filing Procedure that does not require a hearing.

(b) To ensure that a Utility's Administrative Filing is consistent with the purpose of the Expedited Administrative Filing Procedure, the Commission Division will review and evaluate the Administrative Filing and recommend to the Commission approval or disapproval, subject to the provisions of Section 6 herein. The Commission will make the final determination regarding whether the Administrative Filing is approved or disapproved.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-3)

SECTION 4. 170 IAC 1-6-4 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-4 Filing requirements

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1

Sec. 4. (a) Each Administrative Filing shall include the following:

- (1) a cover letter clearly stating or attaching documents satisfying the following:
 - (A) that the Administrative Filing is being made pursuant to this rule;
 - (B) in general terms, the relief being sought; and
 - (C) a plain and concise statement of the facts that necessitate or justify relief,
- (2) proposed tariff sheet(s);
- (3) revenue and cost projections for any new or revised rate or charge, which must include an explanation or description of:
 - (A) all assumptions used;
 - (B) whether the data used is actual or estimated;
 - (C) the use of estimated data, if necessary, including:
 - (i) the reason(s) for the use of estimated data;
 - (ii) how the estimated data was derived; and
 - (iii) why the estimated data should be used,
 - (D) the source of data; and
 - (E) the models or methodologies employed;
- (4) a list of the counties where Customers affected by the Administrative Filing are located;
- (5) the general identification of affected Customers; and
- (6) a draft form of Notice that complies with the provisions of 170 IAC 1-6-5(c).

(b) A copy of the Administrative Filing, including the items listed in subsection (a) above, shall be provided to the OUCC on the Filing Date.

(c) Filings under the Expedited Administrative Filing Procedures may be provided in:

- (1) Electronic format to the Commission and the OUCC:
 - (A) via electronic mail; or
 - (B) on a compact disk; or
 - (C) by other electronic means approved by the Commission.
- (2) Paper format with:
 - (A) three (3) copies provided to the Commission; and

(B) one (1) copy provided to the OUCC.

(d) An Administrative Filing submitted in either paper format or electronic format pursuant to this rule shall be addressed to the "Secretary of the Commission," who shall distribute the filing to the appropriate Commission Division.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-4)

SECTION 5. 170 IAC 1-6-5 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-5 Notice requirements

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1

Sec. 5. (a) Upon receipt of an Administrative Filing, the Secretary of the Commission shall assign an Administrative Filing number.

(b) Within three (3) business days of receipt of an Administrative Filing, the Commission shall forward notice of the Administrative Filing for publication to at least one (1) newspaper of general circulation in one (1) or more counties wherein Customers of the Utility reside that might be affected by the Administrative Filing.

(c) The Notice shall contain the following information:

- (1) in general terms, the relief being sought by the Utility as stated in its cover letter in compliance with Section 4(a)(1)(B);**
- (2) a statement that the Administrative Filing may be approved without a hearing unless a person or entity substantially affected files a Verified Objection that meets the requirements of 170 IAC 1-6-1(p) within fifteen (15) days of the date of publication of the Notice;**
- (3) the contact information for each entity upon whom the Verified Objection must be served, including:
 - (A) the Commission Division;**
 - (B) the OUCC; and**
 - (C) the Utility.****

(d) Within three (3) business days of receipt of an Administrative Filing, the Commission staff shall post an electronic copy of the Administrative Filing to the Commission's electronic gateway. *(Indiana Utility Regulatory Commission; 170 IAC 1-6-5)*

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

170 IAC 1-6-6 Objections

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1-2-54

Sec. 6. (a) If any person or entity has timely filed and properly served a Verified Objection, the Utility shall have five (5) business days from the end of the Objection Period to provide a written response to the Verified Objection.

(b) A Utility in response to a Verified Objection or Commission Division concern,

may modify its Administrative Filing, so long as the relief being sought, in general terms, has not changed.

(c) If the Utility does not respond to the Verified Objection, the Administrative Filing will be deemed withdrawn and the Commission Division will so notify the Utility.

(d) If there is a dispute as to whether the Verified Objection complies with the provisions set forth herein, the dispute will be considered by the Commission's General Counsel in consultation with the Division Director, and a recommendation shall be made to the Commission as to whether the matter continues to be appropriate for the Expedited Administrative Filing Procedure.

(e) Any Verified Objection that is found to be untimely or otherwise does not comply with the provisions set forth herein, shall not be considered.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-6)

SECTION 7. 170 IAC 1-6-7 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-7 Commission approval

Authority: IC 8-1-1-3; IC 8-1-1-5; IC 8-1-2-42

Affected: IC 8-1-2-61

Sec. 7. (a) Each Commission Division shall review the Administrative Filings for its respective utility industry and promptly inform the Utility of any:

- (1) missing information,**
- (2) incomplete information, or**
- (3) additional information,**

it requires within fifteen (15) days following receipt of the Administrative Filing.

(b) Upon completing its review of the Administrative Filing, and if no timely Verified Objections were received, the Commission Division shall recommend the approval or disapproval of the Administrative Filing by placing a description of the filing in the Utility Articles to be submitted for approval at the next Conference subsequent to the expiration of the Objection Period, which shall be no later than sixty (60) days after the Filing Date.

(Indiana Utility Regulatory Commission; 170 IAC 1-6-7)

SECTION 7. 170 IAC 1-6-7 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-6-8 Application of Ex Parte Rules

Sec. 8.(a) The Ex Parte Rules (170 IAC 1-1.5-1 et seq.) do not apply to communications made in association with an Administrative Filing under this rule.

(b) If an Administrative Filing is withdrawn as a result of the filing of a Verified Objection, or if it is disapproved by the Commission at Conference, the Administrative Filing and related communications shall not be deemed "prior communications" under 170 IAC 1-1.5-5 and 6.