

INDIANA UTILITY REGULATORY COMMISSION

Strawman Rulemaking

IURC RM #07-___

The Indiana Industrial Energy Consumers, Inc. ("INDIEC") files these comments with respect to the consideration by the Indiana Utility Regulatory Commission ("Commission") of promulgating proposed rules governing 30-day filings. INDIEC is an organization of large-volume energy users in the state of Indiana. A list of INDIEC members is attached. INDIEC is and has been for more than 20 years the voice of industrial energy in Indiana.

Role of the Commission

INDIEC supports the availability of relatively efficient procedures for the consideration of innocuous changes or additions to utilities' tariffs. Whether denominated a 30-day filing or otherwise, the procedure should contemplate the Commission's exercise of discretion in approving or disapproving a 30-day filing. The key to that exercise is making plain that the Commission may only approve an application by finding that the relief sought ought to be granted and is non-controversial. In other words, the Commission may deny a proposed change or addition on its merits or as controversial, even when there is no other filing; conversely the Commission may approve a filing in the face of an objection, if the Commission concludes that there is no controversy and the relief sought ought to be granted.

Notice

The statutory notice requirements included in the "strawman draft" need not be followed if the procedures make plain that, in considering proposed changes, the

Commission's discretion to grant or deny is broad regardless of whether opposing submissions are filed. In any event, notice of any 30-day filing should be posted by the Commission on its website in sufficient detail to allow a reasonable, diligent reader a change to discern the nature of the proposed change or addition. Any ratepayer who is or would be affected by the proposed change or addition should be specifically notified by the utility prior to the utility's filing, and the utility should provide information in its filing as to whether it has notified any specific customers and copies of any such notices.

Because the purpose of notice is to provide the opportunity for those who believe themselves affected to so advise the Commission, no limitation should be placed on when submissions, or objections, may be made by non-utilities. The Commission should not be constrained in receiving information in assisting it in reaching a determination as to whether the proposed change is, in fact, non-controversial.

The Filing

A utility, when it files a 30-day filing, should include as part of its filing an affirmation that the utility in good faith believes:

1. The filing is non-controversial;
2. Ratepayers known to be affected have been specifically notified; and
3. The changes or additions proposed are suitable for consideration as a 30-day filing.

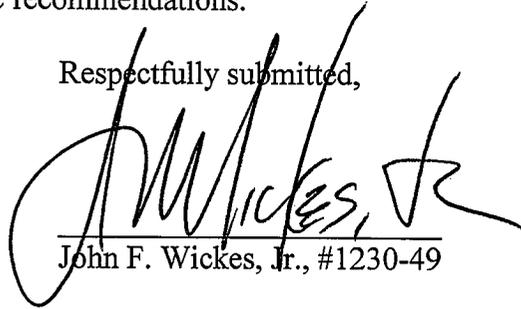
A utility should also provide information setting forth the revenue impact of the proposed change or addition. A utility should be allowed to supplement its filing whether in response to staff inquires or objections submitted. A utility may withdraw its application at any time without approval of the Commission, and a utility should be allowed to

resubmit a proposal for consideration even if previously denied, whenever the utility so chooses.

Conclusion

INDIEC is available to answer any questions relating to the above or to submit language implementing any of the above recommendations.

Respectfully submitted,



John F. Wickes, Jr., #1230-49

LEWIS & KAPPES
One American Square, Suite 2500
Indianapolis, IN 46282
Phone: (317) 639-1210
Fax: (317) 639-4882
Email: jwickes@lewis-kappes.com

INDIEC Members

Air Liquide Industrial U.S. LP	Indiana Cast Metals Association
Air Products & Chemicals, Inc.	Indiana Hospital & Health Association
ALCOA RPD - Warrick Operations	Marathon Petroleum Company LLC
Arvin Industries	Mittal Steel USA - Indiana Harbor
Beta Steel Corporation	National Starch & Chemical Company
BOC Group	Novelis
BP	Praxair, Inc.
Buzzi Unicem USA	Rolls-Royce Corporation
Delphi Corporation	Saint-Gobain Containers
Eli Lilly & Company	Shell Trading Gas & Power
Essroc	Subaru of Indiana Automotive Inc.
Fellon-McCord & Assoc. Constellation NewEnergy	Tate & Lyle Ingredients Americas, Inc.
General Motors Corporation	United States Steel Corporation
Haynes International, Inc.	Toyota Motor Manufacturing Indiana
Honda of America Mfg Inc.	USG Corporation
ICI Americas Inc.	Vertellus Agriculture & Nutrition Specialties, Inc.