NOTES

Re: Pre-rulemaking Workshop Regarding 30 Day Filing Procedures

Indiana Utility Regulatory Commission ("IURC" or "Commission")
Held on Friday, August 3, 2007, at 1:30 p.m. in Suite 220, Judicial Courtroom 222

I. **Introduction –** by Beth Krogel Roads, Commission Counsel at the IURC
Contact Info: bkroads@urc.in.gov – (317) 232-2092

II. Group Discussion

A. **Prepared Comments –** Prepared comments were presented by:
1) Melanie Price, Duke Energy, on behalf of the Indiana Energy Association
2) Jack Wickes, Lewis & Kappes, representing Indiana industrial consumers
3) Susan Macey, Indiana Office of Utility Consumer Counselor

B. General List of Issues Raised in Prepared Comments and Group Discussion
(in no particular order)

- Purpose / Scope
  - What is the purpose or scope of the rule? Administrative filings only or expedited process. Perhaps need separate processes – one for purely administrative filings and one for certain other filings that are appropriate to expedite.
  - Balance interests of consumers with expedited process – balance should favor consumers.

- Notice
  - Criteria needs to be more specific
  - Intent of change to broader language was so each utility could customize the notice to its own circumstances and customers
  - Proposal – utility publishes notice on its webpage, in Marion County, and in county where utility is located; Commission also publishes notice on its webpage.
  - Commission should issue notice in the same way it does now for other types of filings and proceedings – or perhaps on a weekly basis
  - More centralized publication allowed (when appropriate) in Indianapolis Star
  - No notice is currently required – no problem with due process to date

- Objections
  - Timeframe should be expanded to allow objections until filing is approved or denied by Commission.

- Standing and Objection sections too specific and burdensome on consumer
- Standing for 30 day filings should not be different than what is currently done in other filings and proceedings before the Commission.
    - NOTE: IC 8-1-2-54's requirements of 10 or more individuals, etc., and resultant need to be represented by an attorney, only applies to the filing of a complaint against a utility – the subject matter of that section. An individual may meet the criteria of 170 IAC 1-1.1-11 and file a petition to intervene, even if not represented by an attorney. In practice, consumers are strongly encouraged to contact the OUCC and those who wish to intervene at the IURC are strongly encouraged to obtain representation by an attorney (preferably one familiar with utility law); however, no statute or rule prohibits an individual from intervening *pro se*.
- If allow replies to objections, then replies to the replies should also be allowed.
- Commission should have the discretion as to whether or not a filing should be denied based on the filing of an objection.

- Allowable Filings and Prohibited Filings
    - The intent is to continue to allow those filings that are currently being filed under existing procedures, not to expand or contract what can be filed under the 30 day process.
    - Current language too broad – should list with specificity all the filings currently being made under the 30 day process.
    - Increase may only affect one class of customers.

III. Next Workshop

Strawman draft will be revised and a new draft will be distributed with the announcement of the date and time of the next workshop.

Thank You for Your Participation!