

VIA EMAIL

October 28, 2024

Jeremy Comeau
Assistant General Counsel
Indiana Utility Regulatory Commission
101 W. Washington St., Ste. 1500 East
Indianapolis, IN 46204

Re: LSA Document #22-04/Regulatory Analysis-Small Business Economic Impact Statement

Dear Mr. Comeau,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and regulatory analysis associated with the rule changes contained in LSA Document #22-04 (proposed rule) submitted to the Indiana Small Business Ombudsman by the Indiana Utility Regulatory Commission (IURC). I have found the following to be true.

Proposed rule LSA #22-04 amends Indiana Administrative Code (IAC), specifically 170 IAC 1-6. 170 IAC 1-6 serves as an administrative framework for regulated utilities to file non-controversial tariff changes in an expedited fashion, commonly referred to in the utility industry as “30-day filings”. Examples of non-controversial tariff changes include, but are not limited to, nonrecurring charges, requests for clean energy resource approval of an alternative equation to determine their number of clean energy credits, and revenue neutral, or overall decrease to a utility’s revenue, changes to specific rates or charges. The purpose of this rulemaking is to create less ambiguity in the 30-day filing process and streamline the process. Two specific changes found within the proposed rule of note, apart from clarifying amendments, include allowing for decreased rates or charges within a utility’s tariff to be allowable under 170 IAC 1-6 and requiring objections made to be considered valid objections. The IURC undertook this rulemaking out of a recognition that a clearer rule would make for a more efficient process and better customer experience for regulated entities.

The IURC’s provided analysis displays a proper due diligence and understanding of how implementation must be carried out to ensure compliance. The impact to small businesses by the proposed rule appears to be minimal, if any, as no new fines or fees are being imposed. The proposed rule may provide a benefit to utilities, largely municipal utilities as they are the entities which utilize the 30-day filing process the most, as there may be less administrative burdens in filing. The IURC has taken the time to contemplate any additional workload that may be incurred from the proposed rule, and the potential for more 30-day filings, and determined any increases would likely be minimal, as such the burden to taxpayers for additional agency administrative costs would be minimal. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the IURC’s conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,
Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation