

# STATE of INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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## MEMORANDUM

TO: Commission Chairman James F. Huston  
Commissioners Bennett, Freeman, Veleta and Ziegner

FROM: Commission Technical Divisions

DATE: July 19, 2024

RE: 30-Day Utility Articles for Conference on *Wednesday, July 24, 2024 @ 10:00 a.m.*

The following thirty-day filings have been submitted to the Commission. Each item was reviewed by the appropriate Commission Technical Divisions and all regulations were met in accordance with 170 IAC 1-6 Thirty-Day Administrative Filing Procedures and Guidelines. Therefore, the following filings listed below and attached hereto are recommended to be considered by the Commission at the next conference:

Attachment Number	30-Day Filing No.	Name of Utility Company	Type of Request	Date Received
1	50747	Fountaintown Gas Company, Inc.	Amended terms and conditions	4/26/2024
2	50748	South Eastern Indiana Natural Gas Co., Inc.	Amended terms and conditions	4/26/2024

*Submitted By: Jane Steinhauer*  
*Director, Energy Division*

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**Filing Party:** Fountaintown Gas Company, Inc.

**30-Day Filing ID No.:** 50747

**Date Filed:** April 26, 2024

**Filed Pursuant To:** 170 IAC 1-6

**Request:** Fountaintown Gas Co, Inc. (“FTN”) proposes to replace the general rules governing their provision of gas service with the General Rules and Regulations Applicable to Gas Service now in effect<sup>1</sup> for their gas utility affiliate, Ohio Valley Gas Corporation (“OVG”).<sup>2</sup> FTN makes this request to promote administrative efficiency and consistency with their gas utility affiliate, OVG.

If approved, the only differences between FTN’s general service rules and OVG’s will be utility-specific identifying information in the text of the rules, header, and footer of each tariff sheet as well as retention of the current rules and regulations title “Terms and Conditions”. FTN’s proposed replacement rules are set forth on Amended Tariff Sheets 100-109 as well as new Tariff Sheets 110-116.

**Customer Impact:** The revisions update tariff rules and regulations for all rate class Customers that receive gas service.

**Objections:** The Office of Utility Consumer Counselor (“the OUCC”) contested this filing on June 12, 2024, the Commission notified the utility representative on June 13, 2024, and the utility responded to the OUCC’s objections on June 21, 2024. After review of the OUCC’s objections and FTN’s response, the Commission determined that the OUCC’s objections did not comply with 170 IAC 1-6-7(b)(2) and allowed this filing to move forward for review.<sup>3</sup>

**Tariff Page(s) Affected:** Fountaintown Gas Company, Inc., Tariff for Gas Service, IURC No. G-11;

**Staff Recommendations:** Requirements met. Recommend approval.

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<sup>1</sup> Approved by the Commission on January 17, 2024.

<sup>2</sup> In the 30-Day Filing 50748, South Eastern Indiana Natural Gas Company, Inc., also requested the same changes.

<sup>3</sup> See below for list of OUCC objections.

**Objections - Summary: OUCC Objection filed 6/12/24**

The OUCC filed an objection stating that the filing is touted as promoting administrative efficiency, but if approved using the thirty-day filing process, it does so at the expense of ratepayer transparency and engagement. In support of its objection to the filings, the OUCC states:

- 1) 170 IAC 1-6, et seq. (“Rule 6”), requires thirty-day administrative filings with the Commission to be noncontroversial.
  - 170 IAC 1-6-1(b). A “noncontroversial” filing is defined as one to which no party has filed an objection. 170 I.A.C. 1-6-2(10). The Commission requires objections to a thirty-day filing to state whether the filing is a violation of: (i) applicable law; (ii) a prior commission order; or (iii) a commission rule; the information provided is inaccurate, or the filing is incomplete or prohibited under 170 I.A.C. 1-6-7(b)(2).
- 2) The filing does not comply with 170 I.A.C. 1-6-5(a), which requires a thirty-day filing to include a cover letter clearly stating the filing is being made under Rule 6 and “(B) the purpose of the filing; (C) the need for what is being requested; and (D) why the filing is an allowable request under section 3 of this rule.”
  - The cover letter for the filing states:

“The impetus for and nature of the proposed amendments is to promote administrative efficiency by making [South Eastern and Fountaintown]’s service rules fully consistent with the service rules of their gas utility affiliate, OVG. OVG’s current service rules were approved on January 17, 2024. [South Eastern and Fountaintown] are now proposing to replace in their entirety their existing terms and conditions for gas service with the General Rules and Regulations Applicable to Gas Service recently now in effect for OVG.”

Notably, no need is claimed or shown in the cover letter for the filing, and FTN has not shown the scope of the filing is for an allowable request under 170 I.A.C. 1-6-3 as required. FTN seeks to replace their approved terms and conditions for gas service in their entirety.

- 3) The cover letter describes OVG as an affiliate of FTN, but under Ind. Code § 8-1-2-49(2)(g) “no such person or corporation shall be considered as affiliated within the meaning of this section if such person or corporation is otherwise subject to the jurisdiction of the commission.”
  - OVG, South Eastern, and Fountaintown each maintain an individual corporate status and seek rate changes independent of each other. Under I.C. § 8-1-2-49(2)(g), South Eastern and Fountaintown are each separate public utilities under the jurisdiction of the Commission.

- 4) The OUCC has been unable to locate authority allowing the wholesale adoption of one utility's service rules and regulations by another utility in the absence of a rate case.
  - In 170 I.A.C. 1-2-7 (Change of ownership; common supplements and schedules), adoption of common schedules can occur “[i]n [the] event of change of ownership, control, or change of name of a public utility[.]” In such a case, “the public utility absorbed, taken over or purchased by another utility, shall unite with that other public utility in common supplements to the schedules on file, withdrawing or accepting and establishing such schedules and all effective supplements thereto.” As South Eastern and Fountaintown are separate utilities, neither can avail themselves of the application of section 7.
- 5) While 170 I.A.C. 1-6-3(3) permits rules and regulations to be changed through a 30-day filing, the cover letter identifies no need driving the requested changes, instead stating that the change will promote administrative efficiency. In the absence of an expressed ‘need’ for this filing, the presence of I.C. § 8-1-2-49(2)(g) restricting the definition of affiliates, and the lack of authority in Rule 6 endorsing the wholesale adoption of one utility's rules and regulations by another, it is the OUCC's position that the Filings are flawed and should not be approved under the 30-day process.
  - The filing is premised on a factually inaccurate basis that OVG's rules and regulations are equally applicable to FTN's gas service and customers without this having been shown. What may be in the public interest for OVG's customers should not be assumed to be in the public interest for FTN's customers. There is no basis for the rules and regulations of one utility becoming applicable to another utility and replacing that utility's approved rules and regulations for service via the thirty-day filing regimen.
- 6) Under 170 I.A.C. 1-6-4(9), the Commission in its discretion may disallow a thirty-day filing containing “[a]ny (C) rules; (D) conditions of service; or (E) change thereto; that the commission in its discretion determines should not be processed under this rule.”
  - The OUCC requests the Commission use its discretion to deny FTN's requests to replace their approved service rules and regulations with OVG's rules and regulations via the thirty-day filing process. Approval of the filing would set a problematic precedent. Changing approved service rules and regulations in their entirety merits greater ratepayer notice and scrutiny than this thirty-day filing affords.

Fountaintown's Response filed 6/21/2024

The OUCC filed an objection beginning with a brief introductory paragraph containing the vague and unsupported allegation that approving these 30-day filings would be “at the expense of ratepayer transparency and engagement,” the objection contains six enumerated paragraphs.

As explained in more detail below, the OUCC's attempt to block approval of FTN's adoption of OVG's previously approved rules and regulations is devoid of substance and should be summarily disregarded.

- 1) The OUCC's first numbered paragraph contains no objection but rather purports to describe the applicable rules governing 30-day filings and objections. The OUCC cites 170 IAC 1-6-1(b) (“[O]nly noncontroversial filings may be approved under this rule”) and then makes the misleading assertion that a noncontroversial filing “is defined as one to which no party has filed an objection.” The reason that is misleading is that it omits the important qualifier that the objection must satisfy the standards set forth in 170 IAC 1-6-2(10) (defining “noncontroversial” as a filing “regarding which no person or entity has filed an objection as provided under section 7 of this rule”). The OUCC goes on to quote from the requirements specified in section 7, at 170 IAC 1-6-7(b)(2), although it mistakenly refers to a filing that “is incomplete or prohibited under 170 I.A.C. 1-6-7(b)(2).” That section of the 30-day filing rules listing the limited bases for valid objections actually refers to 170 IAC 1-6-4, “Prohibited Filings,” not to 170 IAC 1-6-7. That is, 170 IAC 1-6-7(b)(2)(C)(ii) refers to a filing that is “prohibited under section 4 of this rule.”
- 2) The OUCC's second numbered paragraph of its objection starts with the assertion that FTN's 30-day filings “do not comply with 170 IAC 1-6-5(a).” According to the OUCC, FTN failed to claim or show in the cover letter for their 30-day filing any need for the requested changes. The OUCC further alleges that FTN did not show that the “scope” of their 30-day filing “is for an allowable request under 170 IAC 1-6-3.” The OUCC is mistaken as to both purported objections, which are unfounded. But even accepting the OUCC's allegations as true (which is not the case), the OUCC has made no showing that either alleged instance of a failure to comply with 170 IAC 1-6-3 satisfies any of the requirements for being a valid objection. According to subsection -7(b)(2) of the 30-day filing rules, to be valid “the objection must be...based on a statement that at least one (1) of the following applies to the filing....” In the absence of such a statement, we are left to speculate that perhaps the OUCC intends to assert that the alleged incompliance with 170 IAC 1-6-5(a) constitutes a “violation” of some sort specified in 170 IAC 1-6-7(b)(2)(A).

Setting aside the OUCC's failure to specify which of the valid objection criteria apply, its objection is without merit. Addressing first the need for the requested change, FTN clearly stated – as the OUCC acknowledges – that “the impetus for and nature of the proposed amendments is to promote administrative efficiency by

making UTILITIES' service rules fully consistent with the service rules of their gas utility affiliate, Ohio Valley Gas Corporation.” The OUCC apparently and inexplicably views the promotion of administrative efficiency to be something that FTN cannot or should not pursue. (Also see the OUCC's statement in paragraph #5 of their objection: “[T]he cover letter identifies no need driving the requested changes, instead stating that the change will promote administrative efficiency.”) The Commission should reject the OUCC's position and accept that FTN's effort to increase their administrative efficiency through harmonization of rules and regulations is a valid and appropriate “need” for purposes of making a change under the Commission's 30-day filing rules.

The OUCC's separate claim that FTN's filing does not comply with 170 IAC 1-6-5(a) for not stating an allowable purpose under section -6-3 should be similarly rejected. (170 IAC 1-6-3) “Allowable filings,” lists five types of filings that are allowable as 30-day filings. The third listed type of allowable filing is “Changes to rules and regulations of the utility.” Both in the “Re” line and the body of their cover letter submitting their 30-day filing, FTN identifies this allowed purpose: “RE: 30-day filing to replace rules and regulations for gas service...” and “This cover letter sets forth a request for the Indiana Utility Regulatory Commission ... to authorize FTN to amend the general rules governing their provision of gas service.” FTN has stated an allowed purpose for their proposed 30-day filing. The OUCC has not and cannot show otherwise, and its purported objection on this basis should accordingly be disregarded.

- 3) The third numbered paragraph of the OUCC's objection is devoted to FTN's status as an affiliate. FTN takes no issue with the OUCC's conclusion in that paragraph that FTN (and South Eastern) “are each separate public utilities under the jurisdiction of the Commission.” To the extent that FTN (and South Eastern), which are unquestionably affiliated in the sense that they share a common corporate parent, are not considered as affiliated within the narrower meaning of Ind. Code § 8-1-2-49(2)(g), the OUCC has offered no explanation of why this has any relevance or lends any credence to its objection to FTN's proposed change to their rules and regulations for gas service.
- 4) The OUCC's fourth numbered paragraph makes the similarly irrelevant statement that it “has been unable to locate authority allowing the wholesale adoption of one utility's service rules and regulations by another utility in the absence of a rate case.” Whether or not another utility has previously pursued such a “wholesale adoption” tells us nothing about the merits of the rule change proposed by FTN. Also, as noted above, the authority for FTN to change their rules and regulations by means of the 30-day filing process is found in 170 IAC 1-6-3(3). That applies whether

the change is a single word or a full replacement. And although FTN has not relied on the separate Commission rule cited by the OUCC, 170 IAC 1-2-7, calling for “adoption of common schedules” upon a change in control, FTN notes that their interest in utilizing more efficient administrative processes which prompted their 30-day filing is a direct result of the relatively recent change in ownership which resulted in their affiliation with OVG.

- 5) In its fifth numbered paragraph, the OUCC complains about FTN’s allegedly “factually inaccurate basis” for wanting to substitute their current rules for gas service with OVG’s recently approved rules. Yet the OUCC’s objection identifies no factual inaccuracies. Instead they assert without elaboration that “What may be in the public interest for OVG’s customers should not be assumed to be in the public interest for South Eastern or FTN’s customers.” That’s not a valid objection, and like the rest of the OUCC’s objections, this objection does not withstand critical scrutiny. FTN notes that OVG had not identified any special characteristics of its customer base which made OVG’s service rules uniquely suited only to its customers, and the OUCC certainly has made no attempt to articulate why the service rules that FTN seeks to adopt for their customers are in the public interest for OVG’s customers but somehow not for FTN’s customers.
- 6) Finally, the OUCC’s sixth numbered paragraph poses, again without explanation, that approving the requested changes through the 30-day filing process “would set a problematic precedent” and concludes with the conclusory statement that “Changing approved service rules and regulations in their entirety merits greater ratepayer notice and scrutiny than this thirty-day filing affords.” The only risk of a “problematic precedent” is if the OUCC is allowed to derail a straightforward, substantively unassailable rule change with its vague and ill-considered objections. FTN’s ratepayers have had ample and specific notice of these 30-day filings, which over the ensuing 56 days (plus) have been met, other than the OUCC’s histrionics, with silence. FTN’s requested changes to their service rules should be approved without further delay.

The above response sets forth FTN’s response to the OUCC’s purported objections. Given that neither the OUCC nor any other person or entity has raised any valid objection to FTN’s 30-day filing, these twin filings should be approved by the Commission at its next opportunity.

**General Counsel Analysis and Findings:**

The Commission received the Office of Utility Counselor's letter on June 12, 2024, contesting Fountaintown Gas Company, Inc.'s ("FTN") pending 30-day filing with the tracking number 50747.

The Commission sent a notification email to the utility representative on June 13, 2024. Upon review of the objection and the utility's response filed on June 24, 2024, the Commission's General Counsel advised that the 30-day filing may proceed through the process as the OUCC's objections did not comply with 170 IAC 1-6-7(b)(2). The OUCC's letter states that FTN's filing is in violation of 170 IAC 1-6-5(a)(1) and that Fountaintown is not an affiliate of Ohio Valley Gas under Indiana Code section 8-1-2-49; however, FTN's cover letter did provide the items required under 170 IAC 1-6-5(a)(1) and Indiana Code section 8-1-2-49 is not applicable to this filing. Information regarding the objection and the determination will be provided as part of the utility articles for the Commission's consideration and final determination.

**Staff Recommendations:**

Staff agrees with General Counsel's analysis and findings that the Objections to the filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.



*Submitted By: Jane Steinhauer*  
*Director, Energy Division*

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**Filing Party:** South Eastern Indiana Natural Gas Company, Inc.

**30-Day Filing ID No.:** 50748

**Date Filed:** April 26, 2024

**Filed Pursuant To:** 170 IAC 1-6

**Request:** South Eastern Indiana Natural Gas Company, Inc. (“SEING”) proposes to replace the general rules governing their provision of gas service with the General Rules and Regulations Applicable to Gas Service now in effect<sup>1</sup> for their gas utility affiliate, Ohio Valley Gas Corporation (“OVG”).<sup>2</sup> SEING makes this request to promote administrative efficiency and consistency with their gas utility affiliate, OVG.

If approved, the only differences between SEING’s general service rules and OVG's will be utility-specific identifying information in the text of the rules, header, and footer of each tariff sheet as well as retention of the current rules and regulations title “Terms and Conditions”. SEING’s proposed replacement rules are set forth on Amended Tariff Sheets 100-109 as well as new Tariff Sheets 110-116.

**Customer Impact:** The revisions update tariff rules and regulations for all rate class Customers that receive gas service.

**Objections:** The Office of Utility Consumer Counselor (“OUCC”) contested this filing on June 12, 2024, the Commission notified the utility representative on June 13, 2024, and the utility responded to the OUCC’s objections on June 21, 2024. After review of the OUCC’s objections and SEING’s response, the Commission determined that the OUCC’s objections did not comply with 170 IAC 1-6-7(b)(2) and allowed this filing to move forward for review.<sup>3</sup>

**Tariff Page(s) Affected:** South Eastern Indiana Natural Gas Co., Inc., Tariff for Gas Service, IURC No. G-10

**Staff Recommendations:** Requirements met. Recommend approval.

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<sup>1</sup> Approved by the Commission on January 17, 2024.

<sup>2</sup> In the 30-Day Filing 50747, Fountaintown Gas Company, Inc., also requested the same changes.

<sup>3</sup> See below for list of OUCC objections.

**Objections - Summary: OUCC Objection filed 6/12/24**

The OUCC filed an objection stating that the filing is touted as promoting administrative efficiency, but if approved using the thirty-day filing process, it does so at the expense of ratepayer transparency and engagement. In support of its objection to the filings, the OUCC states:

- 1) 170 IAC 1-6, et seq. (“Rule 6”), requires thirty-day administrative filings with the Commission to be noncontroversial.
  - 170 IAC 1-6-1(b). A “noncontroversial” filing is defined as one to which no party has filed an objection. 170 I.A.C. 1-6-2(10). The Commission requires objections to a thirty-day filing to state whether the filing is a violation of: (i) applicable law; (ii) a prior commission order; or (iii) a commission rule; the information provided is inaccurate, or the filing is incomplete or prohibited under 170 I.A.C. 1-6-7(b)(2).
- 2) The filing does not comply with 170 I.A.C. 1-6-5(a), which requires a thirty-day filing to include a cover letter clearly stating the filing is being made under Rule 6 and “(B) the purpose of the filing; (C) the need for what is being requested; and (D) why the filing is an allowable request under section 3 of this rule.”
  - The cover letter for the filing states:

“The impetus for and nature of the proposed amendments is to promote administrative efficiency by making [South Eastern and Fountaintown]’s service rules fully consistent with the service rules of their gas utility affiliate, OVG. OVG’s current service rules were approved on January 17, 2024. [South Eastern and Fountaintown] are now proposing to replace in their entirety their existing terms and conditions for gas service with the General Rules and Regulations Applicable to Gas Service recently now in effect for OVG.”

Notably, no need is claimed or shown in the cover letter for the filing, and SEING has not shown the scope of the filing is for an allowable request under 170 I.A.C. 1-6-3 as required. SEING seeks to replace their approved terms and conditions for gas service in their entirety.

- 3) The cover letter describes OVG as an affiliate of SEING, but under Ind. Code § 8-1-2-49(2)(g) “no such person or corporation shall be considered as affiliated within the meaning of this section if such person or corporation is otherwise subject to the jurisdiction of the commission.”
  - OVG, South Eastern, and Fountaintown each maintain an individual corporate status and seek rate changes independent of each other. Under I.C. § 8-1-2-49(2)(g), South Eastern and Fountaintown are each separate public utilities under the jurisdiction of the Commission.

- 4) The OUCC has been unable to locate authority allowing the wholesale adoption of one utility's service rules and regulations by another utility in the absence of a rate case.
  - In 170 I.A.C. 1-2-7 (Change of ownership; common supplements and schedules), adoption of common schedules can occur “[i]n [the] event of change of ownership, control, or change of name of a public utility[.]” In such a case, “the public utility absorbed, taken over or purchased by another utility, shall unite with that other public utility in common supplements to the schedules on file, withdrawing or accepting and establishing such schedules and all effective supplements thereto.” As South Eastern and Fountaintown are separate utilities, neither can avail themselves of the application of section 7.
- 5) While 170 I.A.C. 1-6-3(3) permits rules and regulations to be changed through a 30-day filing, the cover letter identifies no need driving the requested changes, instead stating that the change will promote administrative efficiency. In the absence of an expressed ‘need’ for this filing, the presence of I.C. § 8-1-2-49(2)(g) restricting the definition of affiliates, and the lack of authority in Rule 6 endorsing the wholesale adoption of one utility's rules and regulations by another, it is the OUCC's position that the Filings are flawed and should not be approved under the 30-day process.
  - The filing is premised on a factually inaccurate basis that OVG's rules and regulations are equally applicable to SEING's gas service and customers without this having been shown. What may be in the public interest for OVG's customers should not be assumed to be in the public interest for SEING's customers. There is no basis for the rules and regulations of one utility becoming applicable to another utility and replacing that utility's approved rules and regulations for service via the thirty-day filing regimen.
- 6) Under 170 I.A.C. 1-6-4(9), the Commission in its discretion may disallow a thirty-day filing containing “[a]ny (C) rules; (D) conditions of service; or (E) change thereto; that the commission in its discretion determines should not be processed under this rule.”
  - The OUCC requests the Commission use its discretion to deny SEING's requests to replace their approved service rules and regulations with OVG's rules and regulations via the thirty-day filing process. Approval of the filing would set a problematic precedent. Changing approved service rules and regulations in their entirety merits greater ratepayer notice and scrutiny than this thirty-day filing affords.

South Eastern's Response filed 6/21/2024

The OUCC filed an objection beginning with a brief introductory paragraph containing the vague and unsupported allegation that approving these 30-day filings would be “at the expense of ratepayer

transparency and engagement,” the objection contains six enumerated paragraphs.

As explained in more detail below, the OUCC’s attempt to block approval of SEING’s adoption of OVG’s previously approved rules and regulations is devoid of substance and should be summarily disregarded.

- 1) The OUCC’s first numbered paragraph contains no objection but rather purports to describe the applicable rules governing 30-day filings and objections. The OUCC cites 170 IAC 1-6-1(b) (“[O]nly noncontroversial filings may be approved under this rule”) and then makes the misleading assertion that a noncontroversial filing “is defined as one to which no party has filed an objection.” The reason that is misleading is that it omits the important qualifier that the objection must satisfy the standards set forth in 170 IAC 1-6-2(10) (defining “noncontroversial” as a filing “regarding which no person or entity has filed an objection as provided under section 7 of this rule”). The OUCC goes on to quote from the requirements specified in section 7, at 170 IAC 1-6-7(b)(2), although it mistakenly refers to a filing that “is incomplete or prohibited under 170 I.A.C. 1-6-7(b)(2).” That section of the 30-day filing rules listing the limited bases for valid objections actually refers to 170 IAC 1-6-4, “Prohibited Filings,” not to 170 IAC 1-6-7. That is, 170 IAC 1-6-7(b)(2)(C)(ii) refers to a filing that is “prohibited under section 4 of this rule.”
- 2) The OUCC’s second numbered paragraph of its objection starts with the assertion that SEING’s 30-day filings “do not comply with 170 IAC 1-6-5(a).” According to the OUCC, SEING failed to claim or show in the cover letter for their 30-day filing any need for the requested changes. The OUCC further alleges that SEING did not show that the “scope” of their 30-day filing “is for an allowable request under 170 IAC 1-6-3.” The OUCC is mistaken as to both purported objections, which are unfounded. But even accepting the OUCC’s allegations as true (which is not the case), the OUCC has made no showing that either alleged instance of a failure to comply with 170 IAC 1-6-3 satisfies any of the requirements for being a valid objection. According to subsection -7(b)(2) of the 30-day filing rules, to be valid “the objection must be...based on a statement that at least one (1) of the following applies to the filing...” In the absence of such a statement, we are left to speculate that perhaps the OUCC intends to assert that the alleged noncompliance with 170 IAC 1-6-5(a) constitutes a “violation” of some sort specified in 170 IAC 1-6-7(b)(2)(A).

Setting aside the OUCC’s failure to specify which of the valid objection criteria apply, its objection is without merit. Addressing first the need for the requested change, SEING clearly stated – as

the OUCC acknowledges – that “the impetus for and nature of the proposed amendments is to promote administrative efficiency by making UTILITIES’ service rules fully consistent with the service rules of their gas utility affiliate, Ohio Valley Gas Corporation.” The OUCC apparently and inexplicably views the promotion of administrative efficiency to be something that SEING cannot or should not pursue. (Also see the OUCC’s statement in paragraph #5 of their objection: “[T]he cover letter identifies no need driving the requested changes, instead stating that the change will promote administrative efficiency.”) The Commission should reject the OUCC’s position and accept that SEING’s effort to increase their administrative efficiency through harmonization of rules and regulations is a valid and appropriate “need” for purposes of making a change under the Commission’s 30-day filing rules.

The OUCC’s separate claim that SEING’s filing does not comply with 170 IAC 1-6-5(a) for not stating an allowable purpose under section -6-3 should be similarly rejected. (170 IAC 1-6-3) “Allowable filings,” lists five types of filings that are allowable as 30-day filings. The third listed type of allowable filing is “Changes to rules and regulations of the utility.” Both in the “Re” line and the body of their cover letter submitting their 30-day filing, SEING identifies this allowed purpose: “RE: 30-day filing to replace rules and regulations for gas service...” and “This cover letter sets forth a request for the Indiana Utility Regulatory Commission ... to authorize SEING to amend the general rules governing their provision of gas service.” SEING has stated an allowed purpose for their proposed 30-day filing. The OUCC has not and cannot show otherwise, and its purported objection on this basis should accordingly be disregarded.

- 3) The third numbered paragraph of the OUCC’s objection is devoted to SEING’s status as an affiliate. SEING takes no issue with the OUCC’s conclusion in that paragraph that SEING (and Fountaintown) “are each separate public utilities under the jurisdiction of the Commission.” To the extent that SEING (and Fountaintown), which are unquestionably affiliated in the sense that they share a common corporate parent, are not considered as affiliated within the narrower meaning of Ind. Code § 8-1-2-49(2)(g), the OUCC has offered no explanation of why this has any relevance or lends any credence to its objection to SEING’s proposed change to their rules and regulations for gas service.
- 4) The OUCC’s fourth numbered paragraph makes the similarly irrelevant statement that it “has been unable to locate authority allowing the wholesale adoption of one utility’s service rules and regulations by another utility in the absence of a rate case.” Whether or not another utility has previously pursued such a “wholesale adoption” tells us nothing about the merits of the rule change proposed by SEING. Also, as noted above, the authority for

SEING to change their rules and regulations by means of the 30-day filing process is found in 170 IAC 1-6-3(3). That applies whether the change is a single word or a full replacement. And although SEING has not relied on the separate Commission rule cited by the OUCC, 170 IAC 1-2-7, calling for “adoption of common schedules” upon a change in control, SEING notes that their interest in utilizing more efficient administrative processes which prompted their 30-day filing is a direct result of the relatively recent change in ownership which resulted in their affiliation with OVG.

- 5) In its fifth numbered paragraph, the OUCC complains about SEING’s allegedly “factually inaccurate basis” for wanting to substitute their current rules for gas service with OVG’s recently approved rules. Yet the OUCC’s objection identifies no factual inaccuracies. Instead they assert without elaboration that “What may be in the public interest for OVG’s customers should not be assumed to be in the public interest for South Eastern or SEING’s customers.” That’s not a valid objection, and like the rest of the OUCC’s objections, this objection does not withstand critical scrutiny. SEING notes that OVG had not identified any special characteristics of its customer base which made OVG’s service rules uniquely suited only to its customers, and the OUCC certainly has made no attempt to articulate why the service rules that SEING seeks to adopt for their customers are in the public interest for OVG’s customers but somehow not for SEING’s customers.
- 6) Finally, the OUCC’s sixth numbered paragraph poses, again without explanation, that approving the requested changes through the 30-day filing process “would set a problematic precedent” and concludes with the conclusory statement that “Changing approved service rules and regulations in their entirety merits greater ratepayer notice and scrutiny than this thirty-day filing affords.” The only risk of a “problematic precedent” is if the OUCC is allowed to derail a straightforward, substantively unassailable rule change with its vague and ill-considered objections. SEING’s ratepayers have had ample and specific notice of these 30-day filings, which over the ensuing 56 days (plus) have been met, other than the OUCC’s histrionics, with silence. SEING’s requested changes to their service rules should be approved without further delay.

The above response sets forth SEING’s response to the OUCC’s purported objections. Given that neither the OUCC nor any other person or entity has raised any valid objection to SEING’s 30-day filing, these twin filings should be approved by the Commission at its next opportunity.

**General Counsel Analysis and Findings:**

The Commission received the Office of Utility Counselor's letter on June 12, 2024, contesting South Eastern Indiana Natural Gas Co., Inc.'s ("SEING") pending 30-day filing with the tracking number 50748.

The Commission sent a notification email to the utility representative on June 13, 2024. Upon review of the objection and the utility's response filed on June 24, 2024, the Commission's General Counsel advised that the 30-day filing may proceed through the process as the OUCC's objections did not comply with 170 IAC 1-6-7(b)(2). The OUCC's letter states that SEING's filing is in violation of 170 IAC 1-6-5(a)(1) and that SEING is not an affiliate of OVG under Indiana Code section 8-1-2-49; however, South Eastern's cover letter did provide the items required under 170 IAC 1-6-5(a)(1) and Indiana Code section 8-1-2-49 is not applicable to this filing. Information regarding the objection and the determination will be provided as part of the utility articles for the Commission's consideration and final determination.

**Staff Recommendations:**

Staff agrees with General Counsel's analysis and findings that the Objections to the filing are not compliant with Commission rules. Filing requirements have been met. Recommend approval.