

June 9, 2015

DeAnna Poon, Assistant General Counsel
Indiana Utility Regulatory Commission
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Electronically delivered

Dear Assistant General Counsel Poon:

Thank you for the opportunity to provide comments at this informal stage of the rulemaking of the procedural rules. If this format is unacceptable or inconvenient for you, please let us know and we would be happy to resubmit our comments.

COMMENTS

- If possible, all public Excel sheet workpapers that support parties' filings and other Excel spreadsheets should be accessible on the new electronic system or the IURC E-docket system for the public's benefit.
- The formulas in Excel spreadsheets should remain public, except to the extent they contain trade secrets or otherwise meet the requirements for confidential treatment.
- E-signatures are more efficient and have worked well in the past. We would suggest that original signatures only be required if there is an issue of credibility. We agree that an issue could be resolved through cross-examination or waiving of cross-examination.
- We agree that the service of docket entries by email is much more efficient than service by fax. The Indiana Clerk of the Courts provides service of orders by email.
- Regarding attorneys' contact and service information, it may be most efficient to allow attorneys the ability to update their own information into a database and then sign off on the updated information themselves. This would lessen the burden on the IURC staff, as well.
- Even if items such as territorial maps, engineering drawings, or other visual aids are filed on paper, it would still be more efficient and accessible for these and all items to be filed electronically, as well.
- We agree that it is more efficient to keep the discretion with the Administrative Law Judges as to whether or not to require that documents be printed for the Commission. Another solution could be to allow a larger printing budget for the Commission so that the ALJs, Commissioners, and other Commission Staff can print documents as they require.

- Because a consistent filing deadline is important for efficiency, we prefer to keep the 11:59 PM submission and service deadline.
- Under 170 IAC 1-1.1-9(a)(7), we believe it would be more efficient and accessible to the public if all dollar figures in the cost recovery requests be included in the petition. For instance, for a DSM program, the utility would be required to state the exact dollar amounts they are asking to recover from ratepayers; and if no dollars are requested, the utility should so state.
- We would suggest that under 170 IAC 1-1.1-9(c), utility petitioners should also be required to publish notice of the filing of the petition on their website and not just in the newspapers.
- Under 170 IAC 1-1.1-13(a), (b) and (d), electronic service is preferred.
- The IURC should modify the 10-day by mail requirement if email or other electronic service is permitted. Perhaps, if an attorney would prefer instead to receive mail, they could file a special request.
- Regarding 170 IAC 1-1.1-15, specifically (a)(3), (c), & (e), sometimes procedural schedule agreements are done very early on in the proceeding and weeks before a prehearing conference, which may not provide parties enough time to intervene and participate in the negotiation of a procedural schedule. Thus, before a procedural schedule is set and a prehearing conference is vacated, we would suggest that any agreements regarding the procedural schedules be made only within seven (7) calendar days of the date of the hearing.
- We believe that having all of the ex parte rules in one section would be most efficient, as long as the effect stay the same.
- Regarding 170 IAC 1-1.1-17, we note Kentucky Administrative Rule 807 KAR 5:001(9)(4) (pasted below for convenience) and urge this Commission to consider the great efficiencies that could be achieved if a similar rule be enacted that would encourage parties to reach unanimous settlement agreements:

Conferences with commission staff. The commission, on its own motion, through its executive director or upon a motion of a party, may convene a conference in a case for the purpose of considering the possibility of settlement, the simplification or clarification of issues, or any other matter that may aid in the handling and disposition of the case. Unless the commission directs otherwise or the parties otherwise agree, participation in conferences with commission staff shall be limited to parties of the subject proceeding and their representatives.

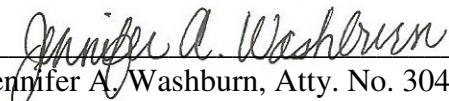
The Commission is also urged to not accept non-unanimous settlement agreements in favor of accessibility.

QUESTIONS

- The new subscription notification system seems much more efficient and accessible. In order to participate, does one have to be an intervener in the case to receive the public filings?
- There is a legitimate concern about the file sizes related to the 600 DPI requirements of the GAO in regards to green paper. Is there a workaround to make the document green after scanning?
- Is there a possibility to use secure storage sites such as box.com for receiving large service documents?
- Are there any foreseeable differences between 170 IAC 1-1.1-4 and Indiana Court Rules Administrative Rule 9(g) regarding Confidential and Privileged Information?
- Will utilities and parties still be required to provide each other and the Administrative Law Judges with Word documents for the purpose of redlining proposed orders? We would encourage the continuation of this practice.
- Under 170 IAC 1-1.1-13(e)(2), should this be changed from delivered in person to sent from sender's email?
- Under 170 IAC 1-1.1-15(a)(3), will the notices regarding preliminary hearings be included in the subscription notification system? We would support the inclusion of those IURC docket entries and orders.
- For 170 IAC 1-6-9, why are the thirty day administrative filings exempt from the ex parte rules? We would suggest reconsideration of this.
- For 170 IAC 14, why are the small utilities exempt from the ex parte rules? We would suggest reconsideration of this.

Thank you again for this opportunity. We hope these questions and comments are helpful, and we look forward to continuing our participation in this process. Please feel free to reach out with any questions or concerns.

Respectfully submitted,



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