

**VIA EMAIL**

February 8, 2024

Jeremy Comeau  
Assistant General Counsel  
INDIANA UTILITY REGULATORY COMMISSION  
101 W. Washington St., Ste. 1500 East  
Indianapolis, IN 46204

Re: LSA Document #23-776/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 in connection with the rule changes contained in LSA Document #23-776 (proposed rule) proposed by the Indiana Utility Regulatory Commission (IURC), and found the following to be true.

Proposed rule LSA #23-776 amends various sections of 170 IAC 15 in order to align Indiana Administrative Code (IAC) with Indiana Code (IC) 8-1-2-1.2 as amended in House Enrolled Act 1662 (Public Law 62-2019) and provide clarity on the application of the IURC's water and wastewater sub-billing rule. Many of the amendments add definitions that increase the scope of the IURC's water and wastewater sub-billing rule to include condominium associations and homeowner associations. The need for this expanded scope appears to be derived from IURC Cause No. 45144, which highlighted the need to anticipate situations where a landlord refuses to provide sufficient data in order to make a determination if said landlord complies with proper sub-billing practices. While some of the now included entities may be considered a small businesses under the general guidelines of a small business being defined as a business entity that has on at least fifty percent of the working days of the business entity occurring during the preceding calendar year, that the business entity employed not more than one hundred fifty (150) employees, and the majority of the employees of the business entity work in Indiana, the inclusion of these entities appears to serve as a consumer protection regulation more so than a burden to the included entities. Additionally, the inclusion of these entities does not change the rule's practices already in place, which were promulgated by the IURC in 2010 following IC 8-1-2-1.2's enactment in 2008. The proposed rule does not add any fees, fines, or civil penalties and instead aligns IAC with IC. The proposed rule may also reduce governmental burden by potentially reducing the number of complaints filed with the IURC's Consumer Affairs Division.

Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact to small business if the IURC conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at [majaworowski@iedc.in.gov](mailto:majaworowski@iedc.in.gov).

Sincerely,

Matt Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation