

ORIGINAL

Commissioner	Yes	No	Not Participating
Huston	√		
Bennett	√		
Freeman	√		
Veleta	√		
Ziegner	√		

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

LSA #24-90(F)
IURC RM #23-02

This Final Rulemaking amends 170 IAC 4-10-1, 170 IAC 4-10-2, 170 IAC 4-10-3, 170 IAC 4-10-4, 170 IAC 4-10-5; 170 IAC 4-10-6, and 170 IAC 4-10-7 regarding cost securitization of retired electric utility assets.

The final rule is effective 30 days after filing with the publisher.

Upon prior publication of notice, a public hearing was held on April 22, 2024, at 1:30 p.m., local time in Judicial Courtroom 222 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, et seq.

The Indiana Utility Regulatory Commission previously adopted the proposed rule on March 6, 2024, at 10:00 a.m. local time in Judicial Courtroom 222, PNC Center, Indianapolis, Indiana at which time a majority of members of said Commission were present.

The Secretary is hereby directed to submit the aforesaid final rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

IT IS SO ORDERED.

HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:

APPROVED: MAY 22 2024

**I hereby certify that the above is a true
and correct copy of the Rule as approved.**

Dana Kosco
Secretary of the Commission

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule LSA Document #24-90(F)

DIGEST

Amends 170 IAC 4-10-1 through 170 IAC 4-10-7 regarding cost securitization for retired electric utility assets. Effective 30 days after filing with the Publisher.

170 IAC 4-10-1; 170 IAC 4-10-2; 170 IAC 4-10-3; 170 IAC 4-10-4; 170 IAC 4-10-5; 170 IAC 4-10-6; 170 IAC 4-10-7

COST SECURITIZATION FOR RETIRED ELECTRIC UTILITY ASSETS

SECTION 1. 170 IAC 4-10-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-1 Policy and scope

Authority: IC 8-1-1-3; IC 8-1-40.5-19

Affected: IC 8-1-40.5

Sec. 1. This rule is intended to establish procedures and guidelines for cost securitization for ~~qualified costs~~ **retired electric utility assets** under IC 8-1-40.5. (*Indiana Utility Regulatory Commission; 170 IAC 4-10-1; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022*)

SECTION 2. 170 IAC 4-10-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-2 Applicability under IC 8-1-40.5

Authority: IC 8-1-1-3; IC 8-1-40.5-19

Affected: IC 8-1-40.5-3; IC 8-1-40.5-10

Sec. 2. This rule applies to ~~any~~ **an** electric utility, as defined under IC 8-1-40.5-3, ~~that meets~~ **meeting** the threshold for qualified costs ~~pursuant to~~ **under** IC 8-1-40.5-10(a). (*Indiana Utility Regulatory Commission; 170 IAC 4-10-2; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022*)

SECTION 3. 170 IAC 4-10-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-3 No change to other commission processes

Authority: IC 8-1-1-3; IC 8-1-40.5-19

Affected: IC 8-1-40.5

Sec. 3. This rule does not replace other commission requirements, including: ~~but not limited to:~~
(1) a proceeding requesting a certificate of public convenience and necessity; and
(2) the commission's rule, 170 IAC 4-7, regarding integrated resource planning **by an electric utility**.
(*Indiana Utility Regulatory Commission; 170 IAC 4-10-3; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022*)

SECTION 4. 170 IAC 4-10-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-4 Definitions

Authority: IC 8-1-1-3; IC 8-1-40.5-19

Affected: IC 8-1-1.1; IC 8-1-40.5

Sec. 4. (a) The definitions in IC 8-1-40.5 and this section apply throughout this rule.

(b) "Case-in-chief" means the evidence and documentation provided by the utility in support of its petition, including ~~but not limited to,~~ those listed in ~~subsection 5(c) below~~ **section 5(c) of this rule**.

(c) "Commission" means the Indiana utility regulatory commission.

(d) "OUCC" means the Indiana office of utility consumer counselor established under IC 8-1-1.1.

(e) "Removal costs" ~~mean~~ **means** those costs:

- (1) incurred, or expected to be incurred, to physically remove retired utility generation facilities; and
- (2) that have not already been recovered from customers.

(f) "Restoration costs" ~~mean~~ **means** those costs found to be just and reasonable by the commission, which:

- (1) have not been recovered from customers; and
- (2) are incurred, or expected to be incurred, to restore the site of retired utility generation facilities to a reasonable state as determined by applicable law.

(Indiana Utility Regulatory Commission; 170 IAC 4-10-4; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022)

SECTION 5. 170 IAC 4-10-5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-5 Petition and case-in-chief

Authority: IC 8-1-1-3; IC 8-1.5-3-8.3

Affected: IC 8-1-40.5-10; IC 8-1-40.5-12; IC 8-1.5-3-8.1; IC 8-1.5-3-8.3

Sec. 5. (a) An electric utility seeking to securitize costs for retired electric utility generation assets shall file its petition and ~~its~~ case-in-chief on the same day. The **two hundred forty** (240) day timeline in IC 8-1-40.5-10(b) does not start until the case-in-chief is filed.

(b) The electric utility's petition shall contain at ~~a minimum,~~ **least** the following:

- (1) The best estimate of the amount and terms of the proposed securitization.
- (2) The best estimate of the proposed term in years of the securitization bonds.
- (3) The best estimate of the total jurisdictional rate base at time synchronized with the best estimate of qualified costs at time of bond issuance.
- (4) An executive summary of the request.

(c) The electric utility's case-in-chief shall contain at ~~a minimum,~~ **least** the following:

(1) An estimate of the electric utility's total proposed qualified costs, together with descriptions and schedules of the proposed qualified costs to be subject to the securitization, including linking or mapping the proposed qualified costs to the costs currently included in utility rates, as applicable. ~~Any~~ Excel worksheets ~~shall are~~ also ~~be~~ submitted with the formulas intact.

(2) ~~Schedule(s)~~ **The schedule or schedules** comparing the net present value of the total of the proposed securitization charges with the net present value of the recovery of the qualified costs through traditional ratemaking, over a period not ~~to exceed~~ **exceeding** twenty (20) years. ~~Such~~ **The** schedules shall:

(A) identify the ~~assumption(s) utilized~~ **assumption or assumptions used** in the net present value analysis; and

(B) include evidence supporting the ~~assumption(s)~~ **assumption or assumptions**.

~~Any~~ Excel worksheets ~~shall are~~ also ~~be~~ submitted with the formulas intact.

(3) Identification and list of the specific electric utility generation assets to be retired for which securitization is being requested, together with a calculation of the net original cost of the assets adjusted for depreciation to be incurred until the facility is retired.

(4) Proposed process to accomplish the requirements of IC 8-1-40.5-12(c), including a demonstration that the proposed securitization charges are expected to be ~~sufficient enough~~ to timely provide ~~all~~ payments on:

(A) debt service; and

(B) other required amounts and charges in connection with the securitization bonds.

(5) Evidence describing:

(A) the use of the securitization bonds proceeds; and

(B) accounting entries;

at receipt of bond proceeds.

(6) Description of the proposed mechanism to reduce the electric utility's base rates and charges ~~upon assessment of~~ **after**

assessing the securitization charges on customer bills ~~so as~~ **in order** to remove ~~any~~ costs associated with the qualified costs ~~that are~~ reflected in the electric utility's retail rates at the time the petition is filed.

(7) Tariffs for:

(A) securitization charges; and

(B) ~~any~~ credits or rate reductions required to remove qualified costs from existing rates.

Work papers ~~utilized~~ **used** in determining ~~such these~~ tariffs ~~shall be~~ **are** submitted to the commission and provided to participating parties.

(8) Description of:

(A) current and anticipated market conditions; and

(B) expected bond structure, including a sensitivity analysis showing various bond rates and maturities, along with the corresponding estimated savings for ratepayers.

(9) Evidence of the anticipated costs incurred to:

(A) issue; and

(B) maintain;

the securitization bonds.

(10) Proposed plan for capital investment in Indiana, ~~with justification of any justifying plan investment that is~~ **investments** not identified as a clean energy resource.

(11) Schedules and supporting documentation for estimated numbers relied ~~upon~~ **on** to support the case-in-chief, including assumptions used in ~~any net present value calculation~~ **calculations**.

(12) A description of:

(A) ~~any~~ debt or equity securities to be refinanced or retired; and

(B) estimated redemption premiums, if ~~any~~ **applicable**;

including previously issued securitization bonds.

(13) A copy of: ~~any~~:

(A) **a** contract;

(B) **an** agreement; or

(C) **an** arrangement;

~~that is~~ proposed or has been made, or examples of ~~such those~~ documents, for the sale of the securitization bonds proposed to be issued.

(14) Demonstration of the proposed process to be used to correct ~~any~~ over collections or under collections of securitization charges.

(15) Proposed financing order.

(16) Proposed issuance advice letter for securitization bonds, if the utility plans to use ~~such a~~ **that** letter.

(Indiana Utility Regulatory Commission; 170 IAC 4-10-5; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022)

SECTION 6. 170 IAC 4-10-6 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-6 Notice to the commission, OUCC, and anticipated intervenors

Authority: IC 8-1-1-3; IC 8-1.5-3-8.3

Affected: IC 8-1.5-3-8.1; IC 8-1.5-3-8.3

Sec. 6. (a) The electric utility shall provide notice at least **thirty** (30) days prior to filing its petition to the commission by sending a letter to the secretary of the commission.

(b) The electric utility is encouraged to, ~~prior to the~~ **before** filing of its petition, provide notice and meet with:

(1) the OUCC; and

(2) other anticipated intervenors.

(Indiana Utility Regulatory Commission; 170 IAC 4-10-6; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022)

SECTION 7. 170 IAC 4-10-7 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-10-7 Notice to customers

Authority: IC 8-1-1-3; IC 8-1.5-3-8.3

Affected: IC 8-1.5-3-8.1; IC 8-1.5-3-8.3

Sec. 7. (a) ~~Ne~~ **Not** later than thirty (30) days after the filing of its petition, the electric utility shall provide notice to its customers by:

- (1) posting notice on the electric utility's website; and
- (2) publishing notice through an advertisement in a newspaper of general circulation in each county served by the electric utility.

(b) The notice shall state:

- (1) that the electric utility has filed with the commission a petition for a securitization financing order and the authority for a finance subsidiary to issue securitization bonds;
- (2) the estimated total amount of the securitization bonds requested;
- (3) the proposed securitization charges and the number of years the charges will be collected;
- (4) the estimated net impact on customer rates;
- (5) that interested persons may send comments to the OUCC; and
- (6) the mailing and website addresses and toll free telephone numbers for the OUCC and the commission.

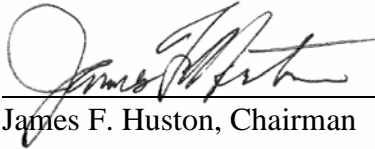
(Indiana Utility Regulatory Commission; 170 IAC 4-10-7; emergency rule filed Dec 20, 2021, 9:30 a.m.: 20211229-IR-170210538ERA, eff Jan 1, 2022)

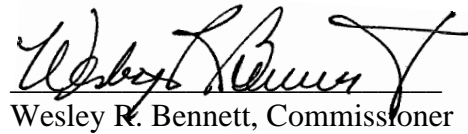
Rule Signature Page

Rule #: LSA #24-90(F)
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 4-10 regarding cost securitization of retired electric utility assets.

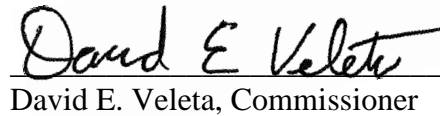
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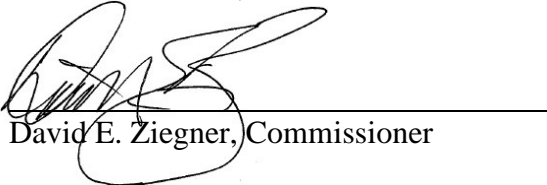
By the Indiana Utility Regulatory Commission Date: MAY 22 2024


James F. Huston, Chairman


Wesley R. Bennett, Commissioner


Sarah E. Freeman, Commissioner


David E. Veleta, Commissioner


David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____ Date: _____

Todd Rokita
Attorney General, State of Indiana

APPROVED:

By: _____ Date: _____

Eric J. Holcomb
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____ Date: _____

Indiana Register
Legislative Services Agency