

From: [Mindy Westrick Brown](#)
To: [Poon, DeAnna](#)
Cc: [Mindy Westrick Brown](#)
Subject: IEA Comments on Procedural Rulemaking
Date: Friday, February 21, 2020 1:44:43 PM
Attachments: [image001.png](#)
[Brown response - CCE Comments.docx](#)
Importance: High

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Dear Ms. Poon:

The Indiana Energy Association (“IEA”) submits the attached comments and recommended changes to the Indiana Utility Regulatory Commission (“Commission”) proposed rulemaking on procedural rules.

I may be reached via email or at the below phone number should you have any questions.

Thank you.

Sincerely,
Mindy Westrick Brown
Vice President
Indiana Energy Association
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Email: mwestrick@indianaenergy.org



A. *We agree with the reasoning behind your suggested change #3 to 170 IAC 1-1.1-4(e). It looks like a large portion of the timing information from Section 3 was inadvertently added to this rule. If you agree, please submit updated comments with this language suggestion:*

170 IAC 1-1.1-4(e)

At the request of the presiding officer or a party, an in camera inspection shall be conducted for the purpose of hearing argument on confidentiality of information submitted under this section. If an in camera inspection is conducted under this section, ~~the act, event, or default from which the designated period of time begins to run shall not be included.~~

~~(1) The last day of the period so computed is to be included unless it is a:~~

~~(A) Saturday;~~

~~(B) Sunday;~~

~~(C) legal holiday as defined by state statute; or~~

~~(D) day that the office in which the act is to be done is closed during regular business hours.~~

~~(2) The period runs until the end of the next day that is not a~~

~~(A) Saturday;~~

information for which confidential treatment is requested shall be made available during the in camera inspection on a provisional basis for the limited purpose of determining its confidentiality. An in camera inspection conducted under this section may, at the discretion of the presiding officer, be publicly noticed under IC 8-1-1-8.

B. *We agree with the reasoning behind your suggested change #2 to 170 IAC 1-1.1-4(i)(2)(C). However, we think a modification that is slightly different than your initial suggestion may be more clear and address possible conflicts with Indiana's public access laws. If you agree, please submit updated comments with this language suggestion:*

170 IAC 1-1.1-4(i)(2)

(C) At the request of a party, the presiding officer may **initially** elect not to require submission of a public access version of a confidential document if such document is large or oversized and filed on compact discs or in another manner.

(D) The presiding officer may later elect to require submission of a public access version of a confidential document that was initially not required if:

(1) a party not permitted to access the confidential information requests a public access version, or

(2) a request is made under state or federal public access laws and disclosure by the commission is required by law.