

INDIEC

Indiana Industrial Energy Consumers, Inc.

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October 31, 2016

DeAnna Poon
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, IN 46204

Re: Comments on Rulemaking RM#15-02, Revisions to Procedural Rules

Dear Ms. Poon,

Please accept the following comments regarding the Commission's Rulemaking 15-02, Strawman Draft Procedural Rule 2 (02-19-16) from the Indiana Industrial Energy Consumers, Inc. (INDEIC).

Regarding 170 IAC 1-1.1-3(g), INDIEC continues to recommend that the deadline for filing be midnight on the date the document is due, rather than close of business. A midnight deadline would retain consistency between the IURC's electronic filing system and the filing deadlines applicable to submissions to the Indiana Court of Appeals, the Indiana Supreme Court, the state trial courts that have begun using electronic filing, and the federal court system. *See, e.g.,* Indiana Rule of Trial Procedure 86(J) and Indiana Rule of Appellate Procedure 68(I). A midnight deadline may also reduce instances of the system crashing as the result of too many parties submitting large files simultaneously.

Regarding 170 IAC 1-1.1-4(a), INDIEC recommends against requiring parties to submit a request for confidential treatment ten days in advance of the filing date. Though this requirement may be feasible for petitions, it will present significant difficulties for subsequent filings. Intervening parties often work under tight deadlines, and this requirement would essentially push all filing deadlines forward by a week and a half. Furthermore, the confidential information that will be used in an intervenor submission may not be obtained until several rounds of discovery have been exchanged. This means that intervening parties may not even have all confidential documents that will be filed ten days prior to their submission deadline.

INDIEC understands that the Commission would like to receive the confidential documents as soon as possible, without waiting ten days for potential objections. To address this concern, INDIEC would recommend requiring the party submitting the confidential information to contact opposing parties and report back regarding whether or not the party objects to the request for confidential treatment.

Finally, regarding 170 IAC 1-1.1-23(b), INDIEC believes that proposed orders should be submitted into the record. Therefore INDIEC recommends adding the words "and proposed

orders” after the word “All briefs.” Thus, the sentence would read “All briefs **and proposed orders** shall be filed with the Commission through the electronic filing system and a copy served by the submitting party upon all other parties to the proceeding, such service and proof therefore to be in accordance with section 13 of this rule.”

If we can provide any additional information, please feel free to contact me.

Sincerely,

Jennifer Terry

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