

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN RE: 30-DAY FILING, AS PROVIDED IN TARIFF C.S. –)
IRP2 (CONTRACT SERVICE INTERRUPTABLE POWER),)
SEEKING APPROVAL OF A CONTRACT FOR)
INTERRUPTABLE POWER BETWEEN HARTFORD CITY)
PAPER LLC AND INDIANA MICHIGAN POWER)
COMPANY)

IURC 30-DAY
FILING NO. 2680

OUCC'S OBJECTION TO I&M'S 30-DAY FILING

The Indiana Office of Utility Consumer Counselor (“OUCC”), pursuant to 170 IAC 1-6-7, respectfully submits its objection to the 30-day filing submitted by Indiana Michigan Power Company (“I&M”) related to its Contract Service Interruptible Power Tariff (“Tariff C.S. IRP2”). For the reasons stated below, the OUCC respectfully requests the Commission find the OUCC’s objection complies with 170 IAC 1-6-7, I&M’s 30-day filing is “controversial” and prohibited by 170 IAC 1-6-1(b), I&M’s 30-day filing seeks confidential treatment for all or part of the filing and therefore prohibited under 170 IAC 1-6-4, and find that this matter shall not be presented to the Commission for consideration and/or approval under the 30-day administrative filing rule. In support of its Objection, the OUCC states as follows:

1. On April 5, 2010, I&M submitted its request for approval of a Contract for Interruptible Power between I&M and Hartford City Paper LLC, pursuant to Tariff C.S. – IRP2.

2. In its filing, I&M states this filing is appropriate under 170 IAC 1-6-3(6), as a “filing for which the Commission has already approved or accepted the procedure for the change.”

3. I&M states in its 30-day filing that the Commission originally approved I&M’s Tariff C.S. – IRP2 pursuant to its March 23, 2009 Order in I&M’s last rate case, Cause No.

43306. On December 30, 2009, I&M submitted its proposed amended Tariff C.S. – IRP2 in a 30 day filing [IURC 30-Day Filing No. 2640], which the Commission approved on January 20, 2010.

4. Pursuant to 170 IAC 1-6-1(b), “. . . only noncontroversial filings may be approved under this rule [170 IAC 1-6-1, *et seq.*].”

5. A “noncontroversial filing” is defined by 170 IAC 1-6-2(7) as “any filing regarding which no person or entity has filed an objection as provided under section 7 of this rule [170 IAC 1-6-7].”

6. Upon the submission of this objection to the Secretary of the Commission, I&M’s 30-day filing is no longer a noncontroversial filing and may not be approved under 170 IAC 1-6-1, *et seq.*

7. Furthermore, the language of Tariff C.S. – IRP2 states interruptible contracts “will be filed with the Commission under the 30-day filing procedures. The contract shall provide full disclosure of all rates, terms and conditions of service under the tariff, and any and all agreements related thereto, subject to the designation of the terms and conditions of the contract as confidential, as set forth herein.”

8. In its 30-day filing, I&M states,

Because specific terms and conditions of the Contract are proprietary information, I&M will file a petition seeking confidential treatment of certain terms and conditions in the Contract as well as a fixed cost analysis that demonstrates that the compensation received by I&M under the Contract during its term exceeds the variable cost to I&M and makes a contribution to fixed cost. Accordingly, I&M is filing a redacted version of the Contract that redacts specific confidential terms and conditions with this filing. I&M will provide the Commission the unredacted version of the Contract terms and conditions in accordance with the proceedings in the filing seeking confidential treatment.

9. 170 IAC 1-6-4 states, “The following types of filings shall not be allowed under this rule: (8) Any filing for which the utility wants confidential treatment for all or part of the filing.”

10. In Cause No. 43878, I&M is requesting confidential treatment of certain data related to the Hartford City Paper LLC special contract, the subject of this 30-day filing. I&M’s request for approval of the contract requires the Commission to consider information “for which the utility wants confidential treatment for all or part of the filing,” which is prohibited by 170 IAC 1-6-4.

11. Pursuant to 170 IAC 1-6-7(b)(2)(C)(ii), a person may submit an objection to a 30-day filing that is prohibited under section 4 of this rule [170 IAC 1-6-4].

WHEREFORE, the OUCC respectfully requests the Commission find the OUCC’s objection complies with 170 IAC 1-6-7, I&M’s 30-day filing is “controversial” and prohibited by 170 IAC 1-6-1(b), I&M’s 30-day filing seeks confidential treatment for all or part of the filing and therefore prohibited under 170 IAC 1-6-4, and find that this matter shall not be presented to the Commission for consideration and/or approval under the 30-day administrative filing rule.

Respectfully submitted,



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